



CITY OF OREGON CITY

CITY COMMISSION REGULAR MEETING

AGENDA

Commission Chambers, Libke Public Safety Facility, 1234 Linn Ave, Oregon City
Wednesday, June 01, 2022 at 7:00 PM

EXECUTIVE SESSION OF THE CITY COMMISSION:

The Executive Session will begin after the adjournment of the City Commission Regular Meeting.

- Pursuant to ORS 192.660(2)(d): To conduct deliberations with persons designated by the governing body to carry on labor negotiations.*
- Pursuant to ORS 192.660(2)(e): to conduct deliberations with persons designated by the governing body to negotiate real property transactions.*

REGULAR MEETING OF THE CITY COMMISSION

Ways to participate in this public meeting:

- Attend in person, location listed above*
- Register to provide electronic testimony (email recorderteam@orc.org or call 503-496-1509 by 3:00 PM on the day of the meeting to register)*
- Email recorderteam@orc.org (deadline to submit written testimony via email is 3:00 PM on the day of the meeting)*
- Mail to City of Oregon City, Attn: City Recorder, P.O. Box 3040, Oregon City, OR 97045*

1. CONVENE MEETING AND ROLL CALL

2. FLAG SALUTE

3. CEREMONIES AND PROCLAMATIONS

[3a.](#) Pride Month Proclamation

4. CITIZEN COMMENTS

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

5. PRESENTATIONS**6. ADOPTION OF THE AGENDA****7. CONSENT AGENDA**

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

[7a.](#) City Tree Removal Adjacent to 406 Promenade Street

[7b.](#) Mausoleum Roof Replacement - Mountain View Cemetery

[7c.](#) Professional Services Agreement with Aldrich CPAs + Advisors LLP for Audit Services

[7d.](#) Public Improvement Contract with R.L. Reimers Company for the Scattering Canyon Water Quality/Channel Stabilization Project (CI 19-012)

[7e.](#) Public Improvement Contract with Western Construction, LLC for the 2022 Sanitary Sewer Rehabilitation Project (CI 21-004)

[7f.](#) Public Improvement Contract with Landis & Landis Construction for the Sanitary Sewer I/I Rehabilitation – Rivercrest Basin Project: Phase 3 (CI 20-010)

[7g.](#) Amendment No. 2 to the Personal Services Agreement with Wallis Engineering for the 2021 Sanitary Sewer Rehabilitation – Washington Street and 99E Project (CI 21-004)

[7h.](#) Minutes of the March 2, 2022 Regular Meeting

[7i.](#) Minutes of the March 16, 2022 Regular Meeting

8. PUBLIC HEARINGS

[8a.](#) Second Reading of Ordinance No. 22-1001, the Housing Choices Code Update (GLUA 22-0002/LEG 22-00001)

[8b.](#) Resolution No. 22-23 - Budget Adjustment #3 for the 2021-23 Biennium

[8c.](#) Appeal of the Approval of a New Three-Story 30-Unit Apartment Complex Located Near Kamm Street (AP 22-00001; AP-22-0000; GLUA-21-00066; SP-21-00017; NROD 21-00018)

9. GENERAL BUSINESS**10. COMMUNICATIONS**

City Manager

Commissioners

Mayor

11. 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.

PROCLAMATION

Whereas, the City of Oregon City recognizes and proclaims the month of June 2022 as Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ) “Pride Month”; and

Whereas, all human beings are born free and equal in dignity and rights. LGBTQ individuals have had immeasurable impact to the cultural, civic and economic successes of our country; and

Whereas, the City of Oregon City is committed to supporting visibility, dignity and equality for LGBTQ people in our diverse community; and

Whereas, while society at large increasingly supports LGBTQ equality, it is essential to acknowledge that the need for education and awareness remains vital to end discrimination and prejudice; and

Whereas, this nation was founded on the principle that every individual has infinite dignity and worth, and the City of Oregon City calls upon the people of this municipality to embrace this principle and work to eliminate prejudice everywhere it exists; and

Whereas, because of the acts of courage of the millions who came out and spoke out to demand justice, and of those who quietly toiled and pushed for progress, our country has made great strides in recognizing what those brave individuals long knew to be true in their hearts – that no person should be judged by anything but the content of their character; and

Whereas, celebrating Pride Month influences awareness and provides support and advocacy for Oregon City’s LGBTQ community, and is an opportunity to take action and engage in dialogue to strengthen alliances, build acceptance, and advance equal rights.

Now, Therefore, be it resolved that the City Commission of Oregon City does hereby proclaim

June 2022
as
Pride Month

And, call upon the people of Oregon City to join their fellow citizens across the United States in recognizing and participating in this special observance,

In Witness Whereof, I have hereunto set my hand this 1st day of June 2022.

DENYSE C. MCGRUFF, COMMISSION
PRESIDENT



CITY OF OREGON CITY

Staff Report

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

To: City Commission **Agenda Date:** June 1, 2022
From: Aquilla Hurd-Ravich, Community Development Director

SUBJECT:

City Tree Removal Adjacent to 406 Promenade Street

STAFF RECOMMENDATION:

Approved removal of hazardous tree adjacent to 406 Promenade Street

EXECUTIVE SUMMARY:

Oregon City Parks has submitted an application for tree removal of a Bigleaf Maple located on McLoughlin Promenade adjacent to 406 Promenade Street. The tree is approximately 45" DBH and approximately 85 feet tall. The tree is in poor structural condition with a moderate risk of failure and is dropping dead branches onto the roof of a nearby house. City-initiated tree removal of trees greater than 40" DBH requires City Commission approval.

BACKGROUND:

Effective December 4, 2020, the City Commission passed Resolution No. 20-33, which adopted a policy for additional permitting, notification and other requirements for removal of significant city trees. This policy applies to removal of trees on city-owned land or any tree removal by city staff in addition to existing tree removal permit requirements. The policy is triggered when trees over a certain diameter are proposed for removal. City-initiated tree removal of trees greater than 40" DBH requires City Commission approval.

Oregon City Parks has applied for tree removal of a Bigleaf Maple located adjacent to 406 Promenade Street. The tree is approximately 45" DBH and approximately 85 feet tall.

The applicant has submitted an arborist report from Bartlett Tree Experts prepared by Sean Rinault and Lyle Feilmeier, ISA Board Certified Master Arborists. A *Level II Basic Tree Risk Assessment* was conducted per *ISA Best Management Practices for Tree Risk Assessment* and *ANSI A300 Tree Risk Assessment Standard*. The arborist report

identifies that the tree is in poor structural condition and is in a state of advanced decline with a moderate risk of failure, with a house and cars as potential targets. The arborist report did not identify any alternatives to removal. The arborist report recommends removal of the tree because of its severe state of decline and low likelihood of recovery.

Per OCMC 17.41.060.B.2. no mitigation is required for removal of a dying, hazardous, or removed tree that is not within the right-of-way.

All required application materials have been submitted, and public notice was provided in accordance with the City's policy for removal of significant public trees. Planning staff will process the City Staff Application for Removal of Significant Public Trees and the Street Tree Removal application subsequent to the City Commission's determination and the end of the public comment period at 4:00 PM on June 1, 2022.

OPTIONS:

1. Approve the removal of a 45" DBH bigleaf maple adjacent to 406 Promenade Street.
2. Do not approve the removal of a 45" DBH bigleaf maple adjacent to 406 Promenade Street.



City Staff Application for Removal of Significant Public Trees

Please complete this packet and attach all required application materials. If any section of the application form is incomplete, the application will be returned.

This section to be completed by staff only:

Reviewed By: Pete Walter, Sr. Planner Date: 5/10/2022 Associated Permit #: SP-22-00043

☒ Tree Removal Subject to Public Tree Removal Policy ☐ Tree Removal Exempt from Public Tree Removal Policy

Item to be placed on City Commission consent agenda June 1, 2022

Pursuant to City Commission Resolution No. 20-33 (Effective 12/04/2020)

Please use this form is for tree removal on City-owned property, Urban Renewal owned property, City-initiated tree removal within the public right-of-way to determine whether or not the City's public tree removal policy applies to the proposed tree removal. The purpose of this review is to reduce unnecessary tree removal by the City and provide public notification and other best practices when such removal occurs.

Applicant Name: Jonathan Waverly Department: Parks

Phone: 503-519-0377 Email: jwaverly@orc.org

Address or Map and Tax Lot: 406 Promenade St.

1. Permits Required

Depending on the location of the trees proposed to be removed, additional permits are required. Please complete and attach the additional forms required.

Location of Tree(s) Proposed to be Removed:

☒ City-owned property or Urban Renewal owned property

In addition to this form, please complete and attach a [Type I Site Plan and Design Review Main Application](#), and [Addendum 4b for Tree Removal](#).

☐ Public Right-of-Way

In addition to this form, please complete and attach a [Street Tree Removal permit application form](#).

Staff Only

Have required permit applications been submitted?

☒ Yes ☐ No

2. Applicability of Public Tree Removal Policy

Please identify the number of trees being removed which meet the size requirements listed. If the trees being removed are smaller than the sizes listed in the table below, please continue to the Section 3 (Exemptions).

Tree Species	Threshold (D.B.H)*	Actual D.B.H.	# of Trees Being Removed
Oregon White Oak (<i>Quercus garryana</i>)	8"+		
Douglas Fir (<i>Pseudotsuga menziesii</i>)	18"+		
Western Red Cedar (<i>Thuja plicata</i>)	12"+		
Ponderosa Pine (<i>Pinus ponderosa</i>)	12"+		
Western Yew (<i>Taxus brevifolia</i>)	6"+		
Pacific Dogwood (<i>Cornus nuttallii</i>)	5"+		
Coastal Redwood (<i>Sequoia sempervirens</i>)	12"+		
Giant Sequoia (<i>Sequoiadendron giganteum</i>)	12"+		
Pacific Madrone (<i>Arbutus menziesii</i>)	5"+		
Other deciduous tree species Bigleaf Maple	20"+	45"	1
Other evergreen trees	18"+		

*D.B.H. = Diameter at Breast Height = 4.5 feet above ground.

3. Exemptions

Please identify if any of the following exemptions apply to the proposed tree removal.

- ☐ The trees are smaller than the minimum D.B.H. identified in the table above.
- ☐ The trees are within a habitat restoration area. Please note the habitat restoration project must have been approved by the Planning Division through the appropriate land use process.
- ☐ The trees are within or abutting water quality facilities.
- ☐ The trees are on the Oregon City Nuisance Plant List or otherwise classified as invasive or problem species in the region.
- ☐ The trees are imminent hazard trees. Imminent hazard trees, as defined in OCMC 17.04.1370 may be removed without notification before a permit is obtained due to the necessity to respond to the hazard and restore public safety as soon as possible. Examples include if the tree has fallen across the roadway or if it is leaning significantly due to a heavy windstorm and likely to fall within the next 72 hours, or when a tree is damaged by a vehicle collision. A determination of imminent hazard is made in the field by the City of Oregon City Public Works, or emergency personnel, a forester, or a certified arborist. **Permits shall be obtained after the imminent hazard has been removed and any applicable replacement requirements shall be followed.** The responding personnel shall provide details of the tree species, size and condition to the extent practicable. Photos and documentation of the hazardous conditions shall be provided with the permit application for tree removal to verify the tree was hazardous, but arborist reports are not required.

17.04.1370 - Tree, imminent hazard.

"Imminent hazard tree" means a hazardous tree as defined in OCMC 12.32.020, all or more than thirty percent of which has already fallen or is estimated to fall within seventy-two hours into the public right-of-way or onto a target that cannot be protected, restricted, moved, or removed.

If the proposed tree removal is exempt from the public tree removal policy in accordance with one of the exemptions above, you have completed the worksheet. If the proposed tree removal is not exempt, please proceed to Consideration of Alternatives to Tree Removal.

Staff Only

Is the project exempt from the public tree removal policy?

Yes ☐No ☒Initial PJW

If the project is not exempt, please continue the form.

4. Consideration of Alternatives to Tree Removal: Initial Documentation

The department requesting removal shall document the tree location, size, and species (if known), the reason for the proposed removal, and alternatives considered in a written justification memo. The memorandum must contain an analysis of alternatives to removal, which may include one or more of the following methods:

- Root pruning
- Canopy pruning
- Changing the location of existing or proposed structures and public utilities
- Other alternatives as applicable.

Following analysis of alternatives the memo shall include a recommended course of action, which takes into account the alternatives considered and whether the alternative is / is not feasible, and why.

Please attach the alternatives analysis in a separate memo or complete the following:

Tree Location (Include Map): McLoughlin Promenade

Size: 45" DBH

Species: Acer macrophyllum

Reason for Removal: Branches are dropping onto the roof of nearby house.

Alternatives to Removal and Rough Cost Estimate:

Alternative #1: NONE

Alternative #2:

Alternative #3:

Conclusions/Recommended Course of Action: Removal

Name of Staff who Completed Analysis: Jonathan Waverly

5. Consideration of Alternatives to Tree Removal: Third Party Review

The above will be reviewed by a department manager, who will send the memo to a third party (an arborist or a staff assessment team) for review. The department may choose to send the justification memo to either:

- Option #1: A Certified Arborist (Required for Trees over 40" D.B.H.)
- Option #2: Staff Assessment (A minimum of 2 Public Works/Parks staff members and 1 from Planning)

Please identify all of the third-party reviewers, who have reviewed the justification memo, and submit their written conclusions.

☒ Certified Arborist Name: Sean Rinault Certification #: PN-7889B

☒ Staff Assessment Team

Name Jonathan Waverly Department Parks

Name Pete Walter Department Planning

Name _____ Department _____

Has the third-party reviewers' written conclusion memo been submitted?

☒ Yes

☐ No

Staff Only

Have all required memos been submitted? ☒ Yes ☐ No Initial PJW

6. Public Notice

The following public notices are required and will be prepared by Planning staff:

• Physical Notice

A physical notice is required to be posted on the tree proposed for removal for a minimum of 14 calendar days. This period is intended to provide an opportunity for the public to contact the applicant with questions and comments about the proposed tree removal. Notices shall be provided by the Planning Division on 8.5 X 11 laminated paper with the words "NOTICE OF PROPOSED TREE REMOVAL" in bold, 48-point font and the website where the public may download the permits, arborist reports and associated documentation. Notices shall be tied to the tree with twine or wire. No screws or nails shall be used. The notice will be created by the Planning Division, but will be placed and monitored by the department proposing removal.

• Email Transmittal

Staff will send email transmittal to affected departments and agencies requesting comment on the proposed tree removal.

• City Manager Review

If there remain unresolved questions or concerns regarding the proposed tree removal after the public notice, the removal shall be referred to the City Manager for further review. The City Manager may decide to move forward with the tree removal or cease the tree removal process.

Staff Only	
Date Notice Posted on Website:	5/10/2022
Affidavit Submitted:	☒ Yes ☐ No
Email Transmittal Sent Out:	☒ Yes ☐ No
Comment Period Deadline:	5/24/2022
City Manager Review Required?	☒ Yes ☐ No

7. Additional Requirements

Reuse/Repurposing of Wood

Trees proposed for removal which are subject to this policy, free from infestation, and 25 inches D.B.H. or greater, shall be repurposed for use by the City and/or public if feasible. Depending on the quality of the wood, it may be utilized for environmental enhancement, furniture or crafts. The Natural Resources Committee recommends that in natural areas and next to streams, leaving large woody debris in place may help to improve fish and wildlife habitat, and that the use of wood for firewood should be allowed only if the wood cannot be repurposed any other way (e.g. cottonwood).

Does the proposed tree removal include removal of trees greater than 25 inches DBH which are free from infestation? ☐ Yes ☒ No

Is reuse/repurposing of wood proposed? ☐ Yes ☒ No

If yes, please explain how the wood would be reused or repurposed: _____

Vorticillium Wilt is considered the cause of decline, which is transmissible through root system.

Staff Only	
Reuse of Wood Approved?	☐ Yes ☒ No Initial <u>PJW</u>

City Commission Hearing

Trees greater than 40" D.B.H. shall be placed on a City Commission consent agenda and notification will be sent to the Natural Resources Committee, Parks and Recreation Committee, and the Transportation Advisory Committee. The City Commission may decide to move forward with the tree removal or cease the tree removal process.

Does the proposed tree removal include removal of trees greater than 40 inches DBH? ☒ Yes ☐ No

City Commission consent agenda

Staff Only	
City Commission hearing required?	☒ Yes ☐ No Initial <u>PJW</u>

Large Tree Mitigation

Trees proposed for removal that are 50 inches or greater D.B.H. shall be mitigated with tree plantings within the city limits. No fee-in-lieu is allowed.

Does the proposed tree removal include removal of trees greater than 50 inches DBH? ☐ Yes ☒ No

Are all mitigation trees proposed to be planted within city limits? ☐ Yes ☐ No

Is fee-in-lieu of planting mitigation trees proposed? ☐ Yes ☐ No

Staff Only
Approved? ☒ Yes ☐ No Initial PJW



Type I Site Plan and Design Review

Office/Mixed Use/Commercial/Multi-Family/Industrial Uses

Staff use:

File Number: SP-22-00043 Reviewed By: PETE WALTER, SENIOR PLANNER Date: 5/10/2022

Decision: ☐ Approved ☒ Approved with Conditions ☐ Denied

TENTATIVE APPROVAL PENDING PUBLIC NOTICE AND APPROVAL BY THE CITY COMMISSION FOR REMOVAL OF A SIGNIFICANT PUBLIC TREE.

Site Address or Clackamas County Map and Tax Lot: 406 Promenade St

Project Description: Removal of tree that has died and is dropping limbs on nearby houses

Applicant Name/Company: Jonathan Waverly-Parks Phone Number: 503-519-0377

Email Address: jwaverly@orc.org

Use of Property:

Zoning District: McLoughlin Neighborhood

What is the current or proposed use of the property?

Park

Over the Counter: \$81 for Up to Two Items, \$162 for Three or More Items

Extended Review: \$270 for Each Item

Over the Counter Review

- ☐ Addition to a Legal Non-Conforming Single or Two-Family Dwelling
- ☐ Replacement of Exterior Building Materials
- ☐ Modifications of Windows/Doors
- ☐ Modifications to Parapets or Rooflines
- ☐ Building Entrance Alterations
- ☐ Reroof Only
- ☐ Temporary Structures
- ☐ Modifications to Awnings or Projections

Over the Counter Review

- ☐ Installation of Mechanical Equipment
- ☐ Parking Lot Repaving
- ☐ Shared Parking Agreement
- ☐ Changes to Bicycle Parking
- ☐ Changes to Landscaping
- ☐ ADA Upgrades
- ☐ Modifications to Fence or Wall
- ☐ Outdoor Lighting Alterations
- ☐ Refuse Enclosure Alterations
- ☐ Changes to Pedestrian Circulation
- ☐ Demolition of structure
- ☒ Tree Removal
- ☐ Mobile Food Cart – 5 Hours or Less

Extended Review

- ☐ Addition of up to 200 Square Feet
 - ☐ Addition to an Industrial Use up to 1,000 SF
 - ☐ Change in Parking Lot Circulation or Layout
 - ☐ Removal/Relocation of Parking Stalls
 - ☐ Phased subdivision/occupancy plan*
- *For issuance of an early certificate of occupancy when the full development is not yet constructed

In addition to this application, addendums are required based on the scope of the project. For submittal requirements and determine which addendums are required, please refer to the Site Plan and Design Review Addendum Guide.

Applicable Overlay Zones

Please identify all overlay districts identified on your Property Zoning Report. The presence of an overlay district may require public review in a Type II Minor Site Plan and Design Review process.

- | | | |
|--|---|---|
| ☒ Individually Designated Historic Structure | ☒ Historic Overlay District | ☐ Barlow Trail Corridor |
| ☐ Willamette River Greenway Overlay District | ☐ High Water Table | ☒ Geologic Hazards Overlay District |
| ☐ Flood Management Overlay District | ☐ Sewer Moratorium Area | ☐ Natural Resources Overlay District |
| ☐ Not Applicable | | |

General Standards

Demonstrate compliance with previous proposals and associated conditions (attach separate document if needed).

☒ Not Applicable

Attachments included in this application (check all that apply):

- ☒ Site Plan (required)
- ☐ Elevation drawings
- ☒ Vicinity Map
- ☒ Photos
- ☐ Other _____

The proposed development shall be adequately maintained. Will the proposed development be adequately maintained?

☐ Yes ☐ No

Does the location of the proposed development include any public easement? If so, please contact the Development Services Department for all required approvals.

☐ Yes ☐ No

Does the proposal include any work within or projections over the right-of-way?

☐ Yes ☐ No

If yes, please contact the Development Services Department for all required approvals.

Does the proposal include any utility work or changes to storm water facilities?

☐ Yes ☐ No

If yes, please contact the Development Services Department for all required approvals.

Staff Only

Is the project eligible for Type I Site Plan and Design Review? ☒ Yes ☐ No Initial PJW

Note _____



Type I Site Plan and Design Review Addendum 4b: Landscaping – Tree Removal

Changes to landscaping must be in compliance with Oregon City Municipal Code Section 17.62.050.A.1, 17.62.050.A.9 and 17.52.060.

USE THIS ADDENDUM ONLY IF TREE REMOVAL IS PROPOSED, FOR ALL OTHER LANDSCAPING CHANGES PLEASE USE ADDENDUM 4a.

On-Site Tree Removal

Tree removal must be in compliance with Oregon City Municipal Code Section 17.41.060.

Does the proposal include removal of on-site trees? If so, please complete this section. If not, please proceed to the next section.

☒ Yes ☐ No

Please note, onsite trees do not include required parking lot trees. If required parking lot trees are proposed to be removed, please complete Addendum 4a.

Describe the proposed tree removal, including size, species, and reason for removal.

45" DBH Estimated at 85 feet tall Acer macrophyllum. Tree is dead and dropping limbs on nearby houses.

Is mitigation (replanting) required?

☐ Yes

☐ No, the tree is an invasive species: _____

☒ No, the tree is dead, diseased, dying, or hazardous and I have an arborist letter

☐ No, the tree is dead, diseased, dying, or hazardous and the condition of the tree can be verified by staff (attach photos)

If mitigation is required, please identify the option for tree mitigation:

☐ Replacement - All replacement trees shall be protected by a permanent restrictive covenant or easement approved in form by the city.

Size of tree removed (DBH*)	Number of Trees Proposed to be Removed	# of Trees Replanted for Each Tree Removed <i>If removed tree is within construction area</i>	# of Trees Replanted for Each Tree Removed <i>If removed tree is outside of construction area</i>	Number of Mitigation Trees Required
6 to 12"		1	3	
13 to 18"		2	6	

Size of tree removed (DBH*)	Number of Trees Proposed to be Removed	# of Trees Replanted for Each Tree Removed <i>If removed tree is within construction area</i>	# of Trees Replanted for Each Tree Removed <i>If removed tree is outside of construction area</i>	Number of Mitigation Trees Required
19 to 24"		3	9	
25 to 30"		4	12	
31 and over"		5	15	

Total Mitigation Trees Required _____

*DBH means inches of trunk diameter, measured at 4 ½ feet above ground level.

Size. The mitigation trees shall be a minimum of 2" in caliper or a 6' conifer.

Size Proposed: _____

Species. The species shall be listed on the City's Native Tree List, Street Tree List or approved by a certified arborist.

☐ OC Native Tree List ☐ OC Street Tree List ☐ Approved by a certified arborist

Species Proposed*: _____

*Removal of white oak species requires replacement with the same species.

☐ Cash in Lieu.

Number of Trees Proposed to Use the Cash in Lieu: _____

_____ x fee-in-lieu: _____ = _____ Total Amount Due

Attach a tree mitigation plan showing the proposed location of mitigation trees, species, and proposed planting date.

Mitigation plans must be prepared by a certified arborist, horticulturalist, forester, or other environmental professional, though tree inventories for the purposes of mitigation calculations may be prepared by a licensed surveyor. Please provide the information of the qualified professional who completed the tree mitigation plan.

Name _____ Company _____

Phone Number _____ Email Address _____

☐ Certified Arborist

☐ Horticulturalist

☐ Forester

☐ Other Environmental Professional _____

Certification Number (if applicable) _____

Staff Only			
Standards met?	☐ Yes	☐ No	☐ Not Applicable Initial _____

City of Oregon City, 406 Bluff Street Maple Tree Risk Assessment | 2020

Prepared for:

Jonathan Waverly, City of Oregon City
625 Center St
Oregon City, OR, 97045

Prepared by:

Sean Rinault, Regional Inventory Arborist
ISA Board Certified Master Arborist #PN-7889B,
ISA Tree Risk Assessment Qualified,



Provided by:

Lyle Feilmeier, Commercial Arborist Representative
ISA Board Certified Master Arborist #MW-0173B, ISA Tree Risk Assessment Qualified



Bartlett Tree Experts
Portland Area Office
11814 SE Jennifer St.
Clackamas, OR 97015
503.722.7267

Submitted on July 13, 2020

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Summary

On June 17, 2020 the City of Oregon City, through Jonathan Waverly, agreed to the recommendation of completing a *Level 2 Basic tree risk assessment* on one bigleaf maple tree (*Acer macrophyllum*) at 406 Bluff St. to determine tree risk to the house, vehicles, and pedestrians. The result of the project would be a written report describing our observations, findings, and recommendations. The initial concern of the City was the tree's decreased vigor.

Bartlett Tree Experts (BTE or Bartlett) concluded that the *overall risk rating* for the subject tree was ***moderate*** due to the ***occupancy rate*** of potential ***targets***.

Bartlett recommended that removal be performed to eliminate risk associated with the tree due to its poor health and apparent impending demise.

If the client considers any tree to be hazardous and representing an immediate safety concern, access to the tree could be restricted. The area could be blocked off by placing a sign, tape, or other warning device near the tree until such time as the hazard can be remedied.

Introduction

Background

The Bluff St. property was located in Oregon City, OR. The subject tree was located at the front of the property. The City wanted a tree risk assessment to help determine future management.

The City agreed to the recommendation of completing a *Level 2 Basic tree risk assessment* on one bigleaf maple tree (*Acer macrophyllum*) at 406 Bluff St. to determine tree risk to pedestrians, vehicles, and the house on the property. The result of the project would be a written report describing our observations, findings, and recommendations. Regional Inventory Arborist Sean Rinault was assigned to conduct the assessments.

Assignment

After discussing the trees with the City, it was agreed that my assignment was to:

1. Provide a *Level 2 Basic tree risk assessment* as defined in the *International Society of Arboriculture's (ISA) Best Management Practices for Tree Risk Assessment* and *ANSI A300 Tree Risk Assessment Standard* for one tree located at the front of the property in order to assist with tree management. The assessments would be performed by walking completely around the tree and evaluating the site, **buttress roots** (if visible), **trunk**, and **branches** utilizing tools such as a mallet. Bartlett Tree Experts personnel would perform the assessment from the ground
2. Submit a written report including:
 - a. Written summary of procedures used in risk assessment
 - b. Map or detailed description of tree locations
 - c. Detailed description of the designated subject tree which the *Level 2 Basic assessment* was performed on including:
 - i. Tree species (both common and botanical name)
 - ii. Condition
 - iii. **Diameter at breast height (DBH)**
 - iv. Description of observed defects
 - v. *Overall Tree Risk Rating*
 - vi. Risk mitigation recommendations
 - vii. Residual *Overall Tree Risk Rating*

Limits of Assignment

The assessment was based on a single site visit and visual assessment from the ground. Assessment was made of the designated tree on June 30, 2020. Photographs of the site and subject tree were taken on the day the evaluation was performed. *Targets* were assessed based on estimated normal *occupancy rates* and usage for the site. Risk assessments are typically considered over a three year period.

It must be emphasized that all trees pose a certain degree of inherent risk and this evaluation does not preclude all possibility of **failure**, especially during storms. For any tree that the client considers hazardous and representing an immediate safety concern, we recommend that the area around the tree be physically blocked off. The area could be blocked off by placing a sign, tape, or other warning device near the tree until such time as the hazard can be mitigated.

Tree risk assessment has a unique set of terms with specific meanings. Definitions of all specific terms may be found in the *International Society of Arboriculture's Best Management Practice for Tree Risk Assessment* (Smiley *et al.* 2011). Definitions of some of these terms used in this report are as follows:

The *likelihood of failure* may be categorized as **imminent** meaning that failure has started or could occur at any time; **probable** meaning that failure may be expected under normal weather conditions within the next three years; **possible** meaning that failure could occur, but is unlikely under normal weather conditions during that time frame; and **improbable** meaning that failure is not likely under normal weather conditions, and may not occur in severe weather conditions during that time frame.

The *likelihood of the failed tree part impacting a target* may be categorized as **high** meaning that a failed tree or tree part will most likely impact a target; **medium** meaning that a failed tree or tree part may or may not impact a target with equal **likelihood**; **low** meaning that the failed tree or tree part is not likely to impact a target; and **very low** meaning that the chance of a failed tree or tree part impacting the target is remote.

The *Likelihood of Failure and Impact* is defined by Table 1, the Likelihood Matrix:

Table 1: LIKELIHOOD OF FAILURE AND IMPACT

Matrix I. Likelihood matrix.

Likelihood of Failure	Likelihood of Impact			
	Very low	Low	Medium	High
Imminent	Unlikely	Somewhat likely	Likely	Very likely
Probable	Unlikely	Unlikely	Somewhat likely	Likely
Possible	Unlikely	Unlikely	Unlikely	Somewhat likely
Improbable	Unlikely	Unlikely	Unlikely	Unlikely

The **consequences** of a known target being struck may be categorized as **severe** meaning that impact could involve serious personal injury or death, damage to high value property, or disruption to important activities; **significant** meaning that the impact may involve personal injury, property damage of moderate to high value, or considerable disruption; **minor** meaning that impact could cause low to moderate property damage, small disruptions to traffic or a communication utility, or minor injury; and **negligible** meaning that impact may involve low value property damage, disruption that can be replaced or repaired, and does not involve personal injury.

Levels of assessment 1) *Limited visual assessments* are conducted to identify obvious defects. 2) *Basic assessments* are visual inspections done by walking around the tree looking at the site, buttress roots, trunk and branches. It may include the use of simple tools to gain information about the tree or defects. 3) *Advanced assessments* are performed to provide detailed information about specific tree parts, defects, targets of site conditions. Drilling to detect decay is an *advanced assessment* technique.

Tree Risk Ratings are terms used to communicate the level of risk rating. They are defined in Table 2, the Risk Matrix, as a combination of Likelihood and Consequences:

Table 2: ISA RISK MATRIX

Matrix 2. Risk rating matrix.

Likelihood of Failure & Impact	Consequences of Failure			
	Negligible	Minor	Significant	Severe
Very likely	Low	Moderate	High	Extreme
Likely	Low	Moderate	High	High
Somewhat likely	Low	Low	Moderate	Moderate
Unlikely	Low	Low	Low	Low

Overall tree risk rating is the highest individual risk identified for the tree.

Purpose & Use of the Report

The purpose of this report was to document the assessments of the subject tree and provide information on the level of risk that the subject tree poses. This report is intended to be used by the City of Oregon City to assist in making decisions regarding the management of the subject tree located at 406 Bluff St, in Oregon City, OR.

Observations

Investigation Methods

ArborScope™, Bartlett's tree inventory management software, was utilized to record and tabulate important tree characteristics and risk ratings, and generate a map of the subject trees.

A *Level 2 Basic tree risk assessment* as defined in the *International Society of Arboriculture's (ISA) Best Management Practices for Tree Risk Assessment* (Smiley *et al.* 2011) and *ANSI A300 Tree Risk Assessment Standard* (Tree Care Industry Association 2011) was performed from the ground to evaluate the subject tree. Risk ratings were assigned following the protocol set forth in the ISA BMP (Smiley *et al.* 2011) and ANSI Standard (Tree Care Industry Association 2011). A mallet was used to **sound** the trunk and **root collar** of the tree.

Site Observations

The subject tree was located at the front of the property, in the northwest corner. The ground surrounding the site was flat out to the edge of the bluff to the west. The bluff overlooked the Willamette River. Gravel or asphalt were located within four feet of the root collar on the north, west, and south sides, with occasional vehicle traffic observed over the course of the assessment. Mulch was found piled against the trunk of the tree, with an assortment of annuals and perennials planted around it.

Assessment, Testing, and Analysis

As part of the *Level 2 Basic tree risk assessment*, four photographs were taken of the subject tree and observed tree conditions. These photographs are presented after the recommendations for the tree. The trunk and root collar were sounded with a mallet to determine if decay was present.

Findings and Risk Mitigation

Individual tree observations, testing and analysis results, risk ratings, risk mitigation recommendations, and residual risk ratings are presented with the summary for each tree assessed. Overall Discussions, Conclusions, and Recommendations are presented after the tree summary.

Tree #1



Tree #1 exhibiting advanced decline.

Observations	
Species	Bigleaf Maple (<i>Acer macrophyllum</i>)
DBH	45 inches
Height	~85 feet
Condition	Poor
Soil Conditions	Low volume Compacted
Mulch	Piled against stem
Defects	Dead branches Co-dominant leaders Uneven crown Over-extended branches Stem wound/missing bark Buried root collar
Pests	None noted
Targets considered	House, vehicles

Tree Observations

Nearly 30% of the tree's crown was already dead and defoliated, located primarily on one of the tree's three main leaders. The remainder of the crown exhibited thin, stunted foliage, and a heavy crop of seed. An area of the stem at ground level on the west side was devoid of bark. The tree appeared to be in a state of advanced decline.

Tree Risk Assessment and Conclusions

The overall risk rating for Tree #1 was *moderate*.

Plant Part of Concern	Target	Likelihood of Failure	Likelihood of Impact	Consequences	Risk Rating
Branches	House Vehicles	Probable	Medium	Significant	Moderate
Stem	House Vehicles	Possible	Low	Severe	Low
Roots	House Vehicles	Possible	Low	Severe	Low

Sounding the stem with a mallet did not indicate any detectable decay.

Discussion

Overall, the maple was in poor condition. Structural defects in the form of dead branches, co-dominant leaders, unbalanced crown, a buried root collar, nearly 75% of the tree's roots being under pavement or gravel that vehicles drive on, and significant tree dieback can increase the likelihood of failure. Dead branches will eventually fail, potentially striking any targets in their vicinity. A root collar that is covered by mulch, soil, or other material can lead to excess moisture retention and decay that could result in a failure of the tree's roots, if damage is severe enough. Decay at the root collar, when coupled with a dying crown, could result in a tree toppling, striking potential targets.

More important than perhaps anything else was the tree's obvious state of decline. One leader was fully dead, and the remaining two were indicating their failing health with leaves being smaller and sparser than would be expected on a healthy bigleaf maple. Additionally, the two leaders remaining alive were carrying a heavier seed crop than normal, actually surpassing the amount of foliage present in areas. Such behavior can be associated with a tree in failing health diverting its remaining resources into reproduction to ensure continuation of the species. All indications pointed to the likelihood of the tree dying outright before the assessment period of three years has elapsed.

Risk Mitigation and Residual Risk

Risk mitigation in the form of tree removal, grinding the stump, and filling in the hole would eliminate the risk for this tree.

Recommendations

Based on the assessments and conclusions, BTE recommended the following course of action regarding the subject tree at 406 Bluff St, in Oregon City:

1. Remove the tree because of its severe state of decline and low likelihood of recovery.
2. The individual(s) performing the removal should be ISA certified and follow American National Standard Institute (ANSI) A300 pruning (Tree Care Industry Association 2008) and Z133 Safety (International Society of Arboriculture 2006) standards.

Glossary

crown	The above ground portion of the tree that bears foliage.
crown cleaning	In pruning, the selective removal of dead, dying, diseased, and broken branches from the tree canopy (Lilly 2010).
consequences	Effects or outcome of an event which may include personal injury, property damage, or disruption of activities (Smiley <i>et al.</i> 2011).
diameter at breast height (DBH)	Height where the diameter of a tree was measured, typically at 4.5 feet from ground-level.
dripline	The outer extents of the tree canopy that extend down to the ground.
failure	Breakage of stem, branch, roots, or loss of mechanical support in the root system (Smiley <i>et al.</i> 2011).
high	A failed tree or tree part will most likely impact a target (Smiley <i>et al.</i> 2011).
imminent	Failure has started or is most likely to occur in the near future, even if there is no significant wind or increased load. (Smiley <i>et al.</i> 2011).
improbable	The tree is not likely to fail in normal weather conditions and may not fail in severe weather conditions within the specified period of three years (Smiley <i>et al.</i> 2011).
likelihood	The chance of an event occurring including the chance of tree failure, chance of a target being impacted, and the combination of failure and impacting a target (Smiley <i>et al.</i> 2011).
live crown ratio	The size of a tree's canopy relative to its overall height (Harris <i>et al.</i> 1999).
load	General term used to indicate the magnitude of a force or pressure applied to an object (Lilly 2010).
low	A failed tree or tree part is not likely to impact a target (Smiley <i>et al.</i> 2011).
medium	A failed tree or tree part may or may not impact a target (Smiley <i>et al.</i> 2011).
minor	Impact could cause low to moderate property damage, small disruptions to traffic or a communication utility, or minor injury (Smiley <i>et al.</i> 2011).
negligible	Impact may involve low value property damage, disruption that can be replaced or repaired, and do not involve personal injury (Smiley <i>et al.</i> 2011).
occupancy rate	Amount of time targets are within the target zone (Smiley <i>et al.</i> 2011).

possible	Failure could occur, but it is unlikely during normal weather conditions within the specified time period. (Smiley <i>et al.</i> 2011).
probable	Failure may be expected under normal weather conditions within the specified time period. (Smiley <i>et al.</i> 2011).
reduction	Pruning to decrease height and/or spread of a branch or crown (Lily 2010).
residual risk	Risk remaining after mitigation (Smiley <i>et al.</i> 2011).
root collar	Area where the main roots join the plant stem (Lilly 2010).
root collar excavation	Process of removing material that has been placed on top of the root crown of a tree to expose this area.
severe	Impact could involve serious personal injury or death, damage to high value property, or disruption to important activities (Smiley <i>et al.</i> 2011).
significant	Impact may involve personal injury, property damage of moderate to high value, or considerable disruption (Smiley <i>et al.</i> 2011).
sound	A process of striking a tree with a tool or mallet to listen for tones indicating defects like cracks or cavities (Smiley <i>et al.</i> 2011).
stress	The presence of conditions or factors that adversely affect the health and vigor of a tree.
target	People, property, or activities that could be injured, damaged, or disrupted by a tree or tree part (Smiley <i>et al.</i> 2011).
target zone	The area where a tree or branch is likely to land if it were to fail (Smiley <i>et al.</i> 2011).
very low	A failed tree or tree part impacting the target is remote (Smiley <i>et al.</i> 2011).
vigor	Overall health and capacity to grow and resist stress (Lily 2010).

Bibliography

- Harris, R.W., J.R. Clark, and N.P. Matheny. 1999. *Arboriculture: Integrated Management of Landscape Trees, Shrubs, and Vines*. 3rd ed. Prentice Hall, Upper Saddle River, NJ. 687 pp.
- International Society of Arboriculture. 2006. *American National Standard for Arboricultural Operations – Safety Requirements (Z133.1)*. International Society of Arboriculture, Champaign, IL. 84 pp.
- Lilly, S.J. 2010. *Arborists' Certification Study Guide*. International Society of Arboriculture, Champaign, IL. 352 pp.
- Smiley, E.T., and B.R. Fraedrich. 1992. *Determining Strength Loss From Wood Decay*. Journal of Arboriculture 18:201-204.
- Smiley, E.T., B.R. Fraedrich, and N. Hendrickson. 2007. *Tree Risk Management*, 2nd ed. Bartlett Tree Research Laboratories, Charlotte, NC. 50 pp.
- Smiley, E.T., N. Matheny, and S. Lilly. 2011. *Best Management Practices: Tree Risk Assessment*. International Society of Arboriculture, Champaign, IL. 81 pp.
- Tree Care Industry Association. 2006. *American National Standard for Tree Care Operations – Tree, Shrub, and Other Woody Plant Maintenance – Standard Practices (Supplemental Support Systems)*. Tree Care Industry Association, Manchester, NH. 30 pp.





Tree #1 exhibiting missing bark and a buried root collar.



Tree #1 exhibiting an excessively thin canopy on the north side.



Dead and dying limbs on the south side.



Whole tree view; overall decline apparent.

Arborist Disclosure Statement

Arborists are tree specialists who use their education, knowledge, training and experience to examine trees, recommend measures to enhance the beauty and health of trees, and attempt to reduce the risk of living near trees. Clients may choose to accept or disregard the recommendations of the arborist, or to seek additional advice.

Arborists cannot detect every condition that could possibly lead to the structural failure of a tree. Trees are living organisms that fail in ways we do not fully understand. Conditions are often hidden within trees and below ground. Arborists cannot guarantee that a tree will be healthy or safe under all circumstances, or for a specified period of time. Likewise, remedial treatments, like any medicine, cannot be guaranteed.

Treatment, pruning and removal of trees may involve considerations beyond the scope of the arborist's services such as property boundaries, property ownership, site lines, disputes between neighbors, and other issues. Arborists cannot take such considerations into account unless complete and accurate information is disclosed to the arborist. An arborist should then be expected to reasonably rely upon the completeness and accuracy of the information provided.

Trees can be managed, but they cannot be controlled. To live near trees is to accept some degree of risk. The only way to eliminate all risk associated with trees is to eliminate all trees.

I, _____, acknowledge that I have received a copy of this document and that I have read and understand this disclosure statement.

Signed: _____
Date: _____

Qualifications, Assumptions, and Limiting Conditions

Any legal description provided to the arborist is assumed to be correct. Any titles or ownership of properties are assumed to be good and marketable. All property is appraised or evaluated as though free and clear, under responsible ownership and competent management.

All property is presumed to be in conformance with applicable codes, ordinances, statutes, or other regulations.

Care has been taken to obtain information from reliable sources. However, the arborist cannot be responsible for the accuracy of information provided by others.

The arborist shall not be required to give testimony or to attend meetings, hearings, conferences, mediations, arbitrations, or trials by reason of this report unless subsequent contractual arrangements are made, including payment of an additional fee for such services.

This report and any appraisal value expressed herein represent the opinion of the arborist, and the arborist's fee is not contingent upon the reporting of a specified appraisal value, a stipulated result, or the occurrence of a subsequent event.

Figures and photographs in this report are intended for use as visual aids, are not necessarily to scale, and should not be construed as engineering or architectural reports or surveys. Inclusion of said information with any drawings or other documents does not constitute a representation of Bartlett Tree Experts as to the sufficiency or accuracy of said information.

Unless otherwise expressed: a) this report covers only the examined items and their condition at the time of inspection; and b) the inspection is limited to visual examination of accessible items. There is no warranty or guarantee, expressed or implied, that structural problems or deficiencies of plants or property may not arise in the future.

Certification of Performance

I, Sean Rinault, certify:

- That I have personally inspected the tree(s) and/or property referred to in this report, and have stated my findings accurately. The extent of the evaluation is stated in the attached report;
- That I have no current or prospective interest in the vegetation or the property that is the subject of this report and have no personal interest or bias with respect to the parties involved;
- That the analysis, opinions, and conclusions stated herein are my own;
- That my analysis, opinions, and conclusions were developed and this report has been prepared according to commonly accepted arboricultural practices;
- That no one provided significant professional assistance to the consultant, except as indicated within the report;
- That my compensation is not contingent upon the reporting of a predetermined conclusion that favors the cause of the client or any other party.

I am an International Society of Arboriculture Board Certified Master Arborist with a Tree Risk Assessment Qualification, and have been involved in the practice of arboriculture and the study of trees for over 21 years.

Signed: 

Date: 13 July, 2020



CITY OF OREGON CITY

Staff Report

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

To: City Commission **Agenda Date:** 06/01/2022
From: Parks & Cemetery Maintenance Manager, Jonathan Waverly

SUBJECT:

Mausoleum Roof Replacement - Mountain View Cemetery

STAFF RECOMMENDATION:

Award the bid and authorize the City Manager to execute the Public Improvement Contract with Axiom - Division 7, Inc. in the amount of \$342,100 for the replacement of the mausoleum roofs at Mountain View Cemetery.

EXECUTIVE SUMMARY:

The Parks and Cemetery Division is utilizing its Park Improvement Fund for the replacement of the Mausoleum roofs at Mountain View Cemetery. The project includes materials, the removal and installation of new roofing, and drain replacement and improvements.

BACKGROUND:

Beginning in the Fall of 2021, Facilities maintenance staff began the process of seeking quotes for roof replacement for the mausoleums at Mountain View Cemetery. During inspections, cracking, bubbling, and aging of the facilities became evident. The scope of work was posted to the City bid site in accordance with City and State contracting procedures. The bid opening was held on May 19, 2022, and two (2) bids were received. Staff reviewed the bids and determined that Axiom - Division 7, Inc. was the low responsive bidder. The contract award value is three hundred forty-one thousand, one hundred dollars and no cents (\$341,100).

The list below includes the bidders and bid amounts received for this project.

Axiom - Division 7, Inc.	(\$342,100.00)
Roof Toppers Inc.	(\$451,986.00)

Construction will occur in the Summer of 2022 and is anticipated to be complete by Fall 2022.

OPTIONS:

1. Authorize the City Manager to execute the Contract.
2. Authorize the City Manager to execute the Contract with specific modifications.
3. Deny the Contract. If the Commission chooses to deny the Contract, staff request direction on how to proceed.

BUDGET IMPACT: \$342,100.00

FY(s): 2022-2023

Funding Source(s): Capital Outlay-PARK Improvement Fund

SECTION III A **CONTRACT AGREEMENT**

This Agreement, made and entered into this _____, 2022, between the CITY OF OREGON CITY ("CITY"), acting by and through the City Commission and AXIOM - DIVISION 7, INC. ("CONTRACTOR").

Witnesseth, that the CONTRACTOR and the CITY, for the considerations stated herein, agree as follows:

ARTICLE I - Scope of Work

The CONTRACTOR hereby agrees to furnish all of the materials, equipment and labor necessary, and to perform all of the work for the project entitled: **Mountain View Mausoleum Roof Replacement** in accordance with the contract documents which are hereby made a part of this agreement.

The contract documents consist of:

Invitation to Bid Scope of Work Instructions to Bidders Bid Proposal and Bid Schedule Compliance with ORS 279C.840 Resident Bidder Status Certification of Drug Testing Program Non-Collusion Statement Asbestos Certification Registrations Certification of Non-Discrimination Certification of Compliance with Tax Law Bidder Responsibility Form Bid Bond First Tier Subcontractor Disclosure Form Customer Service Acknowledgment Form	Contract Agreement Oregon City Standard Conditions Statutory Conditions to Contract Agreement Performance Bond Payment Bond State of Oregon Statutory Public Works Bond Prevailing Wage Rates for Public Works Contracts in Oregon dated January 1, 2022 Amendments to the Prevailing Wage Rates for Public Works Contracts in Oregon dated April 1, 2022 Prevailing Wage Apprenticeship Rates dated January 1, 2022 Definitions of Covered Occupations for Public Works Contracts in Oregon dated July 1, 2018 All items included within these Contract Documents.
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The order of items cited above does not constitute an order of precedence different than that established in the special or standard specifications. Equivalent titles, which may be substituted for the above listed items, are included as if specifically named.

ARTICLE II - Time of Completion

The project shall be completed by **October 31, 2022**.

ARTICLE III – Contract Amount

The Contract Amount for the work covered by this Agreement is estimated to be **three hundred forty-two thousand, one hundred dollars and no cents (\$342,100.00)**.

ARTICLE IV - Warranty and Quality of Work

In addition to all other warranties, express or implied, that are part of this Agreement, the Contractor expressly warrants to the City for a period of one year from acceptance of the work by the City that all materials and equipment furnished under this contract will be new, unless otherwise specified, and that the work will be of good quality, free from faults and defects and in conformance with the City's specifications. Work that does not conform to these standards shall be considered defective.

Contractor shall, at its own expense, make good and repair any and all defects arising from faulty workmanship or materials, if the defective work is discovered within the one-year warranty period and notice thereof is given to the Contractor within 60 days after the expiration of the warranty period. If required by the City, the Contractor shall furnish satisfactory evidence as to the kind and quality of materials and equipment used to repair the defect.

In witness whereof, the parties hereto have executed this agreement, the day and year first above written.

CITY OF OREGON CITY

AXIOM - DIVISION 7, INC.

by: _____
Anthony J. Konkol III
City Manager

Printed Name
by: _____
Authorized signature

by: _____
Kendall Reid
Parks and Recreation Director

Title

Federal Taxpayer ID Number

Title

Date

Federal Taxpayer ID Number

Approved as to Legal Sufficiency:

Address: _____

by: _____
City Attorney

City Commission Award Date:

Client City of Oregon City
Project Mountain View Cemetery Mausoleum Roof Replacement
Bid Tabulation
Date: 5/19/22 2:05 PM

Apparent Low

Other Bidders

Item	Description	Units	Quantity
1	Provide Site Plan review (if needed) and permitting (required)	1	1
2	Safety barriers and signange around work zone/s	1	1
3	Tear iff and disposal of 3 layers of built-up roofing	1	1
4	Detail unit pricing for additional layer/s of tear off and disposal (per square)	1	1
5	Clean concrete decking to prepare for installation of new decking material	1	1
6	Install 1/2" Densdeck	1	1
7	Install 200SQ fully adhere 60 mil TPO membrane	1	1
8	1300' 24 ga. 1 cleat cap metal or better (do not include cap metal for penny copper cap - its condition is good)	1	1
9	Install 13 new drains	13	1
10	Install 8 scuppers	8	1
11	Install 101 3" vents	101	1

AXIOM DIVISION 7 INC	
Unit Price	Extended
\$ 3,500.00	\$ 3,500.00
\$ 5,500.00	\$ 5,500.00
\$ 84,200.00	\$ 84,200.00
\$ 300.00	\$ 300.00
\$ 21,500.00	\$ 21,500.00
\$ 58,650.00	\$ 58,650.00
\$ 61,250.00	\$ 61,250.00
\$ 54,000.00	\$ 54,000.00
\$ 32,500.00	\$ 32,500.00
\$ 5,200.00	\$ 5,200.00
\$ 15,500.00	\$ 15,500.00
	\$ 342,100.00

Roof Toppers, INC	
Unit Price	Extended
\$ 3,315.00	\$ 3,315.00
\$ 5,179.00	\$ 5,179.00
\$ 105,858.00	\$ 105,858.00
\$ 500.00	\$ 500.00
\$ 6,862.00	\$ 6,862.00
\$ 73,010.00	\$ 73,010.00
\$ 146,654.00	\$ 146,654.00
\$ 40,138.00	\$ 40,138.00
\$ 30,023.00	\$ 30,023.00
\$ 20,055.00	\$ 20,055.00
\$ 20,392.00	\$ 20,392.00
	\$ 451,986.00

Note: Please note, totals in red are different than proposed overall bids by bidders. These account for minor misculations in overall total.



CITY OF OREGON CITY

Staff Report

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

To: City Commission
From: Finance Director Matt Zook

Agenda Date: 06/01/2022

SUBJECT:

Professional services agreement (PSA) with Aldrich CPAs + Advisors LLP (Aldrich) for audit services.

STAFF RECOMMENDATION:

Staff recommends that the City Commission approve the PSA between the City of Oregon City (City) and Aldrich.

EXECUTIVE SUMMARY:

The City of Oregon City is required to have the accounts and fiscal affairs audited by accountants at least once each calendar or fiscal year in accordance with Oregon Revised Statutes (ORS) 297.425. The performance of an external audit provides a strong level of oversight on the City's financial resources as part of maintaining public trust. The contract for audit services has expired. In response to formal Request for Proposals (RFP), Aldrich presented a proposal that demonstrates the ability to perform the required and desired financial audits. This proposal and the draft professional services agreement is included in the Commission packet.

BACKGROUND:

The City has engaged Merina+Co to perform annual audit services since the 2013-14 fiscal year (eight years). Upon the completion of the 2020-21 fiscal year audit in December 2021, City staff desired to perform an RFP. Independently, Merina+Co announced that it was no longer going to operate as a municipal auditor. An RFP was publicly posted to the City's website and the Daily Journal of Commerce on February 16, 2022, with a due date of March 9, 2022. Two firms expressed interest in submitting proposals, but no proposals were received.

A second RFP was publicly posted in the same manner on March 18, 2022, with a due date of April 8, 2022. The second RFP was modified to remove reference to the dollar amount of the budget for audit services with the expectation of greater response, considering that the market cost of audit services from qualified municipal audit firms

may be higher than budgeted. Additionally, staff sent an email directly to 87 municipal auditors registered in the state of Oregon. Aldrich provided the only proposal.

The Aldrich proposal was reviewed by the City's Finance Director, Deputy Finance Director, and Senior Financial Management Analyst. Staff finds Aldrich to be a qualified, multi-state company with a wide range of municipal services. References included two special districts and two out-of-state municipalities. The references contacted spoke highly of Aldrich. Aldrich's intentional move into the Oregon municipal audit arena has been demonstrated by directly recruiting several key senior audit staff from existing Oregon audit firms. Notably, I have worked directly with Jessica Luther-Haynes, Senior Manager, when she served as senior manager with a different Oregon municipal audit firm. This firm was contracted with the City of Newberg where I served as Finance Director before coming to the City of Oregon City. Thus, I can professionally attest to the competent skill that the City of Oregon City would receive with Ms. Luther-Haynes. Finally, staff conducted an interview with Andy Maffia, Partner, and Jessica Luther-Haynes on May 5, 2022, with positive results.

While the lack of response to the City's two RFPs is discouraging, it should not be construed as a slight against the City of Oregon City. The municipal audit landscape in Oregon is facing challenging times. In conversations with my colleagues at the cities of Independence and Happy Valley, they also had similar experiences with either multiple RFPs or a lack of response. Staff recruitment and retention in auditing firms has become competitive and difficult, resulting in lower margins to CPA firms and higher prices to customers. I also spoke with partners at two separate municipal audit firms with which I have worked. Both explained the inability to take on new clients at this time due to staffing issues as well as the additional auditing work that has been generated by the massive Federal stimulus funds in the last several years and the continual change in government accounting standards. Finally, I have been in touch with Amy John, Audit Manager at the Oregon Secretary of State Audit Division, who oversees that statewide audit program. She also has indicated that she has conversations frequently with Oregon municipalities sharing the same compressed supply chain issues for municipal audit services. I specifically posed the question about the potential of obtaining an extension to the deadline of December 31, 2022, in the event a city was unable to engage an auditor. At this point, this is a situation we want to avoid.

With compression in the supply of audit firms, prices tend to rise. The first table below reflects the cost comparison between the 2021 audit (Merina), the 2022 original proposal from Aldrich, and the 2022 final negotiated cost. Due to the large difference and in the interest of reasonable prudence with public funds, I initiated a counter proposal that I felt would be mutually beneficial to both parties. The fees reflected in the second table exhibit the negotiated agreement over the next five years (2022-2026). For the City's audit, the 2022 increase is 30% over 2021 costs versus a 49% increase in the original proposal. Staff was able to reduce the five-year cost of the contract to by over \$71k (\$34k City, \$3k Urban Renewal Agency (URA), and \$34k South Fork Water Board (SFWB)).

Cost Comparison between 2021 and 2022

	2021	2022	2022 City
	Merina Actual	Aldrich Proposal	Counter Proposal
City	\$ 36,750	\$ 54,825	\$ 47,775
Single Audit	7,500	10,400	9,750
URA	4,000	6,025	5,200
SFWB	8,750	18,350	11,375
	<u>\$ 57,000</u>	<u>\$ 89,600</u>	<u>\$ 74,100</u>

Cost of five-year professional services agreementAldrich Original Proposal

	2022	2023	2024	2025	2026	Total
City	\$ 54,825	\$ 56,450	\$ 59,900	\$ 61,700	\$ 63,500	\$ 296,375
Single Audit	10,400	10,700	11,025	11,350	11,700	55,175
URA	6,025	6,150	6,300	6,500	6,700	31,675
SFWB	18,350	18,900	19,450	20,050	20,650	97,400
	<u>\$ 89,600</u>	<u>\$ 92,200</u>	<u>\$ 96,675</u>	<u>\$ 99,600</u>	<u>\$ 102,550</u>	<u>\$ 480,625</u>

City Counter Proposal

	2022	2023	2024	2025	2026	Total
City	\$ 47,775	\$ 49,200	\$ 50,700	\$ 52,200	\$ 53,800	\$ 253,675
Single Audit	9,750	10,000	10,300	10,600	10,900	51,550
URA	5,200	5,400	5,600	5,800	6,000	28,000
SFWB	11,375	11,700	12,100	12,500	12,900	60,575
	<u>\$ 74,100</u>	<u>\$ 76,300</u>	<u>\$ 78,700</u>	<u>\$ 81,100</u>	<u>\$ 83,600</u>	<u>\$ 393,800</u>

Aldrich Final Proposal

	2022	2023	2024	2025	2026	Total
City	\$ 47,775	\$ 50,160	\$ 52,670	\$ 55,305	\$ 58,070	\$ 263,980
Single Audit	9,750	10,235	10,750	11,285	11,850	53,870
URA	5,200	5,460	5,730	6,015	6,315	28,720
SFWB	11,375	11,950	12,550	13,180	13,840	62,895
	<u>\$ 74,100</u>	<u>\$ 77,805</u>	<u>\$ 81,700</u>	<u>\$ 85,785</u>	<u>\$ 90,075</u>	<u>\$ 409,465</u>

OPTIONS:

1. Approve the PSA with Aldrich as presented.
2. Approve the PSA with any desired modifications.
3. Deny the PSA as presented, at which point staff would perform a third Request for Proposal and spend additional time directly soliciting qualified municipal audit firms at risk of extending beyond the December 31, 2022, state deadline.

BUDGET IMPACT:

Amount: \$409,465 total five-year cost for three municipalities (Single audit is a City cost) as reflected in the final proposal reflected above. No budget adjustment is anticipated for the 2021-23 biennium because of this professional services agreement.

FY(s): 2022-2026

Funding Source(s): City General Fund, Urban Renewal General Fund, and South Fork Water Board.

**CITY OF OREGON CITY
PERSONAL SERVICES AGREEMENT**

FINANCIAL AUDIT SERVICES

This PERSONAL SERVICES AGREEMENT ("Agreement") is entered into between the CITY OF OREGON CITY ("City") and Aldrich CPAs + Advisors LLP ("Consultant").

RECITALS

A. City requires services that Consultant is capable of providing under the terms and conditions hereinafter described.

B. Consultant is able and prepared to provide such services as City requires under the terms and conditions hereinafter described.

The parties agree as follows:

AGREEMENT

1. Term. The term of this Agreement shall be from the date the contract is fully executed until December 31, 2026, unless sooner terminated pursuant to provisions set forth below. All work under this Agreement shall be completed prior to the expiration of this agreement. However, such expiration shall not extinguish or prejudice City's right to enforce this Agreement with respect to (i) breach of any warranty; or (ii) any default or defect in Consultant's performance that has not been cured. This agreement shall be for a term of five years, to complete the audit of five (5) individual fiscal years, commencing with auditing services for the fiscal year ending June 30, 2022, and ending with the auditing services for the fiscal year ending June 30, 2026, with the expectation that those services conclude by December 31, 2026.

2. Compensation. City agrees to pay Consultant on a time-and-materials basis for the services required. Payment shall be made as invoiced. Total compensation, including reimbursement for expenses incurred, shall not exceed the annual costs reflected below:

	2022	2023	2024	2025	2026	Total
City	\$ 47,775	\$ 50,160	\$ 52,670	\$ 55,305	\$ 58,070	\$ 263,980
Single Audit	9,750	10,235	10,750	11,285	11,850	53,870
URA	5,200	5,460	5,730	6,015	6,315	28,720
SFWB	11,375	11,950	12,550	13,180	13,840	62,895
	\$ 74,100	\$ 77,805	\$ 81,700	\$ 85,785	\$ 90,075	\$ 409,465

3. Scope of Services. Consultant's services under this Agreement shall consist of services as detailed in the Request for Proposals (RFP) issued by the City and the Proposal for Services issued by Consultant, included as Exhibit 1, attached hereto and by this reference incorporated herein.

4. Standard Conditions. This Agreement shall include all of the standard conditions as detailed in Exhibit 2, attached hereto and by this reference incorporated herein.

5. Schedule. The components of the project described in the Scope of Services shall be completed according to Term, above.

6. Integration. This Agreement, along with the description of services to be performed attached as Exhibit A and the Standard Conditions to Oregon City Personal Services Agreement attached as Exhibit B, contain the entire agreement between and among the parties, integrate all the terms and conditions mentioned herein or incidental hereto, and supersede all prior written or oral discussions or agreements between the parties or their predecessors-in-interest with respect to all or any part of the subject matter hereof.

7. Notices. Any notices, bills, invoices, reports, or other documents required by this Agreement shall be sent by the parties by United States mail, by hand delivery or by electronic means. All notices shall be in writing and shall be effective when delivered. If mailed, notices shall be deemed effective forty-eight (48) hours after mailing, unless sooner received.

To the City: City of Oregon City
625 Center Street
Oregon City, OR 97045
Attention: Erin Wilkie

To Consultant: Aldrich CPAs + Advisors LLP
5665 SW Meadows Road Ste. 140
Lake Oswego, OR 97035
Attention: Amy Fenerty, CPA

Consultant shall be responsible for providing the City with a current address. Either party may change the address set forth in this Agreement by providing notice to the other party in the manner set forth above.

8. Governing Law. This Agreement shall be governed and construed in accordance with the laws of the state of Oregon without resort to any jurisdiction's conflicts of law, rules, or doctrines.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their duly appointed officers on this _____ day of _____, 20____.

CITY OF OREGON CITY

Aldrich CPAs + Advisors LLP

By: _____
 Matthew R. Zook, MBA
 Title: Finance Director

By: _____

Name: _____

DATED: _____, 20____.

Title: _____

By: _____
 Anthony J. Konkol III
 Title: City Manager

DATED: _____, 20____.

DATED: _____, 20____.

ORIGINAL CITY COMMISSION APPROVAL (IF APPLICABLE):

DATE: _____

APPROVED AS TO LEGAL SUFFICIENCY:

By: _____
 City Attorney

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City of Oregon City

REQUEST FOR PROPOSALS FOR PROFESSIONAL AUDITING SERVICES

625 Center Street
Oregon City, OR 97045

March 18, 2022

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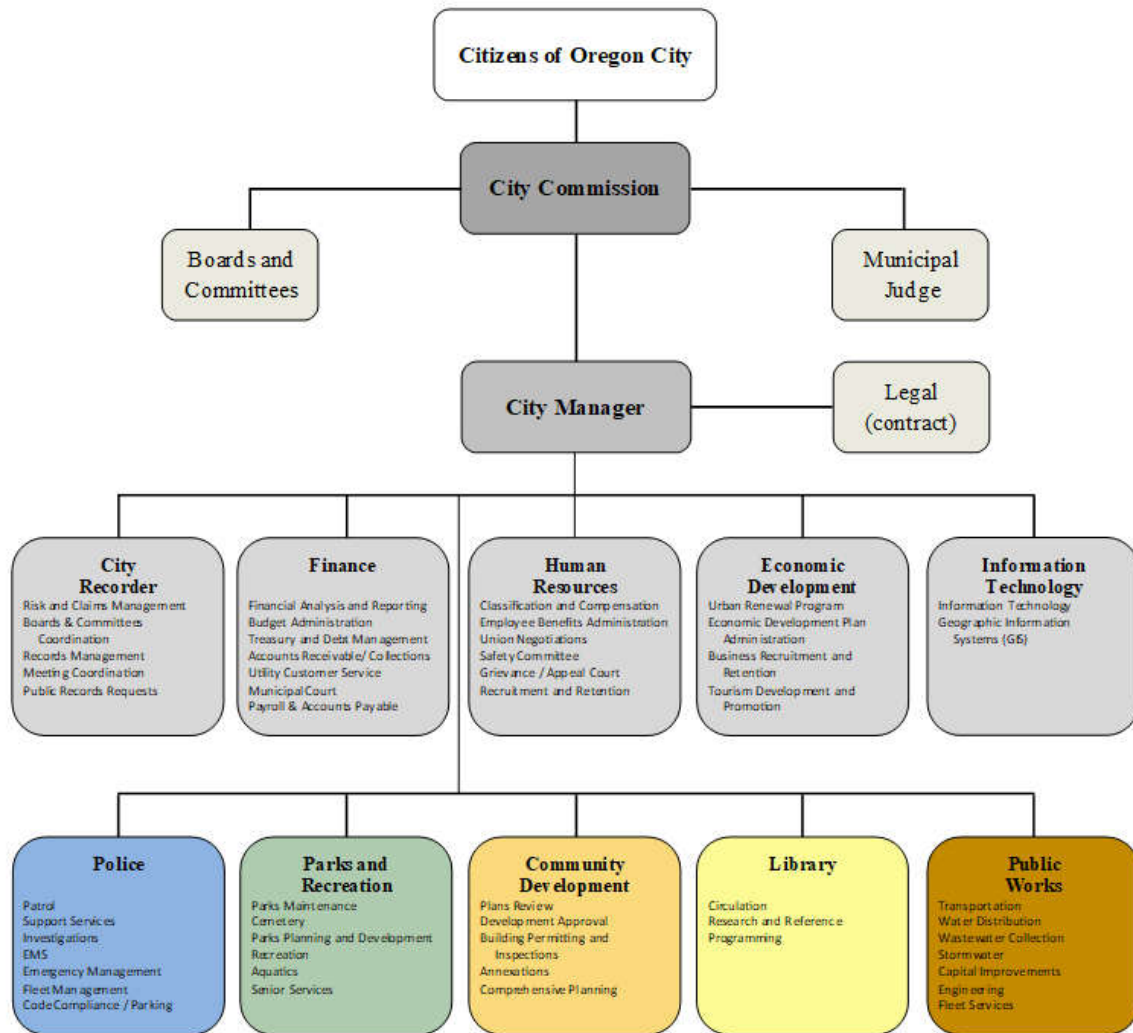
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I. Background Information

a. General Information

Oregon City is the County seat of Clackamas County in Northwest Oregon, thirteen miles south of Portland. The City was established in 1829 and incorporated in 1844, becoming the capital of the Oregon Territory in 1894. It currently encompasses 10.27 square miles and has a current estimated population of 35,885. The City operates under the provisions of its own charter and applicable state law with a Council-Manager form of government. The elected officials consist of the Mayor and four Commissioners who serve staggered four-year terms. All positions have term limits, and no person shall hold office for more than two terms of four years in any ten-year period. The Mayor and Commission vote on all ordinances and legislative matters, set policies for City government, and hire, direct, and evaluate the City Manager. The City Manager is appointed by the City Commission to oversee the delivery of public services and is responsible for all administration and management.

The City provides a full range of municipal services to the community which includes police protection, traffic control and improvements, street maintenance and improvements, water, sewer and storm drain services, planning, zoning and building regulation and inspection, community library service, municipal court and parks and recreation. Fire protection is provided by the Clackamas Fire District #1 as a separate tax district into which Oregon City annexed in 2007. The City's Organization Chart is shown below.



The Downtown Urban Renewal Agency (URA) is a blended component unit of the City and is presented as a special revenue fund in the City's annual financial report. The Agency also issues its own, separate financial statements.

The City maintains 16 individual funds (10 governmental funds and 6 proprietary funds):

- the General Fund,
- seven (7) Special Revenue funds (including the URA),
- one (1) Debt Service fund,
- one (1) Capital Projects fund,
- three (3) Enterprise funds
- three (3) Internal Service funds

The City is a participant in a joint venture, the South Fork Water Board (SFWB) which was created in 1915 by an Intergovernmental Cooperative Agreement between the cities of Oregon City and West Linn for operation and maintenance of water distribution systems. Ownership of assets is adjusted based on reevaluation of population and water usage. The City of Oregon City appoints 50% of the Board's Commission. The investment is reported using the equity method. Each City's share of assets, liabilities and net position is 50%. The Board is a small entity, and the Finance Department oversees its financial operations utilizing the same systems of internal control as Oregon City.

The City adopts a biennial budget, prepared on a basis consistent with generally accepted accounting principles (modified accrual) and Oregon Revised Statutes. All City funds are appropriated. The City's 2021-2023 biennial budget was \$235.2 million when adopted.

b. Previous Financial Statements

Below is a link to the previous financial statements for the City

<https://www.orcity.org/finance/financial-documents>

c. Recent and/or Upcoming Changes

The City has had a single audit in each of the previous two fiscal years due to the receipt and expenditure of CARES Act funding. The City is anticipating a single audit in the current fiscal year, and/or the next few fiscal years, due to the receipt of ARPA funds in the current fiscal year.

d. Accounting Records

The City currently uses Tyler Technology's Incode 10 for general ledger, payroll, human resources, accounts payable, utility billing, and municipal court. The City uses Tyler Technology's EnerGov for permitting, plan management, development services, code enforcement, and business licensing.

II. General Information

a. General Description

The City of Oregon City is seeking proposals for the audit of its annual financial statements, the URA's annual financial statements, and SFWB's annual financial statements, from qualified certified public accounting firms. A complete description of services to be provided is described under Section III. The first reporting period to be audited is July 1, 2021, through June 30, 2022, extending through the next four subsequent fiscal years.

b. Points of Contact

Questions, inquiries, or comments regarding this Request for Proposals (RFP), should be directed to:

Ryan Bredehoeft
Deputy Finance Director
rbredehoeft@orccity.org
(503) 496-1561

c. RFP Responses

Your proposal must be received no later than April 8, 2022 at 4:30 pm. Responses should be emailed to rbredehoeft@orccity.org (in PDF or MS Word) or mailed to the following address:

City of Oregon City
Attn: Ryan Bredehoeft, Deputy Finance Director
PO Box 3040
Oregon City, OR 97045

Emailed proposals shall not be deemed received until a confirmation email sent by the primary point of contact is received in reply to the submitted proposal, confirming the emailed proposal was received and the format was readable.

Any amendments to this RFP will be in writing and will be issued to all persons or businesses that have indicated an interest to receive RFP addenda or have obtained the proposal materials. The addenda will be posted on the City's Bid Management site at <https://bids.orcity.org/> and issued by email to the address furnished by those responding to this announcement. Your proposal must acknowledge receipt of all addenda issued either when you submit your proposal or separately prior to opening. No proposal will be considered that is not responsive to any issued addenda.

d. Tentative Schedule for Selection Process

Proposal Due:	April 8, 2022 (4:30pm)
Finalist Selections:	April 15, 2022
Governing Body Approval:	May 4, 2022
Contract Finalized:	May 11, 2022

This is a tentative schedule and is provided as a courtesy to potential proposers. The actual schedule may vary from the one provided above without notice to potential proposers. Any changes made to the closing date of the RFP will be made in the form of an addendum provided to all potential proposers who have received RFP documents.

e. Proposal Evaluation

The following criteria will be used to evaluate proposals and select the most qualified certified public accounting firm:

Evaluation Criteria	Scoring
Firm's municipal audit expertise and experience and qualifications of key personnel	30%
Audit approach and schedule	20%
References	20%
Fees for service	20%
Differentiators	10%

The selection team will review the applications and select the most qualified proposal based on the evaluation criteria listed above. If deemed necessary by the selection team, the team will invite the most qualified proposers to interview.

f. Contract Duration

The selected certified public accounting firm shall be designated as the City's auditor for a five-year term commencing with the fiscal year ending June 30, 2022. Either party may cancel the contract for the current fiscal year by written notice delivered prior to December 15th of that fiscal year. The City of Oregon City reserves the right to extend the contract beyond the original period, negotiating each year separately as to price and work performed.

g. Acceptance or Rejection and Negotiation of Proposals

The City of Oregon City reserves the right to reject any or all proposals, to waive any irregularities in the RFP, to accept or reject any item or combination of items in a proposal in accordance with ORS 279B.100, to request additional information or clarifications from respondents, and to negotiate or hold interviews with any one or more of the respondents. By requesting proposals, the City is in no way obligated to award a contract or to pay expenses of the proposing firms in connections with the preparation or submission of a proposal. Furthermore, the City reserves the right to reject any and all proposals prior to execution of a contract, with no penalty to the City, if doing so in the public interest. Any protest or objection of award must comply with ORS 279A.225.

III. Scope of Auditor Services

a. General

The City of Oregon City is requesting proposals from qualified certified public accounting firms, duly authorized to practice as such by the State of Oregon, to audit the City's financial statements, the URA's financial statements, and the SFWB's financial statements, commencing with the fiscal year ending June 30, 2022, and extending through the next four subsequent fiscal years.

The City of Oregon City desires the auditor to express opinions on the fair presentation of the City's, the URA's, and SFWB's basic financial statements, in conformity with generally accepted accounting principles (GAAP). The auditor shall also be responsible for performing certain limited procedures involving required supplementary information and other supplementary information required by the Governmental Accounting Standards Board (GASB) as well as required under Oregon Minimum Standards.

The selected auditor shall submit for management's review, a draft of all reports. The final reports are subject to review by each respective entity's Audit Committee/Governing Body. The selected auditor shall incorporate, as part of the basic proposal, meeting time with the finance staff and the Audit Committee/Governing Body for the purpose of discussing the audit, management letter, and conclusions.

b. Basic Reports to be Issued

Upon completion of the audit of the financial statements, the auditor shall issue the following:

- Independent Auditor's Report
- AU-C 260 Letter to Those Charged with Governance
 - AU-C 260 Letter: including Findings, statements, observations, opinions, comments and recommendations
- Audit Comments and Disclosures Required by State Regulation

c. Additional Reports to be Issued Dependent on Applicability

- AU-C 265 Communicating Internal Control Related Matters Identified During the Audit
 - AU-C 265 Letter: including material weaknesses and/or significant deficiencies
- Independent Auditor's Report on Internal Control over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with *Government Auditing Standards*

Due to the fluctuation in expenditure of federal grant funds, the need for some reports is based upon whether the City meets the audit threshold (over \$750,000 in expended grant funds) for performance of a Single Audit under OMB Uniform Guidance. Such reports are as follows:

- Independent Auditor's Report on Compliance with Requirements Applicable to Each Major Program and Internal Control over Compliance in Accordance with OMB Uniform Guidance
- Schedule of Findings and Questioned Costs

The City does anticipate needing a Single Audit through fiscal year end June 30, 2026.

d. Supplemental Reports / Studies

Reports on other audits or agreed-upon procedures may be agreed to in writing as stated in a supplemental services agreement. Prior to beginning work, the scope and associated costs shall be approved by the City.

e. Standards to be Followed

To meet the requirements of this RFP, these audits are to be performed in accordance with all applicable professional standards including, but not limited to, applicable standards set forth for financial audits by the Governmental Accounting Standards Board (GASB), *Government Auditing Standards* (GAS), as promulgated by the Government Accountability Office (GAO) (if applicable), and requirements described in the U.S. Office of Management and Budget (OMB) Uniform Guidance and Compliance Supplement (if applicable).

In addition, all aspects of the engagement shall be performed in accordance with the highest professional standards and comply with all applicable federal, state and local laws.

f. Special Considerations

The firm receiving the contract for audit services shall procure and maintain, for the duration of the contract, insurance as required in the standard services contract (see Attachment B). The firm must provide a Certificate of Insurance. The firm will also be required to obtain and maintain a valid business license for the term of the contract.

g. Working Paper Retention and Access to Working Papers

All working papers and reports must be retained, at the auditor's expense, for a minimum of seven (7) years following completion of the audit, unless the firm is notified in writing by the City of the need to extend the retention period. The auditor will be required to make working papers available, upon request, to the following parties or their designees:

- The City of Oregon City
- Parties designated by the federal or state governments or by the City of Oregon City as part of an audit quality review process
- Oregon Secretary of State, Audits Division

In addition, the firm shall respond to the inquiries of successor auditors and allow successor auditors to review working papers related to matters of accounting significance and internal control.

h. Assistance to be provided by the City of Oregon City

- Staff will prepare the final closing of the books. The City will provide the auditors with a Trial Balance by fund and all accounting detail necessary to perform the audit.
- Staff will prepare all workpapers requested by the Auditor prior to the start of interim and/or final fieldwork.
- Staff will generate the necessary confirmation letters based on templates provided by the auditors.
- Staff will prepare the draft financial statements and all related schedules and statements deliverable to the auditor during the first week of final audit fieldwork. City Staff will also incorporate any agreed upon edits to the draft to arrive at the final statements.
- Staff will be available during the audit to assist in providing information, documentation and explanations as needed as well as access to the financial system to view records and print reports. All requests will first be directed to the Finance Director.
- The City will provide the auditor with reasonable workspace including access to the internet, a telephone line, photocopier and fax machine.
- The Finance Director will provide the auditor with a signed Representation Letter at the conclusion of the audit.

IV. Proposal Requirements

a. Proposal Requirements

The proposal should address, at a minimum, the information requested in Section IV, subsection (b), Minimum Content of Responses. Responses should be limited to a total of ten (10) pages, excluding the title page, letter of transmittal, and required attachments.

b. Minimum Content of Responses

- I. **Title Page:** A title page showing the firm's name, the date of proposal, point of contacts, business address, telephone numbers, and email addresses.
- II. **Letter of Transmittal:** A signed letter of transmittal briefly stating that the firm submitting the proposal is properly licensed to perform such audits in the State of Oregon, agrees to perform all of the work outlined in the RFP within the established time periods, is independent of the City of Oregon City, and understands that the firm's proposal is a firm and irrevocable offer through the June 30, 2022 audit period. The letter must also contain a certification that the person signing the proposal is entitled to represent the audit firm, empowered to submit the bid, and authorized to sign a contract on behalf of the audit firm.
- III. **Firm Qualifications and Experience:** Provide a brief overview of the firm's experience performing municipal audits. Include the results of the audit firm's most recent external quality review, any findings discovered as part of that review and actions taken to correct those findings. The audit firm must also

disclose information on the circumstances and status of any disciplinary action taken or pending against the audit firm during the past three (3) years with state regulatory bodies or professional organizations, as well as any pending or settled litigation within the past three (3) years.

- IV. **Experience and Qualifications of Key Personnel:** Identify all key personnel who will be assigned to work on this project including names, CPA license numbers, and Oregon Municipal Audit Roster numbers. Include a brief summary of their background and experience in auditing similar organizations as well as their roles and assigned responsibilities under the proposal.
- V. **Audit Approach and Schedule:** Describe the firm's audit approach and proposed schedule.
- VI. **References:** Provide contact information for three (3) of the firm's current municipal auditing clients in Oregon and two (2) non-current clients served within the last three (3) years. Contact information should include the name of the public agency, name and title of contact person, telephone number, and email address.
- VII. **Proposed Fees for Service:** Provide expected hours required for the fiscal year ending June 30, 2022 and the not to exceed (NTE) price on attachment A. For proposal purposes, provide a NTE price for providing a single audit assuming one major program and assuming the Organization is a low-risk auditee.

Describe the firm's policy on other charges including special requests and special reports or broadening the scope of the engagement and list the audit firm's billing rates for all other applicable professional services.
- VIII. **Differentiators:** Describe what makes your firm different from other firms providing the same service and describe how that will translate to the level of services received.

V. Attachments

Attachment A: Fee Proposal

In accordance with the Request for Proposals for Professional Auditing Services, the firm referenced below submits the following hourly fee quotation and hours proposed for all positions to be assigned to the audit:

Fee for Fiscal Year End June 30, 2022

<i>Key Personnel</i>	<i>F/S Audit Hours</i>	<i>Component Unit Audit Hours</i>	<i>Single Audit Hours</i>	<i>Total Hours</i>	<i>Hourly Rate</i>	<i>Total</i>
Engagement Partner						
Engagement Manager						
Engagement Senior						
Engagement Staff						
Clerical/Support Staff						
Other						

In accordance with the Request for Proposals for Professional Auditing Services the firm referenced below submits the following cost proposal for the term of the contract:

Fee proposal for Fiscal Years Ending June 30th,

	<i>2022</i>	<i>2023</i>	<i>2024</i>	<i>2025</i>	<i>2026</i>
Financial Statement Audit					
Component Unit Audit					
Single Audit					
Cost of Supplies and Materials					
Additional Fees (if applicable*)					
Total					

*Technical assistance, as needed, is expected from the audit firm throughout the fiscal year that may include inquiries regarding accounting, reporting and internal control issues. If fees related to this technical assistance are not included in the firm's financial statement audit fee, please include them here.

I hereby certify that the undersigned is authorized to represent the firm stated below, and empowered to submit this bid, and if selected, authorized to sign a contract for the services identified in the RFP.

Firm Name: _____

Signature: _____

Printed Name: _____

Title: _____

Date: _____

Email Address: _____

Attachment B: Personal Service Audit Contract

**CITY OF OREGON CITY
PERSONAL SERVICES AGREEMENT**

PROJECT NAME (PS/CI _____)

This PERSONAL SERVICES AGREEMENT ("Agreement") is entered into between the CITY OF OREGON CITY ("City") and **CONSULTANT NAME** ("Consultant").

RECITALS

A. City requires services that Consultant is capable of providing under the terms and conditions hereinafter described.

B. Consultant is able and prepared to provide such services as City requires under the terms and conditions hereinafter described.

The parties agree as follows:

AGREEMENT

1. **Term.** The term of this Agreement shall be from the date the contract is fully executed until **expiration date**, unless sooner terminated pursuant to provisions set forth below. However, such expiration shall not extinguish or prejudice City's right to enforce this Agreement with respect to (i) breach of any warranty; or (ii) any default or defect in Consultant's performance that has not been cured.

2. **Compensation.** City agrees to pay Consultant on a time-and-materials basis for the services required. Total compensation, including reimbursement for expenses incurred, shall not exceed **write out dollar amount (\$_____)**.

3. **Scope of Services.** Consultant's services under this Agreement shall consist of services as detailed in **Exhibit A**, attached hereto and by this reference incorporated herein.

4. **Standard Conditions.** This Agreement shall include all of the standard conditions as detailed in **Exhibit B**, attached hereto and by this reference incorporated herein.

5. **Schedule.** The components of the project described in the Scope of Services shall be completed according to Term, above.

6. **Integration.** This Agreement, along with the description of services to be performed attached as Exhibit A and the Standard Conditions to Oregon City Personal Services Agreement attached as Exhibit B, contain the entire agreement between and among the parties, integrate all the terms and conditions mentioned herein or incidental hereto, and supersede all prior written or oral discussions or agreements between the parties or their predecessors-in-interest with respect to all or any part of the subject matter hereof.

7. **Notices.** Any notices, bills, invoices, reports or other documents required by this Agreement shall be sent by the parties by United States mail, by hand delivery or by electronic means. All notices shall be in writing and shall be effective when delivered. If mailed, notices shall be deemed effective forty-eight (48) hours after mailing, unless sooner received.

To the City:

City of Oregon City
 625 Center Street
 Oregon City, OR 97045
 Attention: Ryan Bredehoeft

To Consultant:

CONSULTANT NAME**ADDRESS****Attention:** _____

Consultant shall be responsible for providing the City with a current address. Either party may change the address set forth in this Agreement by providing notice to the other party in the manner set forth above.

8. Governing Law. This Agreement shall be governed and construed in accordance with the laws of the state of Oregon without resort to any jurisdiction's conflicts of law, rules or doctrines.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their duly appointed officers on this _____ day of _____, 20____.

CITY OF OREGON CITY

CONSULTANT NAME

By: _____

Matthew R. Zook, MBA

Title: Finance Director

DATED: _____, 20____.

By: _____

Name: _____

Title: _____

By: _____

Anthony J. Konkol III

Title: City Manager

DATED: _____, 20____.

DATED: _____, 20____.

ORIGINAL CITY COMMISSION APPROVAL (IF APPLICABLE):

DATE: _____

APPROVED AS TO LEGAL SUFFICIENCY:

By: _____

City Attorney

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City of Oregon City

Proposal for Professional Services for the Years Ending June 30, 2022 - 2026

April 6, 2022



CITY OF OREGON CITY

Proposal for Professional Services for the Years Ending June 30, 2022 - 2026

Presented by Aldrich CPAs + Advisors LLP
5665 SW Meadows Rd. Ste 200
Lake Oswego, OR 97035

Primary Engagement Contact:
Jessica Luther-Haynes, CPA, CFE
Email: Jlutherhaynes@aldrichadvisors.com
Office: (503) 585-7774

April 6, 2022

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April 6, 2022

City of Oregon City
Attn: Ryan Bredehoeft
Deputy Finance Director
PO Box 3040
Oregon City, OR 97045

Dear Mr. Bredehoeft:

Aldrich CPAs + Advisors LLP (Aldrich) is pleased to submit a proposal to provide professional services to the City of Oregon City (the City), the Downtown Urban Renewal Agency (the URA), and the South Fork Water Board (the SFWB). These services will include an audit of the financial statements of the City, URA, and SFWB and all required federal and state compliance audits as outlined in the RFP. This work will be completed in a timely manner and in the established time periods.

This proposal will provide you with information about our firm, our experience serving governmental organizations and our continuing commitment to you.

Aldrich is uniquely qualified to meet your needs because we have assembled a service team that is knowledgeable about the types of unique financial reporting and operational risks faced by the City, URA, and SFWB. We understand your organization. The team leader assigned to your engagement has over a decade's experience providing audit services to cities, counties, urban renewal agencies, school districts, and housing authorities throughout Oregon. Because of this experience, we know it translates to seamless and value-added services delivered by professionals who understand your challenges and opportunities.

Superior client service is our #1 goal. At Aldrich we have designed our service approach to exceed your expectations. We continually strive to provide the highest level of specialized service in the market. We perform high quality, efficient audits. We will listen and respond to your needs on a timely basis and provide meaningful internal control and government-oriented recommendations.

Our greatest product is our high-quality service

- ▶ Our team is dedicated to being responsive to our clients and delivering on our commitments in a timely manner.
- ▶ Our service approach is one of significant partner and manager level attention.
- ▶ We endeavor to exceed your expectations.

Licensing and Independence. Aldrich and the team leaders are properly licensed to perform audits of municipal corporations in the State of Oregon. In addition, we are independent of the City, URA, and SFWB in both fact and appearance.

Offer. This proposal is a firm and irrevocable offer through the June 30, 2022 audit period. The representatives signing and submitting this proposal are entitled to represent the audit firm, empowered to submit the bid, and authorized to sign a contract on behalf of the audit firm.



TRANSMITTAL LETTER

We want to be your trusted advisors. We will consider it a privilege to be chosen to work with you. We are excited to address your needs and are confident we can build a long-lasting relationship. Should you have any questions, please feel free to contact us at (503) 585-7774.

A handwritten signature in black ink, appearing to read 'Amy Fenerty'.

Amy Fenerty, CPA
Partner

A handwritten signature in black ink, appearing to read 'Andy Maffia'.

Andy Maffia, CPA
Partner

A handwritten signature in black ink, appearing to read 'Jessica Luther-Haynes'.

Jessica Luther-Haynes, CPA, CFE
Senior Manager

FIRM QUALIFICATIONS AND EXPERIENCE

Aldrich CPAs + Advisors LLP is a west coast regional firm of advisors, independent Certified Public Accountants, and business consultants. We are known as trusted advisors, helping our clients solve problems, recognize opportunities, streamline processes, and better utilize their resources so that they can best manage their growth and achieve their goals.

The Aldrich Group of Companies offers a broad range of financial services from traditional accounting, auditing, and tax compliance to business valuation, management consulting, financial due diligence, international tax planning, state and local tax consulting, employee benefit, and retirement plan services. We also work closely with business owners and individuals to manage their financial, wealth, and tax planning strategies.

Founded in 1973, the Aldrich Group of Companies is a full-service firm with over 300 professionals who serve clients nationwide from our offices in Oregon, California, and Alaska. The Aldrich Group of Companies consist of:

- ▶ **Aldrich CPAs + Advisors LLP** – Audit, tax compliance and consulting, accounting assistance, and business consulting. These services are provided to thousands of business and individual clients.
- ▶ **Aldrich Wealth LP** – Complete investment advisory services for high-wealth individuals and pension plans. 401(k) Services include 3(38) Fiduciary Investment Management, Fiduciary Governance Consulting, Employee Advice and Education and vendor management. Our Private Wealth Management includes wealth management, asset allocation, personal financial planning, and transition planning. Total assets under management by Wealth Advisors exceed \$4 billion.
- ▶ **Aldrich Retirement Solutions LP** – Provides retirement plan design, annual plan administration and consulting services for 401(k), profit sharing and pension plans. We serve clients with more than 1,500 employees.
- ▶ **Aldrich Benefits LP** – Assisting employers with employee benefit consulting including medical, dental, group life, and disability insurance for their employees, and executive benefits for high-level and key employees. Includes plan design, implementation, and annual review of benefits.
- ▶ **Aldrich Technology LLC** – Technology services which include evaluation, assessment, guidance and implementation of software solutions, network security, managed IT services and merger and acquisition support.
- ▶ **Aldrich Capital Advisors LP** – Provides advisory services for business transactions including business succession planning, acquisition, sales or mergers.

We believe Aldrich can continue to make a substantial contribution to the fiscal management of the City. As you focus on the important issues of rising costs, expanding services, community partnerships and successfully achieving your mission, our professionals will help you assess and ensure the quality and reliability of the financial information used by your City Commission, management, citizens, vendors, creditors, and community partners.

We are committed to quality and excellence. Our mission is *“helping our clients achieve their goals.”* Our partners and senior managers are actively involved in the audit process to assure quick recognition and resolution of issues. We are committed to maintaining the highest standards of quality and professionalism. Our firm attracts the top auditing talent. The audit software we use is advanced and current. We do what is right, always following the highest level of integrity and ethical standards, developed over the last 50 years of government and related accounting experience.



FIRM QUALIFICATIONS
AND EXPERIENCE

QUALITY

As we become aware of new issues that may impact your industry, we will communicate the relevant information to you in a timely manner. Having the ability to meet with you and your team in-person on a regular basis allows us to help you evaluate your business and provide guidance on other business planning questions that may come up. Our methodology is the result of keeping our pulse on what is happening in our communities. Keeping our clients up-to-date and sharing relevant information is part of our philosophy that encompasses ongoing and pertinent communication with our clients.

As members of the American Institute of Certified Public Accountants (AICPA) and the Oregon Society of Certified Public Accountants (OSCPA), our team frequently utilizes the resources available to monitor developments pertinent to municipal audits. Because of our commitment and our ability to track these continual changes, and their specific application to your City, we believe we are the right accounting firm for you. The City of Oregon City will receive the complete attention of our client service team dedicated to serving organizations with similar requirements.

As a member of CPAMerica International, the 6th largest CPA network in the United States of America, we have an exclusive association with more than 80 leading independent accounting firms across the country and more than 310 offices around the world. Our association allows us to maintain a strong allegiance to our local community, while providing clients with national and international service.



There has been no disciplinary action taken against Aldrich or any of its CPAs, and there is no pending or settled litigation, during the past 3 years with state regulatory bodies or professional organizations.

MUNICIPAL AUDIT EXPERIENCE

Aldrich has a niche dedicated to governmental and nonprofit organizations. We currently serve hundreds of governmental and nonprofit organizations each year. We proactively obtain updates and adopt new accounting standards related to the Government Accounting Standards Board (GASB), and our methodology is the result of continuous research and improvement based on our experiences with clients.

Every industry has special characteristics, but the government sector is truly unique. The current operating environment requires enhanced fiscal transparency, a higher level of information, and assurance that the financial systems are serving to accomplish the organization's mission. At the same time, financial reporting requirements are growing more stringent. We are proud to have talented, experienced professionals who are knowledgeable about the unique financial reporting and operational risks faced by your organization. We have a responsive, hands-on approach. We know the issues you face because we are committed to serving municipal governments.

Aldrich has a long-standing history of auditing local governments in the State of Oregon with many partners and staff dedicated to serving this niche. With the addition of two senior managers and one manager in recent months who have almost 30 years of combined municipal auditing experience, Aldrich is seeking to expand this niche.

Annually, Aldrich performs more than a dozen single audits spanning a vast number of programs and federal agencies. We work closely with state agencies in Oregon to help our clients obtain guidance on preparing a complete and accurate schedule of expenditures of federal awards and to clarify compliance requirements. With multiple partners and staff on the municipal audit roster, Aldrich is also familiar with the requirements of Oregon Minimum Standards for Audits of Municipal Corporations.

Our team has experience with software programs unique to local governments including Caselle, Springbrook, Munis, Eden, and QuickBooks.

Aldrich CPAs + Advisors LLP is a member of the AICPA's Peer Review Program, which closely monitors overall professional excellence in the accounting industry and quality of services rendered. Aldrich has received the highest ranking possible for adherence to professional standards as measured by the peer review process. Aldrich CPAs + Advisors LLP did not receive a letter of comments.

Briscoe, Burke & Grigsby LLP
CERTIFIED PUBLIC ACCOUNTANTS

Report on the Firm's System of Quality Control

October 5, 2020

To the Partners of Aldrich CPAs + Advisors LLP
and the Oregon Society of CPAs

We have reviewed the system of quality control for the accounting and auditing practice of Aldrich CPAs + Advisors LLP (the firm) in effect for the year ended April 30, 2020. Our peer review was conducted in accordance with the Standards for Performing and Reporting on Peer Reviews established by the Peer Review Board of the American Institute of Certified Public Accountants (Standards). A summary of the nature, objectives, scope, limitations of, and the procedures performed in a System Review as described in the Standards may be found at www.aicpa.org/prsummary. The summary also includes an explanation of how engagements identified as not performed or reported in conformity with applicable professional standards, if any, are evaluated by a peer reviewer to determine a peer review rating.

Firm's Responsibility

The firm is responsible for designing a system of quality control and complying with it to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. The firm is also responsible for evaluating actions to promptly remediate engagements deemed as not performed or reported in conformity with professional standards, when appropriate, and for remediating weaknesses in its system of quality control, if any.

Peer Reviewer's Responsibility

Our responsibility is to express an opinion on the design of the system of quality control and the firm's compliance therewith based on our review.

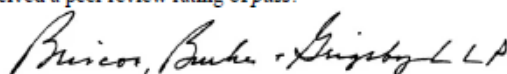
Required Selections and Considerations

Engagements selected for review included engagements performed under *Government Auditing Standards*, including compliance audits under the Single Audit Act and audits of employee benefit plans.

As a part of our peer review, we considered reviews by regulatory entities as communicated by the firm, if applicable, in determining the nature and extent of our procedures.

Opinion

In our opinion, the system of quality control for the accounting and auditing practice of Aldrich CPAs + Advisors LLP in effect for the year ended April 30, 2020, has been suitably designed and complied with to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Firms can receive a rating of *pass*, *pass with deficiency(ies)* or *fail*. Aldrich CPAs + Advisors LLP has received a peer review rating of *pass*.



Certified Public Accountants

Members American Institute of Certified Public Accountants
4120 East 51st Street Suite 100 Tulsa, Oklahoma 74135-3633 (918) 749-8337

EXPERIENCE AND
QUALIFICATIONS OF KEY
PERSONNEL

The biographies below are for the team members that will be overseeing the engagement. We select team members that are passionate in serving our clients and have a desire to help our clients achieve their goals. No complaints have been leveled against any of our team members, nor have any corrective actions been taken.

**Amy Fenerty, CPA**

Partner

OR CPA License #10252

Oregon Municipal Audit Roster #1632

Amy joined Aldrich in 2000 and is dedicated to serving governmental and non-profit organizations. She specializes in providing audit services, cash flow projections, internal control reviews, as well as accounting, regulatory and compliance requirements. She graduated from Oregon State University, holding a degree in Business Administration with a major in Accounting. Amy is a licensed municipal auditor with the Oregon Board of Accountancy, a member of the AICPA and maintains all necessary continuing education requirements.

Amy will be the quality control partner and assist with technical matters.

**Andy Maffia, CPA**

Partner

CA CPA License #93015

Oregon Municipal Audit Roster - *to be obtained by 6/30/22*

Andy joined Aldrich in 2002 and specializes in audits of organizations subject to government auditing standards, including single audits under the Uniform Guidance, agreed-upon procedures, consulting work, and attest work for closely held companies. Over his time in public accounting, Andy has served hundreds of nonprofits at all levels as an associate through partner. He is on the audit committee for the City of San Diego, an elected position with a term expiring December 2024. Andy is currently board president and serves on the executive, compliance, and finance committees of a local large nonprofit organization. He is also actively involved with many local organizations.

Andy will serve as the engagement partner overseeing the services provided.

EXPERIENCE AND
QUALIFICATIONS OF KEY
PERSONNEL**Jessica Luther-Haynes, CPA, CFE**

Senior Manager

OR CPA License #12570

Oregon Municipal Audit Roster #1495

Jessica joined Aldrich in 2022 and specializes in audits of cities and counties. In her 14 years of public accounting experience, Jessica has performed almost 100 audits of local governments and has served as quality control reviewer on dozens more. She has worked with numerous local governments in Oregon including, but not limited to, the City of Albany, Albany Revitalization Agency, City of Newport and Newport Urban Renewal Agency. Her single audit experience extends to the Coronavirus Relief Funds, Clean Water State Revolving Funds, Drinking Water State Revolving Funds, and other federal programs common to cities and counties. Jessica has extensive knowledge in implementing new GASB standards and in FY 2020, she assisted one of her clients in early implementing GASB 87, *Leases*.

Jessica will serve as the main point-of-contact for the audits. She will lead the audit team, draft the auditor's reports, review all audit workpapers and review the draft financial statements.

STAFF CONTINUITY

The abilities, strengths, and personal characteristics of our people are the foundation for our excellence in client service. Our philosophy is to hire people that fit our culture and service philosophy and retain them. We believe that consistent and knowledgeable staffing provides better value to you based on familiarity with your organization and establishing a positive relationship with your staff. We strive to maintain continuity of staff in leadership positions on our engagements to ensure efficiency and provide clients with accessible, knowledgeable, and competent advisors. This results in the development of long-term relationships with professionals that are knowledgeable about you, your people, and your mission.

Aldrich recognizes that engagement team continuity is important to you and to the quality of service provided. Our client service approach enables us to provide consistent staffing from year-to-year, from fieldwork to partner review. Our long-range plans do not include any changes that would negatively affect our service team or our firm's commitment to serve you or any of our other government clients.

If, during the course of our services, you request the rotation of the partner, manager, or senior associate on the engagement, we have the available resources to satisfy your request with minimal disruption to the audit process. The rotation of any of these positions will provide a fresh set of eyes and perspective on your operations, while still providing access to Aldrich's accumulated knowledge of your organization. We also emphasize objectivity and independence while maintaining the industry knowledge that is essential to understanding the uniqueness of your city. The members of our government and nonprofit audit and financial services team focus on government and nonprofit organizations, but also have experience working with other multi-faceted industries in the for-profit sector.

ALDRICH'S APPROACH IS MANAGEMENT-ORIENTED

Our audit approach goes beyond the numbers. Aldrich uses a risk-based audit approach specifically tailored to each client. Our audit procedures and techniques result from our ongoing commitment to developing more cost-effective auditing procedures.

We will gain an understanding of the City's internal controls and, based on our risk assessment, will perform audit procedures on the significant areas of your financial statements. Throughout the course of our work, we will remain alert to opportunities to improve the City's operations. Our management recommendation letters contain meaningful recommendations for improving systems and controls. However, we recognize that every government is unique, and will always adapt our audit approach and procedures to best fit your needs.



We do not anticipate using any association or affiliate member firm personnel to perform the requested services. We have team members within Aldrich who possess the skill and expertise needed to complete the audit.

FINANCIAL STATEMENT AUDIT

We view the financial statement audit as a collaborative and positive process, where both Aldrich and the City have the opportunity to learn from each other. Our approach to the financial statement audit is to tailor procedures specifically to the City, which is a result of our understanding of your mission and goals. We will gain an understanding of the key processes and related internal controls relevant to your organization and the impact of those controls on the financial statements. We will design analytical procedures that consider trends and key performance metrics that are meaningful to the City. This provides us with a more thorough understanding of the City in order to plan the substantive procedures and allows us to provide knowledgeable responses to your questions. A manager or senior manager performs a detailed review of the work papers in the field, and then a technical review is performed at the completion of the draft financial statements to ensure that the financial statements and disclosures are presented in accordance with appropriate accounting and financial reporting standards.

As a result of our experience with state and local governments, Aldrich has a well-developed approach to efficiently perform audits of this industry. Our work programs have been tailored to accomplish all our engagement objectives. They have been thoroughly tested on a variety of engagements and are constantly revised as we encounter new situations. In addition, our professionals are trained and experienced on how to apply our work programs. This will result in minimizing the effort required by you and your personnel.

We are committed to delivering the final report within a reasonable time frame from the completion of our fieldwork and in accordance with your specific needs, no later than December 15th. The following is a tentative schedule of when we anticipate the engagement to be performed for the first-year engagement.

FINANCIAL STATEMENT ATTEST TIMELINE	MAY - JUNE	JULY - AUG.	SEPT.- OCT.	NOV.- DEC.
Pre-audit conference with City Commission and management to obtain a further understanding of the City of Oregon City and develop a work plan.				
Pre-audit planning and risk assessment.				
Confirmations and completion of planning procedures.				
Preliminary fieldwork, including understanding internal controls and risk assessment.				
Final fieldwork for the financial statement audit.				
Delivery of draft reports to management.				
Delivery of final audit reports and management letter				
Presentation of the results to the City Commission and management if requested.				
File Data Collection Form with the Federal Audit Clearinghouse				

We routinely request client prepared financial information and supporting detailed schedules at least two weeks prior to the start of the audit. When we spend time in the field, we will require the support of the City's staff to answer any questions that may arise. The timeline above anticipates timely completion of the June 30, 2022 financial statement audit. The schedule for future years will be determined based on discussion with management at the conclusion of the initial year audit.

REFERENCES

We understand selecting the right professional services firm is an important decision and we believe Aldrich is best suited to meet your needs. Currently, we perform audit services for several governments, and the references provided below are for organizations with missions similar to the City's and that request similar services from Aldrich.

CURRENT CLIENTS:

DESCHUTES VALLEY WATER DISTRICT	Joel Gahrett <i>General Manager</i> Madras, OR (541) 475-3849
AMERICAN SAMOA TELECOMMUNICATIONS AUTHORITY	Chris Danielson <i>Accounting Manager</i> Pago Pago, AS (684) 633-9031

At this time, Aldrich's current client list consists of 11 entities, most being part of, or affiliated with, the California State University system, reporting under GASB with one being an Oregon municipality. As mentioned above under municipal audit experience, Aldrich is looking to expand its governmental and nonprofit niche. Aldrich recently hired two senior managers and one manager with almost 30 years of combined municipal auditing experience. Their experience is invaluable and will help expand the capacity Aldrich has to perform financial statement and single audits of government and nonprofit entities. Aldrich currently performs 33 Yellow Book audits and 19 single audits annually for clients in a wide variety of industries.

PAST CLIENTS:

KEIZER RURAL FIRE PROTECTION DISTRICT	Jeff Cowan <i>Fire Chief</i> Keizer, OR (503) 393-9111
CITY OF SAINT PAUL, ALASKA	Stephanie Mandregan <i>Finance Director</i> Saint Paul, AK (907) 546-3123

**PROPOSED FEES
FOR SERVICE**

We have estimated our fees for FY 2022-2026 on Attachment A. Our fee estimates anticipate adequate records and internal controls, full cooperation from your team, and that no unexpected circumstances should arise during the audit. The single audit fee on Attachment A includes the audit of the first major program. Additional major programs will be evaluated for complexity and a fee ranging from \$2,000 - \$4,000 per program established.

Based on the expectation of the quality of records that will be provided, we have made an estimate of fees as indicated on Attachment A. Our policy is to estimate our audit fees at an amount that is competitive but enables us to be responsive to your needs and provide high quality professional services. Our audit fees are based on your staff preparing the audit work papers and schedules necessary to support the accounts and the related notes to the financial statements. For additional information regarding the proposed fees see Attachment A.

Our fees do not include any provision for non-attest and accounting services. Our goal is for you to pay only the cost of auditing your financial records and not to pay for the cost of "closing the books." We accomplish this by having you provide us with a complete set of your internal financial statements to examine prior to the start of the audit. In addition, schedules and adjustments you prepare prior to the start of the engagement will help to contain and control costs. Should any unexpected circumstances or extraordinary items come to our attention which would require an extension of our services, we will consult with you concerning such extensions and any additional fees.

The hourly rates have been discounted in the fee proposal (Attachment A). Our standard billing rates for special requests, special reports, and/or for broadening the scope of the engagement for all levels of personnel are as follows:

Level	2022
Partner	\$425
Manager	\$275
Senior	\$225
Associate	\$175

There will be no additional charge for incremental costs (e.g. travel, mileage, copying, printing, etc.). We encourage all our clients to connect with us throughout the year with questions. Most (95%+ of the time), these questions can be answered by our team with little or no research and there is no additional charge for that communication. If there is a matter that requires substantial research, we will estimate a fee based on the anticipated time necessary at our standard hourly rates and provide that in advance to any work being done

HOW WE PROVIDE VALUE

Aldrich has built our audit approach to be much more robust than just providing an opinion. We see each client relationship as a partnership where we can share our knowledge and expertise. Often that extends well beyond just audit. Aldrich is a full-service professional firm and has provided value to our clients by:

- ▶ Providing oversight and governance presentations to our clients' board of directors
- ▶ Being engaged in our clients' programs, activities, and special events through volunteering
- ▶ Providing proactive trainings to our clients for new standards or regulatory changes
- ▶ Giving cost savings suggestions and recommendations around vendor contracts
- ▶ Structuring health benefits to employees that allow for robust benefits in a cost-effective manner

Aldrich works closely with clients to determine the optimum amount of time spent onsite and offsite performing audit procedures. Our technology enables us to perform an audit in a fully remote environment, but each client is different, so we strive to develop a plan with the client to determine the best approach. We utilize the electronic information generated from your information systems and the schedules already prepared by your employees in our audit procedures to minimize duplication of effort and to streamline the audit process. We offer a web-based portal which allows our clients to store and access information, including your audited financial statements, electronically throughout the year.

ATTACHMENT A: FEE PROPOSAL

In accordance with the Request for Proposals for Professional Auditing Services, the firm referenced below submits the following hourly fee quotation and hours proposed for all positions to be assigned to the audit:

Fee for Fiscal Year End June 30, 2022:

<i>Key Personnel</i>	<i>F/S Audit Hours</i>	<i>Component Unit Audit Hours</i>	<i>Joint Venture Audit Hours</i>	<i>Single Audit Hours</i>	<i>Total Hours</i>	<i>Hourly Rate</i>	<i>Total</i>
Engagement Partner	10	2	4	4	20	\$375	\$7,500
Engagement Manager	110	5	20	20	155	\$195	\$30,225
Engagement Senior	40	6	20	10	76	\$175	\$13,300
Engagement Staff	145	20	60	20	245	\$155	\$37,975
Clerical/Support Staff	1	1	1	1	4	\$150	\$600
Other	0	0	0	0	0	0	0

In accordance with the Request for Proposals for Professional Auditing Services, the firm referenced below submits the following cost proposal for the term of the contract:

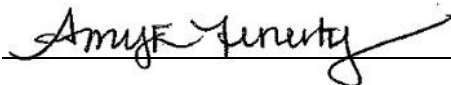
Fee proposal for Fiscal Years Ending June 30th,

	<i>2022</i>	<i>2023</i>	<i>2024</i>	<i>2025</i>	<i>2026</i>
Financial Statement Audit	\$54,825	\$56,450	\$59,900	\$61,700	\$63,500
Component Unit Audit	\$6,025	\$6,150	\$6,300	\$6,500	\$6,700
Joint Venture Audit	\$18,350	\$18,900	\$19,450	\$20,050	\$20,650
Single Audit	\$10,400	\$10,700	\$11,025	\$11,350	\$11,700
Cost of Supplies and Materials	--	--	--	--	--
Additional Fees (if applicable*)	N/A	N/A	N/A	N/A	N/A
Routine Technical Assistance	Included	Included	Included	Included	Included
Total	\$89,600	\$92,200	\$96,675	\$99,600	\$102,550

*Technical assistance, as needed, is expected from the audit firm throughout the fiscal year that may include inquiries regarding accounting, reporting and internal control issues. If fees related to this technical assistance are not included in the firm's financial statement audit fee, please include them here.

I hereby certify that the undersigned is authorized to represent the firm stated below, and empowered to submit this bid, and if selected, authorized to sign a contract for the services identified in the RFP.

Firm Name: Aldrich CPAs + Advisors LLP

Signature: 

Printed Name: Amy Fenerty

Title: Partner

Date: April 6, 2022

Email Address: Afenerty@aldrichadvisors.com

**CITY OF OREGON CITY
PERSONAL SERVICES AGREEMENT****PROJECT NAME (PS/CI _____)**

This PERSONAL SERVICES AGREEMENT ("Agreement") is entered into between the CITY OF OREGON CITY ("City") and **Aldrich CPAs + Advisors LLP** ("Consultant").

RECITALS

A. City requires services that Consultant is capable of providing under the terms and conditions hereinafter described.

B. Consultant is able and prepared to provide such services as City requires under the terms and conditions hereinafter described.

The parties agree as follows:

AGREEMENT

1. Term. The term of this Agreement shall be from the date the contract is fully executed until **June 30, 2026**, unless sooner terminated pursuant to provisions set forth below. However, such expiration shall not extinguish or prejudice City's right to enforce this Agreement with respect to (i) breach of any warranty; or (ii) any default or defect in Consultant's performance that has not been cured.

2. Compensation. City agrees to pay Consultant on a time-and-materials basis for the services required. Total compensation, including reimbursement for expenses incurred, shall not exceed **write out dollar amount (\$_____)**.

3. Scope of Services. Consultant's services under this Agreement shall consist of services as detailed in Exhibit A, attached hereto and by this reference incorporated herein.

4. Standard Conditions. This Agreement shall include all of the standard conditions as detailed in Exhibit B, attached hereto and by this reference incorporated herein.

5. Schedule. The components of the project described in the Scope of Services shall be completed according to Term, above.

6. Integration. This Agreement, along with the description of services to be performed attached as Exhibit A and the Standard Conditions to Oregon City Personal Services Agreement attached as Exhibit B, contain the entire agreement between and among the parties, integrate all the terms and conditions mentioned herein or incidental hereto, and supersede all prior written or oral discussions or agreements between the parties or their predecessors-in-interest with respect to all or any part of the subject matter hereof.

7. Notices. Any notices, bills, invoices, reports or other documents required by this Agreement shall be sent by the parties by United States mail, by hand delivery or by electronic means. All notices shall be in writing and shall be effective when delivered. If mailed, notices shall be deemed effective forty-eight (48) hours after mailing, unless sooner received.

To the City:

City of Oregon City
625 Center Street
Oregon City, OR 97045
Attention: Ryan Bredehoeft

To Consultant:

Aldrich CPAS + Advisors LLP
5665 SW Meadows Road Ste. 140
Lake Oswego, OR 97035
Attention: Amy Fenerty, CPA

Consultant shall be responsible for providing the City with a current address. Either party may change the address set forth in this Agreement by providing notice to the other party in the manner set forth above.

8. Governing Law. This Agreement shall be governed and construed in accordance with the laws of the state of Oregon without resort to any jurisdiction's conflicts of law, rules or doctrines.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their duly appointed officers on this _____ day of _____, 20____.

CITY OF OREGON CITY

Aldrich CPAs + Advisors LLP

By: _____

Matthew R. Zook, MBA

Title: Finance Director

DATED: _____, 20____.

By: _____

Name: _____

Title: _____

By: _____

Anthony J. Konkol III

Title: City Manager

DATED: _____, 20____.

DATED: _____, 20____.

ORIGINAL CITY COMMISSION APPROVAL (IF APPLICABLE):

DATE: _____

APPROVED AS TO LEGAL SUFFICIENCY:

By: _____

City Attorney

\\depot\Departments\PublicWorks\Forms\Contract & Bid Documents\Contract Boiler Plates - Bid Documents\Professional Service Agreements\Templates\Form - PSA_Consultant.docx

STANDARD CONDITIONS TO OREGON CITY PERSONAL SERVICES AGREEMENT

Item 7c.

1. Consultant Identification. Consultant shall furnish to City its taxpayer identification number, as designated by the Internal Revenue Service, or Consultant's social security number, as City deems applicable.

2. Payment.

(a) Invoices submitted in connection with this Agreement shall be properly documented and shall identify the pertinent agreement and/or purchase order numbers.

(b) City agrees to pay Consultant within thirty (30) days after receipt of Consultant's itemized statement. Amounts disputed by City may be withheld pending settlement.

(c) City certifies that sufficient funds are available and authorized for expenditure to finance the cost of the services to be provided pursuant to this Agreement.

(d) City shall not pay any amount in excess of the compensation amounts set forth in this Agreement, nor shall City pay Consultant any fees or costs that City reasonably disputes.

3. Independent Contractor Status.

(a) Consultant is an independent contractor and is free from direction and control over the means and manner of providing labor or services, subject only to the specifications of the desired results.

(b) Consultant represents that it is customarily engaged in an independently established business and is licensed under ORS chapter 671 or 701, if the services provided require such a license. Consultant maintains a business location that is separate from the offices of the City and bears the risk of loss related to the business as demonstrated by the fixed price nature of the contract, requirement to fix defective work, warranties provided and indemnification and insurance provisions of this Agreement. Consultant provides services for two or more persons within a 12 month period or routinely engages in advertising, solicitation or other marketing efforts. Consultant makes a significant investment in the business by purchasing tools or equipment, premises or licenses, certificates or specialized training and

Consultant has the authority to hire or fire persons to provide or assist in providing the services required under this Agreement.

(c) Consultant is responsible for obtaining all assumed business registrations or professional occupation licenses required by state or local law (including applicable City or Metro business licenses as per Oregon City Municipal Code Chapter 5.04). Consultant shall furnish the tools or equipment necessary for the contracted labor or services. Consultant agrees and certifies that:

(d) Consultant is not eligible for any federal social security or unemployment insurance payments. Consultant is not eligible for any PERS or workers' compensation benefits from compensation or payments made to Consultant under this Agreement.

(e) Consultant agrees and certifies that it is licensed to do business in the State of Oregon and that, if Consultant is a corporation, it is in good standing within the State of Oregon.

4. Early Termination.

(a) This Agreement may be terminated without cause prior to the expiration of the agreed-upon term by mutual written consent of the parties or by the City upon ten (10) days written notice to the Consultant, delivered by certified mail, email, or in person.

(b) Upon receipt of notice of early termination, Consultant shall immediately cease work and submit a final statement of services for all services performed and expenses incurred since the date of the last statement of services.

(c) Any early termination of this Agreement shall be without prejudice to any obligation or liabilities of either party already accrued prior to such termination.

(d) The rights and remedies of the City provided in this Agreement and relating to defaults by Consultant shall not be exclusive and are in addition to any other rights and remedies provided by law or under this Agreement.

5. No Third-Party Beneficiaries. City and

**STANDARD CONDITIONS TO OREGON CITY
PERSONAL SERVICES AGREEMENT**

Item 7c.

Consultant are the only parties to this Agreement and are the only parties entitled to enforce its terms. Nothing in this Agreement gives, is intended to give, or shall be construed to give or provide, any benefit or right, whether directly or indirectly or otherwise, to third persons unless such third persons are individually identified by name herein and expressly described as intended beneficiaries of the terms of this Agreement.

6. Payment of Laborers; Payment of Taxes.

(a) Consultant shall:

(i) Make payment promptly, as due, to all persons supplying to Consultant labor and materials for the prosecution of the services to be provided pursuant to this Agreement.

(ii) Pay all contributions or amounts due to the State Accident Insurance Fund incurred in the performance of this Agreement.

(iii) Not permit any lien or claim to be filed or prosecuted against the City on account of any labor or materials furnished.

(iv) Be responsible for all federal, state, and local taxes applicable to any compensation or payments paid to Consultant under this Agreement and, unless Consultant is subject to back-up withholding, the City will not withhold from such compensation or payments any amount(s) to cover Consultant's federal or state tax obligation.

(v) Pay all employees at least time and one-half for all overtime worked in excess of forty (40) hours in any one week, except for individuals excluded under ORS 653.100 to 653.261 or under 29 U.S.C. §§ 201 to 209 from receiving overtime.

(b) If the Consultant fails, neglects or refuses to make prompt payment of any claim for labor or services furnished by any person in connection with this Agreement as such claim becomes due, the City may pay such claim to the person furnishing the labor or services and shall charge the amount of the payment against funds due or to become due to the Consultant by reason of this Agreement.

(c) The payment of a claim in this manner

shall not relieve Consultant or Consultant's surety from obligation with respect to any unpaid claims.

(d) Consultant and subconsultants, if any, are subject employers under the Oregon workers' compensation law and shall comply with ORS 656.017, which requires provision of workers' compensation coverage for all workers.

7. Subconsultants and Assignment.

Consultant shall neither subcontract any of the work, nor assign any rights acquired hereunder, without obtaining prior written approval from the City. The City, by this Agreement, incurs no liability to third persons for payment of any compensation provided herein to the Consultant.

8. Access to Records. City shall have access to all books, documents, papers and records of Consultant that are pertinent to this Agreement for the purpose of making audits, examinations, excerpts and transcripts.

9. Ownership of Work Product; License. All work products of Consultant that result from this Agreement (the "Work Products") are the exclusive property of City. In addition, if any of the Work Products contain intellectual property of Consultant that is or could be protected by federal copyright, patent, or trademark laws, or state trade secret laws, Consultant hereby grants City a perpetual, royalty-free, fully paid, nonexclusive and irrevocable license to copy, reproduce, deliver, publish, perform, dispose of, use and re-use, in whole or in part (and to authorize others to do so), all such Work Products and any other information, designs, plans, or works provided or delivered to City or produced by Consultant under this Agreement. The parties expressly agree that all works produced (including, but not limited to, any taped or recorded items) pursuant to this Agreement are works specially commissioned by City, and that any and all such works shall be works made for hire in which all rights and copyrights belong exclusively to City. Consultant shall not publish, republish, display or otherwise use any work or Work Products resulting from this Agreement without the prior written agreement of City.

10. Compliance With Applicable Law.

Consultant shall comply with all federal, state, and

STANDARD CONDITIONS TO OREGON CITY PERSONAL SERVICES AGREEMENT (4/2017)

Page 2 of 5

STANDARD CONDITIONS TO OREGON CITY PERSONAL SERVICES AGREEMENT

Item 7c.

local laws and ordinances applicable to the services to be performed pursuant to this Agreement, including, without limitation, the provisions of ORS 279B.220, 279C.515, 279B.235, 279B.230 and 279B.270. Without limiting the generality of the foregoing, Consultant expressly agrees to comply with (i) Title VI of the Civil Rights Act of 1964; (ii) Section V of the Rehabilitation Act of 1973; (iii) the Americans With Disabilities Act of 1990 (Pub. L No. 101-336), ORS 659.425, and all regulations and administrative rules established pursuant to those laws; and (iv) all other applicable requirements of federal and state civil rights and rehabilitation and other applicable statutes, rules and regulations.

11. Professional Standards. Consultant shall be responsible, to the level of competency presently maintained by others practicing in the same type of services in City's community, for the professional and technical soundness, accuracy and adequacy of all services and materials furnished under this authorization.

12. Modification, Supplements or Amendments. No modification, change, supplement or amendment of the provisions of this Agreement shall be valid unless it is in writing and signed by the parties hereto.

13. Indemnity and Insurance.

(a) Indemnity. Consultant acknowledges responsibility for liability arising out of Consultant's negligent performance of this Agreement and shall hold City, its officers, agents, Consultants, and employees harmless from, and indemnify them for, any and all liability, settlements, loss, costs, and expenses, including attorney fees, in connection with any action, suit, or claim caused or alleged to be caused by the negligent acts, omissions, activities or services by Consultant, or the agents, Consultants or employees of Consultant provided pursuant to this Agreement.

(b) Workers' Compensation Coverage. Consultant certifies that Consultant has qualified for workers' compensation as required by the State of Oregon. Consultant shall provide the Owner, within ten (10) days after execution of this Agreement, a certificate of insurance evidencing coverage of all subject workers under Oregon's

workers' compensation statutes. The insurance certificate and policy shall indicate that the policy shall not be terminated by the insurance carrier without thirty (30) days' advance written notice to City. All agents or Consultants of Consultant shall maintain such insurance.

(c) Comprehensive, General, and Automobile Insurance. Consultant shall maintain comprehensive general and automobile liability insurance for protection of Consultant and City and for their directors, officers, agents, and employees, insuring against liability for damages because of personal injury, bodily injury, death, and broad-form property damage, including loss of use, and occurring as a result of, or in any way related to, Consultant's operation, each in an amount not less than \$2,000,000 combined, single-limit, per-occurrence/annual aggregate. Such insurance shall name City as an additional insured, with the stipulation that this insurance, as to the interest of City, shall not be invalidated by any act or neglect or breach of this Agreement by Consultant.

(d) Errors and Omissions Insurance. Consultant shall provide City with evidence of professional errors and omissions liability insurance for the protection of Consultant and its employees, insuring against bodily injury and property damage arising out of Consultant's negligent acts, omissions, activities or services in an amount not less than \$500,000 combined, single limit. Consultant shall maintain in force such coverage for not less than three (3) years following completion of the project. Such insurance shall include contractual liability.

Within ten (10) days after the execution of this Agreement, Consultant shall furnish City a certificate evidencing the dates, amounts, and types of insurance that have been procured pursuant to this Agreement. Consultant will provide for not less than thirty (30) days' written notice to City before the policies may be revised, canceled, or allowed to expire. Consultant shall not alter the terms of any policy without prior written authorization from City. The provisions of this subsection apply fully to Consultant and its Consultants and agents.

14. Legal Expenses. In the event legal action is brought by City or Consultant against the other to enforce any of the obligations hereunder or arising

**STANDARD CONDITIONS TO OREGON CITY
PERSONAL SERVICES AGREEMENT**

Item 7c.

out of any dispute concerning the terms and conditions hereby created, the losing party shall pay the prevailing party such reasonable amounts for attorney fees, costs, and expenses as may be set by a court. "Legal action" shall include matters subject to arbitration and appeals.

15. Severability. The parties agree that, if any term or provision of this Agreement is declared by a court to be illegal or in conflict with any law, the validity of the remaining terms and provisions shall not be affected.

16. Number and Gender. In this Agreement, the masculine, feminine or neuter gender, and the singular or plural number, shall be deemed to include the others or other whenever the context so requires.

17. Captions and Headings. The captions and headings of this Agreement are for convenience only and shall not be construed or referred to in resolving questions of interpretation or construction.

18. Hierarchy. The conditions contained in this document are applicable to every Personal Services Agreement entered into by the City of Oregon City in the absence of contrary provisions. To the extent there is a conflict, the terms of the Personal Services Agreement will control over the terms of the standard conditions. To the extent there is a conflict between the terms of the standard conditions and any other document, including the scope of services, the terms of the standard conditions shall control those other terms.

19. Calculation of Time. All periods of time referred to herein shall include Saturdays, Sundays and legal holidays in the State of Oregon, except that, if the last day of any period falls on any Saturday, Sunday or legal holiday, the period shall be extended to include the next day that is not a Saturday, Sunday or legal holiday.

20. Notices. Any notices, bills, invoices, reports or other documents required by this Agreement shall be sent by the parties by United States mail, postage prepaid, or personally delivered to the addresses listed in the Agreement attached hereto. All notices shall be in writing and

shall be effective when delivered. If mailed, notices shall be deemed effective forty-eight (48) hours after mailing, unless sooner received.

21. Nonwaiver. The failure of City to insist upon or enforce strict performance by Consultant of any of the terms of this Agreement or to exercise any rights hereunder shall not be construed as a waiver or relinquishment to any extent of its rights to assert or rely upon such terms or rights of any future occasion.

22. Information and Reports. Consultant shall, at such time and in such form as City may require, furnish such periodic reports concerning the status of the project, such statements, certificates, approvals, and copies of proposed and executed plans and claims, and other information relative to the project as may be requested by City. Consultant shall furnish City, upon request, with copies of all documents and other materials prepared or developed in relation with or as a part of the project. Working papers prepared in conjunction with the project are the property of City, but shall remain with Consultant. Copies as requested shall be provided free of cost to City.

23. City's Responsibilities. City shall furnish Consultant with all available necessary information, data, and materials pertinent to the execution of this Agreement. City shall cooperate with Consultant in carrying out the work herein and shall provide adequate staff for liaison with Consultant.

24. Arbitration.

All disputes arising out of or under this Agreement shall be timely submitted to nonbinding mediation prior to commencement of any other legal proceedings. The subsequent measures apply if disputes cannot be settled in this manner.

(a) Any dispute arising out of or under this Agreement shall be determined by binding arbitration.

(b) The party desiring such arbitration shall give written notice to that effect to the other party and shall in such notice appoint a disinterested person of recognized competence in the field as arbitrator on its behalf. Within fifteen (15) days

**STANDARD CONDITIONS TO OREGON CITY
PERSONAL SERVICES AGREEMENT**

Item 7c.

thereafter, the other party may, by written notice to the original party, appoint a second disinterested person of recognized competence as arbitrator on its behalf. The arbitrators thus appointed shall appoint a third disinterested person of recognized competence, and the three arbitrators shall, as promptly as possible, determine such matter, provided, however, that:

(i) If the second arbitrator is not appointed as described above, then the first arbitrator shall proceed to determine such matter; and

(ii) If the two arbitrators appointed by the parties are unable to agree, within fifteen (15) days after the second arbitrator is appointed, on the appointment of a third arbitrator, they shall give written notice of such failure to agree to the parties and, if the parties fail to agree on the selection of the third arbitrator within fifteen (15) days after the arbitrators appointed by the parties give notice, then, within ten (10) days thereafter, either of the parties, on written notice to the other party, may request such appointment by the presiding judge of the Clackamas County Circuit Court.

(c) Each party shall each be entitled to present evidence and argument to the arbitrators. The determination of the majority of the arbitrators or the sole arbitrator, as the case may be, shall be conclusive on the parties, and judgment on the same may be entered in any court having jurisdiction over the parties. The arbitrators or the sole arbitrator, as the case may be, shall give written notice to the parties, stating the arbitration determination, and shall furnish to each party a signed copy of such determination.

Arbitration proceedings shall be conducted pursuant to ORS 33.210 et seq. and the rules of the American Arbitration Association, except as provided otherwise.

(d) Each party shall pay the fees and expenses of the arbitrator appointed by such party and one-half of the fees and expenses of the third arbitrator, if any.

25. Governing Law. This Agreement shall be governed and construed in accordance with the laws of the state of Oregon without resort to any jurisdiction's conflicts of law, rules or doctrines.



CITY OF OREGON CITY

Staff Report

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

To: City Commission
From: Public Works Director John M. Lewis, PE

Agenda Date: 06/01/2022

SUBJECT:

Public Improvement Contract with R.L. Reimers Company for the Scattering Canyon Water Quality/Channel Stabilization Project (CI 19-012)

STAFF RECOMMENDATION:

Award the bid and authorize the City Manager to execute the Public Improvement Contract with R.L. Reimers Company in the amount of \$352,523.66 for construction of the Scattering Canyon Water Quality/Channel Stabilization Project (CI 19-012).

EXECUTIVE SUMMARY:

The Scattering Canyon Water Quality/Channel Stabilization Project includes stormwater improvements to stabilize the existing stream channel located at Mountain View Cemetery to improve water quality and reduce channel down cutting.

BACKGROUND:

The project site is located along an unnamed tributary to Newell Creek, commonly referred to as Scattering Canyon, located at Mountain View Cemetery in Oregon City. The purpose of the project is to stabilize the existing stream channel at this site to improve water quality and reduce channel down cutting. Aesthetics and access are important to the project, as the project site is used as a spiritual visiting place for patrons of the adjacent cemetery to scatter ashes of loved ones.

On April 11 and 13, 2022, the project was advertised in the *Daily Journal of Commerce* and on the City bid site in accordance with City and State contracting procedures. The bid opening was held on May 12, 2022, and three (3) bids were received. Staff reviewed the bids and determined that R.L. Reimers Company was the low responsive bidder. The contract award value is three hundred and fifty-two thousand five hundred and twenty-three dollars and sixty-six cents (\$352,523.66).

The list below includes the bidders and bid amounts received for this project:

R.L. Reimers Company	\$352,523.66
Icon Construction & Development	\$386,244.50
Sambar Construction LLC	\$323,601.75
Engineer's Estimate	\$264,571.50

The City has evaluated the bids and has determined that Sambar Construction LLC was unresponsive due to a mistake where the intended correct bid was not evident. Addendum No. 1 included a new bid schedule, which amended the list of bid items. When published the formatting of the bid schedule became slightly off, with one bid item above the header on page 2 but did include a box for the unit price and total cost for the bid item above the header. As the price for that bid item was not evident (left blank) in the Sambar Construction LLC bid, that made the bid non-responsive. The bidding was close, and the responsive and responsible low bidder was R.L. Reimers Company at \$352,523.66, 33.2% higher than the engineer's estimate.

Construction will occur in the Summer of 2022, and work is anticipated to be completed by Fall 2022.

OPTIONS:

1. Authorize the City Manager to execute the Contract.
2. Authorize the City Manager to execute the Contract with specific modifications.
3. Deny the Contract. If the Commission chooses to deny the Contract, staff requests direction on how to proceed.

BUDGET IMPACT:

Amount: \$352,523.66
 FY(s): 2022/2023
 Funding Source(s): Stormwater Fund

SECTION III A **CONTRACT AGREEMENT**

This Agreement, made and entered into this _____ day of _____, 20____, between the CITY OF OREGON CITY (“CITY”), acting by and through the City Commission and **R.L. REIMERS COMPANY** (“CONTRACTOR”).

Witnesseth, that the CONTRACTOR and the CITY, for the considerations stated herein, agree as follows:

ARTICLE I - Scope of Work

The CONTRACTOR hereby agrees to furnish all of the materials, equipment, and labor necessary, and to perform all of the work for the project entitled: **SCATTERING CANYON WATER QUALITY/CHANNEL STABILIZATION PROJECT (CI 19-012)** in accordance with the contract documents which are hereby made a part of this agreement.

The contract documents consist of:

Invitation to Bid Scope of Work Instructions to Bidders Bid Proposal and Bid Schedule Compliance with ORS 279C.840 Resident Bidder Status Certification of Drug Testing Program Non-Collusion Statement Asbestos Certification Registrations Certification of Non-Discrimination Certification of Compliance with Tax Law Bidder Responsibility Form Bid Bond First Tier Subcontractor Disclosure Form Customer Service Acknowledgment Form Contract Agreement Oregon City Public Improvement Standard Conditions	Statutory Conditions to Contract Agreement Performance Bond Payment Bond State of Oregon Statutory Public Works Bond General Conditions Prevailing Wage Rates for Public Works Contracts in Oregon, dated January 1, 2022 Amendments to the Prevailing Wage Rates for Public Works Contracts in Oregon dated April 1, 2022 Prevailing Wage Apprenticeship Rates dated January 1, 2022 Definitions of Covered Occupations for Public Works Contracts in Oregon dated July 1, 2018 Special Provisions Contract Drawings City of Oregon City Standard Details Technical Specifications 2018 Oregon Standard Specifications for Construction (ODOT and APWA) as referenced by these documents Addendum 1 – Posted May 6, 2022 All items included within these Contract Documents.
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The order of items cited above does not constitute an order of precedence different than that established in the special or standard specifications. Equivalent titles, which may be substituted for the above listed items, are included as if specifically named.

ARTICLE II - Time of Completion

The project shall be substantially complete by September 30, 2022, and ready for final acceptance by October 8, 2022, as identified in 00180.50(b) of the Special Provisions.

ARTICLE III – Contract Amount

The Contract Amount for the work covered by this Agreement is estimated to be **three hundred and fifty-two thousand, five hundred and twenty-three dollars and sixty-six cents (\$352,523.66)**.

ARTICLE IV - Warranty and Quality of Work

In addition to all other warranties, express or implied, that are part of this Agreement, the Contractor expressly warrants to the City for a period of one year from acceptance of the work by the City that all materials and equipment furnished under this contract will be new, unless otherwise specified, and that the work will be of good quality, free from faults and defects and in conformance with the City's specifications. Work that does not conform to these standards shall be considered defective.

Contractor shall, at its own expense, make good and repair any and all defects arising from faulty workmanship or materials, if the defective work is discovered within the one-year warranty period and notice thereof is given to the Contractor within 60 days after the expiration of the warranty period. If required by the City, the Contractor shall furnish satisfactory evidence as to the kind and quality of materials and equipment used to repair the defect.

In witness whereof, the parties hereto have executed this agreement, the day and year first above written.

CITY OF OREGON CITY**R.L. REIMERS COMPANY**

by: _____
Anthony J. Konkol III
City Manager

by: _____
John M. Lewis, P.E.
Public Works Director

Approved as to Legal Sufficiency:

by: _____
City Attorney

Printed Name

by: _____
Authorized signature

Title

Federal Taxpayer ID Number

Title

Date

Federal Taxpayer ID Number

Address:

City Commission Award Date:

SCATTERING CANYON STORMWATER IMPROVEMENTS

PREPARED FOR:
CITY OF OREGON CITY, OREGON
JUNE, 2021
100% DESIGN SET

PROJECT TEAM

OWNER

Oregon City, Dept. of Public Works
Dante Posadas, Project Manager
13895 Fir Street, Oregon 97045
PHONE: 503-974-5518

PROJECT MANAGEMENT

Brown and Caldwell
Ryan Retzlaff
6500 SW Macadam Avenue Portland, Oregon
97239 PHONE: 503-977-6645

SITE LOCATION

MT. VIEW CEMETERY
500 HILDA STREET
OREGON CITY, OREGON 97045



VICINITY MAP

SCALE: NTS



SHEET INDEX

- C-001 - PROJECT COVER SHEET
- C-101 - EXISTING CONDITIONS AND PAVING PLAN
- C-201 - CHANNEL PLAN AND PROFILE STA. 1+00 TO STA. 2+15
- C-202 - CHANNEL PLAN AND PROFILE STA. 2+15 TO STA. 3+05
- C-301 - TYPICAL SECTIONS
- C-302 - CROSS SECTIONS
- C-303 - EROSION & SEDIMENT CONTROL STANDARD DETAILS 1
- C-304 - EROSION & SEDIMENT CONTROL STANDARD DETAILS 2
- C-401 - EROSION AND SEDIMENT CONTROL PLAN
- L-101 - LANDSCAPE PLAN 1
- L-102 - LANDSCAPE PLAN 2
- L-103 - LANDSCAPE DETAILS

GENERAL NOTES

1. TOPOGRAPHIC SURVEY WAS PERFORMED BY WEDDLE SURVEYING. DATE: DECEMBER 15, 2015
2. ELEVATION DATUM: NGVD 2847.
3. BENCHMARK: CITY OF OREGON CITY BENCHMARK No. 0031, A 5/8" IRON WITH A YELLOW PLASTIC CAP INSIDE A MONUMENT WELL AT THE INTERSECTION OF BARCLAY HILLS DRIVE AND JASON LEE ROAD.
4. THIS IS NOT A RECORDABLE BOUNDARY SURVEY.
5. NORTH ORIENTATION IS ASSUMED AND WAS DERIVED FROM AERIAL MAPPING.
6. ANY OTHER RELEVANT SURVEY INFORMATION CAN BE FOUND IN THE 95% DESIGN, SHEET C-101.
7. ALL CONSTRUCTION AND MATERIALS SHALL CONFORM TO THE 2018 EDITION OF THE OREGON STANDARD SPECIFICATIONS FOR CONSTRUCTION (HEREAFTER REFERRED TO AS "STANDARD SPECIFICATIONS").

PROJECT DESCRIPTION

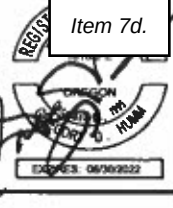
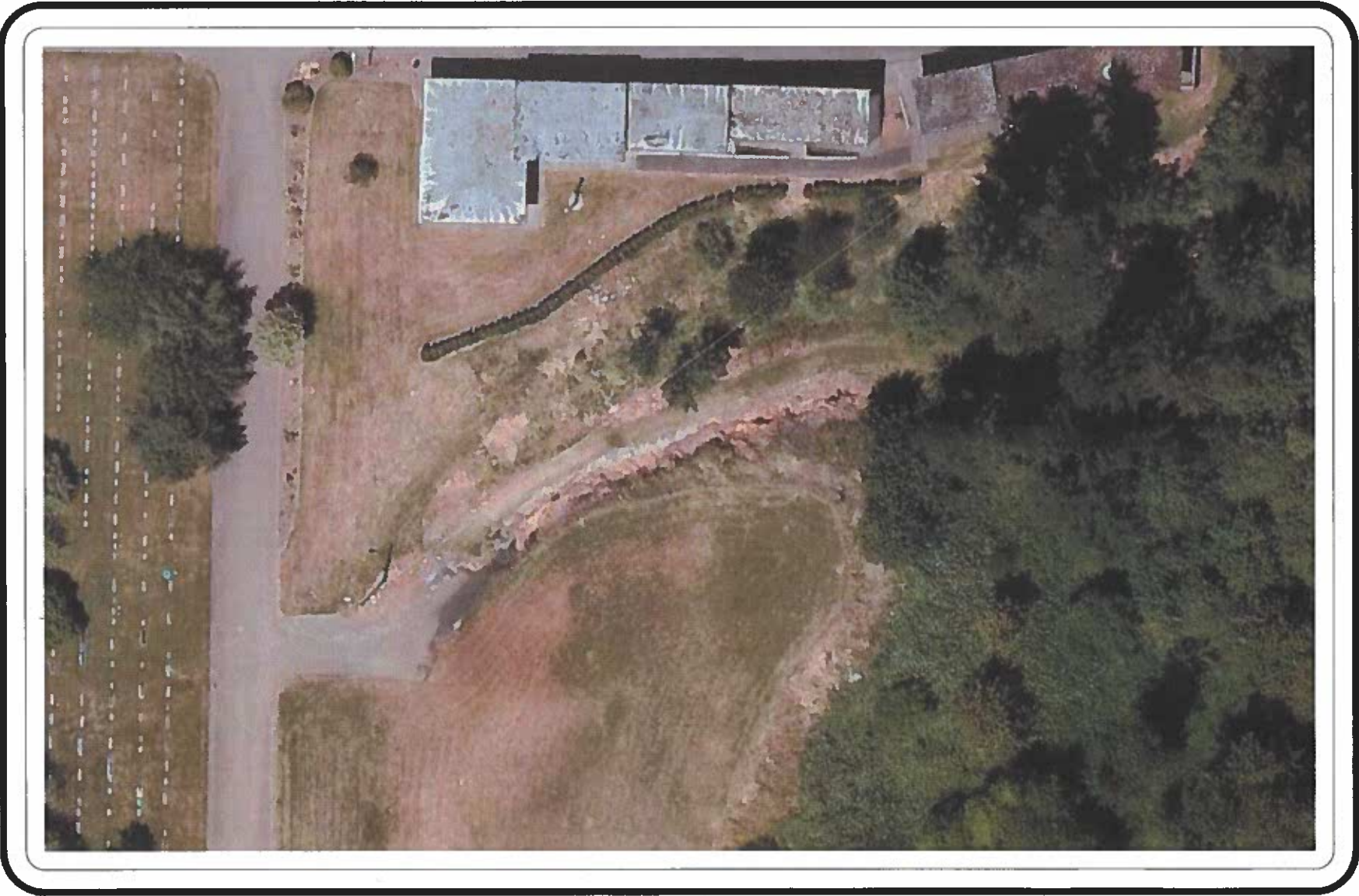
THESE DRAWINGS PROVIDE 100% DESIGN LEVEL DETAILS FOR THE STABILIZATION OF THE SCATTERING CANYON STREAM CHANNEL, LOCATED IN OREGON CITY, OREGON, IN ORDER TO IMPROVE WATER QUALITY AND REDUCE CHANNEL DOWN CUTTING. WORK SHALL CONSIST OF REMOVAL OF THE EXISTING OUTFALL PIPE AND REPLACEMENT WITH A SEDIMENTATION MANHOLE AND NEW 12" PIPE, CONSTRUCTION OF AN ENERGY DISSIPATION FOREBAY, CONSTRUCTION OF 14 ROCK DROP STRUCTURES, 1 BOULDER WEIR AND 1 BURIED GRADE CONTROL STRUCTURE. REMOVAL OF THREE TREES, AND REGRADING OF CHANNEL SIDE SLOPES. THE EXISTING ASPHALT PAD WILL BE REMOVED AND REPLACED, AND THE DIRT ROAD NORTH OF THE CHANNEL WILL NOT BE IMPACTED.

WORKING HOURS

TYPICAL WORKING HOURS ARE M-F 7-6 PM. THE CITY RESERVES THE RIGHT TO MODIFY WORKING HOURS AND DAYS WITH 24 HOUR NOTICE TO CONTRACTOR, AS AN ACTIVE CEMETERY CONSIDERATION NEEDS TO BE PROVIDED TO THOSE EXPERIENCING A LOSS.

PROJECT SITE

SCALE: NTS



PROJECT INFORMATION
PROVIDED
OC PROJECT #: CI 19-012
SCATTERING CANYON STORMWATER
IMPROVEMENTS
PROJECT COVER SHEET

REVISIONS	DATE	DESCRIPTION



SIGNATURE
NAME: _____
DATE: 6/04/2021
OC RECORD DRAWING#: XXXXXX.XX
DRAWING NUMBER: _____
Page 92
SHEET 1 OF 12

Client City of Oregon City
Project Scattering Canyon Stormwater Improvements
Bid Tabulation

Date: 5/12/22 2 p.m.

Apparent Low

Other Bidders

Non-Responsive

Item	Description	Units	Quantity
1	EXTRA WORK AS AUTHORIZED	FA	1
2	MOBILIZATION	LS	1
4	DEWATERING	LS	1
2	REMOVAL OF STRUCTURES AND OBSTRUCTIONS	LS	1
3	CLEARING AND GRUBBING	LS	1
6	UNCLASSIFIED EXCAVATION	CY	535
7	GRADE CONTROL STRUCTURE	LS	1
8	OUTLET PROTECTION RIP RAP	CY	25
9	ENGINEERED STREAMBED MATERIAL	CY	60
11	8 INCH CLASS 52 DUCTILE IRON PIPE, 5 FEET	LF	25
12	12" CONCRETE STORM PIPE, 5 FEET	LF	8
3	CONCRETE MANHOLES, SEDIMENTATION	EA	1
13	LEVEL 2, 1/2 INCH ACP MIXTURE	TON	11
14	REMOVABLE BOLLARDS	EA	2
15	TEMPORARY SEEDING	ACRE	0.40
16	WEED CONTROL	LS	1
17	SEEDING MOBILIZATION	EA	1
18	RIPARIAN SEEDING	SF	3563
19	LAWN SEEDING	SF	6533
20	SOIL TESTING	EA	2
21	TOPSOIL	CY	30
22	SOIL CONDITIONERS	CY	5
23	DECIDUOUS TREES, 5 FT HEIGHT	EA	8
24	DECIDUOUS TREES, 2 IN CALIPER	EA	8
25	DECIDUOUS TREES, #5 CONTAINER	EA	8
26	SHRUBS, NO 1 CONTAINER	EA	508
27	SHUBS, NO 2 CONTAINER	EA	252
28	PLUGS	EA	1206

Engineers Estimate	
Unit Price	Extended
\$ 15,000.00	\$ 15,000.00
\$ 25,000.00	\$ 25,000.00
\$ 15,000.00	\$ 15,000.00
\$ 9,000.00	\$ 9,000.00
\$ 9,000.00	\$ 9,000.00
\$ 75.00	\$ 40,125.00
\$ 40,000.00	\$ 40,000.00
\$ 150.00	\$ 3,750.00
\$ 100.00	\$ 6,000.00
\$ 150.00	\$ 3,750.00
\$ 150.00	\$ 1,200.00
\$ 8,500.00	\$ 8,500.00
\$ 400.00	\$ 4,400.00
\$ 500.00	\$ 1,000.00
\$ 4,000.00	\$ 1,600.00
\$ 3,500.00	\$ 3,500.00
\$ 500.00	\$ 500.00
\$ 0.75	\$ 2,672.25
\$ 0.25	\$ 1,633.25
\$ 400.00	\$ 800.00
\$ 100.00	\$ 3,000.00
\$ 100.00	\$ 500.00
\$ 200.00	\$ 1,600.00
\$ 200.00	\$ 1,600.00
\$ 100.00	\$ 800.00
\$ 15.00	\$ 7,620.00
\$ 25.00	\$ 6,300.00
\$ 3.50	\$ 4,221.00

R.L. REIMERS COMPANY	
Unit Price	Extended
\$ 15,000.00	\$ 15,000.00
\$ 36,100.00	\$ 36,100.00
\$ 25,000.00	\$ 25,000.00
\$ 8,100.00	\$ 8,100.00
\$ 14,100.00	\$ 14,100.00
\$ 44.00	\$ 23,540.00
\$ 66,500.00	\$ 66,500.00
\$ 96.00	\$ 2,400.00
\$ 237.00	\$ 14,220.00
\$ 157.00	\$ 3,925.00
\$ 152.00	\$ 1,216.00
\$ 7,000.00	\$ 7,000.00
\$ 860.00	\$ 9,460.00
\$ 1,650.00	\$ 3,300.00
\$ 4,275.00	\$ 1,710.00
\$ 4,882.00	\$ 4,882.00
\$ 183.00	\$ 183.00
\$ 0.50	\$ 1,781.50
\$ 0.32	\$ 2,090.56
\$ 430.00	\$ 860.00
\$ 92.00	\$ 2,760.00
\$ 110.00	\$ 550.00
\$ 336.00	\$ 2,688.00
\$ 793.00	\$ 6,344.00
\$ 92.00	\$ 736.00
\$ 18.00	\$ 9,144.00
\$ 33.00	\$ 8,316.00
\$ 4.60	\$ 5,547.60

ICON CONSTRUCTION & DEV.	
Unit Price	Extended
\$ 15,000.00	\$ 15,000.00
\$ 40,000.00	\$ 40,000.00
\$ 35,000.00	\$ 35,000.00
\$ 10,000.00	\$ 10,000.00
\$ 8,500.00	\$ 8,500.00
\$ 95.00	\$ 50,825.00
\$ 50,000.00	\$ 50,000.00
\$ 125.00	\$ 3,125.00
\$ 85.00	\$ 5,100.00
\$ 145.00	\$ 3,625.00
\$ 200.00	\$ 1,600.00
\$ 4,600.00	\$ 4,600.00
\$ 130.00	\$ 1,430.00
\$ 1,200.00	\$ 2,400.00
\$ 5,000.00	\$ 2,000.00
\$ 2,000.00	\$ 2,000.00
\$ 750.00	\$ 750.00
\$ 1.25	\$ 4,453.75
\$ 0.75	\$ 4,899.75
\$ 500.00	\$ 1,000.00
\$ 215.00	\$ 6,450.00
\$ 200.00	\$ 1,000.00
\$ 500.00	\$ 4,000.00
\$ 500.00	\$ 4,000.00
\$ 375.00	\$ 3,000.00
\$ 31.00	\$ 15,748.00
\$ 35.00	\$ 8,820.00
\$ 3.00	\$ 3,618.00

Sambar Construction LLC	
Unit Price	Extended
\$ 15,000.00	\$ 15,000.00
\$ 30,000.00	\$ 30,000.00
\$ 28,000.00	\$ 28,000.00
\$ 14,000.00	\$ 14,000.00
\$ 13,750.00	\$ 13,750.00
\$ 70.00	\$ 37,450.00
\$ 69,550.00	\$ 69,550.00
\$ 220.00	\$ 5,500.00
\$ 135.00	\$ 8,100.00
\$ 250.00	\$ 6,250.00
\$ 250.00	\$ 2,000.00
\$ 12,000.00	\$ 12,000.00
\$ 500.00	\$ 5,500.00
\$ 750.00	\$ 1,500.00
\$ 3,500.00	\$ 1,400.00
\$ 4,000.00	\$ 4,000.00
\$ 150.00	\$ 150.00
	\$ -
\$ 0.25	\$ 1,633.25
\$ 350.00	\$ 700.00
\$ 75.00	\$ 2,250.00
\$ 90.00	\$ 450.00
\$ 275.00	\$ 2,200.00
\$ 650.00	\$ 5,200.00
\$ 75.00	\$ 600.00
\$ 14.50	\$ 7,366.00
\$ 27.50	\$ 6,930.00
\$ 3.75	\$ 4,522.50

Client City of Oregon City
Project Scattering Canyon Stormwater Improvements
Bid Tabulation
Date: 5/12/22 2 p.m.

Apparent Low

Other Bidders

Non-Responsive

Item	Description	Units	Quantity
39	BARK MULCH	CY	10
30	2 YEAR LANDSCAPE ESTABLISHMENT	LS	1
31	EROSION CONTROL AND PREVENTION	LS	1
	CONSTRUCTION SURVEYING	LS	1
32	ROCK EXCAVATION	CY	100
33	EXCAVATION - UNSUITABLE MATERIALS	CY	100
Total			

Engineers Estimate	
Unit Price	Extended
\$ 100.00	\$ 1,000.00
\$ 7,500.00	\$ 7,500.00
\$ 9,000.00	\$ 9,000.00
\$ 4,000.00	\$ 4,000.00
\$ 125.00	\$ 12,500.00
\$ 125.00	\$ 12,500.00
	\$ 264,571.50

R.L. REIMERS COMPANY	
Unit Price	Extended
\$ 97.00	\$ 970.00
\$ 20,000.00	\$ 20,000.00
\$ 23,000.00	\$ 23,000.00
\$ 7,500.00	\$ 7,500.00
\$ 190.00	\$ 19,000.00
\$ 46.00	\$ 4,600.00
33.2%	\$ 352,523.66

ICON CONSTRUCTION & DEV.	
Unit Price	Extended
\$ 180.00	\$ 1,800.00
\$ 45,000.00	\$ 45,000.00
\$ 10,000.00	\$ 10,000.00
\$ 5,000.00	\$ 5,000.00
\$ 200.00	\$ 20,000.00
\$ 115.00	\$ 11,500.00
46.0%	\$ 386,244.50

Sambar Construction LLC	
Unit Price	Extended
\$ 80.00	\$ 800.00
\$ 16,000.00	\$ 16,000.00
\$ 15,000.00	\$ 15,000.00
\$ 5,600.00	\$ 5,600.00
\$ 1.00	\$ 100.00
\$ 1.00	\$ 100.00
22.3%	\$ 323,601.75

Note:



CITY OF OREGON CITY

Staff Report

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

To: City Commission
From: Public Works Director John M. Lewis, PE

Agenda Date: 06/01/2022

SUBJECT:

Public Improvement Contract with Western Construction, LLC for the 2022 Sanitary Sewer Rehabilitation Project (CI 21-004)

STAFF RECOMMENDATION:

Award the bid and authorize the City Manager to execute the Public Improvement Contract with Western Construction, LLC in the amount of \$900,688.57 for construction of the 2022 Sanitary Sewer Rehabilitation Project (CI 21-004).

EXECUTIVE SUMMARY:

Sanitary sewer rehabilitation work involving pipe lining and pipe replacing is needed at four locations within the City. This work is being completed on Hwy 99E (McLoughlin Boulevard), Washington Street, Dimick Street, and Latourette Street. Staff seeks approval for the City Manager to execute a contract with Western Construction, LLC in the amount of \$900,688.57 for construction of the 2022 Sanitary Sewer Rehabilitation Project (CI 21-004).

BACKGROUND:

Sanitary Sewer Rehabilitation work involving pipe lining and pipe replacing is needed at four locations within the City.

The project includes:

1. Install, maintain, and remove temporary traffic, pedestrian control, and erosion control measures.
2. Approximately 1,915 lineal feet of 8-inch cured in-place pipe rehabilitation including approximately 30 service line connections
3. Approximately 415 linear feet of new 6-inch and 8-inch diameter sanitary sewer pipe construction
4. 7 manhole installations
5. Pavement restoration

This work is being completed on Hwy 99E (McLoughlin Boulevard), Washington Street, Dimick Street, and Latourette Street.

An addendum was added to move 80 feet of sewer lining from the Rivercrest Phase 3 project to this project since no other lining was occurring in Rivercrest Phase 3. That work will be completed on Linn Avenue.

On March 30, 2022, and April 1, 2022, the project was advertised in the *Daily Journal of Commerce* and the City bid site in accordance with City and State contracting procedures. The bid opening was held on April 21, 2022, and two (2) bids were received. Staff and Wallis Engineering reviewed the bids and determined that Western Construction, LLC was the low responsive bidder. The contract award value is nine hundred thousand, six hundred eighty-eight dollars and fifty-seven cents (\$900,688.57).

The list below includes the bidders and bid amounts received for this project:

Western Construction, LLC	\$900,688.57
ORR, Inc.	\$1,465,381.98
Engineer's Estimate	\$769,051.00

The apparent low bidder was 17.1% higher than the engineer's estimate. The lack of bids and higher costs can be attributed to work at night, work on two major roads (99E and Washington), current inflation, and the potential for underground challenges due to the known geology in these areas.

Construction will occur in the Summer and Fall of 2022 and work is anticipated to be completed by Winter 2022.

OPTIONS:

1. Authorize the City Manager to execute the Contract.
2. Authorize the City Manager to execute the Contract with specific modifications.
3. Deny the Contract. If the Commission chooses to deny the Contract, staff requests direction on how to proceed.

BUDGET IMPACT:

Amount: \$900,688.57
 FY(s): FY22/FY23
 Funding Source(s): Sewer Fund 520-552-7010

SECTION III A
CONTRACT AGREEMENT

This Agreement, made and entered into this _____ day of _____, 20____, between the CITY OF OREGON CITY (“CITY”), acting by and through the City Commission and **WESTERN CONSTRUCTION, LLC** (“CONTRACTOR”).

Witnesseth, that the CONTRACTOR and the CITY, for the considerations stated herein, agree as follows:

ARTICLE I - Scope of Work

The CONTRACTOR hereby agrees to furnish all of the materials, equipment and labor necessary, and to perform all of the work for the project entitled: **2022 SANITARY SEWER REHABILITATION PROJECT (CI 21-004)** in accordance with the contract documents which are hereby made a part of this agreement.

The contract documents consist of:

Invitation to Bid Scope of Work Instructions to Bidders Bid Proposal and Bid Schedule Compliance with ORS 279C.840 Resident Bidder Status Certification of Drug Testing Program Non-Collusion Statement Asbestos Certification Registrations Certification of Non-Discrimination Certification of Compliance with Tax Law Bidder Responsibility Form Bid Bond First Tier Subcontractor Disclosure Form Customer Service Acknowledgment Form Contract Agreement Oregon City Public Improvement Standard Conditions	Statutory Conditions to Contract Agreement Performance Bond Payment Bond State of Oregon Statutory Public Works Bond General Conditions Prevailing Wage Rates for Public Works Contracts in Oregon, dated January 1, 2022 Amendments to the Prevailing Wage Rates for Public Works Contracts in Oregon dated October 2, 2021 Prevailing Wage Apprenticeship Rates dated January 1, 2022 Definitions of Covered Occupations for Public Works Contracts in Oregon dated July 1, 2018 Special Provisions Contract Drawings City of Oregon City Standard Details Technical Specifications 2018 Oregon Standard Specifications for Construction (ODOT and APWA) as referenced by these documents Addendum 1 dated April 15, 2022 Addendum 2 dated May 3, 2022 All items included within these Contract Documents.
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The order of items cited above does not constitute an order of precedence different than that established in the special or standard specifications. Equivalent titles, which may be substituted for the above listed items, are included as if specifically named.

ARTICLE II - Time of Completion

The project shall be substantially complete by **September 30, 2022**, or within 65 calendar days, whichever comes first as identified in 00180.50(b) of the Special Provisions.

ARTICLE III – Contract Amount

The Contract Amount for the work covered by this Agreement is estimated to be **nine hundred thousand, six hundred eighty-eight dollars and fifty-seven cents (\$900,688.57)**.

ARTICLE IV - Warranty and Quality of Work

In addition to all other warranties, express or implied, that are part of this Agreement, the Contractor expressly warrants to the City for a period of one year from acceptance of the work by the City that all materials and equipment furnished under this contract will be new, unless otherwise specified, and that the work will be of good quality, free from faults and defects and in conformance with the City's specifications. Work that does not conform to these standards shall be considered defective.

Contractor shall, at its own expense, make good and repair any and all defects arising from faulty workmanship or materials, if the defective work is discovered within the one-year warranty period and notice thereof is given to the Contractor within 60 days after the expiration of the warranty period. If required by the City, the Contractor shall furnish satisfactory evidence as to the kind and quality of materials and equipment used to repair the defect.

In witness whereof, the parties hereto have executed this agreement, the day and year first above written.

CITY OF OREGON CITY

WESTERN CONSTRUCTION, LLC.

by: _____
Anthony J. Konkol III
City Manager

Printed Name

by: _____
Authorized signature

by: _____
John M. Lewis, P.E.
Public Works Director

Title

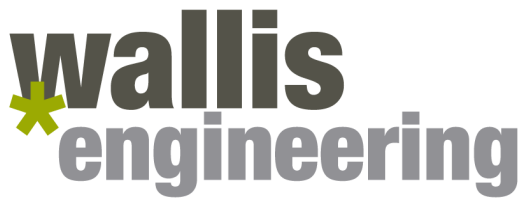
Federal Taxpayer ID Number

Approved as to Legal Sufficiency:

Address:

by: _____
City Attorney

City Commission Award Date:



May 11th, 2022

Josh Wheeler, PE
City of Oregon City
625 Center Street
Oregon City, Oregon 97045

RE: 2022 Sanitary Sewer Rehabilitation Project – Recommendation to Award
W.E. Job No. 1507A
OC Project No. CI 21-004

Dear Mr. Wheeler:

We have reviewed the submitted bid from the apparent low bid received for the above referenced project. A total of two (2) bids were received ranging from \$900,688.57 to \$1,465,381.98. Based on the submitted bid documents, the apparent low bidder appears to be responsible and responsive.

The lowest responsive and responsible bid was submitted by Western Construction LLC from Oregon City, OR in the amount of nine hundred thousand six hundred eighty-eight dollars and fifty-seven cents (\$900,688.57). The Engineer's Opinion of Cost for the project totaled \$769,051.00 and the apparent low bid represents a 17.1% cost increase over the estimated costs.

We have reviewed Western Construction LLC's bid bond and have checked their current status relative to state licensing and found it to be in order along with verifying that the contractor is not listed on the debarred contractors list.

Upon the City's award of the project, please fill out and sign, as applicable, the Notice of Award, Performance Bond, Payment Bond, Public Works Bond, and Contract Agreement forms and forward them to the Contractor.

Please note that in accordance with ORS 279B.135 a Notice of Intent to Award must be sent to other bidders prior to the City's award of a contract.

Sincerely,

A handwritten signature in blue ink, appearing to read "Wes Wegner", with a long horizontal flourish extending to the right.

Wes Wegner, P.E.
WALLIS ENGINEERING

P:\15\1507A OR City Sewer Rehab\700 Construction\702 Contract Award\702.1 Bidding\1507 Recommendation to Award.docx

Client
Project
Bid Tabulation
Date:

City of Oregon City
2022 Sanitary Sewer Rehab Project

May 10, 2022

Apparent Low

Other Bidders

Item	Spec	Description	Units	Quantity
1	00197	Extra Work as Authorized	FA	1
2	00210	Mobilization	LS	1
3	00225	Temporary Work Zone Traffic Control, Complete	LS	1
4	00280	Erosion Control	LS	1
5	00290	Pollution Control Plan	LS	1
6	00305	Construction Survey Work	LS	1
7	00310	Removal of Structures and Obstructions	LS	1
8	00320	Clearing and Grubbing	LS	1
9	00405	Rock Excavation	CY	40
10	00405	Boulder Excavation	CY	40
11	00405	Trench Foundation	CY	10
12	00412	Service Line Reinstatement, CIPP	EA	29
13	00412	CIPP Liner, 8 Inch	LF	1,995
14	00415	Mainline Video Inspection	LF	4,348
15	00445	8-Inch D3034 PVC Sanitary Sewer Pipe, All Depths	LF	358
16	00445	6-Inch Sanitary Sewer Lateral	LF	55
17	00470	Concrete Sanitary Sewer Manhole	EA	6
18	00470	Sanitary Sewer Mainline Cleanout	EA	1
19	00490	Sanitary Sewer Manhole Repair	LS	1
20	00490	Bypass Pumping	LS	1
21	00490	Connection to Existing Structures	EA	5
22	00490	Filling Abandoned Structures, Pipes	CY	6
23	00490	Sewer Mainline Point Repairs, OR-99E	LS	1
24	00490	Sewer Mainline Point Repairs, Dimick Street	LS	1

Engineers Estimate	
Unit Price	Extended
\$ 20,000.00	\$ 20,000.00
\$ 69,000.00	\$ 69,000.00
\$ 85,000.00	\$ 85,000.00
\$ 3,500.00	\$ 3,500.00
\$ 1,000.00	\$ 1,000.00
\$ 6,000.00	\$ 6,000.00
\$ 17,000.00	\$ 17,000.00
\$ 1,500.00	\$ 1,500.00
\$ 200.00	\$ 8,000.00
\$ 150.00	\$ 6,000.00
\$ 50.00	\$ 500.00
\$ 500.00	\$ 14,500.00
\$ 50.00	\$ 99,750.00
\$ 3.00	\$ 13,044.00
\$ 140.00	\$ 50,120.00
\$ 130.00	\$ 7,150.00
\$ 7,000.00	\$ 42,000.00
\$ 1,500.00	\$ 1,500.00
\$ 6,000.00	\$ 6,000.00
\$ 20,000.00	\$ 20,000.00
\$ 2,000.00	\$ 10,000.00
\$ 500.00	\$ 3,000.00
\$ 53,500.00	\$ 53,500.00
\$ 7,200.00	\$ 7,200.00

Western Construction, Inc	
Unit Price	Extended
\$ 20,000.00	\$ 20,000.00
\$ 58,000.00	\$ 58,000.00
\$ 30,000.00	\$ 30,000.00
\$ 7,500.00	\$ 7,500.00
\$ 2,500.00	\$ 2,500.00
\$ 8,391.60	\$ 8,391.60
\$ 8,500.00	\$ 8,500.00
\$ 12,000.00	\$ 12,000.00
\$ 47.80	\$ 1,912.00
\$ 58.50	\$ 2,340.00
\$ 42.00	\$ 420.00
\$ 4,665.58	\$ 135,301.82
\$ 68.77	\$ 137,196.15
\$ 4.50	\$ 19,566.00
\$ 251.00	\$ 89,858.00
\$ 205.00	\$ 11,275.00
\$ 2,500.00	\$ 15,000.00
\$ 2,500.00	\$ 2,500.00
\$ 10,500.00	\$ 10,500.00
\$ 10,000.00	\$ 10,000.00
\$ 1,250.00	\$ 6,250.00
\$ 250.00	\$ 1,500.00
\$ 32,000.00	\$ 32,000.00
\$ 18,500.00	\$ 18,500.00

ORR Inc	
Unit Price	Extended
\$ 20,000.00	\$ 20,000.00
\$ 80,064.15	\$ 80,064.15
\$ 190,402.92	\$ 190,402.92
\$ 15,300.23	\$ 15,300.23
\$ 7,366.78	\$ 7,366.78
\$ 16,689.72	\$ 16,689.72
\$ 32,664.77	\$ 32,664.77
\$ 15,646.73	\$ 15,646.73
\$ 622.82	\$ 24,912.80
\$ 625.54	\$ 25,021.60
\$ 271.59	\$ 2,715.90
\$ 552.79	\$ 16,030.91
\$ 124.35	\$ 248,078.25
\$ 9.34	\$ 40,610.32
\$ 301.66	\$ 107,994.28
\$ 269.17	\$ 14,804.35
\$ 15,164.49	\$ 90,986.94
\$ 8,974.47	\$ 8,974.47
\$ 13,913.61	\$ 13,913.61
\$ 34,000.52	\$ 34,000.52
\$ 1,852.92	\$ 9,264.60
\$ 689.21	\$ 4,135.26
\$ 25,761.00	\$ 25,761.00
\$ 10,697.16	\$ 10,697.16

Client
Project
Bid Tabulation
Date:

City of Oregon City
2022 Sanitary Sewer Rehab Project

May 10, 2022

Apparent Low

Other Bidders

Item	Spec	Description	Units	Quantity
25	00495	Permanent Asphalt Pavement Restoration, 7 Inch Depth	SY	335
26	00495	Permanent Asphalt Pavement Restoration, 4 Inch Depth	SY	35
27	00495	Temporary Asphalt Pavement Restoration, 2 Inch Depth	SY	227
28	00748	2 Inch Depth Asphalt Concrete Pavement Repair	SY	1,623
29	00754	Plain Concrete Pavement Repair, 7 Inch Thick	SY	525
30	00759	Concrete Curbs, Standard Curb	LF	40
31	00759	Concrete Walks	SF	57
32	00865	Roadway Pavement Marking Restoration	LS	1
33	00990	Detector Installation, Washington Street	LS	1
34	01020	Landscape Restoration, Complete	LS	1
TOTAL (ITEMS 00197 TO 01020)				

Engineers Estimate	
Unit Price	Extended
\$ 80.00	\$ 26,800.00
\$ 45.00	\$ 1,575.00
\$ 25.00	\$ 5,675.00
\$ 45.00	\$ 73,035.00
\$ 180.00	\$ 94,500.00
\$ 55.00	\$ 2,200.00
\$ 35.00	\$ 2,002.00
\$ 7,500.00	\$ 7,500.00
\$ 8,000.00	\$ 8,000.00
\$ 2,500.00	\$ 2,500.00
	\$ 769,051.00

Western Construction, Inc	
Unit Price	Extended
\$ 75.00	\$ 25,125.00
\$ 75.00	\$ 2,625.00
\$ 60.00	\$ 13,620.00
\$ 75.00	\$ 121,725.00
\$ 125.00	\$ 65,625.00
\$ 90.00	\$ 3,600.00
\$ 15.00	\$ 858.00
\$ 15,000.00	\$ 15,000.00
\$ 6,500.00	\$ 6,500.00
\$ 5,000.00	\$ 5,000.00
17.1%	\$ 900,688.57

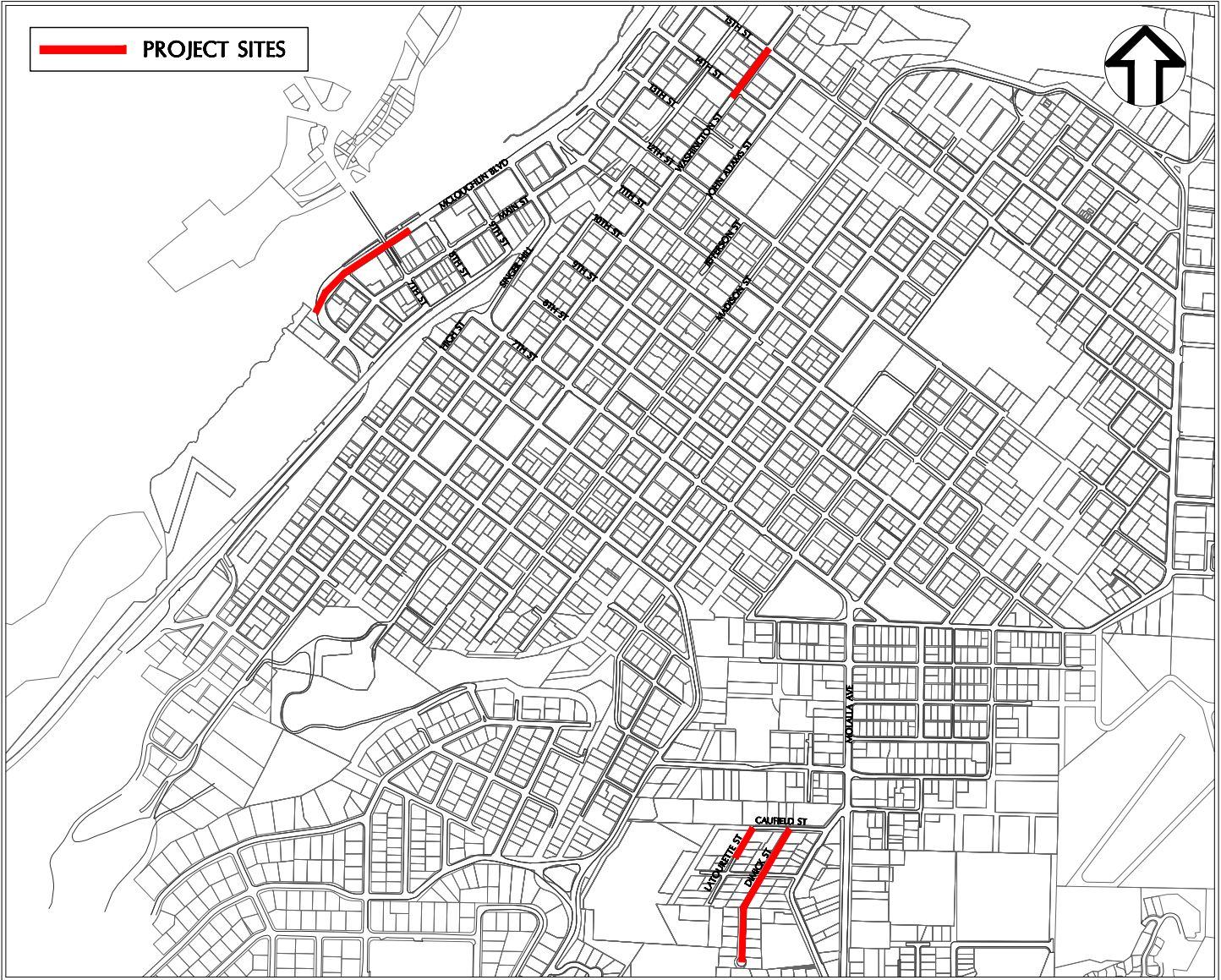
ORR Inc	
Unit Price	Extended
\$ 215.00	\$ 72,025.00
\$ 216.44	\$ 7,575.40
\$ 236.50	\$ 53,685.50
\$ 135.00	\$ 219,105.00
\$ 16.51	\$ 8,667.75
\$ 97.55	\$ 3,902.00
\$ 75.88	\$ 4,340.34
\$ 13,600.21	\$ 13,600.21
\$ 11,333.51	\$ 11,333.51
\$ 15,110.00	\$ 15,110.00
90.5%	\$ 1,465,381.98

Note: Items in Red are corrections from the original bid proposal form.

CITY OF OREGON CITY

2022 SANITARY SEWER REHABILITATION

OC PROJECT NO. CI 21-004
MARCH 2022



PROJECT SITE MAP
NOT TO SCALE

Attention Excavators: Oregon Law requires the contractor to follow rules adopted by the Oregon Utility Notification Center. Those rules are set forth in OAR 952-001-0010 through OAR 952-001-0090. The contractor may obtain copies of these rules from the center by calling (503) 232-1987 or by accessing the Internet at www.state.or.us/government.htm. The contractor must notify the center at least 2 business days, but not more than 10 business days, before commencing an excavation. Call (503) 246-6699.



Civil Engineer: Wallis Engineering
215 W. 4th Ave., Suite 200
Vancouver, Washington 98660
(360) 695-7041
Contact: Wes Wegner, P.E.



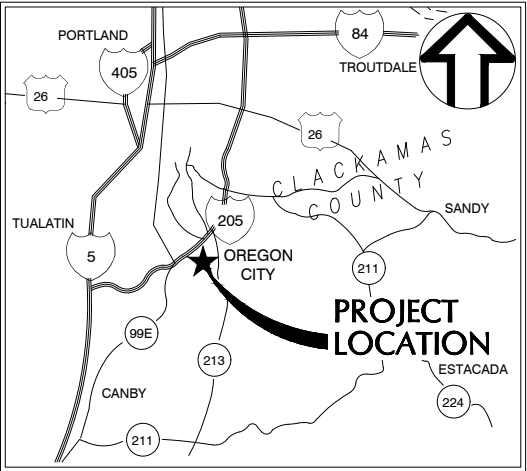
Owner: City of Oregon City
P.O.Box 3040
13895 Fir Street - 2nd Floor
Oregon City, Oregon 97045
Oregon City Public Works Department
Contact: Josh Wheeler, Project Manager
(503) 496-1548
Contact (Sewer/Storm): Eric Hand
(503) 657-8241
Contact (Water): Kevin Hanks
(503) 657-8241
Contact (Street Division): Jayson Thornberg
(503) 657-8241

Other Agencies:

Portland General Electric (503) 669-3331 Contact: Ross Cichosz	NW Natural (503) 226-4211 Ext. 2967 Contact: Richard Girard	Comcast (503) 813-0458 Contact: Caleb Giles
Clackamas County Traffic Maintenance (503) 650-3713 Contact: Rich Gandy	Century Link (Lumen) (564) 888-2020 Contact: Don Sheeran	Compass Land Surveyors (503) 653-9093 Contact: Don Devlaeminck
Clackamas County Water Environmental Services (WES) (971) 284-7199 Contact: Kyle Bean		

INDEX TO SHEETS

G1	COVER
G2	GENERAL NOTES & LEGEND
G3	EROSION CONTROL NOTES & DETAILS
TC1	TRAFFIC CONTROL PHASING PLAN
TC2	TRAFFIC CONTROL DETAILS I
TC3	TRAFFIC CONTROL DETAILS II
TC4	TRAFFIC CONTROL DETAILS III
TC5	TRAFFIC CONTROL DETAILS IV
C1	OR-99E SANITARY SEWER PLAN I
C2	OR-99E SANITARY SEWER PLAN II
C3	LATOURETTE STREET SANITARY SEWER PLAN
C4	DIMICK STREET SANITARY SEWER PLAN BEGIN TO STA 8+00
C5	DIMICK STREET SANITARY SEWER PLAN STA 8+00 TO END
C6	WASHINGTON STREET SANITARY SEWER PLAN
D1	PROJECT DETAILS
D2	STANDARD DETAILS I
D3	STANDARD DETAILS II
D4	STANDARD DETAILS III
D5	STANDARD DETAILS IV
D6	STANDARD DETAILS V
D7	STANDARD DETAILS VI
D8	STANDARD DETAILS VII



LOCATION MAP
NOT TO SCALE

SECTION IX - CONTRACT DRAWINGS



CITY OF OREGON CITY

Staff Report

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

To: City Commission
From: Public Works Director John M. Lewis, PE

Agenda Date: 06/01/2022

SUBJECT:

Public Improvement Contract with Landis & Landis Construction for the Sanitary Sewer I/I Rehabilitation – Rivercrest Basin Project: Phase 3 (CI 20-010)

STAFF RECOMMENDATION:

Award the bid and authorize the City Manager to execute the Public Improvement Contract with Landis & Landis Construction in the amount of \$2,947,708.00 for construction of the Sanitary Sewer I/I Rehabilitation – Rivercrest Basin Project: Phase 3 (CI 20-010)

EXECUTIVE SUMMARY:

City Commission previously approved Phase 1 and Phase 2 of the Sanitary Sewer I/I Project on December 1, 2021, consisting of sewer lining of various sewers within the Rivercrest neighborhood as well as directional drilling of a new sewer line on Eastfield Drive. Phase 3 will complete the Rivercrest Basin I/I projects by using a process called “pipe bursting” and “open cut” to replace the sewer lines which are at end of life and causing substantial inflow/infiltration within the system. Staff seeks approval for the City Manager to execute a contract with Landis & Landis Construction in the amount of \$2,947,708.00 for construction of the Sanitary Sewer I/I Rehabilitation – Rivercrest Basin Project: Phase 3 (CI 20-010). This project is eligible for reimbursement from Water Environment Services through the IGA for Regional Inflow and Infiltration Reduction.

BACKGROUND:

City Commission previously approved Phase 1 and Phase 2 of the Sanitary Sewer I/I Project on December 1, 2021, consisting of sewer lining of various sewers within the Rivercrest neighborhood as well as directional drilling of a new sewer line on Eastfield Drive. Phase 2 is now 100% complete, and Phase 1 will be completed by June 30, 2022. Phase 3 will complete the Rivercrest Basin I/I projects by using a process called

“pipe bursting” and “open cut” to replace the sewer lines which are at end of life and causing substantial inflow/infiltration within the system.

The project includes:

- Performing all removal of structures and obstructions and earthwork operations.
- 2,724 lineal feet of 8-inch and 10-inch pipe installation by open cut.
- 3,441 lineal feet of 8-inch and 10-inch pipe installation by pipe bursting.
- 1,789 lineal feet of lateral pipe installation.
- 91 lateral cleanout installations.
- Installing 1 manhole.
- Waterproofing the interior of 8 manholes.
- Cleaning and regrouting the risers of 3 manholes.
- Installing, maintaining, and removing temporary traffic and pedestrian control and erosion control measures.
- Performing additional and incidental Work as called for by the Specifications and Plans.
- Coordinating work with franchise utility companies.

This work is being completed throughout the Rivercrest neighborhood.

On April 29, 2022, and May 2, 2022, the project was advertised in the *Daily Journal of Commerce* and on the City bid site in accordance with City and State contracting procedures. The bid opening was held on May 19, 2022, and one (1) bid was received. Staff and Century West Engineering reviewed the bids and determined that Landis & Landis Construction was the low responsive bidder. The contract award value is two million nine hundred forty-seven thousand seven hundred eight dollars (\$2,947,708.00).

The list below includes the bidder and bid amount received for this project:

Landis & Landis Construction	\$2,947,708.00
Engineer's Estimate	\$2,494,810.00

The apparent low bidder was 11.1% higher than the engineer's estimate.

According to the low bidder, there are some substantially higher bids occurring in the region which have garnered the attention of the other contractors who would normally bid this work. Due to the lack of personnel and continued supply chain issues, the result continues to be fewer bids on projects of this size.

This project is eligible for reimbursement from Water Environment Services through the IGA for Regional Inflow and Infiltration Reduction.

Construction is anticipated to occur in late Summer and throughout Fall 2022 and Winter 2023. The work is anticipated to be completed by Spring 2023.

OPTIONS:

1. Authorize the City Manager to execute the Contract.
2. Authorize the City Manager to execute the Contract with specific modifications.
3. Deny the Contract. If the Commission chooses to deny the Contract, staff requests direction on how to proceed.

BUDGET IMPACT:

Amount: \$2,947,708.00

FY(s): FY23

Funding Source(s): Sewer Fund

SECTION III A
CONTRACT AGREEMENT

This Agreement, made and entered into this _____ day of _____, 20____, between the CITY OF OREGON CITY (“CITY”), acting by and through the City Commission and **LANDIS & LANDIS CONSTRUCTION** (“CONTRACTOR”).

Witnesseth, that the CONTRACTOR and the CITY, for the considerations stated herein, agree as follows:

ARTICLE I - Scope of Work

The CONTRACTOR hereby agrees to furnish all of the materials, equipment and labor necessary, and to perform all of the work for the project entitled: **Sanitary Sewer I/I Rehabilitation – Rivercrest Basin Project: Phase 3 (CI 20-010)** in accordance with the contract documents which are hereby made a part of this agreement.

The contract documents consist of:

Invitation to Bid Scope of Work Instructions to Bidders Bid Proposal and Bid Schedule Compliance with ORS 279C.840 Resident Bidder Status Certification of Drug Testing Program Non-Collusion Statement Asbestos Certification Registrations Certification of Non-Discrimination Certification of Compliance with Tax Law Bidder Responsibility Form Bid Bond First Tier Subcontractor Disclosure Form Customer Service Acknowledgment Form Contract Agreement Oregon City Public Improvement Standard Conditions	Statutory Conditions to Contract Agreement Performance Bond Payment Bond State of Oregon Statutory Public Works Bond General Conditions Prevailing Wage Rates for Public Works Contracts in Oregon, dated January 1, 2022 Amendments to the Prevailing Wage Rates for Public Works Contracts in Oregon dated April 1, 2021 Prevailing Wage Apprenticeship Rates dated January 1, 2022 Definitions of Covered Occupations for Public Works Contracts in Oregon dated July 1, 2018 Special Provisions Contract Drawings City of Oregon City Standard Details Technical Specifications 2018 Oregon Standard Specifications for Construction (ODOT and APWA) as referenced by these documents All items included within these Contract Documents.
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The order of items cited above does not constitute an order of precedence different than that established in the special or standard specifications. Equivalent titles, which may be substituted for the above listed items, are included as if specifically named.

ARTICLE II - Time of Completion

The project shall be substantially complete by **December 31, 2022**, or within 179 calendar days, whichever comes first as identified in 00180.50(b) of the Special Provisions.

ARTICLE III – Contract Amount

The Contract Amount for the work covered by this Agreement is estimated to be **two million, nine hundred forty seven thousand, seven hundred eight dollars and no cents (\$2,947,708.00)**.

ARTICLE IV - Warranty and Quality of Work

In addition to all other warranties, express or implied, that are part of this Agreement, the Contractor expressly warrants to the City for a period of one year from acceptance of the work by the City that all materials and equipment furnished under this contract will be new, unless otherwise specified, and that the work will be of good quality, free from faults and defects and in conformance with the City's specifications. Work that does not conform to these standards shall be considered defective.

Contractor shall, at its own expense, make good and repair any and all defects arising from faulty workmanship or materials, if the defective work is discovered within the one-year warranty period and notice thereof is given to the Contractor within 60 days after the expiration of the warranty period. If required by the City, the Contractor shall furnish satisfactory evidence as to the kind and quality of materials and equipment used to repair the defect.

In witness whereof, the parties hereto have executed this agreement, the day and year first above written.

CITY OF OREGON CITY

LANDIS & LANDIS CONSTRUCTION

by: _____
Anthony J. Konkol III
City Manager

Printed Name

by: _____
Authorized signature

by: _____
John M. Lewis, P.E.
Public Works Director

Title

Federal Taxpayer ID Number

Approved as to Legal Sufficiency:

Address:

by: _____
City Attorney

City Commission Award Date:

May 20, 2022

Josh Wheeler
City of Oregon City
13895 Fir Street
Oregon City, Oregon 97045

Re: Sanitary Sewer I/I Rehabilitation - Rivercrest Basin Project: Phase 3
OC Project No. CI 20-010
Recommendation to Award

Dear Josh:

On May 19, 2022, Landis and Landis Construction submitted a bid for \$2,947,708.00 to construct the above referenced project. No other bids were received. The bid is considered both responsive and responsible. The Engineer's estimate of probable construction cost, which includes a 5% contingency, is identified as \$2,673,311.

Based upon review of the bid submission and verification of the required bid documents, Century West Engineering recommends that the City award the contract to:

Landis & Landis Construction

Sincerely,



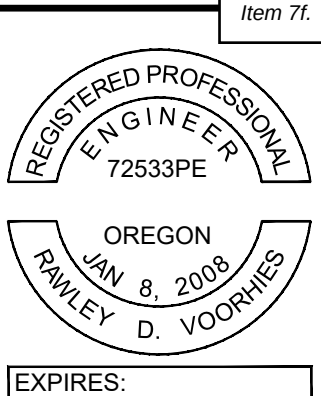
Rawley Voorhies, PE
Project Manager

SANITARY SEWER I/I REHABILITATION - RIVERCREST BASIN PROJECT: PHASE 3

CITY OF OREGON CITY, OR

OC PROJECT #: CI 20-010

POTENTIAL UNDERGROUND FACILITY OWNERS "ONE CALL" UTILITY NOTIFICATION CENTER 1-800-332-2344 OR 811



CITY OF OREGON CITY, OREGON
SANITARY SEWER I/I REHABILITATION
OC PROJECT #: CI 20-010
RIVERCREST BASIN - PHASE 3
COVER SHEET

REV #		DATE	DESCRIPTION



CITY OF OREGON CITY
PUBLIC WORKS DEPARTMENT
APPROVAL FOR CONSTRUCTION

SIGNATURE
NAME:
DATE:

APPROVAL EXPIRES 6 MONTHS AFTER DATE ABOVE

PRINTED: 4/26/2022
OC RECORD DRAWING #:
100257.00

DRAWING NUMBER:

G1.1

SHEET 1
Page 111

SHEET INDEX

SHT NO.	TITLE	DESCRIPTION
1	G1.1	COVER SHEET
2	G1.2	LEGEND, ABBREVIATIONS & SHEET LAYOUT
3	G1.3	GENERAL NOTES
4	C2.1	NARAIN CT - "A" STA 0+00 TO "A" STA 2+79
5	C2.2	MCCARVER AVE - "B" STA 0+00 TO "B" STA 3+00
6	C2.3	MCCARVER AVE - "B" STA 3+00 TO "B" STA 5+86
7	C2.4	LINN AVE - "C" STA 0+00 TO "C" STA 4+50
8	C2.5	LINN AVE - "C" STA 4+50 TO "C" STA 9+00
9	C2.6	LINN AVE - "C" STA 9+00 TO "C" STA 13+75
10	C2.7	LINN AVE - "C" STA 13+75 TO "C" STA 17+77
11	C2.8	AV DAVIS RD- "D" STA 0+00 TO "D" STA 3+50
12	C2.9	ETHEL ST - "D" STA 3+50 TO "D" STA 7+50
13	C2.10	ETHEL ST - "D" STA 7+50 TO "D" STA 10+83
14	C2.11	JOHNSON ST - "E" STA 0+00 TO "E" STA 3+50
15	C2.12	DONALD ST - "F" STA 0+00 TO "F" STA 4+25
16	C2.13	DONALD ST - "F" - STA 4+25 TO "F" STA 8+75
17	C2.14	DONALD ST - "F" - STA 8+75 TO "F" STA 12+10
18	C2.15	HOOD ST - "G" - STA 0+00 TO "G" STA 2+60
19	C2.16	LEONARD ST - "H" - STA 0+00 TO "H" STA 3+00
20	C2.17	LEONARD ST - "H" - STA 3+00 TO "H" STA 7+00
21	C3.1	LATERAL CONNECTION DETAILS - MCCARVER AVE & NARAIN CT
22	C3.2	LATERAL CONNECTION DETAILS - MCCARVER AVE, LINN AVE & WILLIAMS ST
23	C3.3	LATERAL CONNECTION DETAILS - HOOD ST & LINN AVE
24	C3.4	LATERAL CONNECTION DETAILS - ETHEL ST, LEONARD ST, LINN AVE, & JOHNSON CT
25	C3.5	LATERAL CONNECTION DETAILS - CANEMAH RD, DONALD ST & JOHNSON ST
26	C3.6	LATERAL CONNECTION DETAILS - DONALD ST & LINN AVE
27	C3.7	LATERAL CONNECTION DETAILS - HOOD ST, LEONARD ST & LINN AVE
28	C3.8	LATERAL CONNECTION DETAILS - LEONARD ST
29	C4.1	DETAILS
30	C4.2	DETAILS
31	C4.3	DETAILS

PROJECT CONTACTS

CITY OF OREGON CITY JOSH WHEELER, P.E. 13895 FIR STREET OREGON CITY, OR 97045 T: 971.204.4634 E: jwheeler@orcity.org	CENTURY WEST ENGINEERING RAWLEY VOORHIES, P.E. 5500 MEADOWS ROAD, #250 LAKE OSWEGO, OR 97035 T: 503.419.2130 E: rvoorhies@centurywest.com
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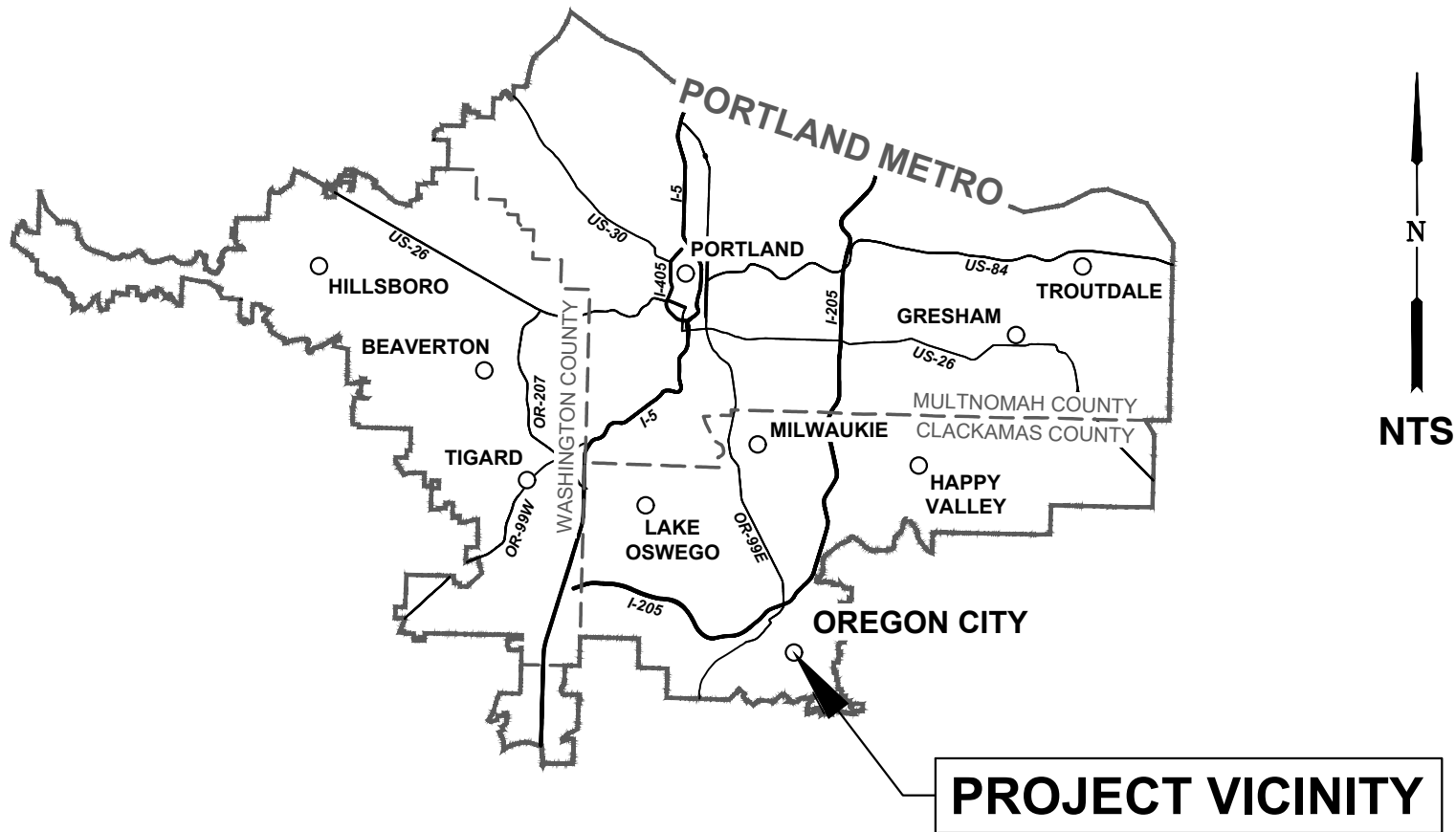
UTILITY CONTACTS

BEAVER CREEK TELEPHONE/DIRECTLINK ERIC KHELER T: 503.266.8223 E: eric.kehler@cbsoregon.com	CLACKAMAS COUNTY TRAFFIC MAINTANENCE JONATHAN MCDOWELL T: 503.970.8989 E: jonathanmcd@co.clackamas.or.us	OREGON CITY STREET SYSTEM JAYSON THORNBERG T: 971.204.4680 E: jthornberg@orcity.org	PORTLAND GENERAL ELECTRIC ROSS CHICHOSZ T: 503.669.3331 E: ross.cichosz@pgn.com
CENTURY LINK (LUMEN) DAVID DODD T: 503.242.8849 E: david.dodd@centurylink.com	LIGHTSPEED NETWORKS WINFRIED VOGT T: 503.414.0475 E: wvogt@lsnetworks.net	OREGON CITY WATER SYSTEM KEVIN HANKS T: 971.204.4662 E: khanks@orcity.org	ZAYO GROUP BRIAN DAVIDSON T: 360.558.4215 E: brian.davidson@zayo.com
COMCAST BRENT CHRISTIANSEN T: 503.347.0854 E: brent.christiansen@comcast.com	OREGON CITY SANITARY AND STORM ERIC HAND T: 971.204.4661 E: ehand@oregoncity.com	NW NATURAL RICH GIRARD T: 503.226.4211 EXT. 2967 E: r2g@nwnatural.com	

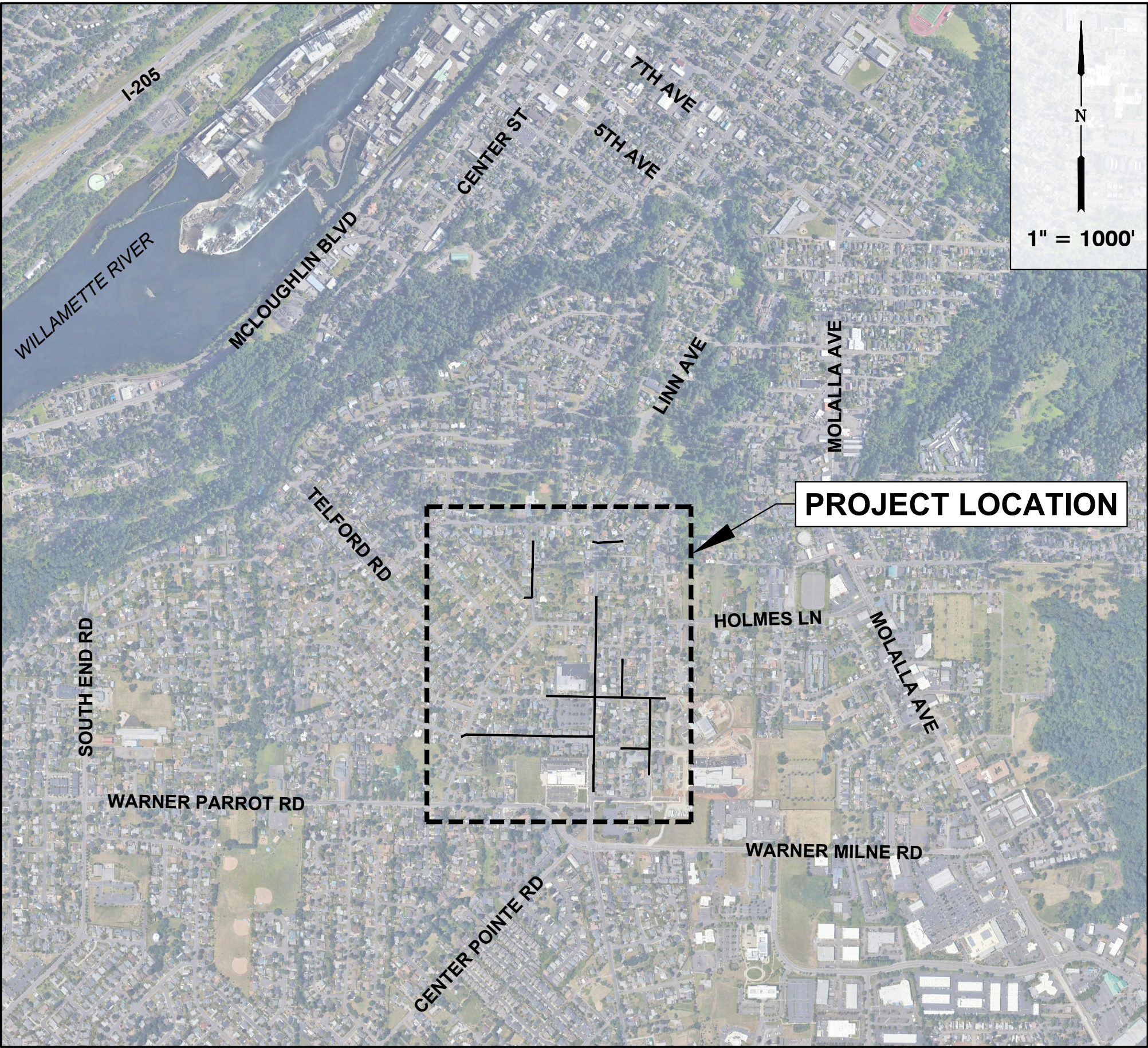
ATTENTION EXCAVATORS:

OREGON LAW REQUIRES THE CONTRACTOR TO FOLLOW RULES ADOPTED BY THE OREGON UTILITY NOTIFICATION CENTER. THOSE RULES ARE SET FORTH IN OAR 952-001-0010 THOUGH OAR 952-001-0090. THE CONTRACTOR MAY OBTAIN COPIES OF THESE RULES FROM THE CENTER BY CALLING (503) 232-1987 OR BY ACCESSING THE INTERNET AT www.state.or.us/government.htm. THE CONTRACTOR MUST NOTIFY THE CENTER AT LEAST 2 BUSINESS DAYS, BUT NOT MORE THAN 10 BUSINESS DAYS, BEFORE COMMENCING AN EXCAVATION. CALL (503) 246-6699.

VICINITY MAP



LOCATION MAP

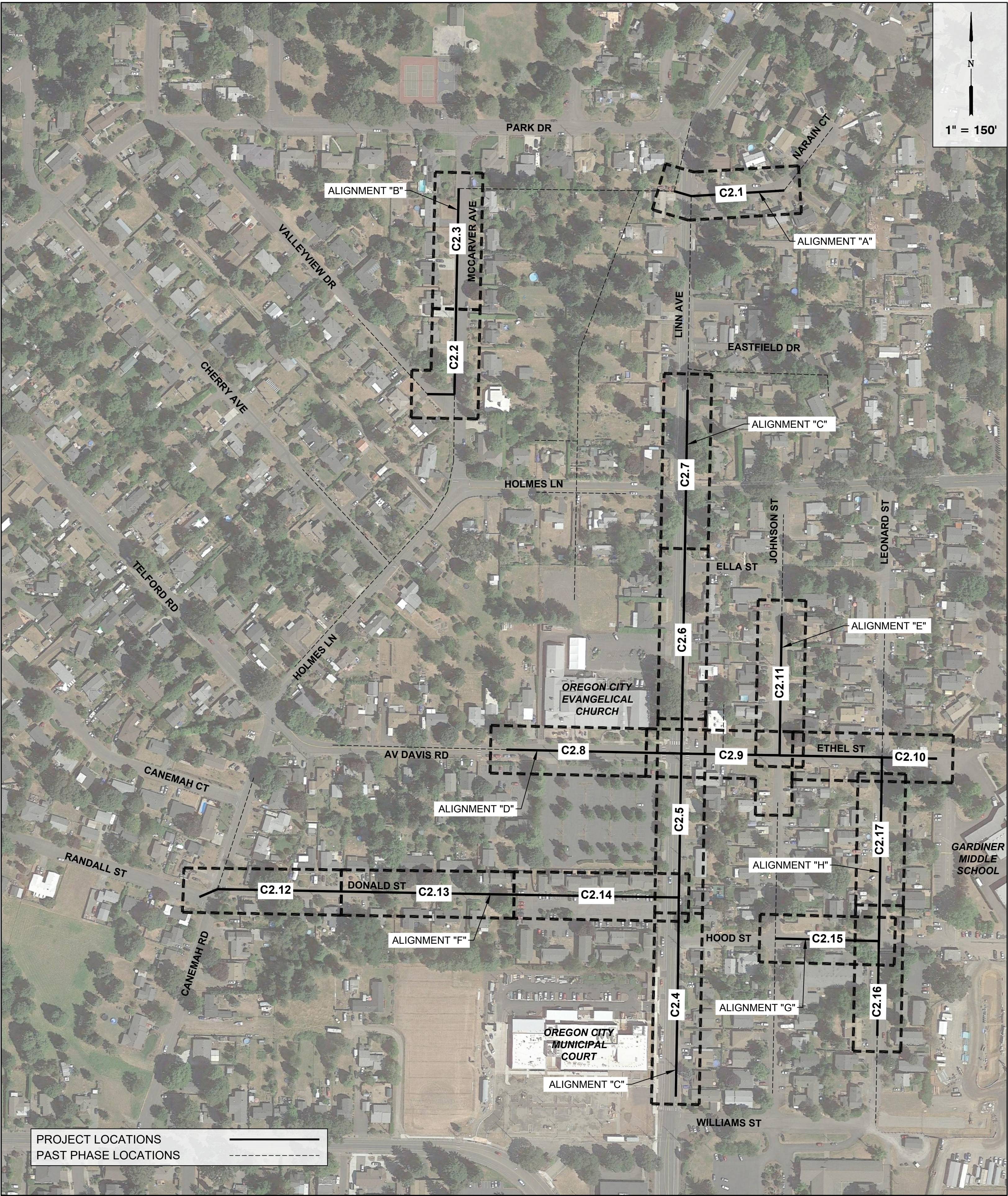


LEGEND

EXISTING		PROPOSED
	AGGREGATE	
	ASPHALT	
	CONCRETE	
	ENTRY/EXIT PIT	
	COMMUNICATION LINE	
	EASEMENT	
	ELECTRICAL LINE	
	ENTRY/EXIT PIT	
	EXCAVATION LIMITS	
	FENCE	
	GAS LINE	
	POWER LINE	
	PROPERTY LINE	
	SANITARY SEWER LATERAL	
	SANITARY SEWER MAIN (ARROW INDICATES FLOW DIRECTION)	
	STORM SEWER LINE	
	WATER LINE	
	CAPPED SANITARY SEWER LATERAL	
	COMMUNICATION MANHOLE	
	GAS VALVE	
	GUY WIRE	
	LIGHT POLE	
	FIRE HYDRANT	
	MAILBOX	
	SANITARY SEWER CLEANOUT	
	SANITARY SEWER MANHOLE	
	SIGN	
	STORM SEWER CATCH BASIN	
	STORM SEWER MANHOLE	
	UTILITY POLE	
	WATER METER	
	WATER VALVE	

ABBREVIATIONS

A	AREA	LF	LINEAR FEET
AASHTO	AMERICAN ASSOCIATION OF STATE HIGHWAYS & TRANSPORTATION	LN	LANE
AC	ASPHALT CONCRETE	MH	MANHOLE
ADA	AMERICAN WITH DISABILITIES ACT	MUTCD	MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES
APWA	AMERICAN PUBLIC WORKS ASSOCIATION	N	NORTH
ASTM	AMERICAN SOCIETY FOR TESTING AND MATERIALS	NE	NORTHEAST
AVE	AVENUE	NO	NUMBER
BE	BURIED ELECTRIC	NPDES	NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
BLVD	BOULEVARD	NW	NORTHWEST
BMP	BEST MANAGEMENT PRACTICES	OAR	OREGON ADMINISTRATIVE RULE
CDF	CONTROLLED DENSITY FILL	OC	OREGON CITY
CLSM	CONTROLLED LOW STRENGTH MATERIAL	ODOT	OREGON DEPARTMENT OF TRANSPORTATION
CAD	COMPUTER AIDED DESIGN	PR	PROPOSED
CCB	CONSTRUCTION CONTRACTORS BOARD	PVC	POLYVINYL CHLORIDE
CI	CAST IRON	REV	REVISION
CIPP	CURED-IN-PLACE PIPE	RCP	REINFORCED CONCRETE PIPE
CO	CLEANOUT	S	SLOPE, SOUTH
COMM	COMMUNICATION	SD	STORM SEWER
CONC	CONCRETE	SDR	STANDARD DIMENSION RATIO
CSP	CORRUGATED STEEL PIPE	SE	SOUTHEAST
D	STORM SEWER	SF	SQUARE FEET
DI	DUCTILE IRON	SHT	SHEET
DR	DRIVE	SS	SANITARY SEWER
DWG	DRAWING	ST	STREET
E	EAST	STA	STATION
EX	EXISTING	STD	STANDARD
G	GAS	SW	SOUTHWEST
GS	GAS SERVICE	TYP	TYPICAL
HDPE	HIGH DENSITY POLYETHYLENE	UNK	UNKNOWN
IE	INVERT ELEVATION	W	WATER, WEST
L	LENGTH	WS	WATER SERVICE



Item 7f

REGISTERED PROFESSIONAL
ENGINEER
72533PE

OREGON
JAN. 8, 2008
RAWLEY D. VOORHIES

EXPIRES:

CENTURY
WEST
ENGINEERING

PORTLAND OFFICE
5500 MEADOWS ROAD, SUITE 250
LAKE OSWEGO, OR 97035
503.482.2130 OFFICE
503.682.2710 FAX

DESIGNED BY: RDV/IAF
DRAWN BY: AWG

CITY OF OREGON CITY, OREGON
SANITARY SEWER I/I REHABILITATION

OC PROJECT # : CI 20-010

RIVERCREST BASIN - PHASE 3
LEGEND, ABBREVIATIONS & SHEET LAYOUT

REV #	DATE	DESCRIPTION

CITY OF OREGON CITY
PUBLIC WORKS DEPARTMENT
APPROVAL FOR CONSTRUCTION

☐ APPROVED AS SUBMITTED

SIGNATURE

NAME:

DATE:

APPROVAL EXPIRES 6
MONTHS AFTER DATE ABOVE

PRINTED: 4/26/2022

OC RECORD DRAWING #:
100257.01

DRAWING NUMBER:
G1.2

SHEET 2
Page 112

April 5, 2022

Dayna Webb
Public Works - Engineering
13895 Fir Street 2nd Floor
Oregon City OR 97045

SENT VIA EMAIL

RE: Regional I/I Reimbursement Program – I & I Program Management & Rivercrest Basin Phase 3 Construction

Dear Dayna,

Thank you for the submittal of your Proposal to the Technical Advisory Team (“TAT”).

This letter serves as notification that the TAT has approved your project for reimbursement as a part of the Regional I/I Reimbursement Program, in accordance with the terms of the IGA for Regional Inflow and Infiltration Coordination.

Please retain a copy of this letter in your records, as you will be required to provide it along with documentation of your expenses when you seek reimbursement from Water Environment Services.

On behalf of WES and all the cities participating in this I/I reduction effort, we appreciate your commitment to addressing this regional issue. Thank you!

Sincerely,



Greg Geist
WES Director



Enclosures: City of Oregon City I & I Program Management Proposal & Rivercrest Basin Phase 3 Construction Proposal

City of Oregon City
Sanitary Sewer I/I Rehabilitation - Rivercrest Basin Project: Phase 3
Bid Tabulation
Date: 5/20/2022

Apparent Low

Item	Description	Units	Quantity
1	Extra Work As Authorized	LS	1
2	Mobilization	LS	1
3	Temporary Work Zone Traffic Control and Pedestrian Control Complete	LS	1
4	Erosion Control	LS	1
5	Rock Excavation	CY	100
6	Boulder Excavation	CY	100
7	Trench foundtaion	CY	300
8	Pipe Bursting, 8-inch	FT	1417
9	Pipe Bursting, 10-inch	FT	2024
10	Lateral Pipe Connection, Fusion Weld	EA	36
11	Mainline Video Inspection	FT	6170
12	Video Inspection of Sewers, Laterals	EA	92
13	CLSM Backfill	CY	370
14	4 Inch D3034 PVC, All Depth	FT	1015
15	6 Inch D3034 PVC, All Depth	FT	774
16	8 Inch D3034 PVC, All Depth	FT	2328
17	10 Inch D3034 PVC, All Depth	FT	396
18	Lateral Pipe Connection, Tee	EA	54
19	Two-Way Lateral Cleanout	EA	91
20	Concrete Sanitary Sewer Manhole	EA	1
21	Minor Adjustment Of Manholes	EA	26
22	Adjusting Boxes	EA	14
23	Connection to Existing Structures	EA	44
24	Manhole, Waterproof	SF	1005
25	Cold Plane Pavement Removal, 2-inch Deep	SY	4970
26	Level 2, 1/2 Inch ACP Mixture, Temporary	TN	290
27	Level 2, 1/2 Inch ACP Mixture	TN	770
28	Level 3, 1/2 Inch ACP Mixture	TN	150
29	Concrete Curbs, Standard Curb	LF	700
30	Concrete Driveways	SF	1440
31	Concrete Walks	SF	1770
32	Longitudinal Pavement Markings - Paint	LF	380
33	Thermoplastic, Sprayed, Surface, Non-Profiled	LF	310
34	Removing and Rebuilding Fence	LF	20
35	Landscape Restoration, Complete	LS	1

TOTAL (ITEMS 1 TO 35)

Engineers Estimate	
Unit Price	Extended
N/A	N/A
\$ 260,000.00	\$ 260,000.00
\$ 140,000.00	\$ 140,000.00
\$ 20,000.00	\$ 20,000.00
\$ 200.00	\$ 20,000.00
\$ 200.00	\$ 20,000.00
\$ 200.00	\$ 60,000.00
\$ 160.00	\$ 226,720.00
\$ 185.00	\$ 374,440.00
\$ 800.00	\$ 28,800.00
\$ 3.50	\$ 21,595.00
\$ 250.00	\$ 23,000.00
\$ 200.00	\$ 74,000.00
\$ 95.00	\$ 96,425.00
\$ 120.00	\$ 92,880.00
\$ 160.00	\$ 372,480.00
\$ 185.00	\$ 73,260.00
\$ 800.00	\$ 43,200.00
\$ 1,050.00	\$ 95,550.00
\$ 4,500.00	\$ 4,500.00
\$ 1,200.00	\$ 31,200.00
\$ 500.00	\$ 7,000.00
\$ 1,500.00	\$ 66,000.00
\$ 30.00	\$ 30,150.00
\$ 5.00	\$ 24,850.00
\$ 150.00	\$ 43,500.00
\$ 150.00	\$ 115,500.00
\$ 200.00	\$ 30,000.00
\$ 50.00	\$ 35,000.00
\$ 16.00	\$ 23,040.00
\$ 12.00	\$ 21,240.00
\$ 3.00	\$ 1,140.00
\$ 14.00	\$ 4,340.00
\$ 100.00	\$ 2,000.00
\$ 13,000.00	\$ 13,000.00
	\$ 2,494,810.00

Landis & Landis Construction	
Unit Price	Extended
N/A	N/A
\$ 368,000.00	\$ 368,000.00
\$ 70,000.00	\$ 70,000.00
\$ 7,500.00	\$ 7,500.00
\$ 200.00	\$ 20,000.00
\$ 200.00	\$ 20,000.00
\$ 40.00	\$ 12,000.00
\$ 139.00	\$ 196,963.00
\$ 149.00	\$ 301,576.00
\$ 3,100.00	\$ 111,600.00
\$ 5.50	\$ 33,935.00
\$ 325.00	\$ 29,900.00
\$ 110.00	\$ 40,700.00
\$ 220.00	\$ 223,300.00
\$ 220.00	\$ 170,280.00
\$ 202.00	\$ 470,256.00
\$ 203.00	\$ 80,388.00
\$ 700.00	\$ 37,800.00
\$ 800.00	\$ 72,800.00
\$ 8,500.00	\$ 8,500.00
\$ 1,300.00	\$ 33,800.00
\$ 950.00	\$ 13,300.00
\$ 1,900.00	\$ 83,600.00
\$ 52.00	\$ 52,260.00
\$ 16.00	\$ 79,520.00
\$ 220.00	\$ 63,800.00
\$ 190.00	\$ 146,300.00
\$ 235.00	\$ 35,250.00
\$ 43.00	\$ 30,100.00
\$ 16.00	\$ 23,040.00
\$ 15.00	\$ 26,550.00
\$ 18.00	\$ 6,840.00
\$ 35.00	\$ 10,850.00
\$ 350.00	\$ 7,000.00
\$ 60,000.00	\$ 60,000.00
	\$ 2,947,708.00



CITY OF OREGON CITY

Staff Report

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

To: City Commission
From: Public Works Director John M. Lewis, PE

Agenda Date: 6/1/2022

SUBJECT:

Amendment No. 2 to the Personal Services Agreement with Wallis Engineering for the 2021 Sanitary Sewer Rehabilitation – Washington Street and 99E Project (CI 21-004)

STAFF RECOMMENDATION:

Authorize the City Manager to execute Amendment No. 2 to the Personal Services Agreement with Wallis Engineering for the 2021 Sanitary Sewer Rehabilitation – Washington Street and 99E Project (CI 21-004) in the amount of \$64,549.42.

EXECUTIVE SUMMARY:

Amendment No. 2 for modifications to the scope of work on the 2021 Sanitary Sewer Rehabilitation – Washington Street and 99E Project.

BACKGROUND:

On March 23, 2021, the City entered into a Personal Services Agreement with Wallis Engineering in the amount of \$48,103.87 for design and bidding services of the 2021 Sanitary Sewer Rehabilitation – Washington Street and 99E Project. The City has identified a number of sanitary sewer pipes within the system that require more maintenance than is typical, due largely to aging pipes and structural defects. Cured-in-place pipe lining is the preferred method to rehabilitate the existing pipes where possible, but some point repairs are expected for structural failures. Many of the manholes connected to these pipe segments also require rehabilitation or replacement. The project area is located on Washington Street and two sections on Highway 99E that will require night work.

On December 1, 2021, the City entered into Amendment No. 1, for a total of \$32,914.68 which included the additional design services to add the Latourette Street and Dimick Street sewers to the contract documents and for topographic survey and monumentation for the Washington Street sewer project area and the 7th and 99E sewer project area.

Over the course of this project, the City has added a variety of work items, all of which provide value to the community. The original contract price was awarded at \$48,103.87. The net increase of Amendment No. 1 is \$32,914.68, resulting in a contract price with amendments equal to \$81,018.55.

Design of the 2021 Sanitary Sewer Rehabilitation – Washington Street and 99E Project began in April 2021. As work progresses on the project, the following modifications have been identified and negotiated with the consultant.

Amendment No. 2, for a total of \$64,549.42 includes the following:

- Construction Services including Administration, Engineering, Field Inspection, and Post Construction Monumentation.

This amendment will bring the total contract price to \$145,567.97

OPTIONS:

1. Authorize the City Manager to execute the Amendment.
2. Authorize the City Manager to execute the Amendment with specific modifications.
3. Deny the Amendment. If the Commission chooses to deny the Amendment, staff requests direction on how to proceed.

BUDGET IMPACT:

Amount: \$64,549.42

FY(s): 2022/23

Funding Source(s): Sewer Fund

CITY OF OREGON CITY
Amendment No. 2 to Personal Services Agreement

2021 SANITARY SEWER REHABILITATION – WASHINGTON STREET AND 99E
(CI 21-004)

This is an Amendment to the Personal Services Agreement by and between the City of Oregon City (hereinafter City), and **WALLIS ENGINEERING PLLC, LLC**, hereinafter called "PS Consultant," which was previously entered into on **March 23, 2021** ("Contract") for **2021 SANITARY SEWER REHABILITATION – WASHINGTON STREET AND 99E** and

Whereas, the parties wish to amend the Contract as set forth below:

WITNESSETH:

1. The **Scope of Work** is hereby amended as follows:

The Scope of Work is amended as identified in Exhibit A2: Scope of Work.

2. The **Duration of Contract** is hereby amended as follows:

The Duration of Contract is being extended from December 31, 2022, to **June 30, 2023**.

3. The **Payment Provisions** are hereby amended as follows:

For provision of revision of fee schedule described above, the contract price shall be increased by an amount not to exceed **sixty-five thousand, five hundred and forty-nine dollars and forty-two cents (\$65,549.42)**. The total not to exceed amount of the Agreement shall be **one hundred forty-five thousand, five hundred sixty-seven dollars and ninety-seven cents (\$145,567.97)**.

All other provisions of the Personal Services Agreement referenced above shall remain in full force and effect.

CITY OF OREGON CITY

WALLIS ENGINEERING, PLLC, LLC

By: _____

John M. Lewis, P.E.

Title: Public Works Director

DATED: _____, 20____.

By: _____

Name: _____

Title: _____

DATED: _____, 20____.

By: _____
Anthony J. Konkol III
Title: City Manager
DATED: _____, 20____.

ORIGINAL CITY COMMISSION
APPROVAL (IF APPLICABLE):
DATE: March 23, 2021

P:\PublicWorks\CIP_PS_RFQ_RFP\CIP_Open\CI 21-004 2022 Sanitary Sewer Rehab - Washington St & 99E\COMMISSION
REPORTS\Consultant - Amendment 2\2021-03-23 Wallis Engineering PLLC LLC Amend 2 2023-06-30 V3.docx



EXHIBIT A2: SCOPE OF WORK

Supplemental Agreement #2

City of Oregon City | 2021 Sanitary Sewer Rehabilitation

February 2022 | WE #1507A

PROJECT DESCRIPTION AND GENERAL SCOPE

The City of Oregon City (City) has identified a number of sanitary sewer pipes within their system that require more maintenance than is typical, due largely to aging pipes and structural defects. The City prefers to use CIPP lining to rehabilitate the existing pipes where possible, but some point repairs are expected for structural failures. Many of the manholes connected to these pipe segments also require rehabilitation or replacement. This project includes the rehabilitation of the sanitary system as described below:

Washington Street. The project area includes two 8-inch concrete pipe segments with a total length of approximately 288 feet located on Washington Street between 14th Street and 15th Street. Three service laterals are connected to the sanitary sewer main within the limits and will need be reconnected. One of the service laterals is believed to connect directly to a manhole. No manhole rehabilitation is anticipated.

7th Street & Highway 99E. This project area includes five 8-inch concrete pipe segments with a total length of 270 feet located between 7th Street and 8th Street and Hwy 99E, including the sewer crossing Hwy 99E before discharging the WES trunk line adjacent to the Willamette River. There are no laterals in this project area and manhole rehabilitation is anticipated for up to five manholes.

6th Street & Highway 99E. This project area includes four concrete and vitrified clay pipe segments including both 6-inch and 8-inch diameters for a total length of 550 feet located on Hwy 99E between Main Street and 6th Street. There are an unknown number of service laterals in this project area. Manhole rehabilitation or replacement is anticipated for up to five manholes.

The 2021 Sanitary Sewer Rehabilitation project consists of evaluating the condition of the existing sanitary sewer pipes and manholes, identifying rehabilitation or replacement options, coordination with ODOT for work in ODOT Right-of-Way, and preparing contract documents necessary to competitively bid the project.

CONTRACT DURATION

Contract term shall be extended to June 30, 2023.

SUPPLEMENTAL NO 1. SCOPE OF WORK

This supplemental scope of work included additional data collection, survey and design efforts to prepare contract documents for the project areas included in the original scope of work and the added project areas of Dimick Street and Latourette Street.

SUPPLEMENTAL NO 2. SCOPE OF WORK

This supplemental scope of work includes construction management and inspection services.

TASK 1 PROJECT MANAGEMENT AND ADMINISTRATION (SUPPLEMENTED)

1.1 Project Management and Administration (Supplemented)

Provide additional management, coordination, and direction to the project design team to complete the project based on the extended project schedule. This task will include preparation of a revised project schedule showing all major tasks, meetings, and review milestones, updated as schedule changes occur throughout the project. Wallis will continue to prepare monthly status reports and schedule updates to be included with consultant invoices.

Task 1 Assumptions:

- Design phase is revised to extend through April 2022, with bidding expected in May 2022.

TASK 4 CONSTRUCTION SERVICES (SUPPLEMENTED)

The Consultant will provide construction administration and inspection services with support from the City for additional inspection, public notifications and other coordination related items as needed. Construction phase services shall include:

4.1 Construction Administration

- Conduct the pre-construction meeting with City staff, the contractor and representatives of the utility companies to effectively communicate those areas of the project which will require special attention during construction.
- Review monthly payment requests by the contractor, verify quantities included in each pay request and prepare payment recommendations to the City. Complete a final pay estimate at project completion.

4.2 Construction Engineering and Field Inspection

- Review and respond to contractor submittals, shop drawings, requests for information, notifications of differing site conditions, the Contractor-prepared Quality Control, Quality Assurance plan, Work plans and completed field testing for conformance to the contract documents. Consult with the City regarding the acceptability of material substitutes or 'as-equal' items proposed by the contractor.
- Provide construction management oversight of the Contractor's work schedule and quality, coordinate construction tasks with City, public and other non-agency entities, and evaluate field design changes as necessary to complete the project. The budget assumes four (4) hours per week for a ten-week construction period.
- Attend weekly construction progress meetings as needed to address construction related issues.
- Provide daily site inspections to monitor the quality and progress of the work. Provide inspector's daily report of construction activities for each day of inspection along with project photos. The budget assumes 28 hours per week for a ten-week construction period and includes assistance with monthly progress payments and attendance of the weekly meetings. Daily inspection services can be supplemented or replaced by City Staff at the discretion of the City.

- Provide a final walk-through with the Contractor and City staff at the project completion. Provide written punch list to the contractor and recommendation of final acceptance when appropriate.
- Prepare record drawings for the improvements upon completion of construction.

4.3 Post Construction Monumentation

Following construction activities, Compass will reset disturbed monuments as necessary, prepare a Post-Construction Record of Survey and file the record with the Clackamas County Surveyors office. Compass will obtain Right of Way permits for all work required within Oregon City and ODOT Right of Way to complete the work.

Assumptions:

- Inspection hours based on a ten-week construction schedule at 28 hours per week.
- All work on OR 99E and Washington is expected to be completed during night hours at 120% inspector rates. Night work is expected to account for seven (7) of the ten (10) week construction schedule.
- Construction staking services will be provided by the Contractor including any monument staking within the roadways (as needed).
- Post-Construction as-built survey will not be performed.
- All Post-Construction Monumentation field work will be completed under the construction contractors traffic control.

Deliverables:

- Monthly pay estimates and recommendations.
- Submittal comments and response log.
- Inspector's daily report for each working day of inspection.
- Weekly meeting minutes for each construction meeting.
- Final Punch List and Recommendation of Final Acceptance.
- Electronic version of As-built / Record Drawings.
- Post-Construction Record of Surveys, as necessary.

Supplemental #1 Fee Estimate
City of Oregon City | 2021 Sanitary Sewer Rehabilitation
February 2022 | WE# 1507A

		EM2	PE3	PE1	SE2	T3	A6	A3	Wallis Labor	Expenses	Compass	Total Cost
		\$194.64	\$143.72	\$132.40	\$110.90	\$122.21	\$117.69	\$88.27				
Task 1	Project Management and Administration											
1.1	Project Management and Administration	4					4		\$ 1,249.32	\$ -	\$ -	\$ 1,249.32
	TASK 1 SUBTOTAL	4	0	0	0	0	4	0	\$ 1,249.32	\$ -	\$ -	\$ 1,249.32
Task 4	Construction Services											
4.1	Construction Administration	16							\$ 3,114.24	\$ -	\$ -	\$ 3,114.24
4.2	Construction Engineering and Field Inspection	52	32	196	84	6			\$ 50,719.58	\$ 2,015.00 (M)	\$ -	\$ 52,734.58
4.3	Post Construction Monumentation	2							\$ 389.28	\$ -	\$ 7,062.00	\$ 7,451.28
	TASK 4 SUBTOTAL	70	32	196	84	6	0	0	\$ 54,223.10	\$ 2,015.00	\$ 7,062.00	\$ 63,300.10
	Project Subtotal	74	32	196	84	6	4	0	\$ 55,472.42	\$ 2,015.00	\$ 7,062.00	\$ 64,549.42

Depending on availability, actual staff usage may not match the above estimated hours breakdown. Billing rates for all staff are listed in the Rate Schedule.

FEE SUMMARY	
Wallis Labor	\$ 55,472.42
Wallis Expenses	\$ 2,015.00
(M) = Mileage at current IRS Rate, (P) = Printing	
Subconsultants	
Compass	\$ 7,062.00
TOTAL BUDGET	\$ 64,549.42

RATE SCHEDULE

Rate Schedule good through December, 31, 2022

<u>Title</u>	<u>Range</u>	
Associate Engineer	\$159.56	\$159.56
Senior Engineer	\$218.41	\$218.41
Engineering Manager I - VI	\$186.72	\$215.01
Project Engineer I - IX	\$132.40	\$184.45
Staff Engineer I - IV	\$107.51	\$130.14
Engineering Intern I - III	\$66.76	\$73.55
Designer	\$126.75	\$153.90
Landscape Architect	\$0.00	\$0.00
Construction Manager	\$141.45	\$141.45
Inspector I - II	\$99.58	\$116.56
Technician I-IV	\$88.27	\$129.00
Administrative I – VI	\$53.18	\$117.69

These hourly rates include in-house office expenses, photocopying, and other incidental items. Mileage will be reimbursed at the current standard IRS rate. Outside expenses will be billed at cost plus 10%.

**CITY OF OREGON CITY
PERSONAL SERVICES AGREEMENT**

2021 SANITARY SEWER REHABILITATION – WASHINGTON STREET AND 99E

This PERSONAL SERVICES AGREEMENT ("Agreement") is entered into between the CITY OF OREGON CITY ("City") and **WALLIS ENGINEERING PLLC, LLC** ("Consultant").

RECITALS

- A. City requires services that Consultant is capable of providing under the terms and conditions hereinafter described.
- B. Consultant is able and prepared to provide such services as City requires under the terms and conditions hereinafter described.

The parties agree as follows:

AGREEMENT

1. Term. The term of this Agreement shall be from the date the contract is fully executed until **December 31, 2021**, unless sooner terminated pursuant to provisions set forth below. However, such expiration shall not extinguish or prejudice City's right to enforce this Agreement with respect to (i) breach of any warranty; or (ii) any default or defect in Consultant's performance that has not been cured.
2. Compensation. City agrees to pay Consultant on a time-and-materials basis for the services required. Total compensation, including reimbursement for expenses incurred, shall not exceed **forty-eight thousand, one hundred and three and 87/100 dollars (\$48,103.87)**.
3. Scope of Services. Consultant's services under this Agreement shall consist of services as detailed in Exhibit A, attached hereto and by this reference incorporated herein.
4. Standard Conditions. This Agreement shall include all of the standard conditions as detailed in Exhibit B, attached hereto and by this reference incorporated herein.
5. Schedule. The components of the project described in the Scope of Services shall be completed according to Term, above.
6. Integration. This Agreement, along with the description of services to be performed attached as Exhibit A and the Standard Conditions to Oregon City Personal Services Agreement attached as Exhibit B, contain the entire agreement between and among the parties, integrate all the terms and conditions mentioned herein or incidental hereto, and supersede all prior written or oral discussions or agreements between the parties or their predecessors-in-interest with respect to all or any part of the subject matter hereof.
7. Notices. Any notices, bills, invoices, reports or other documents required by this Agreement shall be sent by the parties by United States mail, by hand delivery or by electronic means. All notices shall be in writing and shall be effective when delivered. If mailed, notices shall be deemed effective forty-eight (48) hours after mailing, unless sooner received.

To the City:

City of Oregon City
 PO Box 3040
 625 Center Street
 Oregon City, OR 97045
 Attention: John M. Lewis

To Consultant:

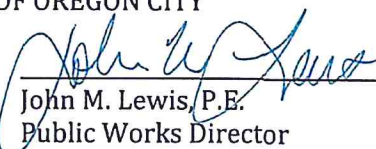
WALLIS ENGINEERING, PLLC, LLC
251 W. 4th Street, Suite 200
Vancouver, WA 98660
Attention: Wes Wegner

Consultant shall be responsible for providing the City with a current address. Either party may change the address set forth in this Agreement by providing notice to the other party in the manner set forth above.

8. Governing Law. This Agreement shall be governed and construed in accordance with the laws of the state of Oregon without resort to any jurisdiction's conflicts of law, rules or doctrines.

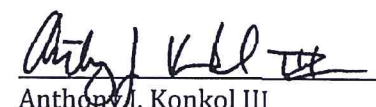
IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their duly appointed officers on this 23rd day of March, 2021.

CITY OF OREGON CITY

By: 

John M. Lewis, P.E.

Title: Public Works Director

DATED: 3-18-21, 2021.By: 

Anthony J. Konkol III

Title: City Manager

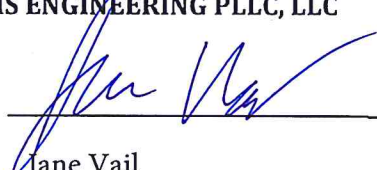
DATED: 3-18-21, 2021.

APPROVED AS TO LEGAL SUFFICIENCY:

By: _____

City Attorney

WALLIS ENGINEERING PLLC, LLC

By: 

Name: Jane Vail

Title: Principal Engineer

DATED: March 23, 2021.

\\depot\departments\PublicWorks\CIP_PS_RFQ_RFP\CIP_Open\CI 21-004 2021 Sanitary Sewer Rehab - Washington St & 99E\CONSULTANT\Contract\CI 21-004 - PSA with Wallis Engineering.docx

PROJECT DESCRIPTION AND GENERAL SCOPE

The City of Oregon City (City) has identified a number of sanitary sewer pipes within their system that require more maintenance than is typical, due largely to aging pipes and structural defects. The City prefers to use CIPP lining to rehabilitate the existing pipes where possible, but some point repairs are expected for structural failures. Many of the manholes connected to these pipe segments also require rehabilitation or replacement. This project includes the rehabilitation of the sanitary system as described below:

Washington Street. The project area includes two 8-inch concrete pipe segments with a total length of approximately 288 feet located on Washington Street between 14th Street and 15th Street. Three service laterals are connected to the sanitary sewer main within the limits and will need be reconnected. One of the service laterals is believed to connect directly to a manhole. No manhole rehabilitation is anticipated.

7th Street & Highway 99E. This project area includes five 8-inch concrete pipe segments with a total length of 270 feet located between 7th Street and 8th Street and Hwy 99E, including the sewer crossing Hwy 99E before discharging the WES trunk line adjacent to the Willamette River. There are no laterals in this project area and manhole rehabilitation is anticipated for up to five manholes.

6th Street & Highway 99E. This project area includes four concrete and vitrified clay pipe segments including both 6-inch and 8-inch diameters for a total length of 550 feet located on Hwy 99E between Main Street and 6th Street. There are an unknown number of service laterals in this project area. Manhole rehabilitation or replacement is anticipated for up to five manholes.

The 2021 Sanitary Sewer Rehabilitation project consists of evaluating the condition of the existing sanitary sewer pipes and manholes, identifying rehabilitation or replacement options, coordination with ODOT for work in ODOT Right-of-Way, and preparing contract documents necessary to competitively bid the project. The project schedule assumes construction will take place in the summer of 2021 and the design phase will be completed from February to June 2021.

CONTRACT DURATION

Contract term shall be from the date contract is fully executed until December 31, 2021.

SPECIFIC SCOPE OF WORK

TASK 1 PROJECT MANAGEMENT AND ADMINISTRATION

1.1 Project Management and Administration

Provide management, coordination, and direction to the project design team to complete the project.

Prepare project schedules outlining design and deliverable milestones. Prepare monthly status reports and schedule updates to be included with consultant invoices. Coordinate project team meetings and prepare meeting agendas and minutes.

This task assumes the following meetings:

- 50% Design Review Meeting
- 90% Design Review Meeting

1.2 ODOT Coordination

Coordinate the proposed improvements with ODOT and obtain the necessary permits for construction.

Assumption:

- Design phase of the project is assumed to be March 2021 – May 2021.
- Bidding and Construction phase is assumed to be June 2021 – September 2021. Construction phase services are not included in this scope of work and will be addressed as part of a contract amendment if services are requested.
- City project manager or agents will complete all stakeholder coordination, public involvement, and lead and obtain all necessary permits.
- Wallis will coordinate the proposed work with ODOT and obtain utility and traffic control permits as needed for the work. A total of 16 hours is assumed to coordinate, apply and obtain the necessary ODOT permits.

Deliverables:

- Monthly status reports, schedule updates, and invoices.
- Meeting agendas and minutes.

TASK 2 DESIGN PHASE WORK

This task includes design and plan preparation for the replacement or rehabilitation of the sanitary sewer system at the identified locations. Included is preparing contract documents necessary to competitively bid the project. The plan and profile contract drawings will be scaled at 1" = 20'H and 1" = 5'V. The City's standard details will be utilized and supplemented with project specific details as required. The contract will be a unit-based contract structure following the 2018 ODOT Standard Specifications for Construction and amended with project specific special provisions. Specific design subtasks are listed below:

2.1 Data Collection, Evaluation, and Base Mapping

Review as-built/record drawings, pipe inspection videos, existing mapping, aerial photos, GIS provided by the City and private utility providers. Conduct site investigation of the project areas to verify mapping accuracy, examine the condition of manholes. Prepare a project base map utilizing City GIS data and measurements taken on site.

2.2 Utility Notification

Notify private utility providers of the proposed improvements and coordinate to determine if any of the proposed sanitary sewer work will be in conflict with existing private utilities. Maps of the project areas will be sent to each private utility. The maps will be followed up with phone conversations and a letter or email to each utility.

2.3 Recommendations Memorandum

Summarize the sewer evaluations in a memorandum and provide recommended rehabilitation improvements for each project area. The memorandum will include graphical representation of existing sewer pipe deficiencies and identify recommended methods of sewer rehabilitation. A brief narrative comparing steam cured CIPP and UV light cured CIPP will be included.

2.4 50% Design Documents

Plans will be prepared to 50% design level for sewer rehabilitation and replacement work as determined in previous phases. Drawing format will be AutoCAD Civil 3D 2018+, and will be prepared using standard City title block as provided by the City. Plans will include the following:

- Plans and detail sheets. This includes utility improvement plans, erosion control plans, demolition plans, and sewer bypass plans as deemed necessary.
- Traffic control, phasing and coordination details.
- Erosion control plans prepared to meet City standards.
- The following is the anticipated list of plan sheets:

<i>Description</i>	<i>Sheets</i>	<i>Running Total</i>
Cover, Drawing Index	1	1
Legend, General Notes, Traffic Control Notes and Phasing	1	2
OR 99E Traffic Control Plans	2	4
Typical Sections	1	5
Plan Sheet – Washington Street	1	6
Plan Sheet – 7 th Street & Highway 99E	1	7
Plan Sheet – 6 th Street & Highway 99E	2	9
Details	3	12

A 50% engineer's opinion of cost will be prepared.

2.5 90% Design Documents

The City's 50% submittal review comments will be incorporated into the 90% plans. Wallis will submit a PDF file of half size plan sheets, specifications, and an engineer's opinion of cost for City review.

2.6 Final Design Documents

The City's 90% submittal review comments will be incorporated into the final plans and specifications and a master set of signed contract documents will be provided to the City in PDF format to distribute through its online bidding system. A final engineer's opinion of cost will be submitted.

Assumptions:

- The City will provide City GIS information in AutoCAD format and available as-builts/record drawings for use by Wallis Engineering.
- The City will provide information on historical sewer maintenance issues.
- The City will provide invert elevations or depth to invert for all pipe segments to be rehabilitated.
- The City will provide sufficient video of all sanitary sewer segments needed to evaluate rehabilitation options.
- The City will identify all active sanitary sewer laterals within the limits of pipe rehabilitation/replacement.
- Lateral rehabilitation will be limited to short CIPP liners at the connection points.

- No sewer capacity or modeling of existing systems is required.
- No upsizing of existing lines anticipated.

Deliverables:

- Project base map in AutoCAD format.
- Utility contact list.
- Recommendations Memorandum.
- 50% Design Plans and Estimate.
- 90% Design Plans, Specifications, and Estimate.
- Final Contract Documents.

TASK 3 BIDDING SERVICES

Wallis Engineering will provide bidding services to the City, including responding to bidder's questions and preparing addenda. Following the opening of bids, the bid tab and summary sheet of all bidder questions and responses will be provided to the City. The apparent low bidder's documents, bonds, and licenses will be reviewed prior to recommending award to the City. A total of 12 hours is allotted to this task, and the City will be notified immediately if additional time is needed.

Assumptions:

- The City will distribute the contract documents, maintain a planholders list, and distribute addenda as needed.

Deliverables:

- Addenda as necessary.
- Recommendation to Award.

TASK 4 CONSTRUCTION SERVICES – *Not included at this time*

Fee Estimate
City of Oregon City | 2021 Sanitary Sewer Rehabilitation
February 2021 | WE# 1507A

		EM3	EM1	PE5	PE2	SE1	T3	A6	A4	A3	Wallis Labor	Expenses	Total Cost
		\$189.07	\$176.25	\$149.54	\$130.32	\$101.48	\$115.36	\$111.09	\$94.00	\$83.32			
Task 1	Project Management and Administration												
1.1	Project Management and Administration		20		10			8	2		\$ 5,904.92	\$ -	\$ 5,904.92
1.2	ODOT Coordination				16						\$ 2,085.12	\$ -	\$ 2,085.12
	TASK 1 SUBTOTAL	0	20	0	26	0	0	8	2	0	\$ 7,990.04	\$ -	\$ 7,990.04
Task 2	Design Phase Work												
2.1	Data Collection, Evaluation, and Base Mapping		4		20	8	12				\$ 5,507.56	\$ 40.00 (M)	\$ 5,547.56
2.2	Utility Notification				4						\$ 521.28	\$ -	\$ 521.28
2.3	Recommendations Memorandum	1	2		8				2		\$ 1,772.13	\$ -	\$ 1,772.13
2.4	50% Design Documents	2	12		40		20		2		\$ 10,201.14	\$ -	\$ 10,201.14
2.5	90% Design Documents	4	16		50	16	24		4		\$ 14,860.60	\$ -	\$ 14,860.60
2.6	Final Design Documents	2	8		24		8		2		\$ 6,026.70	\$ 50.00 (P)	\$ 6,076.70
	TASK 2 SUBTOTAL	9	42	0	146	24	64	0	10	0	\$ 38,889.41	\$ 90.00	\$ 38,979.41
Task 3	Bidding Services												
3.1	Bidding Services		2		6						\$ 1,134.42	\$ -	\$ 1,134.42
	TASK 3 SUBTOTAL	0	2	0	6	0	0	0	0	0	\$ 1,134.42	\$ -	\$ 1,134.42
	Project Subtotal	9	64	0	178	24	64	8	12	0	\$ 48,013.87	\$ 90.00	\$ 48,103.87

Depending on availability, actual staff usage may not match the above estimated hours breakdown. Billing rates for all staff are listed in the Rate Schedule.

FEE SUMMARY	
Wallis Labor	\$ 48,013.87
Wallis Expenses	\$ 90.00
(M) = Mileage at current IRS Rate, (P) = Printing	
TOTAL BUDGET	\$ 48,103.87

RATE SCHEDULE

Rate Schedule good through December, 31, 2021

<u>Title</u>	<u>Range</u>	
Associate Engineer	\$150.61	\$150.61
Senior Engineer	\$206.16	\$206.16
Engineering Manager I - VI	\$176.25	\$202.95
Project Engineer I - IX	\$124.98	\$174.11
Staff Engineer I - IV	\$101.48	\$122.84
Engineering Intern I - III	\$63.02	\$69.43
Designer	\$119.64	\$145.27
Landscape Architect	\$133.52	\$133.52
Construction Manager	\$122.84	\$122.84
Inspector I - II	\$94.00	\$110.02
Technician I-IV	\$83.32	\$121.77
Administrative I – VI	\$50.20	\$111.09

These hourly rates include in-house office expenses, photocopying, and other incidental items. Mileage will be reimbursed at the current standard IRS rate. Outside expenses will be billed at cost plus 10%.

STANDARD CONDITIONS TO OREGON CITY PERSONAL SERVICES AGREEMENT

Item 7g.

1. Consultant Identification. Consultant shall furnish to City its taxpayer identification number, as designated by the Internal Revenue Service, or Consultant's social security number, as City deems applicable.

2. Payment.

(a) Invoices submitted in connection with this Agreement shall be properly documented and shall identify the pertinent agreement and/or purchase order numbers.

(b) City agrees to pay Consultant within thirty (30) days after receipt of Consultant's itemized statement. Amounts disputed by City may be withheld pending settlement.

(c) City certifies that sufficient funds are available and authorized for expenditure to finance the cost of the services to be provided pursuant to this Agreement.

(d) City shall not pay any amount in excess of the compensation amounts set forth in this Agreement, nor shall City pay Consultant any fees or costs that City reasonably disputes.

3. Independent Consultant Status.

(a) Consultant is an independent consultant and is free from direction and control over the means and manner of providing labor or services, subject only to the specifications of the desired results.

(b) Consultant represents that it is customarily engaged in an independently established business and is licensed under ORS chapter 671 or 701, if the services provided require such a license. Consultant maintains a business location that is separate from the offices of the City and bears the risk of loss related to the business as demonstrated by the fixed price nature of the contract, requirement to fix defective work, warranties provided and indemnification and insurance provisions of this Agreement. Consultant provides services for two or more persons within a 12-month period or routinely engages in advertising, solicitation or other marketing efforts. Consultant makes a significant investment in the business by purchasing tools or equipment, premises or licenses, certificates or specialized training and

Consultant has the authority to hire or fire persons to provide or assist in providing the services required under this Agreement.

(c) Consultant is responsible for obtaining all assumed business registrations or professional occupation licenses required by state or local law (including applicable City or Metro business licenses as per Oregon City Municipal Code Chapter 5.04). Consultant shall furnish the tools or equipment necessary for the contracted labor or services. Consultant agrees and certifies that:

(d) Consultant is not eligible for any federal social security or unemployment insurance payments. Consultant is not eligible for any PERS or workers' compensation benefits from compensation or payments made to Consultant under this Agreement.

(e) Consultant agrees and certifies that it is licensed to do business in the State of Oregon and that, if Consultant is a corporation, it is in good standing within the State of Oregon.

4. Early Termination.

(a) This Agreement may be terminated without cause prior to the expiration of the agreed-upon term by mutual written consent of the parties or by the City upon ten (10) days written notice to the Consultant, delivered by certified mail, email, or in person.

(b) Upon receipt of notice of early termination, Consultant shall immediately cease work and submit a final statement of services for all services performed and expenses incurred since the date of the last statement of services.

(c) Any early termination of this Agreement shall be without prejudice to any obligation or liabilities of either party already accrued prior to such termination.

(d) The rights and remedies of the City provided in this Agreement and relating to defaults by Consultant shall not be exclusive and are in addition to any other rights and remedies provided by law or under this Agreement.

5. No Third-Party Beneficiaries. City and

**STANDARD CONDITIONS TO OREGON CITY
PERSONAL SERVICES AGREEMENT**

Item 7g.

Consultant are the only parties to this Agreement and are the only parties entitled to enforce its terms. Nothing in this Agreement gives, is intended to give, or shall be construed to give or provide, any benefit or right, whether directly or indirectly or otherwise, to third persons unless such third persons are individually identified by name herein and expressly described as intended beneficiaries of the terms of this Agreement.

6. Payment of Laborers; Payment of Taxes.

(a) Consultant shall:

(i) Make payment promptly, as due, to all persons supplying to Consultant labor and materials for the prosecution of the services to be provided pursuant to this Agreement.

(ii) Pay all contributions or amounts due to the State Accident Insurance Fund incurred in the performance of this Agreement.

(iii) Not permit any lien or claim to be filed or prosecuted against the City on account of any labor or materials furnished.

(iv) Be responsible for all federal, state, and local taxes applicable to any compensation or payments paid to the Consultant under this Agreement and, unless Consultant is subject to back-up withholding, the City will not withhold from such compensation or payments any amount(s) to cover Consultant's federal or state tax obligation.

(v) Pay all employees at least time and one-half for all overtime worked in excess of forty (40) hours in any one week, except for individuals excluded under ORS 653.100 to 653.261 or under 29 U.S.C. §§ 201 to 209 from receiving overtime.

(b) If the Consultant fails, neglects or refuses to make prompt payment of any claim for labor or services furnished by any person in connection with this Agreement as such claim becomes due, the City may pay such claim to the person furnishing the labor or services and shall charge the amount of the payment against funds due or to become due to the Consultant by reason of this Agreement.

(c) The payment of a claim in this manner shall not relieve Consultant or Consultant's surety from obligation with respect to any unpaid claims.

(d) Consultant and subconsultants, if any, are subject employers under the Oregon workers' compensation law and shall comply with ORS 656.017, which requires provision of workers' compensation coverage for all workers.

7. Subconsultants and Assignment.

Consultant shall neither subcontract any of the work, nor assign any rights acquired hereunder, without obtaining prior written approval from the City. The City, by this Agreement, incurs no liability to third persons for payment of any compensation provided herein to the Consultant.

8. Access to Records. City shall have access to all books, documents, papers and records of Consultant that are pertinent to this Agreement for the purpose of making audits, examinations, excerpts and transcripts.

9. Ownership of Work Product; License. All work products of Consultant that result from this Agreement (the "Work Products") are the exclusive property of City. In addition, if any of the Work Products contain intellectual property of Consultant that is or could be protected by federal copyright, patent, or trademark laws, or state trade secret laws, Consultant hereby grants City a perpetual, royalty-free, fully paid, nonexclusive and irrevocable license to copy, reproduce, deliver, publish, perform, dispose of, use and re-use, in whole or in part (and to authorize others to do so), all such Work Products and any other information, designs, plans, or works provided or delivered to City or produced by Consultant under this Agreement. The parties expressly agree that all works produced (including, but not limited to, any taped or recorded items) pursuant to this Agreement are works specially commissioned by City, and that any and all such works shall be works made for hire in which all rights and copyrights belong exclusively to City. Consultant shall not publish, republish, display or otherwise use any work or Work Products resulting from this Agreement without the prior written agreement of City.

10. Compliance With Applicable Law.

STANDARD CONDITIONS TO OREGON CITY PERSONAL SERVICES AGREEMENT

Item 7g.

Consultant shall comply with all federal, state, and local laws and ordinances applicable to the services to be performed pursuant to this Agreement, including, without limitation, the provisions of ORS 279B.220, 279C.515, 279B.235, 279B.230 and 279B.270. Without limiting the generality of the foregoing, Consultant expressly agrees to comply with (i) Title VI of the Civil Rights Act of 1964; (ii) Section V of the Rehabilitation Act of 1973; (iii) the Americans With Disabilities Act of 1990 (Pub. L No. 101-336), ORS 659.425, and all regulations and administrative rules established pursuant to those laws; and (iv) all other applicable requirements of federal and state civil rights and rehabilitation and other applicable statutes, rules and regulations.

11. Professional Standards. Consultant shall be responsible, to the level of competency presently maintained by others practicing in the same type of services in City's community, for the professional and technical soundness, accuracy and adequacy of all services and materials furnished under this authorization.

12. Modification, Supplements or Amendments. No modification, change, supplement or amendment of the provisions of this Agreement shall be valid unless it is in writing and signed by the parties hereto.

13. Indemnity and Insurance.

(a) Indemnity. Consultant acknowledges responsibility for liability arising out of Consultant's negligent performance of this Agreement and shall hold City, its officers, agents, Consultants, and employees harmless from, and indemnify them for, any and all liability, settlements, loss, costs, and expenses, including attorney fees, in connection with any action, suit, or claim caused ~~or alleged to be caused~~ by the negligent acts, omissions, activities or services by Consultant, or the agents, Consultants or employees of Consultant provided pursuant to this Agreement.

(b) Workers' Compensation Coverage. Consultant certifies that Consultant has qualified for workers' compensation as required by the State of Oregon. Consultant shall provide the Owner, within ten (10) days after execution of this Agreement, a certificate of insurance evidencing

coverage of all subject workers under Oregon's workers' compensation statutes. ~~The insurance certificate and policy shall indicate that the policy shall not be terminated by the insurance carrier without thirty (30) days' advance written notice to City.~~ All agents or Consultants of Consultant shall maintain such insurance.

(c) Comprehensive, General, and Automobile Insurance. Consultant shall maintain comprehensive general and automobile liability insurance for protection of Consultant and City and for their directors, officers, agents, and employees, insuring against liability for damages because of personal injury, bodily injury, death, and broad-form property damage, ~~including loss of use, and occurring as a result of, or in any way related to,~~ Consultant's operation, each in an amount not less than \$2,000,000 combined, single-limit, per-occurrence/\$4,000,000 annual aggregate. Such insurance shall name City as an additional insured, with the stipulation that this insurance, as to the interest of City, shall not be invalidated by any act or neglect or breach of this Agreement by Consultant.

(d) Errors and Omissions Insurance Consultant shall provide City with evidence of professional errors and omissions liability insurance for the protection of Consultant and its employees, insuring against bodily injury and property damage arising out of Consultant's negligent acts, omissions, activities or services in an amount not less than \$500,000 combined, single limit. Consultant shall maintain in force such coverage for not less than three (3) years following completion of the project. Such insurance shall include contractual liability.

Within ten (10) days after the execution of this Agreement, Consultant shall furnish City a certificate evidencing the dates, amounts, and types of insurance that have been procured pursuant to this Agreement. ~~Consultant will provide for not less than thirty (30) days' written notice to City before the policies may be revised, canceled, or allowed to expire. Consultant shall not alter the terms of any policy without prior written authorization from City.~~ The provisions of this subsection apply fully to Consultant and its Consultants and agents.

**STANDARD CONDITIONS TO OREGON CITY
PERSONAL SERVICES AGREEMENT**

Item 7g.

14. Legal Expenses. In the event legal action is brought by City or Consultant against the other to enforce any of the obligations hereunder or arising out of any dispute concerning the terms and conditions hereby created, the losing party shall pay the prevailing party such reasonable amounts for attorney fees, costs, and expenses as may be set by a court. "Legal action" shall include matters subject to arbitration and appeals.

15. Severability. The parties agree that, if any term or provision of this Agreement is declared by a court to be illegal or in conflict with any law, the validity of the remaining terms and provisions shall not be affected.

16. Number and Gender. In this Agreement, the masculine, feminine or neuter gender, and the singular or plural number, shall be deemed to include the others or other whenever the context so requires.

17. Captions and Headings. The captions and headings of this Agreement are for convenience only and shall not be construed or referred to in resolving questions of interpretation or construction.

18. Hierarchy. The conditions contained in this document are applicable to every Personal Services Agreement entered into by the City of Oregon City in the absence of contrary provisions. To the extent there is a conflict, the terms of the Personal Services Agreement will control over the terms of the standard conditions. To the extent there is a conflict between the terms of the standard conditions and any other document, including the scope of services, the terms of the standard conditions shall control those other terms.

19. Calculation of Time. All periods of time referred to herein shall include Saturdays, Sundays and legal holidays in the State of Oregon, except that, if the last day of any period falls on any Saturday, Sunday or legal holiday, the period shall be extended to include the next day that is not a Saturday, Sunday or legal holiday.

20. Notices. Any notices, bills, invoices, reports or other documents required by this Agreement shall be sent by the parties by United

States mail, postage prepaid, or personally delivered to the addresses listed in the Agreement attached hereto. All notices shall be in writing and shall be effective when delivered. If mailed, notices shall be deemed effective forty-eight (48) hours after mailing, unless sooner received.

21. Nonwaiver. The failure of City to insist upon or enforce strict performance by Consultant of any of the terms of this Agreement or to exercise any rights hereunder shall not be construed as a waiver or relinquishment to any extent of its rights to assert or rely upon such terms or rights of any future occasion.

22. Information and Reports. Consultant shall, at such time and in such form as City may require, furnish such periodic reports concerning the status of the project, such statements, certificates, approvals, and copies of proposed and executed plans and claims, and other information relative to the project as may be requested by City. Consultant shall furnish City, upon request, with copies of all documents and other materials prepared or developed in relation with or as a part of the project. Working papers prepared in conjunction with the project are the property of City, but shall remain with Consultant. Copies as requested shall be provided free of cost to City.

23. City's Responsibilities. City shall furnish Consultant with all available necessary information, data, and materials pertinent to the execution of this Agreement. City shall cooperate with Consultant in carrying out the work herein and shall provide adequate staff for liaison with Consultant.

24. Arbitration.

All disputes arising out of or under this Agreement shall be timely submitted to nonbinding mediation prior to commencement of any other legal proceedings. The subsequent measures apply if disputes cannot be settled in this manner.

(a) Any dispute arising out of or under this Agreement shall be determined by binding arbitration.

(b) The party desiring such arbitration shall give written notice to that effect to the other party

**STANDARD CONDITIONS TO OREGON CITY
PERSONAL SERVICES AGREEMENT**

Item 7g.

and shall in such notice appoint a disinterested person of recognized competence in the field as arbitrator on its behalf. Within fifteen (15) days thereafter, the other party may, by written notice to the original party, appoint a second disinterested person of recognized competence as arbitrator on its behalf. The arbitrators thus appointed shall appoint a third disinterested person of recognized competence, and the three arbitrators shall, as promptly as possible, determine such matter, provided, however, that:

(i) If the second arbitrator is not appointed as described above, then the first arbitrator shall proceed to determine such matter; and

(ii) If the two arbitrators appointed by the parties are unable to agree, within fifteen (15) days after the second arbitrator is appointed, on the appointment of a third arbitrator, they shall give written notice of such failure to agree to the parties and, if the parties fail to agree on the selection of the third arbitrator within fifteen (15) days after the arbitrators appointed by the parties give notice, then, within ten (10) days thereafter, either of the parties, on written notice to the other party, may request such appointment by the presiding judge of the Clackamas County Circuit Court.

(c) Each party shall each be entitled to present evidence and argument to the arbitrators. The determination of the majority of the arbitrators or the sole arbitrator, as the case may be, shall be conclusive on the parties, and judgment on the same may be entered in any court having jurisdiction over the parties. The arbitrators or the sole arbitrator, as the case may be, shall give written notice to the parties, stating the arbitration determination, and shall furnish to each party a

signed copy of such determination. Arbitration proceedings shall be conducted pursuant to ORS 33.210 et seq. and the rules of the American Arbitration Association, except as provided otherwise.

(d) Each party shall pay the fees and expenses of the arbitrator appointed by such party and one-half of the fees and expenses of the third arbitrator, if any.

25. Governing Law. This Agreement shall be governed and construed in accordance with the laws of the state of Oregon without resort to any jurisdiction's conflicts of law, rules or doctrines.



CITY OF OREGON CITY

CITY COMMISSION REGULAR MEETING

DRAFT MINUTES

Commission Chambers, Libke Public Safety Facility, 1234 Linn Ave, Oregon City
Wednesday, March 02, 2022 at 7:00 PM

REGULAR MEETING OF THE CITY COMMISSION

1. CONVENE MEETING AND ROLL CALL

Mayor Lyles Smith convened the meeting at 7:04 PM.

PRESENT: 5 - Commissioner Frank O'Donnell, Commissioner Denyse McGriff, Commissioner Rocky Smith, Commissioner Adam Marl, and Mayor Rachel Lyles Smith

STAFFERS: 10 - City Manager Tony Konkol, City Recorder Jakob Wiley, Interim Community Development Director Aquilla Hurd-Ravich, Asst. to the City Manager Lisa Oreskovich, Police Chief Jim Band, Finance Director Matt Zook, Library Director Greg Williams, Parks and Recreation Director Kendall Reid, and Public Works Director John Lewis

2. FLAG SALUTE

3. CEREMONIES AND PROCLAMATIONS

4. CITIZEN COMMENTS

Armondo Borboa, resident of Oregon City, addressed the proposed street improvements in the Trillium Park neighborhood. He discussed alternatives to the City's proposal and what the neighborhood was willing to contribute.

Karla Laws, Elyville Neighborhood Association, discussed concerns about the R-2 zoning being built in the neighborhood and interpretation of ORS 227.180 and how the Council was being advised.

Paul Edgar, resident of Oregon City, discussed unimproved City rights-of-way in Canemah. He suggested turning the property back over to the neighbors.

5. PRESENTATIONS

5a. Library Board Annual Report

David Goldberg, Library Board Chair, provided the annual report. He highlighted the activities that took place in 2021 and plans for 2022.

There was discussion regarding library fine forgiveness.

6. ADOPTION OF THE AGENDA

Item 7a was pulled from the Consent Agenda. The agenda was adopted as amended.

7. CONSENT AGENDA

Motion made by Commissioner McGriff, seconded by Commissioner Smith, to approve the consent agenda except Item 7a. The motion carried by the following vote:

Yea: Mayor Lyles Smith, Commissioner Marl, Commissioner McGriff, Commissioner O'Donnell, and Commissioner Smith

7a. City Tree Removal Adjacent to 1508/1510 Jefferson Street

Commissioner McGriff thought there should be more mitigation than one tree and reuse of the tree. The comments from the McLoughlin Neighborhood Association needed a response.

John Lewis, Public Works Director, said the tree replacement requirement was consistent with code, although more trees could be added. He intended to make the firewood available to the community. The tree was outside the historic conservation district. There was an exemption for dead and dying trees in the Geologic Hazard Overlay.

There was discussion regarding reuse of the wood and planting more than one tree. There was consensus that the reuse of the wood as firewood and planting only one replacement tree was acceptable.

Motion made by Commissioner Marl, seconded by Commissioner Smith, to approve the tree removal adjacent to 1508/1510 Jefferson Street. The motion passed by the following vote:

Yea: Mayor Lyles Smith, Commissioner Marl, Commissioner O'Donnell, Commissioner Smith

Nay: Commissioner McGriff

7b. Personal Services Agreement with Murraysmith for the Boynton and Barlow Crest Reservoirs Condition Assessment and Seismic Evaluation Project (PS 22-008)

7c. OLCC: Liquor License Application – Don Chuy's Authentic Mexican Food LLC, 1346 Leland Road, Space B, Oregon City

7d. Minutes of the December 15, 2021 Regular Meeting

7e. Minutes for the January 19, 2022 Work Session

8. PUBLIC HEARINGS

8a. Appeal of Historic Review Board Approval of an ADA Ramp and Foundation Height Change Located at 1020 5th St (AP-21-00006, GLUA 21-00052, HR-21-00020, Modification of HR 20-00001)

Mayor Lyles Smith said the record had been closed at the last meeting and updated findings had been presented. She asked if any changes needed to be made.

Commissioner McGriff thought the revised findings reflected the Commission's decision.

Motion made by Commissioner McGriff, seconded by Commissioner Smith, to adopt the findings as submitted for AP-21-00006, GLUA 21-00052, HR-21-00020, Modification of HR 20-00001. The motion carried by the following vote:

Yea: Commissioner Marl, Commissioner McGriff, Commissioner O'Donnell, and Commissioner Smith

Abstain: Mayor Lyles Smith

9. GENERAL BUSINESS

10. COMMUNICATIONS

11. City Manager

None

12. Commissioners

None

13. Mayor

Mayor Lyles Smith thanked everyone for their well wishes during her recovery from her unexpected appendix removal and gave kudos to the hospital.

14. ADJOURNMENT

Mayor Lyles Smith adjourned the meeting at 7:51 PM.

Respectfully submitted,

Jakob S. Wiley, City Recorder



CITY OF OREGON CITY

CITY COMMISSION REGULAR MEETING

REVISED

DRAFT MINUTES

Commission Chambers, Libke Public Safety Facility, 1234 Linn Ave, Oregon City
Wednesday, March 16, 2022 at 7:00 PM

EXECUTIVE SESSION OF THE CITY COMMISSION:

The Executive Session was held after the adjournment of the City Commission Regular Meeting.

- a. - Pursuant to ORS 192.660(2)(e): to conduct deliberations with persons designated by the governing body to negotiate real property transactions.
- b. - Pursuant to ORS 192.660(2)(f): To consider information or records that are exempt by law from public inspection.

REGULAR MEETING OF THE CITY COMMISSION

1. CONVENE MEETING AND ROLL CALL

Mayor Lyles Smith convened the meeting at 7:19 PM.

PRESENT: 5 - Commissioner Frank O'Donnell, Commissioner Denyse McGriff, Commissioner Rocky Smith, Commissioner Adam Marl, and Mayor Rachel Lyles Smith

STAFFERS: 10 - City Manager Tony Konkol, City Recorder Jakob Wiley, Interim Community Development Director Aquilla Hurd-Ravich, Asst. to the City Manager Lisa Oreskovich, Police Chief Jim Band, Finance Director Matt Zook, Library Director Greg Williams, Parks and Recreation Director Kendall Reid, and Public Works Director John Lewis

2. FLAG SALUTE

3. CEREMONIES AND PROCLAMATIONS

4. CITIZEN COMMENTS

Dan Fowler, resident of Oregon City, discussed the importance of the river. He wanted Sportcraft Landing to stay in the City.

Paul Edgar, resident of Oregon City, discussed the economic value of Sportcraft Landing. They needed to try to work out the issues.

Wade Byers, resident of Gladstone, read a letter from Gail Yazzolino, Executive Director of the End of the Oregon Trail Interpretive Center, who supported Sportcraft Landing and renewal of their lease.

Eric Dye, owner of Sportcraft Landing, gave a history of the business and benefits of the facility to the City. He discussed the new requirements for the lease agreement and how he would like to resolve the issues.

Pete Tracy, resident of Gladstone, was in support of Sportcraft Landing. He discussed how his family and many others had used the facility for years. It needed to be kept open.

City Commission Regular Meeting REVISED Minutes

March 16, 2022

Mikaela Barren, resident of Wilsonville, was representing Energy Kayaking who used the docks at Sportcraft. She discussed the benefits of the programs they provided on the river.

Roger Rolan, resident of Oregon City, explained how Sportcraft helped the community. He asked the Commission to have conversations and work with Sportcraft.

Kent Ziegler, resident of Oregon City, said this business provided a vital service and they needed to find a way to leverage the asset for tourism and make it work.

Jerry Herrmann, resident of Gladstone, explained how he had used Sportcraft for river tours. Sportcraft needed a long term lease to continue to operate.

Elizabeth Morris, resident of Oregon City, discussed the importance of water access for all income levels. Sportcraft was an essential part of her life and she urged them to keep it open.

Commissioner O'Donnell understood the value of the river and tourism. The City wanted a marina, however all parties needed to act in a business-like manner.

Mayor Lyles Smith said there were misconceptions about this issue, but because it was a legal matter they were not able to talk about it.

5. PRESENTATIONS

5a. Greater Oregon City Watershed Council Annual Report

Doug Neeley and Tom Gaskill, Greater Oregon City Watershed Council, provided the annual report. They discussed the purpose of the Council, transitions, capacity building, Strategic Restoration Action Plan, projects, and budget.

There was discussion regarding flooding, funding, navigability of Abernethy Creek, acquisition of logs, and protecting Coho Salmon in Abernethy Creek.

6. ADOPTION OF THE AGENDA

Items 7c and 7d were pulled from the Consent Agenda. The agenda was adopted as amended.

7. CONSENT AGENDA

Motion made by Commissioner McGriff, seconded by Commissioner Smith, to approve the consent agenda except Items 7c and 7d. The motion carried by the following vote:

Yea: Mayor Lyles Smith, Commissioner Marl, Commissioner McGriff, Commissioner O'Donnell, and Commissioner Smith

- 7a. Resolution No. 22-11, Temporarily Exempting Construction Activities from the Prohibition Against Unlawful Noises for the Beavercreek North Campus Development Project and Declaring an Emergency
- 7b. Resolution No. 22-13, Amend Current Oregon City Library Advisory Board Bylaws
- 7c. Amendment No. 1 to the Personal Services Agreement with DeSantis Landscape. Inc. for the Street Division of Public Works Landscape Maintenance Services.

Commissioner Smith asked if 7c and 7d would be using funds from the City's budget. Tony Konkol, City Manager, said they were both coming out of the General Fund.

- 7d. Amendment No. 1 to the Public Works Urban Renewal Landscape Maintenance Services Personal Services Agreement

Motion made by Commissioner McGriff, seconded by Commissioner O'Donnell, to approve Items 7c and 7d. The motion carried by the following vote:

Yea: Mayor Lyles Smith, Commissioner Marl, Commissioner McGriff, and Commissioner O'Donnell

Abstain: Commissioner Smith

- 7e. Public Improvement Contract with Trench Line Excavation, Inc. for the Clairmont Area Waterline Replacements Project (CI 21-012)
- 7f. Change Order No. 1 for the 4th and 6th Streets Utility Replacement Project (CI 21-013)

8. PUBLIC HEARINGS

9. GENERAL BUSINESS

- 9a. Transfer of Real Property located at 13776 Canyon Court to the City of Oregon City

John Lewis, Public Works Director, reviewed the staff report and discussed the demolition of the building and the obligation of the City to demolish the foundation after the City received the property. The back taxes had been paid by the property owner and the terms of the settlement agreement had been met. The lien would stay with the property, not property owner, and if the City purchased the property, they would need to either pay the lien in full or ask the judge to withdraw the lien after reimbursing Code Enforcement.

Commissioner O'Donnell thought they should ask the judge to forgive the entire lien.

Police Captain Davis said Code Enforcement did incur real cost to resolve this case.

Commissioner McGriff thought they should transfer money from the Transportation fund to cover that cost.

Motion made by Commissioner O'Donnell, seconded by Commissioner Smith, to approve the transfer of real property located at 13776 Canyon Court to the City of Oregon City and to direct staff to request the judge forgive the entire lien. The motion carried by the following vote:

Yea: Mayor Lyles Smith, Commissioner Marl, Commissioner McGriff, Commissioner O'Donnell, and Commissioner Smith

- 9b. Intergovernmental Agreement (IGA) between Water Environment Services (WES) and City of Oregon City for Regional Inflow and Infiltration (I/I) Reduction

Mr. Lewis said this agreement would provide funding for I/I reduction. He explained the cities that had already approved the agreement and which ones had not as well as the benefits of approval.

Commissioner Smith was not in favor.

There was discussion regarding the cost of the capital plan, how the City could receive up to \$6 million reimbursement, cost savings from I/I projects, by-laws for the committee, and ability to withdraw at any time.

Motion made by Commissioner McGriff, seconded by Commissioner Marl, to approve the Intergovernmental Agreement (IGA) between Water Environment Services (WES) and City of Oregon City for regional Inflow and Infiltration (I/I) reduction. The motion passed by the following vote:

Yea: Mayor Lyles Smith, Commissioner Marl, and Commissioner McGriff

Nay: Commissioner O'Donnell and Commissioner Smith

- 9c. Resolution No. 22-12, Revocable Long-Term Obstruction in the Right-of-Way at 508 4th Avenue

Mr. Lewis referred to the pictures in the staff report regarding a landscape terrace wall that was encroaching in the right-of-way. It required approval of a revocable long-term obstruction permit.

Motion made by Commissioner Smith, seconded by Commissioner Marl, to approve Resolution No. 22-12, Revocable Long-Term Obstruction in the Right-of-Way at 508 4th Avenue. The motion passed by the following vote:

Yea: Mayor Lyles Smith, Commissioner Marl, Commissioner O'Donnell, and Commissioner Smith

Nay: Commissioner McGriff

- 9d. Personal Services Agreement with MGT Consulting for Consultant Services and the Delivery of Diversity, Equity, and Inclusion Initiatives

Patrick Foiles, Human Resources Director, said this agreement would allow MGT to coordinate and deliver projects and initiatives to achieve the City's DEI goals.

Motion made by Commissioner McGriff, seconded by Commissioner Marl, to approve the Personal Services Agreement with MGT Consulting for consultant services and the delivery of Diversity, Equity, and Inclusion Initiatives. The motion carried by the following vote:

Yea: Mayor Lyles Smith, Commissioner Marl, Commissioner McGriff, Commissioner O'Donnell, and Commissioner Smith

10. COMMUNICATIONS

11. City Manager

None

12. Commissioners

Commissioner McGriff discussed organizing a program to celebrate Juneteenth that was City sponsored.

Commissioner Marl reported on the National League of Cities Conference in Washington, D.C.

13. Mayor

None

14. ADJOURNMENT

Mayor Lyles Smith adjourned the meeting at 9:22 PM.

Respectfully submitted,

Jakob S. Wiley, City Recorder



CITY OF OREGON CITY

Staff Report

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

Item 8a.

To: City Commission **Agenda Date:** 6/01/2022
From: Christina Robertson-Gardiner, Senior Planner

SUBJECT:

Second Reading of Ordinance No. 22-1001, the Housing Choices Code Update (GLUA 22-0002/LEG 22-00001)

STAFF RECOMMENDATION:

Approve the Second Reading of Ordinance 22-1001 and remand the file to the October 24, 2022 Planning Commission Meeting.

EXECUTIVE SUMMARY:

The City Commission adopted the First Reading of Ordinance 22-1001 at the May 18, 2022 City Commission Hearing.

The Housing Choices Code Update ([House Bill 2001](#)) proposes amendments to Title 16 (Land Divisions) and Title 17 (Zoning) of the Oregon City Municipal Code in order to permit a greater range of middle housing types, including duplexes, triplexes, quadplexes, townhouses and cottage clusters in residential zones where single-family detached residential units are permitted. The code amendments were developed to meet the minimum compliance standards. The Planning Commission or City Commission could choose to implement code that goes beyond the minimum compliance standards if they choose- but would need to provide that direction to Staff through the hearings process.

The Planning Commission reviewed the zoning and code amendments for the Housing Choices Code Update at a Worksession on March 14, 2022 and at a Public Hearing on March 28, 2022, where they provided staff direction on a number of policy questions and recommended that the code package be sent to the City Commission. A policy tracker was used by the Planning Commission and is attached as an exhibit to this memo which provides a concise overview of their recommended revisions and policy direction.

At the April 20, 2022 City Commission Meeting, the City Commission reviewed the Planning Commission Recommendation and directed Staff to return with additional information on two policy topics:

1. Duplex, Triplex, and Quadplex Configurations: revision to the code to allow detached units only in conjunction with keeping the existing housing onsite

2. Garage Options for Cottage Clusters: further information about the layout implication of all additional attached and detached garage options in cluster housing.

Staff prepared a compliance option and alternative approach code for both topics in Exhibit A of the first reading of the Ordinance. At the May 4, 2022 meeting, the City Commission adopted the first reading of the ordinance with the following policy directions:

Duplex, triplex and quadplex configuration as attached or detached units

Policy Direction: 1.B Allow detached units for duplexes and triplexes on lots already developed with an existing dwelling

Cluster housing garage options

Policy Direction: 2.B: Allow up to 400-square feet detached garages with individual cottages in addition to 600-square feet shared garages

Cluster housing garage options

Policy Direction: 3.B: Keep 200-square feet limit for attached garages but exempt them from allowed unit size (allowed in addition to)

With an abundance of caution, Staff recommends the City Commission provides another First Reading of the Ordinance to ensure that there was no confusion to the public as to the specific code section adopted by the policy decision made on the May 4, 2022 City Commission Meeting. Staff is also providing enhanced Goal 10 findings that address the connection between the recently adopted Housing Needs Analysis and HB 2001. These additional findings have been added to the revised staff report.

Staff also recommends that after the second reading of the 1st code package, GLUA 22-0002/LEG-22-0001 be continued to the October 24, 2022 Planning Commission hearing to review a 2nd package of amendments that address policy questions that are advanced by the City and allow Staff the ability to respond to any technical revisions needed in response to the implementation of the initial package.

BACKGROUND:

The City of Oregon City is continuing work to expand housing choices for all members of the community with zoning code updates to increase flexibility for middle housing types. These housing types tend to be smaller scale and less expensive than detached single-family dwellings and provide needed variety to accommodate Oregon City's diversity of households. They are called middle housing because they fall somewhere between single-family homes and larger apartments. [House Bill 2001](#), passed by the State Legislature in 2019, calls for cities to allow a range of middle housing types, including duplexes, triplexes, quadplexes, townhouses, and cottage clusters in single-family neighborhoods. These code revisions must be adopted by June 30, 2022, and be effective by July 1, 2022.

The [Housing Choices Code Update](#) will help restore a greater variety of housing types that were historically incorporated into residential neighborhoods but have been outlawed for more than half a century. While detached single-family homes on one lot will remain the predominant housing type in Oregon City, code updates will create more opportunities for different types of housing to be accessible for a wider range of households.

Middle housing standards must comply with new [Oregon Administrative Rules \(OARs\)](#) and/or [Model Code standards](#) that implement HB 2001 and [SB458](#) (middle housing land divisions). The OARs set minimum requirements for all middle housing types, and the Model Code offers best practices for cities to adopt or adapt that generally go a step beyond the minimum compliance standards.

CC&Rs (Covenants, Conditions, and Restrictions)

While HB 2001 does prohibit the creation of new CC&Rs that conflict with HB 2001, it does not affect existing CC&Rs. To find out if a specific property has CC&Rs, contact the Homeowner's Association (if applicable) or a title company or conduct a search through Clackamas County Deeds & Records. Title reports, produced when purchasing property, should disclose any CC&Rs. Realtors are required to disclose existing CC&Rs before properties are sold. The City of Oregon City does not enforce CC&Rs or other such private agreements.

OPTIONS:

1. Approve the Second Reading of Ordinance 22-1001 and remand the file to the October 24, 2022 Planning Commission Meeting.

ORDINANCE NO. 22-1001

AN ORDINANCE ADOPTING AMENDMENTS TO OREGON CITY MUNICIPAL CODE; TITLE 16: LAND DIVISIONS, AND TITLE 17: ZONING OF THE OREGON CITY MUNICIPAL CODE

WHEREAS, The Housing Choices Code Update proposes amendments to Title 16 (Land Divisions) and Title 17 (Zoning) of the Oregon City Municipal Code in order to permit a greater range of middle housing types, including duplexes, triplexes, quadplexes, townhouses and cottage clusters in residential zones where single-family detached residential units are permitted; and

WHEREAS, The proposed updates build upon earlier policy work developed in the 2019 Equitable Housing Policy project and were written to maintain existing policy direction while meeting the specifics of state requirements in HB 2001 and SB 458; and

WHEREAS, The Housing Choices Code Update will help restore a greater variety of housing types that were historically incorporated into residential neighborhoods; and

WHEREAS, While detached single-family homes on one lot will remain the predominant housing type in Oregon City, code updates will create more opportunities for different types of housing to be accessible for a wider range of households; and

WHEREAS, The proposed code revisions meet the requirements of the new state law by June 30, 2022.; and

WHEREAS, Legislative File: GLUA 22-0002/LEG-22-0001 is remanded back to the Planning Commission for review at the October 24, 2022 Planning Commission Hearing to further discuss additional policy questions not required for inclusion in the June 30th package #1 along with any needed technical revisions.

NOW, THEREFORE, THE CITY OF OREGON CITY ORDAINS AS FOLLOWS:

Section 1. The City hereby amends the portions of the existing Oregon City Municipal Code Title 16: Land Divisions, And Title 17: Zoning Of The Oregon City Municipal Code; which are attached hereto as Exhibit 'A'.

Section 2. The Commission adopts the "Staff Report and Recommendation for Legislative File: GLUA 22-0002/LEG-22-0001.

Section 3. Severability. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable.

Section 4. Effectiveness. This Ordinance shall take effect on June 30, 2022.

Read for the first time at a regular meeting of the City Commission held on the 18th day of May 2022 and the City Commission finally enacted the foregoing Ordinance this 1st day of June 2022.

DENYSE C. MCGRUFF
Commission President

Attested to this 1st day of June 2022:

Approved as to legal sufficiency:

Jakob S. Wiley, City Recorder

City Attorney

Exhibits:

Exhibit A – Amended Sections of the Oregon City Municipal Code

Oregon City Municipal Code

GLUA 22-0002/LEG 22-00001

Housing Choices Update
June 1, 2022 City Commission Hearing

Code Amendments Package #1

CLEAN COPY

Ordinance No. 22-1001

OCMC 16.08 - Land Divisions—Process And Standards
OCMC 16.12 - Minimum Public Improvements And Design Standards For Development
OCMC 16.24- Middle Housing Land Division -new
OCMC 17.04 – Definitions
OCMC 17.08- Low-Density Districts
OCMC 17.10 - Medium Density Districts
OCMC 17.12 - High-Density Districts
OCMC 17.14 - Single-Family Detached And Duplex Residential Design Standards
OCMC 17.16 - Single-Family Attached And 3—4 Plex Residential Design Standards
OCMC 17.20 - Accessory Dwelling Unit, Cluster Housing, Internal Conversion, Live/Work Dwelling, And Manufactured Home Park Design Standards.
OCMC 17.21- Residential Standards—Park Place Concept Plan Area
OCMC 17.22 - Residential Standards—South End Concept Plan Area
OCMC 17.26 - HC Historic Commercial District
OCMC 17.29- MUC Mixed-Use Corridor District
OCMC 17.32- C General Commercial District
OCMC 17.34 - MUD Mixed-Use Downtown District
OCMC 17.35 - Willamette Falls Downtown District
OCMC 17.49 - Natural Resource Overlay District
OCMC 17.50 - Administration and Procedures
OCMC 17.52 - Off-street Parking and Loading
OCMC 17.58 - Lawful Nonconforming Uses, Structures and Lots
OCMC 17.62 - Site Plan and Design Review
OCMC 17.65- Master Plans And Planned Unit Developments



Chapter 16.08 LAND DIVISIONS—PROCESS AND STANDARDS¹

16.08.005 Definitions.

Whenever the words or terms and their derivatives are used in this chapter, they shall have the meaning herein ascribed to them as described in OCMC 17.04, unless the context dictates application of a different meaning.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

16.08.010 Purpose and general provisions.

- A. Applicability. This chapter controls the process and approval standards applicable to land divisions including:
 - 1. Partitions, defined as a single division of land into two or three lots,
 - 2. Subdivisions, defined as a single division of land into four or more lots,
 - 3. Master plans and planned unit developments,
 - 4. Expedited land divisions~~-,~~ and/or
 - 5. Middle housing land divisions.
- B. Approval of a land division shall be granted only upon determination by the city that all applicable requirements of this title, ORS Chapter 92, the applicable zoning designation, applicable overlay districts, and OCMC 12.08, 13.12, 15.48, 16.12, 17.41, and 17.50 of the Oregon City Municipal Code are met or can be met with conditions of approval.
- C. Minor partitions and subdivisions shall generally follow a Type II process and master plans/planned unit developments shall be processed as a Type III process pursuant to OCMC 17.50. However, if an applicant opts to process a subdivision as an expedited land division or middle housing land division, the city shall follow the decision-making process provided by state law and apply the applicable approval standards set forth in this code and elsewhere.
- D. Purpose. The purpose of this chapter is to provide a speedy review and decision-making process with relatively clear and objective criteria indicating little discretion, with little opportunity to deviate from the city's dimensional standards. If an applicant wishes greater flexibility in lot pattern or layout, phasing of development, or relief from dimensional or public improvement standards, the appropriate procedure would be a master plan/planned unit development pursuant to OCMC 17.65 or an additional application for a variance(s) pursuant to OCMC 17.60.
- E. Process Overview. Land division review process requires a two-step process: preliminary and final plats. The preliminary plat, reviewed through a Type II process, provides all of the essential information about the proposal, including layout, number and pattern of lots, location of all existing structures and improvements, significant natural features, development schedule and any other required information. The final plat shall be processed as identified in OCMC 16.08.100.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

¹Editor's note(s)—Ord. No. 18-1009, § 1(Exh. A), adopted July 3, 2019, amended Chapter 16.08 in its entirety to read as herein set out. Former Chapter 16.08, §§ 16.08.010—16.08.065, pertained to subdivisions—process and standards, and derived from Ord. No. 08-1014, adopted July 1, 2009; Ord. No. 10-1003, adopted July 7, 2010 and Ord. No. 13-1017, adopted April 16, 2014.

16.08.025 Preliminary plat—Required information.

The preliminary plat shall specifically and clearly show the following features and information on the maps, drawings, application form or attachments. The preliminary plat layout may be prepared by a civil engineer, architect, land use planner or similarly qualified professional. All maps and site drawings shall be at a minimum scale of one inch to fifty feet:

- A. **Site Plan.** A detailed site development plan drawn to scale by a licensed professional based on an existing conditions plan drawn by a licensed surveyor. The site plan shall include the location and dimensions of lots, streets, existing and proposed street names, pedestrian ways, transit stops, common areas, parks, trails, open spaces, building envelopes and setbacks, all existing and proposed utilities and improvements including sanitary sewer, stormwater and water facilities, total impervious surface created (including streets, sidewalks, etc.), all areas designated as being within an overlay district and an indication of existing and proposed land uses for the site. If required by staff at the pre-application conference, a connectivity analysis shall be prepared by a transportation engineer licensed by the State of Oregon that describes the existing and future vehicular, bicycle and pedestrian connections between the proposed subdivision and existing or planned land uses on adjacent properties. The connectivity analysis shall include shadow plats of adjacent properties demonstrating how lot and street patterns within the proposed land division will extend to and/or from such adjacent properties and can be developed meeting the existing OCMC design standards and adopted Transportation System Plan, street design standards, and adopted concept plans, corridor and access management studies, engineering standards and infrastructure analyses.
- B. **Traffic/Transportation Plan.** The applicant's traffic/transportation information shall include two elements: (1) A detailed site circulation plan showing proposed vehicular, bicycle, transit and pedestrian access points and connections to the existing system, circulation patterns and connectivity to existing rights-of-way or adjacent tracts, parking and loading areas and any other transportation facilities in relation to the features illustrated on the site plan; and (2) a traffic impact study prepared by a qualified professional transportation engineer, licensed in the state of Oregon, that assesses the traffic impacts of the proposed development on the existing transportation system and analyzes the adequacy of the proposed internal transportation network to handle the anticipated traffic and the adequacy of the existing system to accommodate the traffic from the proposed development. In the preparation of the traffic/transportation plan, the applicant shall reference the adopted transportation system plan. The community development director may waive any of the foregoing requirements if determined that the requirement is unnecessary in the particular case.
- C. **Natural Features Plan and Topography, Preliminary Grading and Drainage Plan.** The applicant shall submit a map illustrating all of the natural features and hazards on the subject property and, where practicable, within two hundred fifty feet of the property's boundary. The map shall also illustrate the approximate grade of the site before and after development. Illustrated features shall include all proposed streets and cul-de-sacs, the location and estimated volume of all cuts and fills, and all stormwater management features. This plan shall identify the location of drainage patterns and courses on the site and within two hundred fifty feet of the property boundaries where practicable. Features that shall be illustrated shall include the following:
 1. Proposed and existing street rights-of-way and all other transportation facilities;
 2. All proposed lots and tracts;
 3. All trees proposed to be removed prior to final plat with a diameter six inches or greater diameter at breast height (d.b.h);
 4. All natural resource areas pursuant to OCMC 17.49, 17.48, 17.44, and 17.42;
 5. The location of any known state or federal threatened or endangered species or wildlife habitat or other natural features listed on any of the city's official inventories;

6. All historic areas or cultural features acknowledged as such on any federal, state or city inventory;
- D. Archeological Monitoring Recommendation. For all projects that will involve ground disturbance, the applicant shall provide,
1. A letter or email from the Oregon State Historic Preservation Office Archaeological Division indicating the level of recommended archeological monitoring on-site, or demonstrate that the applicant had notified the Oregon State Historic Preservation Office and that the Oregon State Historic Preservation Office had not commented within forty-five days of notification by the applicant; and
 2. A letter or email from the applicable tribal cultural resource representative of the Confederated Tribes of the Grand Ronde, Confederated Tribes of the Siletz, Confederated Tribes of the Umatilla, Confederated Tribes of the Warm Springs and the Confederated Tribes of the Yakama Nation indicating the level of recommended archeological monitoring on-site, or other written demonstration that the applicant 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 any responsive letter or email as part of the completeness review. For the purpose of this section, ground disturbance is defined as the movement of native soils. The community development director may waive any of the foregoing requirements if the community development director determines that the requirement is unnecessary in the particular case and that the intent of this chapter has been met.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019; Ord. No. 20-1006, § 1(Exh. A), 7-1-2020)

16.08.030 Preliminary plat—Narrative statement.

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

- A. Description. A detailed description of the proposed development, including a description of proposed uses, number and type of residential units, allocation and ownership of all lots, tracts, streets, and public improvements, the structure of any homeowner's association, and each instance where the proposed subdivision will vary from some dimensional or other requirement of the underlying zoning district.
- B. Timely Provision of Public Services and Facilities. The applicant shall explain in detail how and when each of the following public services or facilities is, or will be, adequate to serve the proposed development by the time construction begins:
 1. Water,
 2. Sanitary sewer,
 3. Storm sewer and stormwater drainage,
 4. Parks, trails and recreation facilities, if determined to be necessary pursuant to the Oregon City adopted trail master plan and/or parks and recreation master plan,
 5. Traffic and transportation, and
 6. Fire and police services,

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

- C. Drafts of the proposed covenants, conditions and restrictions (CC&Rs), maintenance agreements, homeowner association agreements, dedications, deeds easements, or reservations of public open spaces not dedicated to the city, and related documents for the land division.
- D. Overall density of the land division and the density by dwelling type for each.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

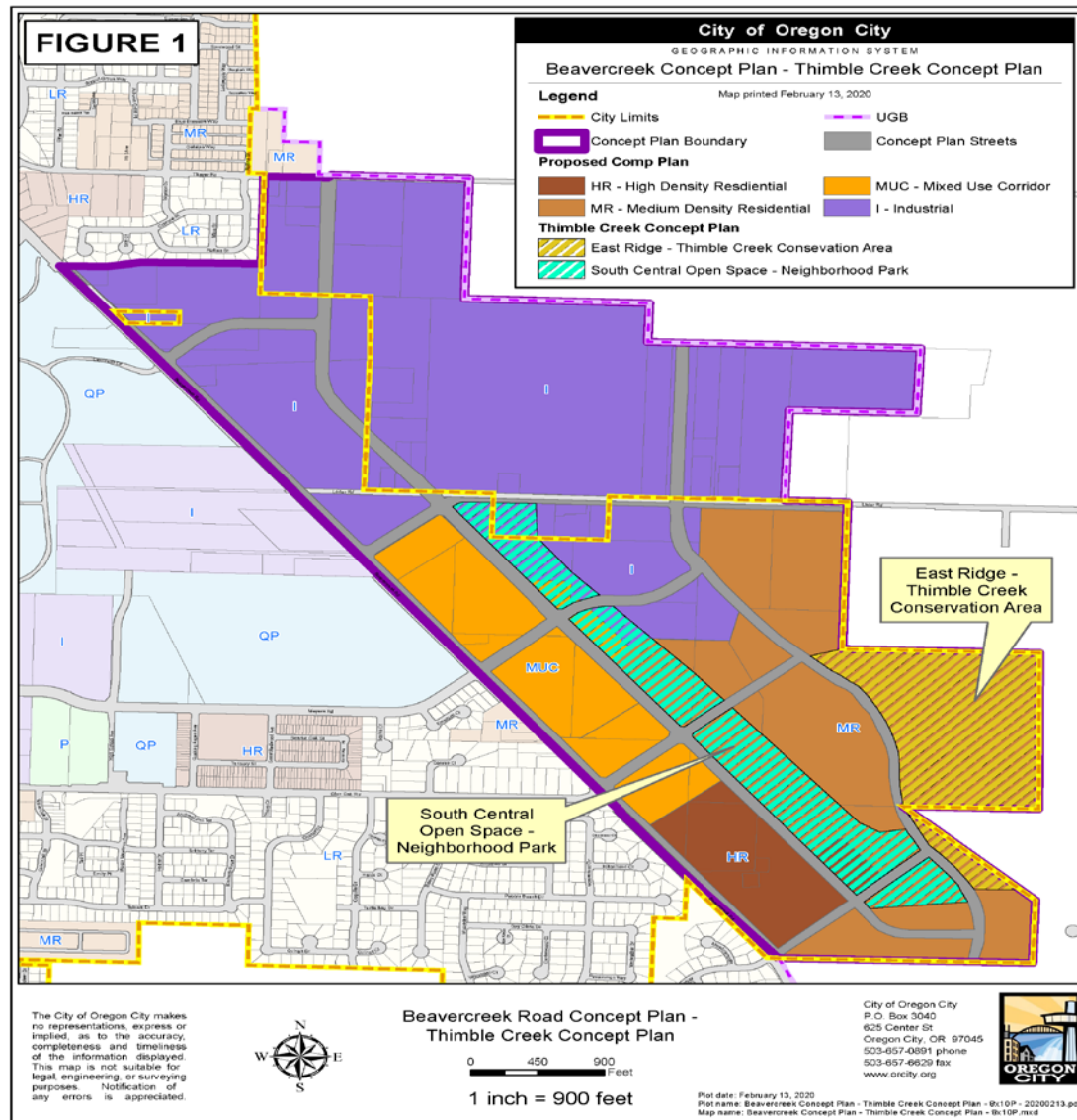
16.08.040 Park and open space requirements.

Additional Public Park and Open Space Requirements in Thimble Creek Concept Plan Area—Residential Development.

- A. Each development within the Thimble Creek Concept Plan area that includes residential development must dedicate land for neighborhood parks and open space subject to the location requirements set forth in subsection F as follows:
 - 1. The minimum acreage of land for the South-Central Open Space-Neighborhood Park as provided in the following calculation: $(2.6 \text{ persons per dwelling units}) \times (\text{total number of dwelling units proposed}) \times (\text{four acres}) / (\text{one thousand persons})$.
 - 2. The minimum amount of land in acres dedicated for the East Ridge-Thimble Creek Conservation Area shall be 7.5 acres.
 - 3. The entire acreage must be dedicated as part of the final plat or site plan development approval for the first phase of development.
- B. If a larger area for a neighborhood park or open space is proposed than is required based on the per-unit calculation described in subsection A for the South-Central Open Space — Neighborhood Park, the city must reimburse the applicant for the value of the amount of land that exceeds the required dedication based on the fee-in-lieu formula expressed in subsection C.
- C. The city may accept a fee-in-lieu as an alternative to this dedication at its discretion or may require a fee-in-lieu if a suitable site meeting the criteria described in subsection D of these provisions is not available within the development site. The calculation of the fee-in-lieu or other monetary contribution must meet the following standards:
 - 1. The amount of the fee in lieu or other monetary contribution shall be determined by a licensed, city-selected appraiser, retained by the applicant, who will value the excessive dedication in dollars per acre assuming that zoning and other land use entitlements necessary for park or open space development are in place.
 - 2. The fee-in-lieu or other monetary contribution shall be paid concurrent with public dedication.
- D. Neighborhood park and open space sites proposed for dedication must be located within the South-Central Open Space Network and East Ridge Thimble Creek Conservation Area Park locations as shown in Figure 16.08.040-1 and meet the following locational and dimensional standards:
 - 1. South Central Open Space-Neighborhood Park.
 - a. Thirty-foot ped/bikeway string along the east side of Center Parkway to be located in a shared-use path and will not be considered part of a pearl.
 - b. Up to four pearls of various sizes spread along the open space network.
 - c. Minimum sizes pearl: Two acres minimum.

- d. Maximum size pearl: None.
 - e. Minimum combined size of all pearls: Ten acres.
 - f. Minimum average pearl width: Two hundred feet.
 - g. Minimum average pearl depth: Two hundred feet.
 - h. At least five acres to be developed with active recreation components.
 - i. The first pearl dedicated must be at least three acres in size.
2. East Ridge-Thimble Creek Conservation Area shall include:
- a. One-half of area between the Thimble Creek stream buffer and the four hundred ninety-foot elevation ridgeline to be open space;
 - b. Two public viewpoints separated by at least four hundred feet with a minimum size of .35 acre at less than ten percent slope for each viewpoint. One of the viewpoints must be visible from a passing vehicle on the Ridge Parkway;
 - c. Seven hundred-foot non-interrupted view corridor along open space from the east edge of the Ridge Parkway; and
 - d. Provide a pedestrian-oriented forest trail from one view-point to another along the Ridge Parkway.

Figure 16.08.040-1



(Ord. No. 21-1006, § 1(Exh. A), 7-1-2020)

16.08.045 Frontage width requirement.

Each lot shall abut upon a street other than an alley for a width of at least twenty feet unless flag lots are provided pursuant to OCMC 16.08.050.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

16.08.050 Flag lots.

- A. Flag lots shall not be permitted except where the applicant can show that the existing parcel configuration, topographic constraints or the location of a pre-existing dwelling unit precludes a land division that meets the minimum density, dimensional standards of the underlying zone, and except where street connectivity is not practicable as determined by the city engineer.

- B. A shared joint accessway shall be provided unless the existing topography of the site or the pre-existing 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 form acceptable to the city attorney.
- C. Accessways shall have a pavement width of at least sixteen feet to service one or two units or twenty feet to service three or more units. A fire access corridor of at least twenty feet shall be provided to all parcels with a minimum pavement width of sixteen feet to service two units or twenty feet to service three or more units. At least six inches of shoulder on each side of the fire 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 city engineer. The city engineer and/or fire district may require that additional fire suppression devices be provided to assure an adequate level of fire and life safety. The city engineer and/or fire district may prohibit vehicular obstruction, including trees, fences, landscaping and structures within the fire access corridor.

If the proposed accessway exceeds one hundred fifty feet in length the accessway shall conform to fire district standards and shall be paved to a minimum width of twenty feet unless an alternative is approved by the planning division and fire district. If more than two units are served, a turnaround for emergency vehicles shall be provided. The turnaround shall be approved by the city engineer and fire district.

- D. The pole portion of the flag lot shall connect to a street.
- E. The pole shall be at least ten feet wide for the entire length.
- F. The pole shall be part of the flag lot and shall remain under the same ownership as the flag portion of the lot.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

16.08.053 Tracts.

Tracts which cannot be developed with a home or office, commercial, residential, institutional, industrial, parking or other uses as determined by the city engineer or community development director are not subject to compliance with the dimensional standards of the zoning designation, frontage requirements, or flag lot standards.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

16.08.060 Building sites.

- A. The size, width, shape and orientation of building sites shall be rectangular or square to the maximum extent practicable.
- B. Sites abutting an alley shall gain vehicular access from the alley unless deemed impracticable by the decision maker.
- C. Adequate access for emergency services (fire and police) shall be provided.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

16.08.063 Minimum density.

All layouts shall achieve at least the minimum density of the base zone for the net developable area as defined in OCMC 17.04. Alternatively, a site may be partitioned into two lots, though one of the lots shall not contain sufficient lot area to allow further division.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

16.08.065 Lot size reduction.

A subdivision in the R-10, R-8, R-6, R-5, or R-3.5 dwelling district may utilize lot size reduction for up to twenty-five percent of the lots proposed for single-family detached residential or duplex use. Fractions resulting from the twenty-five percent calculation shall be rounded down. The reduced-size lots may be up to ten percent less than the required minimum lot area of the applicable zoning designation provided the average lot size of all proposed single-family detached residential or duplex lots meet the minimum requirement of the underlying zone. Any area within a powerline easement on a lot shall not count towards the lot area for that lot. Lot size reduction is only permitted through a subdivision or, master plan and planned unit developments processes and may not be used for minor partitions or any other residential uses.

The average lot area is determined by first calculating the total net developable area devoted to single-family detached dwelling units or duplexes, subtracting the powerline easement areas, open space, tracts, stormwater facilities, roads, right-of-way, or accessways and dividing that figure by the proposed number of single-family detached dwelling or duplex lots.

A lot that was created pursuant to this section may not be further divided unless the average lot size requirements are still met for the entire subdivision, except that lots developed with a duplex shall be eligible for a middle housing land division pursuant to OCMC 16.24.

When a lot abuts a public alley, an area equal to the length of the alley frontage along the lot times the width of the alley right-of-way measured from the alley centerline may be added to the area of the abutting lot in order to satisfy the lot area requirement for the abutting lot. It may also be used in calculating the average lot area.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

16.08.070 Through lots.

Through lots and parcels shall be avoided except where they are essential to provide separation of residential development from major arterials or to overcome specific disadvantages of topography of existing development patterns. A reserve strip may be required. A planting screen restrictive covenant may be required to separate residential development from major arterial streets, adjacent nonresidential development, or other incompatible use, where practicable. Where practicable, alleys or shared driveways shall be used for access for lots that have frontage on a collector or minor arterial street, eliminating through lots.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

16.08.075 Building site—Lot and parcel side lines.

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

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

16.08.080 Setbacks and building location.

This standard ensures that lots are configured in a way that development can be oriented toward streets to provide a safe, convenient and aesthetically pleasing environment for pedestrians and bicyclists. Residences oriented in this manner assure a sense of openness by avoiding the "bowling alley" effect caused by uninterrupted, continuous privacy fences along higher volume streets. The objective is for lots located on a neighborhood collector, collector or minor arterial street to locate the front yard setback on and design the most architecturally significant elevation of the primary structure to face the neighborhood collector, collector or minor arterial street,

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

- B. The most architecturally significant elevation of the residence shall face the neighborhood collector, collector or minor arterial street.
- C. On corner lots located on the corner of two local streets, the main façade of the residence may be oriented towards either street.
- D. The decision maker may approve an alternative design, consistent with the intent of this section, where the applicant can show that existing development patterns preclude the ability to practically meet this standard.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

16.08.085 Division of large lots.

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

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

16.08.095 Prohibition on additional private restrictions on housing types.

Private restrictions on the provision of accessory dwelling units-duplexes, or internal executed after July 1, 2019 and all middle housing types after August 9, 2019 shall be prohibited. Conditions, covenants, and restrictions (CC&Rs) or similar legal instrument submitted with residential plats submitted for final plat approval after July 1, 2019 shall not prohibit or impose additional restrictions on accessory dwelling units, duplexes, and/or internal conversions and after August 9, 2019 for all middle housing types to the extent permitted in the OCMC in place at the time of final plat submittal, and shall not impose additional restrictions on middle housing those uses through any future amendment.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

16.08.100 Final plat—Application requirements and approval standards.

- A. The final plat shall contain, or be accompanied by, the following information:
 - 1. The planning file number, located just below the title block;
 - 2. The lines and names of all streets or other public and private ways, pedestrian/bicycle accessways, parks, playgrounds and easements intended to be dedicated for public use, or granted for use of the owners within the petition;
 - 3. The length and bearings of all straight lines, curves, radii and arcs of all curves;
 - 4. Street center line control based on recorded city control surveys for street center lines, if applicable;
 - 5. The names or official reference numbers of all recorded subdivision or partition plats immediately adjacent to the land division;
 - 6. Building envelopes indicating compliance with setbacks. This shall be shown on a separate copy of the final plat;
 - 7. All homeowners' agreements, maintenance agreements, articles of incorporation, bylaws and CC&Rs. These matters shall be reviewed and verified by the city attorney for conformance with state and local requirements before recording with the final plat;

8. A declaration shall appear on the face of the final plat that conforms with the city's final plat review checklist as published by the city engineer.
- B. The final plat shall be reviewed through a Type I process unless the final plat deviates significantly from the approved preliminary plat. A significant deviation is defined as a modification to the preliminary plat that exceeds the threshold situations discussed in subsection C below, in which case the deviation shall cause the land division to be reviewed again and processed in the same manner as was the preliminary plat. The applicant shall apply for final plat approval to the city and shall pay the applicable fees as set forth on the city's adopted fee schedule. The final plat is processed as a Type I decision by the city so long as the final plat is consistent with the approved preliminary plat including any conditions attached thereto and required permits for access to facilities owned by another jurisdiction.
 - C. A Type II review is required in order to modify a preliminary plan approval in the following respects:
 1. Any increases in the number of lots as part of a previously approved partition;
 2. Increasing the number of lots in a subdivision by no more than one additional lot; and/or
 3. A significant change in the location of a street. However, the city is entitled to rely upon the prior decision and findings for those portions of the subdivision that the applicant does not propose to modify. If such a review is necessary, the review shall be limited only to those aspects of the final subdivision plat that deviate from the approved preliminary subdivision plat.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

16.08.105 Filing and recording of final plat.

Following approval of the final plat, the city shall file with the county recording officer the confirmed and approved copy of the final subdivision plat together with all pertinent documents approved as to form by the city attorney.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

Chapter 16.12 MINIMUM PUBLIC IMPROVEMENTS AND DESIGN STANDARDS FOR DEVELOPMENT¹

16.12.008 Definitions.

Whenever the words or terms and their derivatives are used in this chapter, they shall have the meaning herein ascribed to them as described in OCMC 17.04, unless the context dictates application of a different meaning.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

16.12.010 Purpose and general provisions.

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

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019; Ord. No. 21-1007, § 1(Exh. A), 4-21-2021)

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 that are required in conjunction with a land use decision.
- B. Compliance with this chapter is also required for new construction or additions which exceed fifty percent of the existing square footage of all single-family detached residential and middle housing units' 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 single-family detached residential and middle housing units 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 subsections 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

¹Editor's note(s)—Ord. No. 18-1009, § 1(Exh. A), adopted July 3, 2019, amended Chapter 16.12 in its entirety to read as herein set out. Former Chapter 16.12, §§ 16.12.010—16.12.110, pertained to minimum improvements and design standards for land divisions, and derived from Ord. No. 08-1014, adopted July 1, 2009.

ten percent of the total construction costs. The value of the alterations and improvements is based on the total construction costs for a complete project rather than costs of various project component parts subject to individual building permits. The entire proposed construction project cost includes engineering and consulting fees and construction costs. It does not include permit fees, recording fees, or any work associated with drafting or recording dedications or easements.

C. Exemptions. The following are exempt from review by this chapter unless public improvements, driveways, PUEs, or other items regulated by this chapter are proposed:

1. Minor site plan and design review applications.
2. Work within the right-of-way.
3. Lot line adjustments and abandonments.
4. Public capital improvement projects.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019; Ord. No. 21-1007, § 1(Exh. A), 4-21-2021)

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 Chapter 12.04 of the Oregon City Municipal Code.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

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 Section 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. Compliance with the following criteria is required:
 1. The modification meets the intent of the standard;
 2. The modification provides safe and efficient movement of pedestrians, motor vehicles, bicyclists and freight;
 3. The modification is consistent with an adopted transportation or utility plan;
 4. The modification is complementary with a surrounding street design; or, in the alternative;
 5. If a modification is requested for constitutional reasons, the applicant shall demonstrate the constitutional provision or provisions to be avoided by the modification and propose a modification that complies with the state or federal constitution. The City shall be under no obligation to grant a modification in excess of that which is necessary to meet its constitutional obligations.
- B. The following modifications shall be processed as a Type I modification by the city engineer using the criteria in OCMC 16.12.13.A:
 1. Modifications to driveway location, size, and sharing standards in OCMC 16.12.035;
 2. Modifications to sidewalk and planter strips widths and location in OCMC 16.12.016 that preserve existing street trees or trees on private property to ensure compliance with ADA standards.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019; Ord. No. 21-1007, § 1(Exh. A), 4-21-2021)

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 notes;
- I. Financial guarantee(s) per OCMC 17.50.140;
- J. Applicable approvals/permits from other agencies or entities;
- K. Developer/engineer agreement for public works improvements.

An applicant shall submit the following additional items to the city and complete the following tasks prior to completing construction of proposed development plans. These items include the following:

- L. Project engineer's certificate of completion;
- M. Stormwater operation and maintenance easement (if applicable);
- N. Deed of dedication (bargain and sale deed);
- O. Recorded plat and/or easements (if applicable);
- P. Recorded non-remonstrance covenant agreement;
- Q. Land division compliance agreement (if applicable);
- R. Permanent stabilization and/or restoration of the impact from the development;
- S. Fulfillment of all conditions of approval;
- T. Payment of all outstanding fees;
- U. Maintenance guarantee(s), per OCMC 17.50.141;
- V. Indemnity agreement (if applicable);
- W. Completed punchlist;
- X. As-built drawings;

Details on individual items required by this subsection can be obtained by contacting public works. Many items, such as the engineer's cost estimate and plan check and inspection fee, maybe be submitted in conjunction with documentation for other infrastructure improvements that are done with the development (such as street, sanitary sewer, and water).

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

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.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

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

To read the table select the road classification as identified in the transportation system plan and the comprehensive plan designation of the adjacent properties to find the maximum design standards for the road cross section. If the comprehensive plan designation for lands on either side of the street differs, the wider right-of-way standard shall apply.

Road Classification	Comprehensive Plan Designation	Right-of-Way Width	Pavement Width	Public Access	Sidewalk	Landscape Strip	Bike Lane	Street Parking	Travel Lanes	Median	
Major Arterial	Mixed Use, Commercial or Public/Quasi Public	116 ft.	94 ft.	0.5 ft.	10.5 ft. sidewalk including 5 ft. x 5 ft. tree wells		6 ft.	8 ft.	(5) 12 ft. Lanes	6 ft.	
	Industrial		120 ft.	88 ft.	0.5 ft.	5 ft.	10.5 ft.	6 ft.	N/A	(5) 14 ft. Lanes	6 ft.
	Residential		126 ft.	94 ft.	0.5 ft.	5 ft.	10.5 ft.	6 ft.	8 ft.	(5) 12 ft. Lanes	6 ft.
Minor Arterial	Mixed Use, Commercial or Public/Quasi Public	116 ft.	94 ft.	0.5 ft.	10.5 ft. sidewalk including 5 ft. x 5 ft. tree wells		6 ft.	8 ft.	(5) 12 ft. Lanes	6 ft.	
	Industrial		118 ft.	86 ft.	0.5 ft.	5 ft.	10.5 ft.	6 ft.	7 ft.	(5) 12 ft. Lanes	N/A
	Residential		100 ft.	68 ft.	0.5 ft.	5 ft.	10.5 ft.	6 ft.	7 ft.	(3) 12 ft. Lanes	6 ft.
Collector	Mixed Use, Commercial or Public/Quasi Public	86 ft.	64 ft.	0.5 ft.	10.5 ft. sidewalk including 5 ft. x 5 ft. tree wells		6 ft.	8 ft.	(3) 12 ft. Lanes	N/A	
	Industrial		88 ft.	62 ft.	0.5 ft.	5 ft.	7.5 ft.	6 ft.	7 ft.	(3) 12 ft. Lanes	N/A
	Residential		85 ft.	59 ft.	0.5 ft.	5 ft.	7.5 ft.	6 ft.	7 ft.	(3) 11 ft. Lanes	N/A

Local	Mixed Use, Commercial or Public/Quasi Public	62 ft.	40 ft.	0.5 ft.	10.5 ft. sidewalk including 5 ft. x 5 ft. tree wells		N/A	8 ft.	(2) 12 ft. Lanes	N/A	
	Industrial	60 ft.	38 ft.	0.5 ft.	5 ft.	5.5 ft.	(2) 19 ft. Shared Space			N/A	
	Residential	54 ft.	32 ft.	0.5 ft.	5 ft.	5.5 ft.	(2) 16 ft. Shared Space			N/A	

1. Pavement width includes, bike lane, street parking, travel lanes and median.
 2. Public access, sidewalks, landscape strips, bike lanes and on-street parking are required on both sides of the street in all designations. The right-of-way width and pavement widths identified above include the total street section.
 3. A 0.5 foot curb is included in landscape strip or sidewalk width.
 4. Travel lanes may be through lanes or turn lanes.
 5. The 0.5 foot public access provides access to adjacent public improvements.
 6. Alleys shall have a minimum right-of-way width of twenty feet and a minimum pavement width of sixteen feet. If alleys are provided, garage access shall be provided from the alley.
 7. A raised concrete median or landscape median shall be utilized for roads identified to have access restrictions.
 8. A public utility easement (PUE) shall be provided on both sides of the right-of-way or public access easement on private property as identified in OCMC 16.12.085.
- A. Sidewalks. The applicant shall provide for sidewalks on both sides of all public streets, on any private street if so required by the decision-maker, and in any special pedestrian way within the development. Both sidewalks and curbs are to be constructed to city standards and at widths set forth above, and according to plans and specifications provided by the city engineer. Exceptions to this requirement may be allowed in order to accommodate topography, trees or some similar site constraint. In the case of major or minor arterials, the decision-maker may approve a development without sidewalks where sidewalks are found to be dangerous or otherwise impractical to construct or are not reasonably related to the applicant's development. The decision-maker may require the applicant to provide sidewalks concurrent with the issuance of the initial building permit within the area that is the subject of the development application. Applicants for partitions may be allowed to meet this requirement by providing the city with a financial guarantee per OCMC 16.12.110.
 - B. Pedestrian and Bicycle Accessways Routes. If deemed appropriate to extend pedestrian and bicycle routes, existing or planned, the decision-maker may require the installation of separate pedestrian and bicycle facilities.
 - C. Street Name Signs and Traffic Control Devices. The applicant shall install street signs and traffic control devices as directed by the city engineer. Street name signs and traffic control devices shall be in conformance with all applicable city regulations and standards.
 - D. Street Lights. The applicant shall install street lights which shall be served from an underground source of supply. Street lights shall be in conformance with all city regulations.

- E. Any new street proposed with a pavement width of less than thirty-two feet shall be processed through OCMC 16.12.013 and meet minimum life safety requirements, which may include fire suppression devices as determined by the fire marshal to assure an adequate level of fire and life safety. The modified street shall have no less than a twenty-foot wide unobstructed travel lane.
- F. All development shall include vegetated planter strips that are five feet in width or larger and located between the sidewalk and curb unless otherwise approved pursuant to this chapter. All development shall utilize the vegetated planter strip for the placement of street trees or place street trees in other acceptable locations, as prescribed by OCMC 12.08. Development proposed along a collector, minor arterial, or major arterial roads may place street trees within tree wells within a wider sidewalk in lieu of a planter strip. In addition to street trees per OCMC 12.08, vegetated planter strips shall include ground cover and/or shrubs spaced four feet apart and appropriate for the location. No invasive or nuisance plant species shall be permitted.
- G. Vehicle and pedestrian access easements may serve in lieu of streets when approved by the decision maker and only where dedication of a street is deemed impracticable.
- H. Vehicular and pedestrian easements shall allow for public access and shall comply with all applicable pedestrian access requirements.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019; Ord. No. 21-1007, § 1(Exh. A), 4-21-2021)

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."

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

16.12.018 Street design—Alignment.

The centerline of streets shall be:

- A. Aligned with existing streets by continuation of the centerlines.
- 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.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

16.12.019 Traffic sight obstructions.

All new streets shall comply with the traffic sight obstructions in Chapter 10.32.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

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.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

16.12.021 Same—Grades and curves.

Grades and center line radii shall conform to standards approved by the city engineer.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

16.12.022 Same—Development abutting arterial or collector street.

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

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

16.12.023 Same—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.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

16.12.024 Same—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.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

16.12.025 Same—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).

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

16.12.026 Same—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.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

16.12.027 Same—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.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

16.12.028 Same—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.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

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.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

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 five hundred thirty feet and the minimum block spacing between streets is one hundred fifty 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 three hundred thirty feet. The spacing standards within this section do not apply to alleys.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

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.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

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 three hundred thirty feet of frontage; or where the lack of street continuity creates inconvenient or out of direction travel patterns for local pedestrian or bicycle trips.

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

- 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.
- 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.
- 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.
- E. Accessways shall comply with Americans with Disabilities Act (ADA).
- 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;
 - 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;
 - 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.
- G. Accessways shall be designed to prohibit unauthorized motorized traffic. Curbs and removable, lockable bollards are suggested mechanisms to achieve this.
- 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.
- 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.
- 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.
- 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.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

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 and Beaver Creek Road, the following mobility standards apply:
1. During the first, second and 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.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

16.12.035 Driveways.

- A. All new development, redevelopment, and capital improvement projects shall meet the minimum driveway spacing standards identified in Table 16.12.035.A. Minor site plan and design review do not follow these standards unless a request is made to modify the driveway.

Table 16.12.035.A
Minimum Driveway Spacing Standards

Street Functional Classification	Minimum Driveway Spacing Standards	Distance
Major Arterial Streets	Minimum distance from a street corner to a driveway and between driveways for all uses other than detached -family dwellings, duplexes, triplexes, quadplexes and townhouses	175 feet
Minor Arterial Streets	Minimum distance from a street corner to a driveway and between driveways for all uses other than detached single-family dwellings, duplexes, triplexes, quadplexes and townhouses	175 feet
Collector Streets	Minimum distance from a street corner to a driveway and between driveways for all uses other than detached single family dwellings, duplexes, triplexes, quadplexes and townhouses	100 feet

Local Streets	Minimum distance from a street corner to a driveway and between driveways	25 feet
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The distance from a street corner to a driveway is measured along the right-of-way from the edge of the intersection (on the same side of the road) right-of-way to the nearest portion of the driveway and the distance between driveways is measured at the nearest portions of the driveway at the right-of-way.

- B. All detached single-family dwellings, duplexes, triplexes, quadplexes and townhouses shall have driveways which meet the minimum distance standards except when the lot size is smaller than the minimum distance required. When minimum distance cannot be met due to lot size or due to the location of an overlay district, the driveway shall be located as far away from the intersection as possible as approved by the city engineer.
- C. Nonresidential or multi-family residential use driveways that generate high traffic volumes as determined by a traffic analysis shall be treated as intersections and shall adhere to requirements of OCMC 16.12.020.
- D. Only one driveway is allowed per street frontage classified as a local street and in no case shall more than two driveways (one per frontage) be allowed for any single-family detached residential or middle housing property, or property developed with an ADU with multiple frontages, unless otherwise approved by the city engineer.
- E. When a property fronts multiple roads, access shall be provided from and limited to the road with the lowest classification in the transportation system plan to minimize points of access to arterials and collectors. Access shall not be provided on arterial or collector roads unless there is no other alternative. At the discretion of the city engineer, properties fronting a collector or arterial road may be allowed a second driveway, for the creation of a circulation pattern that eliminates reverse maneuvers for vehicles exiting a property if applied for and granted through procedures in OCMC 16.12.013. All lots proposed with a driveway and lot orientation on a collector or minor arterial shall combine driveways into one joint access per two or more lots unless the city engineer determines that:
 - 1. No driveway access may be allowed since the driveway(s) would cause a significant traffic safety hazard; or
 - 2. Allowing a single driveway access per lot will not cause a significant traffic safety hazard.
- F. All driveway approaches shall be limited to the dimensions identified in Table 16.12.035.D.

Table 16.12.035.D
Driveway Approach Size Standards

Property Use	Minimum Driveway Approach Width		Maximum Driveway Approach Width
Single-Family Detached and Duplexes	10 feet		24 feet
Townhouses	10 feet		24 feet
Triplexes, Quadplexes and Cottage Clusters	10 feet		36 feet
Multi-Family	18 feet		30 feet
Commercial, Industrial, Office, Institutional, Mixed Use, and/or Nonresidential	One-Way 12 feet	Two-Way 20 feet	40 feet

Driveway widths shall match the width of the driveway approach where the driveway meets sidewalk or property line but may be widened onsite (for example between the property line and the entrance to a garage). Groups of more than four parking spaces shall be so located and served by driveways so that their use will not require backing movements or other maneuvering within a street right-of-way other than an alley.

- G. The city engineer reserves the right to require a reduction in the number and size of driveway approaches as far as practicable for any of the following purposes:
1. To provide adequate space for on-street parking;
 2. To facilitate street tree planting requirements;
 3. To assure pedestrian and vehicular safety by limiting vehicular access points; and
 4. To assure that adequate sight distance requirements are met.
 - a. Where the decision maker determines any of these situations exist or may occur due to the approval of a proposed development for non-residential uses or attached or multi-family housing, a shared driveway shall be required and limited to twenty-four feet in width adjacent to the sidewalk or property line.
- H. For all driveways, the following standards apply:
1. Each new or redeveloped curb cut shall have an approved concrete approach or asphalted street connection where there is no concrete curb and a minimum hard surface for at least ten feet back into the property as measured from the current edge of sidewalk or street pavement to provide for controlling gravel tracking onto the public street. The hard surface may be concrete, asphalt, or other surface approved by the city engineer.
 2. Any driveway approach built within public right-of-way shall be built and permitted per city requirements as approved by the city engineer.
 3. No driveway with a slope of greater than fifteen percent shall be permitted without approval of the city engineer.
- I. Exceptions. The city engineer reserves the right to waive these standards or not allow driveway access, if the driveway(s) would cause a significant traffic safety hazard. Narrower or wider driveway widths may be considered where field conditions preclude use of recommended widths. When larger vehicles and trucks will be the predominant users of a particular driveway, turning templates may be utilized to develop a driveway width that can safely and expeditiously accommodate the prevalent type of ingress and egress traffic.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019; Ord. No. 21-1007, § 1(Exh. A), 4-21-2021)

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.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

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.
1. Specific public utility easements for water, sanitary or storm drainage shall be provided based on approved final engineering plans conforming to the requirements found within the applicable design standards.

2. Conveyance of public utility easements for gas, electric, telecommunication, and fiberoptic shall be required where necessary as determined by the city engineer. The city engineer will require the easement unless it is found that the utility can be placed in a different location or can be placed in a smaller easement than what is required. The easement shall be located adjacent to all public rights-of-way or public access easements within private property. In the event that the provision of a public utility easement would create a conflict with achieving compliance with another part of the code, the location and width may be adjusted by the city engineer.
 - a. The easement shall be ten feet in the R-10, R-8, R-6, R-5, R-3.5, R-2, GI, and CI zones.
 - b. The easement shall be a minimum of five feet in the NC, HC, I, C, MUC-1, MUC-2, MUE, MUD, and WFDD zones.
 - i. The applicant shall obtain a written determination from all utilities that the minimum five-foot PUE coupled with use of a minimum of a five-foot area under the public sidewalk or parkway area is sufficient to serve the development. Where the minimum width is deemed inadequate, a modification shall be required.
 - c. An applicant may seek a modification to the public utility easement dedication requirement using OCMC 16.12.013.
 - 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 twenty feet. The easements shall be improved and recorded by the applicant and inspected by the city engineer. Access easements may also provide for utility placement.
 - 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.
- (Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019; Ord. No. 21-1007, § 1(Exh. A), 4-21-2021)

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 public utility easement within private property as defined in OCMC 16.12.85.A.2.
- E. As-built construction plans and digital copies of as-built drawings shall be filed with the city engineer upon completion of the improvements.
- F. The city engineer may regulate the hours of construction and access routes for construction equipment to minimize impacts on adjoining residences or neighborhoods.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019; Ord. No. 21-1007, § 1(Exh. A), 4-21-2021)

16.12.095 Same—Public facilities and services.

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

- A. **Transportation System.** Applicants and all subsequent lot owners shall be responsible for improving the city's planned level of service on all public streets, including alleys within the development and those portions of public streets adjacent to but only partially within development. Applicants are responsible for designing and providing adequate vehicular, bicycle and pedestrian access to their developments and for accommodating future access to neighboring undeveloped properties that are suitably zoned for future development. Storm drainage facilities shall be installed and connected to off-site natural or man-made drainageways. Upon completion of the street improvement survey, the applicant shall reestablish and protect monuments of the type required by ORS 92.060 in monument boxes with covers at every public street intersection and all points of curvature and points of tangency of their center line, and at such other points as directed by the city engineer.
- B. **Stormwater Drainage System.** Applicants shall design and install drainage facilities within a development and shall connect the development's drainage system to the appropriate downstream storm drainage system as a minimum requirement for providing services to the applicant's development. The applicant shall obtain county or state approval when appropriate. Applicants are responsible for extending the appropriate storm drainage system to the development site and for providing for the connection of upgradient properties to that system. The applicant shall design the drainage facilities in accordance with city drainage master plan requirements, OCMC 13.12 and the public works stormwater and grading design standards.
- C. **Sanitary Sewer System.** The applicant shall design and install a sanitary sewer system to serve all lots or parcels within a development in accordance with the city's sanitary sewer design standards, and shall

- connect those lots or parcels to the city's sanitary sewer system, except where connection is required to the county sanitary sewer system as approved by the county. Applicants are responsible for extending the city's sanitary sewer system to the development site and through the applicant's property to allow for the future connection of neighboring undeveloped properties that are suitably zoned for future development. The applicant shall obtain all required permits and approvals from all affected jurisdictions prior to final approval and prior to commencement of construction. Design shall be approved by the city engineer before construction begins.
- D. **Water System.** The applicant shall design and install a water system to serve all lots or parcels within a development in accordance with the city public works water system design standards, and shall connect those lots or parcels to the city's water system. Applicants are responsible for extending the city's water system to the development site and through the applicant's property to allow for the future connection of neighboring undeveloped properties that are suitably zoned for future development.
 - E. **Street Trees.** Refer to OCMC 12.08, Street Trees.
 - F. **Bench Marks.** At least one bench mark shall be located within the subdivision boundaries using datum plane specified by the city engineer.
 - G. **Other Utilities.** The applicant shall make all necessary arrangements with utility companies or other affected parties for the installation of underground lines and facilities. All new utilities shall be placed underground unless the respective franchise agreements allow otherwise or unless it is physically or technically impossible to comply with applicable standards. Existing electrical lines and other wires, including but not limited to telecommunication, street lighting and fiberoptic, shall be relocated underground.
 - 1. Exemptions to relocation of existing overhead utilities to underground for property development as follows (Only one exemption criteria is required to be exempt from this requirement):
 - a. No transmission or feeder lines shall be relocated underground unless approved by the city engineer.
 - b. Properties with less than one acre of land area shall not be required to relocate existing overhead utilities unless required by the franchise utility.
 - c. Properties with less than two hundred feet of frontage on any individual roadway shall not be required to relocate existing overhead utilities unless required by the franchise utility.
 - d. Land divisions with five or fewer subdivided lots shall not be required to relocate existing overhead utilities unless required by the franchise utility.
 - 2. The exemptions in G.1. do not apply if properties within the same block were required to relocate the overhead utilities within the past ten years. In those cases, the existing overhead utilities shall be relocated underground.
 - 3. When any franchise utility (electric, gas, telecommunication, fiberoptic, street lighting or similar utility) is installed along an existing or new roadway, the utility shall be installed within the existing or proposed public utility easement unless it is physically or technically impossible.
 - 4. These requirements do not apply to work by a franchise utility for improvement, repair, alteration or addition to their existing systems.
 - H. **Oversizing of Facilities.** All facilities and improvements shall be designed to city standards as set out in the city's facility master plan, public works design standards, or other city ordinances or regulations. Compliance with facility design standards shall be addressed during final engineering. A development may be required to modify or replace existing offsite systems if necessary to provide adequate public facilities. The city may require oversizing of facilities to meet standards in the city's facility master plan or to allow for orderly and efficient development. Where oversizing is required, the applicant may

request reimbursement from the city for oversizing based on the city's reimbursement policy and funds available, or provide for recovery of costs from intervening properties as they develop.

- I. Erosion Control Plan—Mitigation. The applicant shall be responsible for complying with all applicable provisions of OCMC 17.47 with regard to erosion control.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019; Ord. No. 21-1007, § 1(Exh. A), 4-21-2021)

16.12.100 Same—Road standards and requirements.

- A. The creation of a public street and the resultant separate land parcels shall be in conformance with requirements for subdivisions or partitions and the applicable street design standards of this chapter. However, the decision-maker may approve the creation of a public street to be established by deed without full compliance with the regulations applicable to subdivisions or partitions where any of the following conditions exist:
 1. The establishment of the public street is initiated by the city commission and is declared essential for the purpose of general traffic circulation and the partitioning of land is an incidental effect rather than the primary objective of the street;
 2. The tract in which the street is to be dedicated is within an isolated ownership either not over one acre or of such size and characteristics as to make it impossible to develop building sites for more than three dwelling units.
- B. For any public street created pursuant to subsection A of this section, a copy of a preliminary plan and the proposed deed shall be submitted to the community development director and city engineer at least ten days prior to any public hearing scheduled for the matter. The plan, deed and any additional information the applicant may submit shall be reviewed by the decision-maker and, if not in conflict with the standards of Title 16 and Title 17, may be approved with appropriate conditions.
- C. The design and construction of public streets shall be per the standards found in this chapter and the most recent version of any city design and construction standards.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019; Ord. No. 21-1007, § 1(Exh. A), 4-21-2021)

16.12.105 Same—Timing requirements.

- A. Prior to applying for final plat approval, the applicant shall either complete construction of all public improvements required as part of the preliminary plat approval or guarantee the construction of those improvements. Whichever option the applicant elects shall be in accordance with OCMC 17.50.140.
- B. Construction. The applicant shall construct the public improvements according to approved final engineering plans and all applicable requirements of this code, and under the supervision of the city engineer. Under this option, the improvement shall be complete and accepted by the city engineer prior to final plat approval.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

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.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

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.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

16.12.125 Violation—Penalty.

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

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

Chapter 16.24 EXPEDITED AND MIDDLE HOUSING LAND DIVISIONS

16.24.010 Purpose and applicability.

- A. Purpose. The purpose of the expedited and middle housing land division process is to implement requirements in ORS 197.360 to 197.380 for expedited land divisions in residential districts, and 2021 Oregon Laws Ch. 103 (S.B. 458) regarding middle housing land divisions.
- B. Expedited Land Division Applicability. The procedures of this chapter are applicable to partitions and subdivisions within residential zoning districts as provided in ORS 197.365.
- C. Middle Housing Land Division Applicability. The procedures of this chapter are applicable to the following middle housing projects, or proposed middle housing projects, on an existing lot:
 - 1. A duplex.
 - 2. A triplex.
 - 3. A quadplex.
 - 4. A townhouse project.
 - 5. A cottage cluster.

16.24.020 Expedited review.

- A. Expedited and middle housing land divisions are reviewed under a Type II procedure except as provided in this Chapter. Where the provisions of this Chapter conflict with the Type II procedures in OCMC 17.50, the procedures of this Chapter will prevail.
- B. Expedited and middle housing land divisions are not subject to pre-application conference requirements in OCMC 17.50.050.
- C. Expedited and middle housing land divisions are not a land use decision or limited land use decision under ORS 197.015.

16.24.030 Submittal requirements.

- A. An application for an expedited land division or middle housing land division is subject to the completeness review and one hundred and twenty-day rule requirements of OCMC 17.50.070 except as follows:
 - 1. The timeline for the completeness check in OCMC 17.50.070.A is twenty-one days, rather than thirty days.
 - 2. The notice of decision must be provided to the applicant and parties entitled to receive notice under OCMC 17.50.130.C within sixty-three days of a completed application.
- B. Mailed notice of an application for an expedited land division or middle housing land division must be provided in the same manner as for a Type II decision, as specified OCMC 17.50.090.A, to the following persons:
 - 1. The applicant.
 - 2. Owners of record of property, as shown on the most recent property tax assessment roll, located within one-hundred feet of the property that is the subject of the notice.
 - 3. Any state agency, other local government, or special district responsible for providing public facilities or services to the development area.

- C. A notice of decision must be provided to the applicant and to all parties who received notice of the application. The notice of decision must include:
1. A written determination of compliance or non-compliance with the criteria of approval in OCMC 16.24.040 for an expedited land division or OCMC 16.24.050 for a middle housing land division.
 2. An explanation of the right to appeal the community development director's decision to a city-appointed hearings referee, as provided in ORS 197.375.

16.24.040 Criteria of approval – expedited land division.

- A. The community development director will approve or deny an application for expedited land division within sixty-three days of receiving a complete application, based on whether it satisfies the applicable criteria of approval. The community development director may approve the land division with conditions to ensure the application meets the applicable land use regulations.
- B. The land subject to the application is within the R-10, R-8, R-6, R-5, R-3.5 and R-2 districts.
- C. The land will be used solely for residential uses, including recreational or open space uses that are accessory to residential use.
- D. The land division does not provide for dwellings or accessory buildings to be located in the following areas:
1. The Willamette River Greenway Overlay District;
 2. The Historic Overlay District;
 3. The Natural Resources Overlay District.
- E. The land division satisfies the minimum public improvement and design standards for development in OCMC 16.12.
- F. The land division satisfies the following development standards contained in this code or in an applicable Master Plan:
1. Applicable lot dimensional standards;
 2. Applicable standards that regulate the physical characteristics of permitted uses, such as building design standards;
 3. Applicable standards in this code for transportation, sewer, water, drainage and other facilities or services necessary for the proposed development, including but not limited to right-of-way standards, facility dimensions and on-site and off-site improvements.
- G. The land division will result in development that either:
1. Creates enough lots to allow building residential units at 80 percent or more of the maximum net density permitted by the zoning designation of the site; or
 2. Will be sold or rented to households with incomes below 120 percent of the median family income for ~~the county in which the project is built.~~ Clackamas County.

16.24.050 Criteria of approval – middle housing land division.

- A. The community development director will approve a tentative plan for middle housing land division based on whether it satisfies the following criteria of approval:
1. The application provides for the development of middle housing in compliance with the Oregon residential specialty code and land use regulations applicable to the original lot allowed under ORS 197.758 (5).
 2. Separate utilities are provided for each dwelling unit.

3. The applicant provides for easements necessary for each dwelling unit on the plan for:
 - i. Locating, accessing, replacing and servicing all utilities;
 - ii. Pedestrian access from each dwelling unit to a private or public road;
 - iii. Any common use areas or shared building elements;
 - iv. Any dedicated driveways or parking; and
 - v. Any dedicated common area;
4. The applicant proposes exactly one dwelling unit on each resulting lot, except for lots, parcels or tracts used as common areas.
5. The applicant demonstrates that buildings or structures on a resulting lot will comply with applicable building codes provisions relating to new property lines and, notwithstanding the creation of new lots, that structures or buildings located on the newly created lots will comply with the Oregon residential specialty code.
6. The original lot dedicated and improved the abutting street right of way sufficient to comply with minimum right of way and improvement standards of OCMC 16.12, or dedication and/or improvements of the abutting street right of way are proposed that meet the standards of OCMC 16.12.
7. The type of middle housing developed on the original lot shall not be altered by a middle housing land division. For example, cottage cluster units within a cottage cluster do not become single-family detached residential units after a middle housing land division.

16.24.060 Conditions of approval - expedited and middle housing land division.

- A. The community development director may add conditions of approval of a tentative plan for a middle housing land division or expedited land division as necessary to comply with the applicable criteria of approval. Conditions may include but are not limited to the following:
- B. A condition to prohibit the further division of the resulting lots or parcels.
- C. A condition to require that a notation appear on the final plat indicating that the approval was given under Section 2 of Senate Bill 458 (2021) as a middle housing land division.
- D. A condition to require recording of easements required by the tentative plan on a form acceptable to the City, as determined by the City Attorney.

16.24.070. Final plat for expedited and middle housing land division.

- A. An expedited land division or middle housing land division is subject to the final plat standards and procedures as specified in OCMC 16.08.100 to 16.08.105, except as specifically provided otherwise in this section.
- B. A notice of middle housing land division for each middle housing lot shall be recorded with the county recorder that states:
 1. The middle housing lot may not be further divided.
 2. No more than one unit of middle housing may be developed on each middle housing lot.
 3. The dwelling developed on the middle housing lot is a unit of middle housing and is not a single family detached residential unit, or any other housing type.
- C. A final plat is not required prior to issuance of building permits for middle housing proposed with a middle housing land division.

- D. A middle housing land division tentative plan is void if and only if a final plat is not approved within three years of the tentative approval. Expiration of expedited land division tentative plans shall comply with the provisions of OCMC 17.50.200.

16.24.080 Appeals.

The procedures in OCMC 17.50.190 do not apply to appeals of an expedited land division or middle housing land division. Any appeal of an expedited land division or middle housing land division must be as provided in ORS 197.375. The Approval Authority for any appeal of an expedited land division or middle housing land division is a city-appointed hearings referee.

Chapter 17.04 DEFINITIONS

17.04.005 Generally.

- A. As used in this title, words in the present tense include the future; the singular number includes the plural and the plural number includes the singular; unless the context clearly indicates the contrary, the word "shall" is mandatory and not discretionary; the word "may" is permissive; the masculine gender includes the feminine and neuter; and the term "this title" shall be deemed to include the text of this title and accompanying zoning maps and all amendments hereafter made thereto.
- B. Whenever the following words or terms and their derivatives are used in this title, they shall have the meaning herein ascribed to them, unless the context makes such meaning repugnant thereto.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.010 Accessory building or accessory structure.

"Accessory building" or "accessory structure" means a detached building or structure subordinate in size and use, but located on the same lot as, a principal building.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.015 "Accessory dwelling unit" (ADU).

"Accessory dwelling unit" (ADU) means a residential dwelling unit located on the same lot as a single-family dwelling, that is not a recreational vehicle. The habitable living unit provides basic living requirements including permanent cooking and toilet facilities, and may be either attached to the same building as the single-family dwelling unit or in a detached building.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.020 Access control.

"Access control" means the regulation of public access rights to and from properties abutting public rights-of-way by the construction of physical barriers or conveyance to the city of a property interest (reserve strip) that prevents access to the public right-of-way.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.025 Accessway.

"Accessway" means any public or private way that is created to provide ingress or egress for persons to one or more lots, parcels, areas, or tracts of land. The term "accessway" includes highway, streets, roads, avenues, alleys, paths, sidewalks or similar designations.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 21-1007, § 1(Exh. A), 4-21-2021)

17.04.030 Accessway, pedestrian/bicycle.

"Accessway, pedestrian/bicycle" means any off-street path or way as described in OCMC 16.12, intended primarily for pedestrians or bicycles and which provides direct routes within and from new developments to residential areas, retail and office areas, transit streets and neighborhood activity centers.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 21-1007, § 1(Exh. A), 4-21-2021)

17.04.035 Access, vehicular.

"Vehicular access" means an improved roadway, either public or private, providing automobile entrance and/or exit from an approved public street.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.037 After-hours public parking.

"After-hours public parking" means utilization of parking, not within the right-of-way, by the public with or without charge when the associated primary use is not active.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.040 Alley.

"Alley" means a public or private way not more than twenty feet wide that provides access to a property or properties from a side other than the designated front of the property.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.045 Alteration.

"Alteration" means the addition to, removal of or from, or physical modification or repair of, any exterior part or portion of a landmark or structures in an historic or conservation district. In an historic district any physical change shall be considered a form of alteration and shall be treated as such, except repair and maintenance or change of copy.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.050 Amateur radio operator.

"Amateur radio operator" means a ham radio operator, as licensed by the United States Government.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.055 Anadromous fish-bearing stream.

"Anadromous fish-bearing stream" means a stream or portion of a stream which is identified by resolution of the city commission as spawning or rearing habitat for those species of fish which return to rivers from the sea for breeding.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.060 Antenna.

"Antenna" means any pole, panel, rod, reflection disc or similar device used for the transmission or reception of radio frequency signals, including, but not limited to omni-directional antenna (whip), directional antenna (panel), micro cell, and parabolic antenna (dish). The antenna does not include the support structure or tower.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.070 Applicant.

"Applicant" means the party or parties who submit an application seeking development approval through an administrative, quasi-judicial or legislative procedure under OCMC Chapter 16 or 17.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.075 Application.

"Application" means any request for approval of a permit or a legislative amendment to the city's land use regulations, comprehensive plan or related zoning maps.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.080 Approval criteria and approval standards.

"Approval criteria" and "approval standards" means all standards which must be met in order to approve an application. Depending upon the specific application, approval criteria include standards contained in this code, the Oregon City Comprehensive Plan and applicable state law.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.081 Aquifer.

"Aquifer" is a geologic formation, group of formations, or part of a formation that contains sufficient saturated permeable material to yield significant quantities of water to wells and springs.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.082 Arborist, certified.

"Certified Arborist" means a professional tree service provider whose certification is regulated and current and maintained with the International Society of Arboriculture (ISA). To use the term "Certified Arborist," an individual must have three years of experience and have passed an ISA certification exam that tests a variety of tree care knowledge.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.083 Arcade, pedestrian.

A covered area contiguous to a street or plaza that is open and unobstructed to a height of not less than ten feet and that provides public access to building entrances, retail space and/or public space. An arcade may include building columns, landscaping, statuary, pools, or fountains as part of the arcade for the purpose of computing area. The term "arcade" shall not include off-street loading areas, driveways, off-street parking areas, or open pedestrian walkways.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.085 Architect.

"Architect" means an architect licensed by the state of Oregon.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.090 Architectural significance.

"Architectural significance" for the purposes of OCMC 17.40 means that the structure or district:

1. Portrays the environment of a group of people in an era of history characterized by a distinctive architectural style;
2. Embodies those distinguishing characteristics of an architectural-type specimen;

3. Is the work of an architect or master builder whose individual work has influenced the development of the city; or
4. Contains elements of architectural design, detail, materials or craftsmanship which represents a significant innovation.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.095 Arterial.

"Arterial" means any street so designated in the city's transportation master plan.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.100 Attachment.

"Attachment" means for the purposes of OCMC 17.80, an antenna or other piece of related equipment affixed to a transmission tower, building, light, utility pole, or water tower.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.105 Area of special flood hazard.

"Area of special flood hazard" means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.110 Array.

"Array" means the combination of antennas mounted on a support structure or support tower.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.115 Assisted living facility.

"Assisted living facility" means a facility established for profit or nonprofit, which provides nursing care and related medical services on a twenty-four-hour-per-day basis to sixteen or more individuals because of illness, disease, or physical or mental infirmity. Provides care for those persons not in need of hospital care. Patients do not reside in self-contained dwelling units.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.120 Auxiliary support equipment.

"Auxiliary support equipment" means for the purposes of OCMC 17.80 all equipment necessary to provide wireless communication signals and data, including but not limited to, electronic processing devices, air conditioning units, and emergency generators. For the purpose of this chapter, auxiliary support equipment shall also include the shelter, cabinets, and other structural facilities used to house and shelter necessary equipment. Auxiliary support equipment does not include support towers or structures.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.125 Bankfull stage or bankfull flow.

"Bankfull stage" or "bankfull flow" means the stage or elevation of a stream at which water overflows the natural banks of streams or other waters of this state. The bankfull stage or flow may be approximated using either

the two-year recurrence interval flood elevation or one foot measured vertically above the ordinary mean high water line.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.130 Base flood.

"Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the one hundred-year flood.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.135 Basement.

"Basement" means a story partly underground. A basement shall be counted as a story in accordance with the accepted building division definitions.

For the purpose of OCMC 17.42 basement means any area of the building having its floor subgrade (below ground level) on all sides.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.140 Base flood elevation.

"Base flood elevation" means the elevation of the base flood or one hundred-year storm as defined in FEMA (Federal Emergency Management Agency) flood insurance studies, or the highest flood of record since the adoption of the flood insurance maps, or, in areas without FEMA floodplains, the elevation of the twenty-five-year storm, or the edge of mapped floodprone soils or similar methodologies whichever is higher.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.143 Beaver Creek Road Concept Plan.

The Beaver Creek Road Concept Plan was renamed the Thimble Creek Concept Plan in 2020. Any reference to the Beaver Creek Road Concept Plan refers to the Thimble Creek Concept Plan.

(Ord. No. 21-1006, § 1(Exh. A), 7-1-2020)

Editor's note(s)—Ord. No. 21-1006, § 1(Exh. A), adopted July 1, 2020, set out provisions intended for use as § 17.04.147. For purposes of classification, and at the editor's discretion, these provisions have been included as § 17.04.143.

17.04.145 Bed and breakfast inns and boardinghouses.

"Bed and breakfast inns and boardinghouses" means building(s) which provides overnight accommodations to the public for fewer than thirty consecutive days.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.150 Beneficial uses or beneficial water uses.

"Beneficial uses" or "beneficial water uses" means, as defined by the Oregon Department of Water Resources, use of an in stream public use of water for the benefit of an appropriator for a purpose consistent with the laws and the economic and general welfare of the people of the state and includes, but is not limited to, domestic, fish life, industrial, irrigation, mining, municipal, pollution abatement, power development, recreation, stock water and wildlife uses.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.153 Board.

"Board" for the purposes of OCMC 17.40 means the historic review board.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.154 Building.

"Building" means structure.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.155 Building, compatible.

"Compatible building" means for the purposes of OCMC 17.40, buildings in the Canemah National Register Historic District, which date from 1910 to the 1950's.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.160 Building, historic.

"Historic building" means for the purposes of OCMC 17.40, any primary, secondary or compatible building in the Canemah National Register Historic District, or any locally designated structure elsewhere in the city.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.165 Building of primary historic significance.

"Building of primary historic significance" shall include buildings in the Canemah National Register Historic district shall include buildings dating from prior to 1880 which are primarily one and one-half or two-story frame structures built in the Gothic Revival and Classic Revival styles. These buildings are primarily single-family dwellings.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.170 Building of secondary historic significance.

"Building of secondary historic significance" shall include buildings in the Canemah National Register Historic District dating from 1880 to 1940 which are predominantly rural farm house style and bungalows. These buildings are primarily single-family dwellings.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.175 Camouflage.

"Camouflage" for the purposes of OCMC 17.80 means the design and construction of a wireless communications facility (WCF) to resemble an object that is not a wireless communication facility and which is typically present in the environment.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.176 Capital improvement project.

"Capital improvement project" is a project located within an existing or proposed right-of-way or easement including roads, water mains, sanitary sewers, storm sewers and their appurtenances where the project is solely or partially funded by city funds and is solely or partially administered by the city of Oregon City.

(Ord. No. 21-1007, § 1(Exh. A), 4-21-2021)

17.04.177 Cargo container.

A standardized, reusable vessel that is or appears to be: (1) originally, specifically or formerly designed for or used in the packing, shipping, movement or transportation of freight, articles, goods or commodities, or (2) designed for being mounted or moved on a rail car, or (3) designed for or capable of being mounted on a chassis or bogie for movement by truck trailer or loaded on a ship.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.178 Carpool.

"Carpool" means a group of two or more commuters, including the driver, who share the ride to or from work, school or other destination.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.180 Certified engineering geologist.

"Certified engineering geologist" is any registered geologist who is certified in the specialty of engineering geology under provisions of ORS 672.505 to 672.705.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.185 Citizen involvement committee.

"Citizen involvement committee" means an officially recognized advisory body on citizen involvement with one representative from each neighborhood association.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.190 City.

"City" means the city of Oregon City.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.195 City engineer.

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

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 21-1007, § 1(Exh. A), 4-21-2021)

17.04.196 City transportation engineer.

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

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.200 Code.

"Code" means the Oregon City Municipal Code.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.205 Commercial vehicles.

"Commercial vehicle" means a vehicle of over eight thousand pounds gross weight that is designed for or being used to transport merchandise, or a vehicle of less than eight thousand pounds gross weight.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.210 Collector.

"Collector" means any street so designated in the city's transportation master plan.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.215 Collocation or co-location.

"Collocation" or "co-location" means the use of a common wireless communications support structure or tower for two or more antenna arrays.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.220 Community development director.

"Community development director" means the manager of the planning division or the community development director's designee.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.225 Comprehensive plan.

"Comprehensive plan" means the city of Oregon City Comprehensive Plan.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.227 Concept plan area.

"Concept plan area" is a defined area for which there is an adopted concept plan, including the South End Concept Plan area, the Beavercreek Road Concept Plan area, and the Park Place Concept Plan area.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.230 Construction area.

Defined as right-of-way, public utility easements, and within the building footprint of a building site for any mixed-use, commercial or industrial development, or if a residential development, within the allowable building footprint permitted by the setback requirements of the zone district.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.235 Constructed wetlands.

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

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.255 Commercial vehicles.

"Commercial vehicle" means:

- A. A vehicle of over eight thousand pounds gross weight that is designed for or being used to transport merchandise, or a vehicle of less than eight thousand pounds gross weight with the business name of the user permanently exhibited on one or both of its sides that is designed and being used to transport merchandise;
- B. A station wagon or other vehicle with the business name of the user permanently exhibited on one or both of its sides, when used for transporting merchandise.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.260 Cottage cluster.

"Cottage cluster " means a grouping of no fewer than four detached dwelling units per acre with a footprint of less than 900 square feet each that includes a common courtyard.

17.04.261 Cottage cluster unit.

"Cottage cluster unit" means an individual dwelling unit with a footprint of less than 900 square feet within a cottage cluster.

17.04.265 Created wetlands.

"Created wetlands" means wetlands developed in an area previously identified as a non-wetland to replace, or mitigate wetland destruction or displacement. A created wetland shall be regulated and managed the same as an existing wetland.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.267 Crest.

"Crest" of slope means the point of curvature where the ground surface descends from the top of a slope.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.270 Cul-de-sac.

"Cul-de-sac" means a street not more than three hundred fifty feet in length having one end open to traffic and being terminated by a vehicle turnaround. The cul-de-sac is measured from the edge of the right-of-way of the intersecting street to the edge of the pavement at the end of the cul-de-sac.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.275 Day care facility.

"Day care facility" means a facility that provides regular day care services to children under thirteen years of age, including a day nursery, nursery school group or similar unit operating under any name. A day care facility shall not include services provided by a physician or nurse, or facilities operated primarily for education or supervised training or instruction, or day care provided by a "babysitter" or "family day care provider" as defined in this chapter. A day care facility caring for ten or more children shall satisfy the certification requirements of the children's services division.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.280 Debris.

"Debris" means discarded man-made objects that would not occur in an undeveloped stream corridor or wetland. Debris includes, but is not limited to, tires, vehicles, litter, scrap metal, construction waste, lumber, plastic or styrofoam. Debris does not include objects necessary to a use allowed by this code, or ornamental and recreational structures. Debris does not include existing natural plant materials or natural plant materials which are left after flooding, downed or standing dead trees or trees which have fallen into protected water features.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.285 Decision-maker.

"Decision-maker" means the city entity rendering a decision on an application. For applications made under this title, the decision-maker will be either the city engineer, community development director, public works director, or their designee or the planning commission or the city commission or as designated by OCMC 17.50.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.290 Demolish.

"Demolish" means to raze, destroy, dismantle, deface or in any other manner cause partial or total ruin of the designated landmark or structure in an historic or conservation district.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.295 Design flood elevation.

"Design flood elevation" means the base flood elevation or twelve inches greater than the base flood elevation for residential uses, as defined by FEMA (Federal Emergency Management Agency).

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.300 Development.

"Development" means an activity where a building or grading operation occurs, a material change in the use or appearance of a structure or land occurs, dividing land into two or more parcels, partitioning or subdividing of land as provided in ORS 92.010 to 92.285 or the creation or termination of an access right. Development does not refer to a capital improvement project or an activity within the right-of-way or public utility easement that is not associated with land or use changes occurring outside of a right-of-way or public utility easement, except where stated.

For the purpose of OCMC 17.26 and OCMC 17.40, "development" means any man-made change to improved or unimproved real estate, including but not limited to buildings, or other structures, mining, dredging, filling, grading, capital improvement projects, excavation or drilling operations.

For the purpose of OCMC 17.42 "development" means any man-made change to improved or unimproved real estate, including but not limited to buildings, or other structures, mining, dredging, filling, grading, paving, capital improvement projects, excavation or drilling operations.

For the purpose of OCMC 17.47, "development" means any man-made change to improved or unimproved real estate, including but not limited to the construction of buildings or other structures, sewers, streets or other structures or facilities, capital improvement projects, mining, dredging, paving, filling or grading in amounts greater than ten cubic yards on any lot or excavation. In addition, any other activity that results in the removal of more than ten percent of the existing vegetation in the water quality resource area on a lot is defined as "development."

"Development" does not include the following:

1. Stream enhancement or restoration projects approved by the city;
2. Farming practices as defined in ORS 30.930 and farm use as defined in ORS 215.203, except that buildings associated with farm practices and farm uses are subject to the requirements of this chapter; and
3. Construction on lots in subdivisions meeting the criteria of ORS 92.040(2)(1995).

For the purpose of OCMC 17.49, "development" means any man-made change defined as the construction of buildings or other structures, capital improvement projects, mining, dredging, paving, filling, grading, or site clearing, and grubbing in amounts greater than ten cubic yards on any lot or excavation. In addition, any other activity that results in the removal of more than ten percent of the existing vegetation in the water quality resource area on a lot is defined as development. Development does not include the following:

1. Stream enhancement or restoration projects approved by the city;
2. Farming practices as defined in ORS 30.930 and farm use as defined in ORS 215.203, except that buildings associated with farm practices and farm uses are subject to the requirements of this chapter; and
3. Construction on lots in subdivisions meeting the criteria of ORS 92.040(2) (1995).

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 21-1007, § 1(Exh. A), 4-21-2021)

17.04.305 Development site.

"Development site" means any lot or lots on any part of which development is taking place. A capital improvement project or an activity within the right-of-way that is not associated with land or use changes occurring outside of right-of-way or public utility easement, does not occur within a "development site".

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 21-1007, § 1(Exh. A), 4-21-2021)

17.04.310 Direct.

"Direct" when used in connection with pedestrian or bicycle access, means the shortest practicable connection or access between two points, which in no instance should involve out-of-direction travel more than fifty percent longer than the straight line distance between two points.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.315 Director.

"Director" means the director of community development, public works director, or designee.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 21-1007, § 1(Exh. A), 4-21-2021)

17.04.320 Disturb.

"Disturb" means man-made changes to the existing physical status of the land, which are made in connection with development. The following uses are excluded from the definition:

1. Enhancement or restoration of the water quality resource area;
2. Planting native cover identified in the Oregon City native plant list as adopted by Oregon City Commission resolution;
3. Installation of erosion control measures pursuant to an approved erosion and sediment control plan under Chapter 17.47.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.325 District.

"District" means the area within a designated historic district, conservation district or historic corridor as provided by the zoning maps of the city.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.330 Dormer.

"Dormer" is a window vertical in a roof or the roofed structure containing such a window. A dormer is considered an alteration to a building, as it stays within the roof line and does not increase the floor area dimensions.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.333 Duplex.

Duplex" means two attached dwelling units on a lot, or, where permitted, two detached dwelling units on a lot. A duplex does not include a primary dwelling and an accessory dwelling unit on a lot.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.335 Dwelling unit.

"Dwelling unit" means a habitable living unit that provides basic living requirements including permanent cooking, and toilet facilities.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.340 Easement.

"Easement" means the space in, upon, above, along, across, over or under a private property for the constructing, reconstructing, operating, maintaining, inspecting, and repairing of a facility owned by someone other than the private property whereby the easement is located.

(Ord. No. 21-1007, § 1(Exh. A), 4-21-2021)

17.04.355 Elevated building.

"Elevated building" for insurance purposes means a nonbasement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.360 Emergency.

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

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.365 Engineer.

"Engineer" means a registered professional engineer licensed by the state of Oregon (P.E.).

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.370 Engineering geologist.

"Engineering geologist" means a registered professional engineering geologist licensed by the state of Oregon (CEG).

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.375 Enhancement.

"Enhancement" means the process of improving upon the natural functions and/or values of an area or feature which has been degraded by human activity. Enhancement activities may or may not return the site to a pre-disturbance condition, but create/recreate processes and features that occur naturally.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.380 Entertainment centers and arcades.

"Entertainment centers and arcades" means a place open to minors where three or more mechanical or electronic amusement devices are located as either the primary or a secondary use.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.385 Erosion.

"Erosion" is the movement of soil, rocks, and other surface materials by wind, water, or mechanical means.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.390 Excavation.

"Excavation" is any act of development by which soil, earth, sand, gravel, rock or any similar material is cut into, dug, quarried, uncovered, removed, displaced, relocated, exposed or bulldozed, including the conditions resulting therefrom.

For the purpose of Chapter 17.47 "excavation" means: Any act of development by which soil or rock is cut into, dug, quarried, uncovered, removed, displaced, exposed or relocated.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.395 Expedited land division.

"Expedited land division" means a division of land as defined in ORS 197.360.

17.04.405 Exterior.

"Exterior" for the purpose of Chapter 17.40 means any portion of the outside of a landmark building, structure, or site in a district or any addition thereto.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.410 Facade.

"Facade" means the exterior wall(s) or elevation(s) of a structure.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.420 Family day care provider.

"Family day care provider" means a day care provider who regularly provides day care to fewer than sixteen children, including the children of the provider, regardless of full-time or part-time status, in the provider's home in the family living quarters. Provisions of day care to sixteen or more children in the home of the provider shall constitute the operations of a "day care facility," as defined in this chapter, and shall be subject to the requirements of this title for day care facilities. A family day care provider shall satisfy the certification requirements of the office of child care.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.425 Federal Aviation Administration (FAA).

"Federal Aviation Administration (FAA)" means the federal regulatory agency responsible for the safety of the nation's air traffic control system, including airspace impacted by wireless communications support structures and towers.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.430 Federal Communications Commission (FCC).

"Federal Communications Commission (FCC)" means the federal regulatory agency charged with regulating interstate and international communications by radio, television, wire, satellite, and cable.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.435 Fill.

"Fill" means any material such as, but not limited to, sand, gravel, soil, rock or other natural or man-made material placed by artificial means.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.440 Final action and final decision.

"Final action" and "final decision" means the city's final decision on a permit application for which there is either no appeal to another decision-maker within the city, or, if there is the possibility of a local appeal, an appeal was not timely perfected in accordance with OCMC 17.50.190. A decision is deemed to be final on the date that written notice of the decision is mailed to those entitled to notice of the decision.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.445 Flag lot.

"Flag lot" means a lot or parcel that has a narrow frontage on a public right-of-way and a narrow accessway which serves the main body of the lot used for building.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.450 Flood or flooding.

"Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters; and/or
2. The unusual and rapid accumulation of runoff of surface waters from any source.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.455 Flood insurance rate map.

"Flood insurance rate map" means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.460 Flood insurance study.

"Flood insurance study" means the official report provided by the Federal Insurance Administration that includes flood profiles, the flood boundary-floodway map, and the water surface elevation of the base flood.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.465 Flood management areas.

"Flood management areas" means all lands contained within the one hundred-year floodplain, flood area and floodway as shown on the Federal Emergency Management Agency Flood Insurance Rate Maps, floodway maps and the area of inundation for the February 1996 flood.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.470 Floodplain.

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

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.475 Floodway.

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.480 Floodway fringe.

"Floodway fringe" means the area of the floodplain, lying outside the floodway, which does not contribute appreciably to the passage of floodwater, but serves as a retention area.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.481 Food unit, mobile.

A vendor or seller of food and/or beverages from a motorized, non-motorized or towed vehicle including a wheeled trailer or cart capable of being towed or pushed by a vehicle or by hand not within a building. Mobile food units may require licensing from state and county health departments. Food units may be transitory or non-transitory.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.04.482 Footcandle.

A unit of measurement referring to illumination incident to a single point. One footcandle is equal to one lumen uniformly distributed over an area of one square foot.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.483 Footprint.

"Footprint" for the purposes of OCMC 17.54.010 means the horizontal area as seen in plan, measured from outside of all exterior walls and supporting columns. It includes dwellings, garages, carports, and accessory structures, but not trellises, patios, and areas of porch, deck, and balcony less than 30 inches from finished grade, or cantilevered covers, porches or projections which do not have a post touching the ground or ramps and stairways required for access.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.485 Front facade.

"Front facade" means the exterior wall/foundation of a building exposed to the front lot line. This shall be the most architecturally significant elevation of the building, commonly including a front door or main entrance. If the most architecturally significant elevation of the building is not exposed to the front lot line, the community development director shall determine the front facade.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.490 Front lot line.

"Front lot line" means a lot line abutting a street. For corner lots, the front lot line is that with the narrowest frontage. When the lot line abutting a street is curved, the front lot line follows the curve. For a flag lot, the front lot line is the shortest lot line adjoining the pole portion of the lot including the width of the pole. See figure 17.04.490.

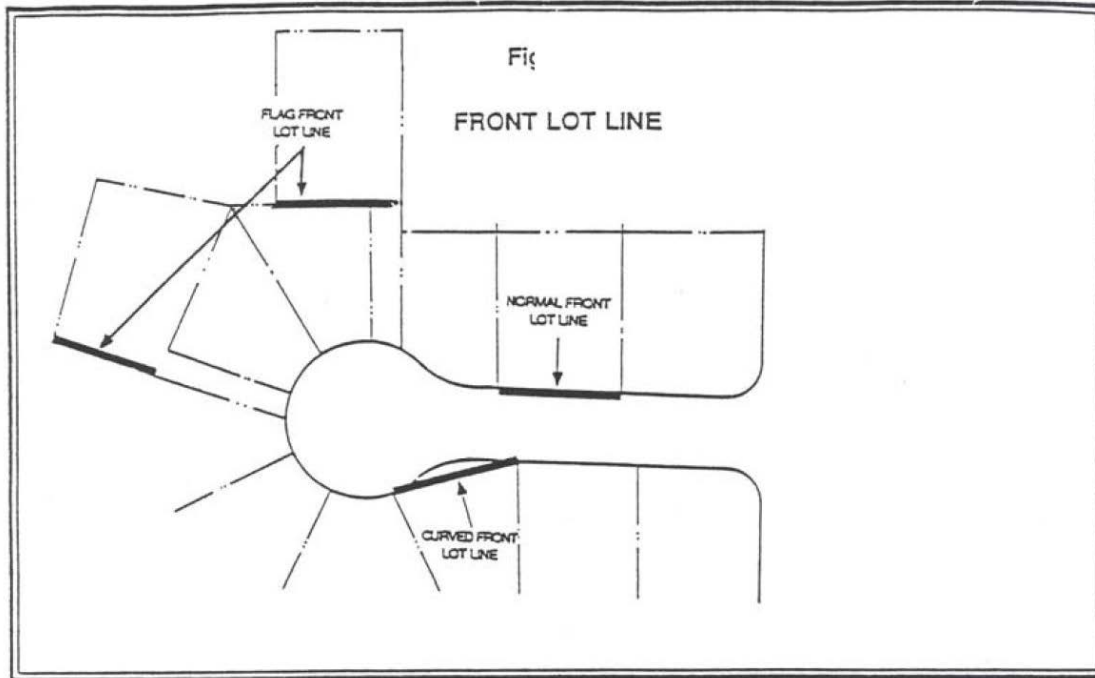


Figure 17.04.490

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

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.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.497 Fully shielded or cut-off light fixture.

Any outdoor light fixture shielded in such a manner that all light emitted by the fixture is projected below the horizontal as determined by a photometric test or certified by the manufacturer. For purposes of this standard, "cut-off angle" is defined as the angle formed by a line drawn from the direction of light rays at the light source and a line perpendicular to the ground from the light source above from which no light is emitted.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.500 Garage.

"Garage" means an attached or detached structure(s), or portion thereof used or designed to be used for the parking or storage of vehicles, including carports. Garages do not include detached accessory dwelling units which are not part of a detached garage.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.505 Geological assessment.

"Geological assessment" is an assessment prepared and stamped by a certified engineering geologist, detailing the surface and subsurface conditions of the site and delineating the areas of a property that might be subject to specified geologic hazards.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.510 Geologic hazard areas.

"Geologic hazard areas" mean:

1. Any area identified on the city's steep slope and landslide area map;
2. Area within two hundred feet of the crest or toe of a slope that is twenty-five percent or greater;
3. Areas with a slope of twenty-five percent or more;
4. Geologic hazards areas identified by the state of Oregon Department of Geology and Mineral Industries (DOGAMI) in Bulletin 99, Geology and Geologic Hazards of Northwestern Clackamas County, Oregon (1979);
5. Any other area that is identified by a suitably qualified geotechnical engineer or engineering geologist who is licensed in Oregon and derives his or her livelihood principally from that profession as being subject to soil instability, slumping or earth flow, high groundwater level, landslide, or seismic activity.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.515 Geologic hazards overlay zone.

"Geologic hazards overlay zone" means the zone mapped by the city of Oregon City that is subject to review pursuant to OCMC 17.44 as follows:

1. The following areas identified on the city's slope and geology map which represents:
 - a. Areas within fifty feet of the crest or toe of a slope that is twenty-five percent or greater, or within two hundred feet of the crest or toe of a landslide geologic units QIs and Qf identified by DOGAMI and derived from LIDAR IMS-29 and IMS-26 publications in 2009, whichever is greater;
 - b. Areas with a slope of twenty-five percent or more;
 - c. Geologic hazards areas identified by the state of Oregon Department of Geology and Mineral Industries (DOGAMI) as landslide or debris flow fan (QIs and Qf geologic units derived from LIDAR IMS-29 and IMS-26 publications in 2009); and
 - d. Geologic hazards areas identified in Bulletin 99, Geology and Geologic Hazards of Northwestern Clackamas County, Oregon (1979).
2. Any other area that is identified by a suitably qualified geotechnical engineer or engineering geologist who is licensed in Oregon and derives his or her livelihood principally from that profession as being subject to soil instability, slumping or earth flow, high groundwater level, and landslide.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.520 Geotechnical engineer.

"Geotechnical engineer" is a professional engineer, registered in the state of Oregon as provided by ORS 672.002 to 672.325, who by training, education and experience is qualified in the practice of geotechnical or soils engineering practices.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.525 Geotechnical remediation.

"Geotechnical remediation" means construction designed to increase the factor of safety against earth movement.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.530 Geotechnical report.

"Geotechnical report" is a report prepared and stamped by a geotechnical engineer, evaluating the site conditions and mitigation measures necessary to reduce the risks associated with development in geologically hazardous areas.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.532 Glare.

The reflection of harsh, bright light; and the physical effect resulting from high luminances or insufficiently shielded light sources in the field of view.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.535 Grading.

"Grading" is the act of excavating and filling as defined in OCMC 15.48.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 21-1007, § 1(Exh. A), 4-21-2021)

17.04.540 Gross floor area.

"Gross floor area" means the total enclosed floor area within buildings, measured in square feet, excluding basement areas used for storage or parking.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.543 Habitat.

"Habitat" means the location of natural resource areas that support fish and wildlife populations, including wetlands, riparian areas, natural areas, wooded areas, areas of significant trees or vegetation, and areas designated as being within the natural resource overlay district.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.545 Half street.

"Half street" means a portion of the width of a full street, usually along the edge of a subdivision.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.550 Height of building.

"Height of building" means a vertical distance measured from the average finished grade elevation on the street-facing elevation to:

1. One-half the vertical distance between the eaves and the highest ridge for a gable, hip or gambrel roof,

2. The top of the roof for flat roofs,
3. The deck lines for mansard roofs, or
4. The top of the parapet for buildings with parapets that completely surround the perimeter of a roof.

Roof structures needed to operate and maintain the building on which they are located such as chimneys, flues, stacks, fire escapes, gas holders, elevator enclosures, ventilators, skylights, solar panels, water towers and tanks, and similar are exempt from the building height measurement. Additional decorative and functional elements such as flag poles, partially enclosed parapets and building entry features, steeples and bell towers, carillons, monuments, cupolas, television aerials, broadcasting and microwave transmitting and relay towers, electric transmission line towers, and electric substation structures are also exempt from the building height measurement.

Except that, for buildings within the flood management overlay district subject to Chapter 17.42, height shall be measured from the design flood elevation or average finished grade at front of the structure, whichever is higher. For the purpose of Chapter 17.80, "height" shall mean the distance measured from the original grade at the base of the wireless communication facility to the highest point on the wireless communication facility, including the antenna(s) and lightning rod(s).

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.555 Heritage tree.

"Heritage tree" is a tree or stand of trees that is of landmark importance to the city of Oregon City due to age, size, species, horticultural and ecological value or historical association.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.560 Heritage grove.

"Heritage grove" is at least two heritage trees separated by no more than twenty feet on a property or properties.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.562 Highly constrained residential lot.

A residential vacant lot of record that has less than thousand square feet of buildable area, with minimum dimensions of fifty feet by fifty feet, remaining outside the natural resource overlay district.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.564 Highly constrained commercial lot.

A commercial or industrially zoned lot of record that has more than seventy-five percent of its area covered by the natural resource overlay district.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.565 Historical significance.

"Historical significance" means that the structure of district:

1. Has character, interest or value, as part of the development, heritage or cultural characteristics of the city, state or nation;
2. Is the site of an historic event with an effect upon society;

3. Is identified with a person or group of persons who had some influence on society; or
4. Exemplifies the cultural, political, economic, social or historic heritage of the community.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.570 Historic corridor.

"Historic corridor" means that portion of a parcel of land that is a part of a designated linear historic feature such as the route of the Oregon Trail-Barlow Road.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.575 Historic site.

"Historic site" means the structure and the property surrounding a landmark, a structure in an historic district, or a designated structure in a conservation district.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.580 Home occupation.

"Home occupation" means an occupation carried on solely by the resident or residents of a dwelling unit as a secondary use in accordance with Section 17.54.120.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.585 Hotel.

"Hotel" means a building which is designed or used to offer lodging, with or without meals, for compensation, primarily for overnight lodging.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.586 Impervious surface.

Any nonvertical surface artificially covered or hardened so as to prevent or impede the percolation of stormwater water into the soil, including but not limited to roof tops excepting eaves, swimming pools, paved or graveled roads, and walkways or parking areas and excluding landscaping, surface water retention/detention facilities, access easements serving neighboring property, and driveways.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.587 Incandescent.

A common form of artificial light in which a filament is contained in a vacuum and heated to brightness by an electric current.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.590 Infrastructure provider.

"Infrastructure provider" for the purposes of Chapter 17.80 means an applicant whose proposal includes only the construction of new support towers or auxiliary structures to be subsequently utilized by service providers.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.595 Institutional development.

"Institutional development" includes all public, semi-public and private community facilities and uses, including government office and maintenance facilities, educational facilities, research institutions, correctional institutions, museums, libraries, stadiums, hospitals, residential care facilities, auditoriums and convention or meeting halls, churches, parks and public recreational facilities, automobile parking structures, and other similar facilities and uses.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.600 Interior parking lot landscaping.

"Interior parking lot landscaping" means landscaping located inside the surfaced area used for on-site parking and maneuvering.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.605 Invasive non-native, nuisance, prohibited or noxious vegetation.

"Invasive non-native," "nuisance," "prohibited" or "noxious vegetation" means plant species that have been introduced and, due to aggressive growth patterns and lack of natural enemies in the area where introduced, spread rapidly into native plant communities, or which are listed as invasive, nuisance, prohibited or noxious plants on the Oregon City Nuisance Plant List, or by the Oregon Department of Agriculture, Clackamas Soil and Water District, or Portland Plant List.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.610 Land division.

"Land division" means any partition or subdivision.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.615 Landscaping.

"Landscaping." Site improvements which include lawn, garden, groundcover, trees, plants and other natural and decorative features, including but not limited to, patios or plazas open to the public or open commonly to residents and street furniture and walkways which are contiguous and integrated with plant material landscaped areas. The verification of plant materials requiring specific characteristics can be achieved by any of the following methods:

1. Description in Sunset Western Garden Book (Editor Sunset Books, 2012 or later edition);
2. The Oregon City Native Plant List;
3. City of Portland Native Plan List;
4. Metro Native Plant List;
5. By an appendix, definition, or other reference in the Zoning Code; or
6. By specific certification by a licensed landscape architect.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.620 Landscape area.

"Landscape area" means land set aside and used for planting of grass, shrubs, trees or similar living plants.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.625 Landslide.

"Landslide" means the downslope movement of soil, rocks, or other surface matter on a site. Landslides may include, but are not limited to, slumps, mudflows, earthflows, debris flows, rockfalls and the source areas for above.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.630 Lattice tower.

"Lattice tower" is a support tower characterized by an open framework of lateral cross members that stabilize the tower.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.635 Legislative action.

"Legislative action" means any final decision of the city that approves or denies a request to amend the city's land use regulations, comprehensive plan or related maps and does not pertain to a particular property or small set of properties.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.637 Licensee representative.

"Licensee representative" means an owner, director, officer, manager, employee, agent or other representative of a licensee, to the extent that the person acts in a representative capacity.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.640 Limited land use application.

"Limited land use application" means an application for any use where the decision is based on discretionary standards designed to regulate the physical characteristics of a use permitted outright, including subdivision or site plan and design review or any other application which is processed pursuant to a Type II proceeding as provided in this chapter.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.645 Live/work dwelling.

"Live/work dwelling" a dwelling in which a business is designed to be operated on the ground floor. The ground floor commercial, personal service, or office space has visibility, signage and access from the primary street.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.650 Loading space.

"Loading space" means an off-street space, having a paved surface, within a building or on the same lot with a building, for the temporary parking of a commercial vehicle or truck while loading or unloading merchandise or materials and which has direct access to a street or alley.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.655 Local street.

"Local street" means any street so designated in the city's transportation system plan. Typically, a local street is a public street that serves abutting lands, is designed to carry a minimal amount and weight of traffic.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.660 Lot.

"Lot" and "legal lot" mean a single unit of land created by a subdivision which, at the time of creation, complied with all procedural and substantive requirements of any applicable local, state or federal law.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.665 Lot, corner.

"Corner lot" means a lot abutting upon two or more streets at their intersection.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.670 Lot coverage.

"Lot coverage" means the area of a lot covered by the footprint of all structures two hundred square feet or greater (excluding decks and porches), expressed as a percentage of the total lot area.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.675 Lot depth.

"Lot depth" means the distance measured from the mid-point of the front lot lines to the mid-point of the opposite, usually rear lot line and generally at approximately right angles to the lot width.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.680 Local floodplain administrator.

"Local floodplain administrator" means the city's building official.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.685 Lot, interior.

"Interior lot" means a lot other than a corner lot.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.690 Lot line adjustment.

"Lot line adjustment" means a relocation or elimination of all or a portion of the common property line between abutting properties that does not create an additional lot or parcel.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.695 Lot of record.

"Lot of record" means a lot or parcel which has been legally recorded in the office of the county recorder by deed or contract of sale prior to the enactment of an ordinance or regulation by reason of which the lot or parcel no longer meets the dimensional or area requirements of the city.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.700 Lot, width.

"Lot width" means the perpendicular distance measured between the midpoints of the two principal opposite side lot lines and generally at approximately right angles to the lot depth.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.705 Lowest floor.

"Lowest floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this title found at OCMC 17.42.160.E.4 or 5.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.707 Low impact development standard.

Any construction technique approved by the city engineer that is designed to provide on-site capture, treatment and infiltration of stormwater as a means to improve water quality, reduce the amount of impervious surface, and/or provide habitat benefits on a development site.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.710 Major modification.

"Major modification" means any of the following changes from a previously approved permit, except for changes eligible for a Type I review, requiring the application to return through the same process as the original review:

1. For subdivisions or planned unit developments, an increase in the total number of dwelling units by ten percent or more, an increase in the number of multiple-family dwellings by more than ten percent, or a reduction in the amount of landscaping, open space or land reserved for a protected feature of ten percent or more;
2. For design review or conditional use permits for mixed-use or commercial developments, an increase in the area of commercial space by more than ten percent;
3. For any site plan or design review approval, any change not eligible for a Type I Minor Site Plan and Design Review, including the relocation of buildings, streets, access points onto the existing public right-of-way, utility easements, parking lot expansions, or other site improvements away from the previously approved general location;
4. For any prior approval, an increase in the amount of impervious surface on hillsides or unstable soils subject to regulation under city code Chapter 17.44 by ten percent or more; or
5. Any change that renders the prior approved permit incompatible with surrounding lands or development in noncompliance with any of the conditions of approval or approval criteria.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.712 Major transit stop.

"Major transit stop" means transit centers, high capacity transit stations, major bus stops, inter-city bus passenger terminals, inter-city rail passenger terminals, and bike-transit facilities as shown in the regional transportation plan.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.715 Main building entrance.

"Main building entrance" means a primary entrance to a building, intended for use by residents, employees, customers, clients, visitors, messengers and members of the public.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.720 Major public improvements.

"Major public improvements" means the expenditure of public funds or the grant of permission by a public body to undertake change in the physical character of lands or the making of public improvements within a district, except for the repair or maintenance of public or private improvements within a district.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.725 Manager.

"Manager" means the city manager or the city manager's designated representative.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.730 Manufactured home.

"Manufactured home" means a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for a permanent residential purpose and that was constructed in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction. The term "manufactured home" does not include a "recreational vehicle."

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.735 Manufactured home park or subdivision.

"Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.740 Map.

"Map" means a final diagram, drawing or other graphical representation concerning a partition or subdivision.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.741.010 Marijuana.

"Marijuana" means the plant cannabis family cannabaceae, any part of the plant cannabis family cannabaceae and the seeds of the plant cannabis family cannabaceae. "Marijuana" does not include industrial hemp, as defined in state law.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.741.020 Marijuana business.

"Marijuana business" means:

1. Any business licensed by the Oregon Liquor Control Commission to engage in the business of producing, processing, wholesaling, or selling marijuana or marijuana items, or
2. Any business registered with the Oregon Health Authority for the growing, processing, or dispensing of marijuana or marijuana items.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.741.030 Marijuana items.

"Marijuana item" means marijuana, cannabinoid products, cannabinoid concentrates and cannabinoid extracts.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.741.040 Marijuana laboratory (laboratories).

"Marijuana laboratory (laboratories)" means an entity which tests or researches marijuana products for THC levels, pesticides, mold, etc. pursuant to applicable Oregon Administrative Rules.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.741.050 Marijuana licensee.

"Marijuana licensee" means a person who holds a business license issued by the city to engage in a marijuana business in accordance with this chapter.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.741.060 Marijuana processor (processing).

"Marijuana processor (processing)" means an entity licensed by the Oregon Liquor Control Commission or Oregon Health Authority to process marijuana. This includes the manufacture of concentrates, extracts, edibles and/or topicals.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.741.070 Marijuana producer (production).

"Marijuana producer (production)" means an entity licensed by the Oregon Liquor Control Commission or the Oregon Health Authority to manufacture, plant, cultivate, grow or harvest marijuana. This is the only license able to cultivate marijuana.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.741.080 Marijuana retailer.

"Marijuana retailer" means an entity licensed by the Oregon Liquor Control Commission or Oregon Health Authority to sell marijuana items to a consumer in this state.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.741.090 Marijuana wholesaler.

"Marijuana wholesaler" means an entity licensed by the Oregon Liquor Control Commission or Oregon Health Authority to purchase items in this state for resale to a person other than a consumer. This means an entity that buys and sells at wholesale.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.742 Medical marijuana dispensary.

"Medical marijuana dispensary" means an entity registered with the Oregon Liquor Control Commission or Oregon Health Authority to transfer marijuana.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.743 Membrane or fabric covered storage area.

An area used for storage covered by a tarp or fabric membrane or that is either attached to a rigid framework, natural feature or some other structure, or a metal-sided cargo container. It is not intended to include the weather proofing of a vehicle, boat or other individual item by a tarp or other type of covering as long as the covering is attached directly to and covers only the particular item.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.745 Metro.

"Metro" means the regional government of the Portland Metropolitan area and the elected Metro council as the policy-setting body of the government.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.746 Metro ESEE analysis.

"ESEE" means economic, social, environmental and Energy (ESEE) analysis and is the process by which Metro determined whether to allow, limit, or prohibit activities in the city's significant natural resource sites.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.750 Micro cell.

"Micro cell" for the purposes of Chapter 17.80 means a wireless communications facility consisting of an antenna that is either: (a) four feet in height and with an area of not more than five hundred eighty square inches; or (b) if a tubular antenna, no more than four inches in diameter and no more than six feet in length.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.752 Middle housing.

"Middle housing " means duplexes, triplexes, quadplexes, townhouses and cottage clusters.

17.04.753 Middle housing land division.

"Middle housing land division" means a partition or subdivision of a lot or parcel on which the development of middle housing is allowed.

17.04.755 Minor modification.

"Minor modification" means any changes from a previously approved permit which are less than a major modification.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.760 Mitigation.

"Mitigation" means the reduction of adverse effects of a proposed project by considering, in the following order:

1. Avoiding the impact altogether by not taking a certain action or parts of an action;
2. Minimizing impacts by limiting the degree or magnitude of the action and its implementation;
3. Rectifying the impact by repairing, rehabilitating or restoring the affected environment;
4. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action by monitoring and taking appropriate measures; and
5. Compensating for the impact by replacing or providing a comparable substitute.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.765 Mitigation measure.

"Mitigation measure" is an action designed to reduce project-induced geologically hazardous area impacts.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.766 Mobile vendor.

A provider, vendor or seller of merchandise and/or services, etc. from a motorized or towed vehicle including a wheeled trailer capable of being towed by a vehicle. For the exclusive mobile vending of food, see definition of "food units, mobile."

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.04.770 Monopole.

"Monopole" means a support tower composed of a single upright pole, engineered to be self-supporting, and used to support one or more antenna(s) or array(s). A monopole does not include towers requiring guy wires or lattice cross supports.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.775 Motel.

"Motel" means a building or series of buildings in which lodging is offered for compensation primarily for overnight lodging which is distinguished from a hotel primarily by reason of providing direct independent access to and adjoining parking for each rental unit.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

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, cottage clusters, duplexes, triplexes, quadplexes or single-family dwellings.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.785 Native vegetation.

"Native vegetation" means any vegetation listed on the Oregon City native plant list as adopted by Oregon City Commission resolution.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.790 Natural location.

"Natural location" means the location of those channels, swales, and other non-man-made conveyance systems as defined by the first documented topographic contours existing for the subject property either from maps or photographs, or such other means as appropriate.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.795 Nearby.

"Nearby," when used in connection with pedestrian or bicycle access, means uses within one-quarter mile distance which can reasonably be expected to be used by pedestrians, and uses within two miles distance which can reasonably be expected to be used by bicyclists.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.800 Neighborhood activity center.

"Neighborhood activity center" refers to land uses which attract or are capable of attracting a substantial amount of pedestrian use. Neighborhood activity centers include, but are not limited to, parks, schools, retail store and service areas, shopping centers, recreational centers, meeting rooms, theaters, museums and other pedestrian oriented uses.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.805 Neighborhood association.

"Neighborhood association" means a group whose membership is recognized by the city, open to residents, property owners and owners of businesses located in the neighborhood. This group makes comments and recommendations on problems, policies and projects in the neighborhood.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.808 Net density.

"Net density" means the number of dwelling units divided by the net developable area, as measured in acres. The result of minimum net density calculations shall be rounded up to the nearest whole dwelling unit, and the result of maximum net density calculations shall be rounded down to the nearest whole dwelling unit. If rounding of minimum and maximum net densities results in conflicting numbers of dwelling units, the minimum net density shall be rounded down to nearest whole dwelling unit.

Gross site area: 4.84 acres

Net developable area: 4.84 acres X 0.8 = 3.87 acres (80% is developable, 20% is right-of-way, slopes, etc.)

Density (see density standards in OCMC Table 17.10.050):

Minimum net density = 7.0 du/acre X 3.87 acres = 27.09 du (round up) — 28 units

Maximum net density = 8.7 du/acre X 3.87 acres = 33.67 du (round down) — 33 units

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.04.810 Net developable area.

"Net developable area" means the area of a parcel of land or the aggregate of contiguous parcels under the same ownership remaining after deducting any portion of the parcel or aggregate of parcels with one or more of the following characteristics:

1. Elevation within the one hundred-year floodplain, as identified on the Federal Emergency Management Agency Flood Insurance Rate Maps;
2. The area within an underlying natural resource overlay district (NROD) governed by OCMC 17.49 that is indicated on the adopted NROD map or which has been otherwise delineated pursuant to OCMC 17.49;
3. Steep slopes exceeding thirty-five percent. Applicant may make a request for the community development director to determine whether to make further adjustments for slopes equal to or above twenty-five percent per OCMC 17.44.060.H;
4. Open space;
5. Public facilities and rights-of-way;
6. Upon approval of the community development director, any lands where development of structures requiring a building permit is prohibited due to an easement and is similar in nature to items 1—5.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.812 Net leasable area.

Actual square-footage of a building or outdoor area that may be leased or rented to tenants, which excludes parking lots, common areas, shared hallways, elevator shafts, stairways, and space devoted to cooling, heating, or other equipment.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.815 New construction.

"New construction" means structure for which the "start of construction" commenced on or after the effective date of the ordinance codified in this title.

For the purposes of Chapter 17.40, "new construction" means a new building or structure separate from an existing building that is larger than two hundred square feet on any property located within a historic overlay district. Any building addition that is thirty percent or more in area (be it individual or cumulative) of the original structure shall also be considered "new construction."

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1009, § 1(Exh. A), 10-16-2019)

17.04.820 New manufactured home park or subdivision.

"New manufactured home park or subdivision" means a manufactured home park subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the ordinance codified in this chapter.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.825 Nonconforming use.

"Nonconforming use" means a use which lawfully occupied a building or land at the time this title or subsequent amendments became effective and which does not conform with the use regulations of the district in which it is located.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.830 Non-final decision.

"Non-final decision" means any decision by the community development director, historic review board or planning commission which is not a final decision but is appealable to another decision maker within the city.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.840 Nursery, day or child care center.

"Nursery, day or child care center" means a commercial enterprise where more than five children are cared for during the day, including a kindergarten.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.845 Office.

"Office" means a place where a particular kind of business is transacted or a service is supplied.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.850 One hundred twenty-day period.

"One hundred twenty-day period" means the one hundred twenty-day period within which ORS 227.178 requires the city to take final action on a complete application.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.855 Open space.

"Open space" means land that is undeveloped and that is planned to remain so indefinitely. The term encompasses parks, forests and farmland. It may also refer only to land zoned as being available to the public, including playgrounds, watershed preserves and schools.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.860 Ordinary mean high water line.

"Ordinary mean high water line" means, as defined in OAR 141-82-005, the line on the bank or shore to which water ordinarily rises in season; synonymous with mean high water (ORS 274.005).

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.865 Ordinary mean low water line.

"Ordinary mean low water line" means, as defined in OAR 141-82-005, the line on the bank or shore to which water ordinarily recedes in season; synonymous with mean low water (ORS 274.005).

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.870 Owner or property owner.

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

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.875 Overlay district.

"Overlay district" means a special zoning district, the restrictions and conditions of which shall be in addition to such restrictions and conditions as may be imposed in the underlying zone.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.880 Parcel.

"Parcel" and "legal parcel" mean a single unit of land created by a partition or subdivision which, at the time of creation, complied with all procedural and substantive requirements of any applicable local, state or federal law.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.885 Parking area, public.

"Public parking area" means an open off-street area used for the temporary parking of more than three automobiles and available for public use, with or without charge or as an accommodation for clients or customers.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.890 Parking lot.

"Parking lot" means off-street parking spaces.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.895 Parking space.

"Parking space" means an unobstructed off-street area having an all-weather surface for the temporary parking or storage of one automobile.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.900 Partition/partition land.

"Partition" or to "partition land" means to divide an area or tract of land into two or three parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year. "Partition land" does not include:

1. A division of land resulting from a lien foreclosure, foreclosure of a recorded contract for the sale of real property or the creation of cemetery lots;
2. An adjustment of a property line by the relocation of a common boundary where an additional unit of land is not created and where the existing unit of land reduced in size by the adjustment complies with any applicable zoning ordinance;
3. The division of land resulting from the recording of a subdivision;
4. A sale or grant by a person to a public agency or public body for state highway, county road, city street or other right-of-way purposes provided that such road or right-of-way complies with the Oregon City Comprehensive Plan, applicable state statutes, and does not create additional parcels.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.905 Partition plat.

"Partition plat" means and includes a final map and other writing containing all the descriptions, locations, specifications, provisions and information concerning a partition.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.907 Pedestrian scale lighting.

Lighting fixtures that are dimensionally smaller than those intended to accommodate automobile traffic flow and buffering and which are intended to provide adequate illumination of areas used by pedestrians or bicyclists for security, recreational or commercial purposes. In general pedestrian scale lighting is no higher than twelve feet tall.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.910 Pedestrian walkway.

"Pedestrian walkway" means a hard surfaced facility for pedestrians within a development or between developments, distinct from surfaces used for motor vehicles. A pedestrian walkway is distinguished from a sidewalk by its location on private property outside the public right-of-way and from a pedestrian/bicycle accessway by the function it serves.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.915 Perimeter parking lot landscaping.

"Perimeter parking lot landscaping" means the five-foot wide landscaped planter strip located on the perimeter of all parking lots located adjacent to the right-of-way and/or adjoining properties. Parking lots are defined as the surfaced area used for on-site automobile parking and maneuvering.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.920 Permit.

"Permit" means any form of quasi-judicial approval relating to the use of land rendered by the city under OCMC 16 or 17, including subdivisions, partitions, lot line adjustments and abandonments, zone changes, plan amendments, conditional use permits, land use and limited land use decisions, and expedited land divisions. Permit does not include any city decision relating to system development charges under Chapter 3.20.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.923 Pervious.

"Pervious" refers to any material or surface that permits full or partial absorption of stormwater into previously unimproved land.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.925 Planning division.

"Planning division" means the planning division of the city of Oregon City.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.930 Planter (or planting) strip.

"Planter (or planting) strip" means an area for landscaping and street trees within the public street right-of-way, usually located between the curb and sidewalk. Also known as a parking strip or tree lawn.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.935 Plat.

"Plat" means a map of the lots in a proposed partition or subdivision, drawn to scale and which includes all of the information required by the applicable provisions of OCMC 16 and 17.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.937 Pollutant.

"Pollutant" means the presence in the outdoor atmosphere, ground, or water of any substances, contaminants, noise, or man-made or man-induced alteration of the chemical, physical, biological, or radiological integrity of air or water, in quantities or at levels which are or may be potentially harmful or injurious to human health or welfare, animal, or plant life, or property, or unreasonably interfere with the enjoyment of life or property.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.940 Porch.

"Porch" means a roofed open unenclosed area, which may be screened, attached to or part of and with direct access to or from a building.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.945 Practicable.

"Practicable" means available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purpose.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.950 Preliminary plan or plat.

"Preliminary plan" or "plat" mean a preliminary subdivision plat or partition plat as appropriate.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.955 Principal dwelling unit.

"Principal dwelling unit" means the primary residence for a particular lot.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.960 Private street.

"Private street" means a privately owned and maintained street or accessway. The creation of private streets shall include emergency access and utility easements and reciprocal easements for all properties intended to use the accessway. Private streets shall be designed and constructed to the standards required by the city, but those standards may be different than would apply to public streets.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.965 Property line.

"Property line" means the division or boundary between two legal lots or parcels. The property line may sometimes be the same line as the right-of-way line even though right-of-way is not a lot or parcel.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 21-1007, § 1(Exh. A), 4-21-2021)

17.04.970 Protected water features.

"Protected water features" shall include:

1. Title 3 wetlands;
2. Rivers and perennial and intermittent streams;
3. Springs which feed stream and wetlands and have year-round flow; and
4. Natural lakes.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.973 Public garage.

"Public garage" means any automobile repairs and servicing when enclosed within the building.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.975 Public recycle drop/receiving center.

"Public recycle drop/receiving center" means a facility that receives and temporarily stores separated recyclable waste materials including glass, scrap paper, corrugated paper, newspaper, tin cans, aluminum, plastic and oil. Maximum storage for each type of separated recyclable waste shall not exceed six hundred cubic feet. Oil storage shall not exceed six hundred gallons. Preparation of separated materials shall be limited to nonmechanical methods such as baling and glass breaking.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.980 Public recycle warehouse.

"Public recycle warehouse" means a facility that receives and stores and prepares for transport separated recyclable waste material including glass, scrap paper, corrugated paper, newspaper, tin cans, aluminum, plastic and oil. Preparation of separated materials, including baling, compacting and glass breaking, may be part of this facility.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.982 Public street.

"Public street" means a publicly maintained street or accessway under the jurisdiction of a governmental entity.

(Ord. No. 21-1007, § 1(Exh. A), 4-21-2021)

17.04.985 Public utilities and services.

"Public utilities and services" means facilities for providing electric power, communication, water, sewers and transportation.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.986 Public utility easement.

"Public utility easement" means an easement that allows a utility the right to use and access specific areas of another's property for constructing and maintaining gas, electric, telecommunication, fiberoptic, water, and sewer lines.

(Ord. No. 21-1007, § 1(Exh. A), 4-21-2021)

17.04.987 Public works director.

"Public works director" means the director of the public works department for the city, their duly authorized representative(s), or the city's duly authorized representative(s) as designated by the city manager.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.989 Quadplex.

"Quadplex " means four attached dwelling units on a lot.

17.04.990 Quasi-judicial.

"Quasi-judicial" means any final decision of the city that applies the provisions of OCMC 16 or 17, in response to an application, that pertains to a specific property or small set of properties and which is legally required to result in a decision by the city.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.995 Radio frequency (RF) energy.

"Radio frequency (RF) energy" means the energy used by cellular telephones, telecommunications facilities, and other wireless communications devices to transmit and receive voice, video, and other data information.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.1000 Rear lot line.

"Rear lot line" means a lot line that is opposite to and more distant from the front lot line. In the case of a corner lot, the community development director shall determine the rear lot line. In the case of an irregular or triangular shaped lot, an imaginary lot line ten feet in length shall be drawn within the lot parallel to and at the maximum distance from the front lot line. A lot line abutting an alley is a rear lot line.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.1005 Record.

"Record" means the public record compiled for each quasi-judicial and legislative action and includes the written minutes of all public hearings, audio tape recordings, if any, of the public meetings, the application and all materials duly submitted by the applicant, all documents, evidence, letters and other materials duly submitted by any party to the decision-making proceeding, staff reports, public notices, and all decisions rendered by city decision-makers.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.1010 Recreational vehicle.

"Recreational vehicle" means a vehicle which is:

1. Built on a single chassis;
2. Four hundred square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily as temporary quarters for recreational, camping, travel or seasonal use and not for use as a dwelling.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.1015 Religious institution.

A church or place of worship or religious assembly with related facilities such as the following in any combination: Rectory or convent, private school, meeting hall, offices for administration of the institution, licensed child or adult daycare, playground or cemetery.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.1016 Remodel.

To change the structure or form of something. For the purposes of Chapter 17.48, remodeling shall exclude changes to building materials, façade changes, and changes to windows and doors that do not include additions or changes to building form.

(Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.04.1020 Reserve strip.

"Reserve strip" means a parcel of land, usually one foot in width, running the length of a half-street parallel to the center line or running across the end of a street at right angles to the center line which, when deeded to the city, prevents the abutting property owner from using the street for access to the abutting property without first making the appropriate dedication from his/her land.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.1021 Residence.

A structure or part of a structure containing dwelling units or rooming units, including single-family detached and attached dwelling units, duplexes, townhomes or townhouses, triplexes, quadplexes, cottage clusters, accessory dwelling units, multi-family dwelling units, manufactured homes, and boarding or rooming houses. Residences do not include: Such transient accommodations as transient hotels, shelters, bed and breakfasts,

motels, tourist cabins, or trailer courts; dormitories, fraternity or sorority houses; in a mixed-use structure, that part of the structure used for any nonresidential uses, except accessory to residential uses; or recreational vehicles.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.1025 Residential facility.

"Residential facility" means a residential care, residential training or residential treatment facility licensed or registered by or under the authority of the state licensing agency, as defined in ORS 443.400, under ORS 443.400 to 443.460 or licensed by the State Office for Services to Children and Families under ORS 418.205 to 418.327 which provides residential care alone or in conjunction with treatment or training or a combination thereof for six to fifteen individuals who need not be related. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential facility.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.1030 Residential home.

"Residential home" means a residential treatment or training or an adult foster home licensed by or under the authority of the state licensing agency, as defined in ORS 443.400, under ORS 443.400 to 443.825, a residential facility registered under ORS 443.480 to 443.500 or an adult foster home licensed under ORS 443.705 to 443.825 which provides residential care alone or in conjunction with treatment or training or a combination thereof for five or fewer individuals who need not be related. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential home.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.1035 Residential zone.

"Residential zone" shall include any of the following zoning districts: R-10 single-family dwelling district, R-8 single-family dwelling district, R-6 single-family dwelling district, R-5 dwelling district, R-3.5 dwelling district and R-2 dwelling district.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.1040 Resource versus facility.

"Resource" versus "facility" means the distinction being made is between a "resource," a functioning natural system such as a wetland or stream; and a "facility" which refers to a created or constructed structure or drainage way that is designed, constructed and maintained to collect and filter, retain, or detain surface water runoff during and after a storm event for the purpose of water quality improvement.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.1045 Restoration.

"Restoration" for the purposes of OCMC 17.49 means the process of returning a disturbed or altered area or feature to a previously existing natural condition. Restoration activities reestablish the structure, function and/or diversity to that which occurred prior to impacts caused by human activity. Also see "revegetation" and "mitigation".

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.1047 Restrictive covenant.

"Restrictive covenant" means a restriction on the use of a lot or parcel of land that is set forth in the deed and recorded with the county recorder. It is binding on subsequent owners and may be used to enforce the preservation of trees, wetlands or other natural resources on the property. Also known as "deed restriction."

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.1048 Revegetation.

"Revegetation" means the re-establishment of vegetation on previously disturbed land, for the purpose of restoration and mitigation measures for a disturbed natural area or buffer zone. See also "restoration."

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.1050 Retail store.

"Retail store" means a business establishment where goods are sold in small quantities to the ultimate consumer.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.1055 Right-of-way.

"Right-of-way" means the area between boundary lines of a public street, public alley or other public accessway. Right-of-way is not a parcel, lot, or considered real estate or real property.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 21-1007, § 1(Exh. A), 4-21-2021)

17.04.1060 Riparian.

"Riparian" means those areas associated with streams, lakes and wetlands where vegetation communities are predominately influenced by their association with water.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.1065 Routine repair and maintenance.

"Routine repair and maintenance" means activities directed at preserving an existing allowed use or facility, without expanding the development footprint or site use.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.1070 School, commercial.

"Commercial school" means a building where instruction is given to pupils in arts, crafts or trades, and operated as a commercial enterprise as distinguished from schools endowed and/or supported by taxation.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.1075 School, primary, elementary, junior high or high.

"School, primary, elementary, junior high or high" shall include public or private schools, but not nursery school, kindergarten or day care centers, except when operated in conjunction with a school.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.1080 School, private.

"Private school" means a school not supported by taxes.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.1085 School, public.

"Public school" means a primarily tax supported school controlled by a local governmental authority.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.1090 Screening.

"Screening" means for the purposes of OCMC 17.80 means to effectively obscure to a minimum height of six feet the view of the base of a wireless communication facility.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.1093 Security lighting.

Lighting intended to reduce the risk of personal attack, discourage intruders, vandals, or burglars, and to facilitate active surveillance of an area by designated surveillance personnel or by remote camera.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.1095 Sediment.

"Sediment" means any soil, sand, dirt, dust, mud, rock, gravel, refuse or any other organic or inorganic material that is in suspension, is transported, has been moved or is likely to be moved by erosion. Sedimentation is the process by which sediment is removed from its site of origin by soil erosion, suspension in water, and/or wind or water transport.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.1100 Self-supporting.

"Self-supporting" means the independent support of itself or its own weight.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.1105 Service station.

"Service station" means an establishment where bulk sales, fuels, oils or accessories for motor vehicles are dispensed, sold or offered for retail sale and where minor motor vehicle repair service is available.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.1110 Setback.

"Setback" means the minimum distance by which the footprint of all buildings or structures shall be separated from a lot line.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.1115 Shade.

"Shade" means a shadow cast by the shade point of a structure or vegetation when the sun is at an altitude of 21.3 degrees and an azimuth ranging from 22.7 degrees east and west of true south.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.1117 Shelter.

"Shelter" means a congregate facility designed to provide overnight sleeping or daytime accommodation to shelter families and individuals offered on a short-term basis. Shelters may offer meals, lodging and associated services on-site, aimed at helping people move towards self-sufficiency. Shelters may include day shelters, transitional shelters, temporary warming shelters and other temporary or permanent spaces made available for sheltering individuals or families. Shelters are not considered bed and breakfast inns/boardinghouses, hotels or motels.

(Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.04.1119 Shelter, day.

"Day shelter" means a shelter utilized between the hours of seven a.m. and seven p.m. which does not contain sleeping facilities.

(Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.04.1121 Shelter, emergency.

"Emergency shelter" means any facility, the primary purpose of which is to provide a temporary overnight shelter for the homeless in general or for specific populations of the homeless under specified circumstances and which does not require occupants to sign leases or occupancy agreements. Emergency shelters include temporary cooling or warming shelters and other temporary spaces made available for sheltering individuals or families in response to emergencies when an emergency has been declared by the city commission by resolution.

(Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.04.1123 Shelter, temporary warming/cooling.

"Temporary warming shelter" means a shelter operating between the hours of seven p.m. and seven a.m. when the outside temperature is predicted to be thirty-three degrees or below, including wind chill factor, as measured by the National Oceanic and Atmospheric Administration.

"Temporary cooling shelter" means a shelter operating when the outside temperature is predicted to be ninety-five degrees or above, as measured by the National Oceanic and Atmospheric Administration.

(Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.04.1125 Sidewalk, curb-tight (aka attached sidewalk).

"Curb-tight or attached sidewalk" refers to a sidewalk that is attached and not separated from the curb and gutter of a street by a planter strip, tree lawn or other landscaping.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.1127 Sidewalk, setback (aka detached sidewalk).

"Setback" or "Detached sidewalk" refers to a sidewalk that is separated from the curb and gutter of a street by a planter strip, tree lawn or other landscaping. Setback sidewalks may be placed fully or partially within easements on private property.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.1130 Significant negative impact.

"Significant negative impact" for the purpose of Chapter 17.49 means an impact that affects the natural environment, considered individually or cumulatively with other impacts on the water quality resource area, to the point where existing water quality functions and values are degraded.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.1135 Single-family attached residential units.

"Single-family attached residential units" means townhouse.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.1140 Single-family detached residential units.

"Single-family detached residential units" means one principal or primary dwelling unit per lot that is freestanding and structurally separate from other dwelling units on the site, except accessory dwelling units. This includes manufactured homes.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.1143 Skyway or skybridge, pedestrian.

"Pedestrian skyway" or "sky bridge" is an elevated walkway exclusively for pedestrian or bicycle traffic, connecting two or more structures, that passes over a right-of-way or open areas such as alleys, plazas and other similar public amenity areas. Such structures may be enclosed or open to the elements.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.1145 Slope.

"Slope" is an inclined earth surface, the inclination of which is expressed denoting a given rise in elevation over a given run in distance. A forty percent slope, for example, refers to a forty-foot rise in elevation over a distance of one hundred feet. A one hundred percent slope equals a forty-five-degree angle. Slopes are measured across a horizontal rise and run calculation within any horizontal twenty-five-foot distance. "Slope" shall be calculated as follows:

1. For lots or parcels individually or cumulatively greater than ten thousand square feet in size, between grade breaks, obtain the vertical distance, divide by the horizontal distance and multiply by one hundred. The horizontal distance to be used in determining the location of grade breaks shall be fifty feet;
2. For lots or parcels ten thousand square feet or smaller in size, obtain the vertical distance across the lot or parcel, divide by the horizontal distance and multiply by one hundred;

The resulting number is the slope expressed as a percentage.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.1150 Solid waste processing facility.

"Solid waste processing facility" means a place or piece of equipment whereby mixed solid waste is altered in form, condition or content by methods or systems such as, but not limited to, shredding, milling or pulverizing.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.1155 Solid waste transfer facility.

"Solid waste transfer facility" means a waste collection and disposal system between the point of collection and a processing facility or a disposal site.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.1160 South or south facing.

"South" or "south facing" means true south, or twenty degrees east of magnetic south.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.1165 Stable, private.

"Private Stable" means a detached accessory building for the keeping of horses owned by occupants of the premises and which are not kept for remuneration or profit.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.1170 Start of construction.

"Start of construction" is meant to include substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within one hundred eighty days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or shed not occupied as dwelling units or not a part of the main structure.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.1175 Steep slopes.

"Steep slopes" means those slopes that are equal to or greater than twenty-five percent. Steep slopes have been removed from the "buildable lands" inventory and have not been used in calculations to determine the number of acres within the urban growth boundary which are available for development.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.1180 Stormwater.

"Stormwater" means the surface water runoff that results from all natural forms of precipitation.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.1183 Stormwater pre-treatment facility.

"Stormwater pre-treatment facility" means any structure or drainage way that is designed, constructed, and maintained to collect and filter, retain, or detain surface water run-off during and after a storm event for the purpose of water quality improvement.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.1185 Stormwater quantity control and quality control facilities.

"Stormwater quantity control and quality control facility" means a component of a man-made drainage feature, or features designed or constructed to perform a particular function or multiple functions, including, but not limited to, pipes, swales, ditches, culvert, street gutters, detention basins, retention basins, wet ponds, constructed wetlands, infiltration devices, catch basins, oil/water separators, and sediment basins. Stormwater facilities shall not include building gutters, downspouts and drains serving one single-family residence.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.1190 Stormwater pretreatment facility.

"Stormwater pretreatment facility" means any structure or drainage way that is designed, constructed and maintained to collect and filter, retain or detain surface water runoff during and after a storm event for the purpose of water quality improvement.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.1195 Story.

"Story" means that part of a building between the surface of any floor and the surface of the floor next above it or if there be no floor above it, then the space between the floor and the ceiling next above it. A basement shall count as a story if the finished floor level directly above an underfloor space is more than 6 feet above grade for more than 50 percent of the total perimeter or is more than 12 feet above grade at any point.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.1200 Story, half.

"Half story" means a story under a gable, hip, or gambrel roof of which the wall are not standard height.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.1205 Stream.

"Stream" means areas where surface water produces a defined channel or bed, including bedrock channels, gravel beds, sand and silt beds, and defined-channel swales. The channel or bed does not have to contain water year-round. This definition is not meant to include irrigation ditches, canals, storm or surface water runoff structures, or other artificial watercourses unless they are used to convey streams naturally occurring prior to construction of such watercourses. Streams are categorized into two classes: Perennial streams and intermittent streams. Perennial stream means a stream that flows year-round during years of normal precipitation. Intermittent stream means a stream that flows only part of the year, or seasonally, during years of normal precipitation.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.1210 Street or road.

"Street or road" means a public or private way that is created to provide the principal means of ingress or egress for persons to one or more lots, parcels, areas or tracts of land, excluding a private way that is created to provide ingress and egress to such land in conjunction with the use of such land for forestry, mining or agricultural purposes.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.1215 Structure.

"Structure" means anything constructed or erected that requires location on the ground or attached to something having location on the ground.

For OCMC 17.42 "structure" means a walled and roofed building including a gas or liquid storage tank that is principally aboveground.

Utility poles and transportation facilities or any items located within a public easement or right-of-way are not considered structures within this definition.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 21-1007, § 1(Exh. A), 4-21-2021)

17.04.1220 Structural alterations.

"Structural alterations" means any change in the supporting members of a building such as bearing walls, columns, beams or girders.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.1225 Subdivide land.

"Subdivide land" means to divide an area or tract of land into four or more lots within a calendar year when such area or tract of land exists as a unit or contiguous units of land under a single ownership at the beginning of such year. Subdivide land does not include:

1. A division of land resulting from a lien foreclosure, foreclosure of a recorded contract for the sale of real property or the creation of cemetery lots;
2. An adjustment of a property line by the relocation of a common boundary where an additional unit of land is not created and where the existing unit of land reduced in size by the adjustment complies with any applicable zoning ordinance;
3. The division of land resulting from the recording of a partition;
4. A sale or grant by a person to a public agency or public body for state highway, county road, city street or other right-of-way purposes provided that such road or right-of-way complies with the Oregon City Comprehensive Plan, applicable state statutes, and does not create additional parcels.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.1230 Subdivide.

"Subdivide" means to divide an area or tract of land into four or more lots within a calendar year when such area or tract of land exists as a unit or contiguous units of land under a single ownership at the beginning of such year.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.1235 Subdivider.

"Subdivider" means any person who undertakes the subdividing of a parcel of land, including changes in street or lot lines, for the purpose of transfer of ownership or development.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.1240 Subdivision.

"Subdivision" means an act of subdividing land.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.1245 Subdivision plat.

"Subdivision plat" means and includes a final map or other writing containing all the descriptions, locations, specifications, dedications, provisions and information concerning a subdivision.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.1250 Subject property.

"Subject property" means the land that is the subject of a permit application.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.1255 Substantial damage.

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent of the assessed value of the structure before the damage occurred.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.1260 Substantial improvement.

"Substantial improvement" for the purpose of OCMC 17.40 means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure either:

1. Before the improvement or repair is started; or
2. If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which has been identified by the local code enforcement official and that is the minimum necessary to assure safe living conditions; or
2. Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.1265 Support structure.

"Support structure" means an existing building or other structure to which an antenna is or will be attached, including, but not limited to, buildings, steeples, water towers, and billboard signs. Support structures do not include support towers, buildings or structures used for residential purposes, utility poles, light standards, or light poles.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.1270 Support tower.

"Support tower" means a structure designed and constructed exclusively to support a wireless communication facility or an antenna array, including, but not limited to, monopoles, lattice towers, guyed towers, and self-supporting towers.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.1271 Temporary structure.

A temporary structure permitted in OCMC 17.62 or 17.54.010, excluding mobile vendors.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.1275 Temporary wireless communication facility (temporary WCF).

"Temporary wireless communication facility (temporary WCF)" means any wireless communication facility that is to be placed in use for not more than sixty days, is not deployed in a permanent manner, and does not have a permanent foundation.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.1277 Thimble Creek Concept Plan.

The Beavercreek Road Concept Plan was renamed the Thimble Creek Concept Plan in 2020. Any reference to the Beavercreek Road Concept Plan refers to the Thimble Creek Concept Plan.

(Ord. No. 21-1006, § 1(Exh. A), 7-1-2020)

17.04.1280 Through lot.

"Through lot" means a lot having frontage on two streets that are not alleys.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.1285 Title 3.

"Title 3" means that part of the Metro urban growth management functional plan which requires local governments to comply with regional regulations. Title 3 is a part of those regional regulations.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.1290 Title 3 wetlands.

"Title 3 wetlands" means wetlands of Metropolitan concern as shown on the Metro water quality and flood management area map and other wetlands added to city or county adopted water quality and flood management area maps consistent with the criteria in OCMC 17.49.090.D. Title 3 wetlands do not include artificially constructed and managed stormwater and water quality treatment facilities.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.1295 Toe.

"Toe" of slope means the point of curvature where the ground surface flattens from a descending slope.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.1300 Top of bank.

"Top of bank" means the same as "bankfull stage."

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.1301 Townhouse or townhome.

"Townhouse" or "townhome" means a dwelling unit that is part of a row of two or more attached dwelling units, where each unit is located on an individual lot and shares at least one common wall with an adjacent dwelling unit.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.1302 Townhouse project.

"Townhouse project" means one or more townhouse structures constructed, or proposed to be constructed, together with the development site where the land has been divided, or is proposed to be divided, to reflect the Townhouse property lines and any commonly owned property.

17.04.1303 Tract.

"Tract" means a piece of land created and designated as part of a land division that is not a lot, lot of record, or a public right-of-way.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.1305 Transit stop.

"Transit stop" means any posted bus, light rail or other mass transit stop.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.1310 Transit street.

"Transit street" means any street identified as an existing or planned bus, rail or mass transit route by a transit agency or a street on which transit operates.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.1312 Transportation facilities.

"Transportation facilities" shall include construction, operation, and maintenance of travel lanes, bike lanes and facilities, curbs, gutters, drainage facilities, sidewalks, transit stops, landscaping, and related improvements located within rights-of-way controlled by a public agency, consistent with the city's transportation system plan.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.1315 Tree.

"Tree" means a living standing woody plant having a trunk six inches in diameter or nineteen inches in circumference or more at a point four and one-half feet above mean ground level at the base of the tree.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.1320 Tree, buffer.

"Buffer tree" means an evergreen or deciduous tree that has been approved as part of a buffering and/or screening plan.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.1325 Tree caliper.

"Tree caliper" means an ANSI (American National Standards Institute) standard for the measurement of nursery trees. For trees up to six inches in diameter, caliper is measured at six inches above the ground level. Trees that a seven to twelve-inch caliper are measured at twelve inches above the ground. For nursery stock above twelve inches in diameter, a DBH measurement is used (see Tree, Diameter at Breast Height).

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.1330 Tree, clear cutting.

See "Clear cutting."

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.1335 Tree, critical root zone.

"Tree, critical root zone" means the rooting area of a tree, within the tree's dripline, which if injured or otherwise disturbed is likely to affect a tree's chance for survival.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.1340 Tree, diameter at breast height (DBH).

"Tree, diameter at breast height (DBH)" means a measurement of the trunk or stem diameter of a mature tree at a height 4.5 feet above the ground level at the base of the tree. Trees growing on slopes are measured at the mid-point between the up-slope and down-slope sides (see trees, regulated).

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.1345 Tree dripline.

"Tree dripline" means an imaginary line along the ground that reflects the perimeter of the crown of a tree extended vertically to the ground. The dripline radius is typically measured at approximately one foot away from the trunk of the tree for each inch of tree diameter.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.1350 Tree, established.

A public or street tree which has been properly planted and maintained in an approved location pursuant to accepted city standards, and which is not diseased, dying or hazardous.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.1355 Tree, grove/tree group.

"Tree, grove/tree group" means a stand of more than one tree separated by no more than twenty feet.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.1360 Tree, diseased.

"Diseased tree" means a tree that has a naturally occurring disease that is expected to kill the tree, or which harbors communicable diseases or insects of a type that could infest and cause the decline of adjacent or nearby trees as determined by a certified arborist, forester or horticulturist.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.1363 Tree, hazardous.

"Hazardous tree" means a tree that presents a significant risk to life or property as determined by a certified arborist, forester, or horticulturalist. An otherwise healthy tree that may become a hazard to a proposed future development shall not be considered a hazardous tree. Hazardous trees may include, but are not limited to dead, diseased, broken, split, cracked, leaning, and uprooted trees. A tree harboring communicable diseases or insects of a type that could infest and cause the decline of adjacent or nearby trees may also be identified as a hazardous tree.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.1365 Tree (or grove), heritage.

(Also commonly known as a "heritage tree" or "grove.")

"Heritage tree" or "grove" means a tree or group of trees that have been designated by the city as having unique importance, and subject to the heritage tree regulations of OCMC 12.08.050. Where a grouping of two or more heritage trees is separated by no more than twenty feet on a property or properties, the term heritage grove may be used.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.1370 Tree, imminent hazard.

"Imminent hazard tree" means a hazardous tree as defined in OCMC 12.32.020, all or more than thirty percent of which has already fallen or is estimated to fall within seventy-two hours into the public right-of-way or onto a target that cannot be protected, restricted, moved, or removed. (See also tree, hazard.) Determination of imminent hazard is made by the city of Oregon City Public Works or Emergency Personnel, a PGE forester, or a certified arborist.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.1375 Tree lawn.

See the definition of "planter strip".

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.1380 Tree (or grove), native.

"Native tree" or "grove" refers to a regulated native tree or groves of trees that are found on the Oregon City Native Plant List. Significant native trees are those that contribute to the landscape character of the area and include Douglas fir, cedar, redwood, sequoia, oak, ash, birch, and maple. Significant native trees are typically suitable for retention next to streets and are not of a species that would likely create a public nuisance, hazard, or maintenance problem.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.1385 Tree, ornamental.

"Ornamental tree" means for purposes of tree removal, any tree (including shade trees) that originated as nursery stock as opposed to native trees that originated at the site prior to development.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.1390 Tree, parking lot.

"Parking lot tree" means a tree the location and variety of which was approved as part of a parking lot plan through the site plan and design review process.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.1395 Tree, perimeter.

"Tree, perimeter" means a tree located within five feet of an adjacent property line.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.1400 Tree protection plan.

"Tree protection plan" means a detailed description of how trees intended to remain after development will be protected and maintained.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.1405 Tree pruning.

"Tree pruning" means the prudent and judicious maintenance of trees through cutting out of branches, water sprouts, suckers, twigs, or branches. Major pruning entails the cutting out of branches three inches in diameter or greater. Major pruning also includes root pruning and cutting out branches and limbs constituting more than twenty percent of the trees foliage bearing area. Minor pruning includes removal of deadwood and pruning less than twenty percent of the tree's foliage bearing area.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.1410 Tree, public.

"Public tree" means a tree or trees within a public park, greenway, or other property owned by a governmental agency or dedicated to the public use. Street trees located in the public right-of-way are considered public trees.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.1415 Tree, (or grove) regulated.

"Regulated tree or grove" means trees and groves located on development properties undergoing land use review which are subject to the tree protection provisions of OCMC 17.41. Street trees, buffer trees, and parking lot trees of any size, as well as heritage trees and groves, may fall under the general category of "regulated" or protected trees.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.1420 Tree removal.

"Tree removal" means to cut down a tree or remove all or fifty percent or more of the crown, trunk, or root system of a tree; or to damage a tree so as to cause the tree to decline or die. "Removal" includes but is not limited to severe crown reduction (topping), damage inflicted upon a root system by application of toxic substances, operation of equipment and vehicles, storage of materials, change of natural grade due to unapproved excavation or filling, or unapproved alteration of natural physical conditions. "Removal" does not include normal and prudent trimming or pruning of trees.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.1425 Tree, street.

"Street tree" means any tree located in a public right-of-way, including streets and publicly dedicated alleys. For the purposes of this chapter, street right-of-way includes the area between the edge of pavement, edge of gravel or face of curb and the property line, depending on the circumstances.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.1430 Tree, severe crown reduction.

"Tree, severe crown reduction" means the specific reduction in the overall size of a tree and/or the severe internodal cutting back of branches or limbs to stubs within the tree's crown to such a degree as to remove the normal tree canopy and disfigure the tree. Severe crown reduction is not a form of pruning. (Also known as tree topping.)

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.1435 Tree topping.

See "Severe Crown Reduction."

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.1437 Tributary.

"Tributary" means a stream, regardless of size or water volume, that flows into or joins another stream. The point where two tributaries meet is called a confluence.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.1438 Triplex.

"Triplex " means three attached dwelling units on a lot, or, where permitted, three detached dwelling units on a lot.

17.04.1440 Undevelopable area.

"Undevelopable area" means an area that cannot be used practicably for a habitable structure because of natural conditions, such as severe topographic relief, water bodies, or conditions that isolate one portion of a property from another portion so that access is not practicable to the unbuildable portion; or man-made conditions, such as existing development which isolates a portion of the site and prevents its further development; setbacks or development restrictions that prohibit development of a given area of a lot by law or private agreement; or existence or absence of easements or access rights that prevent development of a given area.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.1445 Use.

"Use" means the purpose that land, or a building or a structure now serves or for which is occupied, maintained, arranged or designed.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.1450 Utility facilities.

"Utility facilities" means buildings, features or any constructed portion of a system which provides for the production, transmission, conveyance, delivery or furnishing of services including, but not limited to, heat, light, water, power, natural gas, sanitary sewer, stormwater, telephone and cable television. Utility facilities do not include stormwater pretreatment facilities.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 21-1007, § 1(Exh. A), 4-21-2021)

17.04.1455 Utility pole placement/replacement.

"Utility pole placement/replacement" means placement of antennas or antenna arrays on existing or replaced features such as utility poles, light standards, and light poles for streets and parking lots.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 21-1007, § 1(Exh. A), 4-21-2021)

17.04.1458 Vanpool.

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

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.1460 Variance.

"Variance" means a grant of relief from the requirements of OCMC 16 or 17, which permit construction in a manner that would otherwise be prohibited.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.1465 Vegetated corridor.

"Vegetated corridor" means the area of setback between the top of bank of a protected water feature and the delineated edge of the water quality resource area as defined in OCMC Table 17.49-1 of this chapter.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.1470 Visible or measurable erosion.

"Visible or measurable erosion" includes, but is not limited to:

1. Deposits of mud, dirt, sediment or similar material exceeding one-half cubic foot in volume on public or private streets, adjacent property, or onto the storm and surface water system, either by direct deposit, dropping discharge, or as a result of the action of erosion.
2. Evidence of concentrated flows of water over bare soils; turbid or sediment laden flows; or evidence of on-site erosion such as rivulets on bare soil slopes, where the flow of water is not filtered or captured on the site.
3. Earth slides, mudflows, earth sloughing, or other earth movement that leaves the property.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.1475 Watercourse.

"Watercourse" means a channel in which a flow of water occurs, either continuously or intermittently, and if the latter, with some degree of regularity. Such flow must be in a definite direction.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.1480 Water dependent.

"Water dependent" means a structure for commerce or industry which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.1485 Water quality resource areas.

"Water quality resource areas" means vegetated corridors and the adjacent protected water feature as established by OCMC 17.49.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.1490 Watershed.

"Watershed" means a geographic unit defined by the flows of rainwater or snowmelt. All land in a watershed drains to a common outlet, such as a stream, lake or wetland.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.1495 Wetlands.

"Wetlands" means those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support and, under normal circumstances, do support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. Wetlands are those areas identified and delineated by a qualified wetland specialist as set forth in the 1987 Corps of Engineers Wetland Delineation Manual.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.1500 Wireless communications.

"Wireless communications" means any personal wireless services as defined by the Federal Telecommunications Act of 1996 as amended, including but not limited to cellular, personal communications

services, specialized mobile radio, enhanced specialized mobile radio, paging, similar Federal Communications Commission-licensed commercial wireless telecommunications services, and wireless telecommunications services for public safety that currently exist or that may be developed in the future.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.1505 Wireless communications facility (WCF).

"Wireless communications facility (WCF)" means any un-staffed facility for the transmission and/or reception of radio frequency signals, which includes, but is not limited to, all auxiliary support equipment, any support tower or structure used to achieve the necessary elevation for the antenna, transmission and reception cabling and devices, and all antenna arrays.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.1510 Yard.

"Yard" means an open space other than a court on the same lot with a building unoccupied or unobstructed from the ground upward except for usual building projections as permitted by this title.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.1515 Yard, front.

"Front yard" means a yard extending the full width of the lot, the depth of which is the minimum distance from the front lot line to the main building.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.1520 Yard, rear.

"Rear yard" means a yard extending the full width of the lot, the depth of which is the minimum distance from the rear lot line to the main building.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.1525 Yard, side.

"Side yard" means a yard extending from the front yard to the rear yard along the side of the main building. The width of such yard is the minimum distance from the side lot line to the main building.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.1530 Yard, side, corner.

"Corner side yard" means a yard lot located on a corner which extends from the front yard to the rear yard along the side of the main building. The width of such yard is the minimum distance from the side lot line abutting the street to the main building.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.1535 Yard, side, interior.

"Interior side yard" means a yard extending from the front yard to the rear yard along the side of the main building. The width of such yard is the minimum distance from the side lot line not abutting the street to the main building.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

Chapter 17.08 LOW DENSITY RESIDENTIAL DISTRICTS

17.08.010 Designated.

The R-10, R-8 and R-6 residential districts are designed for low density residential development.
(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.08.020 Permitted uses.

Permitted uses in the R-10, R-8 and R-6 districts are:

- A. Single-family detached residential units;
- B. Accessory uses, buildings and dwellings;
- C. Duplexes;
- D. Triplexes;
- E. Quadplexes;
- F. Townhouses;
- G. Cottage clusters;
- H. Residential homes;
- I. Parks, playgrounds, playfields and community or neighborhood centers;
- J. Home occupations;
- K. Family day care providers;
- L. Farms, commercial or truck gardening and horticultural nurseries on a lot not less than twenty thousand square feet in area (retail sales of materials grown on-site is permitted);
- M. 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;
- N. Transportation facilities.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.08.025 Conditional uses.

The following uses are permitted in the R-10, R-8 and R-6 districts when authorized by and in accordance with the standards contained in OCMC 17.56:

- A. Golf courses, except miniature golf courses, driving ranges or similar commercial enterprises;
- B. Bed and breakfast inns/boarding houses;
- C. Cemeteries, crematories, mausoleums and columbariums;
- D. Child care centers and nursery schools;
- E. Emergency service facilities (police and fire), excluding correctional facilities;
- F. Residential care facilities;
- G. Private and/or public educational or training facilities;
- H. Public utilities, including sub-stations (such as buildings, plants and other structures);

- I. Religious institutions;
- J. Assisted living facilities; nursing homes and group homes for over fifteen patients.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.08.035 Prohibited uses.

Prohibited uses in the R-10, R-8 and R-6 districts are:

- A. Any use not expressly listed in OCMC 17.08.020, 17.08.025 or 17.08.030;
- B. Marijuana businesses.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.08.040 Dimensional standards.

Dimensional standards in the R-10, R-8 and R-6 districts are as follows:

Table 17.08.040

Standard	R-10	R-8	R-6
Minimum lot size ¹			
Single-family detached, duplex and triplex	10,000 square feet	8,000 square feet	6,000 square feet
Quadplex and cottage cluster	10,000 square feet	8,000 square feet	7,000 square feet
Townhouse	1,500 square feet	1,500 square feet	1,500 square feet
Maximum height: All	35 feet	35 feet	35 feet
Except cottage cluster unit	25 feet	25 feet	25 feet
Maximum building lot coverage With ADU Cottage cluster	40%, except 45% None	40%, except 45% None	40%, except 45% None
Minimum lot width: All	65 feet	60 feet	50 feet
Except townhouse	20 feet	20 feet	20 feet
Minimum lot depth: All	80 feet	75 feet	70 feet
Except townhouse	75 feet	75 feet	70 feet
Minimum front yard setback: All	20 feet, except 15 feet — Porch	15 feet, except 10 feet — Porch	10 feet, except 5 feet — Porch
Except cottage cluster	10 feet	10 feet	10 feet
Minimum interior side yard setback: All	8 feet	7 feet	5 feet
Except townhouse	0 feet (attached)/8 feet (side)	0 feet (attached)/7 feet (side)	0 feet (attached)/5 feet (side)
Minimum corner side yard setback	10 feet	10 feet	10 feet
Minimum rear yard setback	20 feet, except 15 feet — Porch	20 feet, except 15 feet — Porch	20 feet, except 15 feet — Porch

	10 feet — ADU, cottage cluster	10 feet — ADU, cottage cluster	10 feet — ADU, cottage cluster
Garage setback	20 feet from ROW, except 5 feet Alley	20 feet from ROW, except 5 feet Alley	20 feet from ROW, except 5 feet Alley

Notes:

1. For land divisions, lot sizes may be reduced pursuant to OCMC 16.08.065.
2. Accessory structures may have reduced setbacks pursuant to OCMC 17.54.010.B.
3. Public utility easements may supersede the minimum setback.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 21-1007, § 1(Exh. A), 4-21-2021)

17.08.045 Exceptions to setbacks.

- A. Projections from Buildings. Ordinary building projections such as cornices, eaves, overhangs, canopies, sunshades, gutters, chimneys, flues, sills or similar architectural features may project into the required yards up to twenty-four inches.
- B. Through Lot Setbacks. Through lots having a frontage on two streets shall provide the required front yard on each street. The required rear yard is not necessary.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.08.050 Density standards.

- A. Density standards in the R-10, R-8 and R-6 districts are as follows:

Table 17.08.050

Standard	R-10	R-8	R-6
Minimum net density: All	3.5 du/acre	4.4 du/acre	5.8 du/acre
Except cottage clusters	4 du/acre	4.4 du/acre	5.8 du/acre
Maximum net density: All	4.4 du/acre	5.4 du/acre	7.3 du/acre
Except townhouses	17.4 du/acre	21.6 du/acre	25 du/acre

- B. Exceptions.
 1. Any dwelling units created as accessory dwelling units do not count towards the minimum or maximum density limits in Table 17.08.050.
 2. Duplexes, triplexes and quadplexes shall count as a single dwelling unit for the purposes of calculating maximum net density. Total dwelling units within a development may count for the purposes of calculating minimum net density.
 3. Cottage clusters are exempt from maximum net density standards.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

Chapter 17.10 MEDIUM DENSITY RESIDENTIAL DISTRICTS

17.10.010 Designated.

The R-5 and R-3.5 residential districts are designed for medium density residential development.
(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.10.020 Permitted uses.

Permitted uses in the R-5 and R-3.5 districts are:

- A. Single-family detached residential units;
- B. Accessory uses, buildings and dwellings;
- C. Duplexes;
- D. Triplexes;
- E. Quadplexes
- F. Townhouses;
- G. Cottage clusters;
- H. Manufactured home parks or subdivisions in the R-3.5 district only;
- I. Residential homes;
- J. Parks, playgrounds, playfields and community or neighborhood centers;
- K. Home occupations;
- L. Family day care providers;
- M. Farms, commercial or truck gardening and horticultural nurseries on a lot not less than twenty thousand square feet in area (retail sales of materials grown on-site is permitted);
- 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. Transportation facilities.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.10.025 Conditional uses.

The following uses are permitted in the R-5 and R-3.5 districts when authorized by and in accordance with the standards contained in OCMC 17.56:

- A. Golf courses, except miniature golf courses, driving ranges or similar commercial enterprises;
- B. Bed and breakfast inns/boarding houses;
- C. Cemeteries, crematories, mausoleums and columbariums;
- D. Child care centers and nursery schools;
- E. Emergency service facilities (police and fire), excluding correctional facilities;
- F. Residential care facilities;
- G. Private and/or public educational or training facilities;

- H. Public utilities, including sub-stations (such as buildings, plants and other structures);
- I. Religious institutions;
- J. Assisted living facilities; nursing homes and group homes for over fifteen patients;
- K. Live/work dwellings.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.10.030 Master plans.

The following use is permitted in the R-3.5 district when authorized by and in accordance with the standards contained in OCMC 17.65.

- A. Multi-family residential.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.10.035 Prohibited uses.

Prohibited uses in the R-5 and R-3.5 districts are:

- A. Any use not expressly listed in OCMC 17.10.020, 17.10.025 or 17.10.030.
- B. Marijuana businesses.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.10.040 Dimensional standards.

Dimensional standards in the R-5 and R-3.5 districts are as follows:

Table 17.10.040

Standard	R-5	R-3.5
Minimum lot size ¹		
Single-family detached and duplex	5,000 square feet	3,500 square feet
Triplex	5,000 square feet	5,000 square feet
Quadplex and cottage cluster	7,000 square feet	7,000 square feet
Townhouse	1,500 square feet	1,500 square feet
Maximum height: All	35 feet	35 feet
Except cottage cluster unit	25 feet	25 feet
Maximum building lot coverage		
Single-family detached and all duplexes	50%	55%
With ADU	60%	65%
Triplex, quadplex and townhouse	70%	80%
Cottage cluster	None	None
Minimum lot width		
All, except	35 feet, except	25 feet, except
Townhouse	20 feet	20 feet
Minimum lot depth	70 feet	70 feet
Minimum front yard setback	10 feet, except	5 feet, except
	5 feet — Porch	0 feet — Porch
Minimum interior side yard setback	5 feet, except	5 feet, except
All, except	0 feet (attached)/5 feet (side)	0 feet (attached)/5 feet (side)

<u>Townhouse</u>		
Minimum corner side yard setback	7 feet	7 feet
Minimum rear yard setback	20 feet, except	20 feet, except
	15 feet — Porch	15 feet — Porch
	10 feet — ADU, cottage cluster	10 feet — Cottage cluster 5 feet — ADU
Garage setbacks	20 feet from ROW, except	20 feet from ROW, except
	5 feet from alley	5 feet from alley

Notes:

1. For land divisions, lot sizes may be reduced pursuant to OCMC 16.08.065.
2. Public utility easements may supersede the minimum setback.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 21-1007, § 1(Exh. A), 4-21-2021)

17.10.045 Exceptions to setbacks.

- A. Projections from buildings. Ordinary building projections such as cornices, eaves, overhangs, canopies, sunshades, gutters, chimneys, flues, sills or similar architectural features may project into the required yards up to twenty-four inches.
- B. Through lot setbacks. Through lots having a frontage on two streets shall provide the required front yard on each street. The required rear yard is not necessary.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.10.050 Density standards.

- A. Density standards in the R-5 and R-3.5 districts are as follows:

Table 17.10.050

Standard	R-5	R-3.5
Minimum net density	7.0 du/acre	10 du/acre
Maximum net density		
• All, except	8.7 du/acre	12.4 du/acre
• Townhouse	25 du/acre	25 du/acre

- B. Exceptions.

1. Any dwelling units created as accessory dwelling units do not count towards the minimum or maximum density limits in Table 17.10.050.
2. Duplexes triplexes and quadplexes shall count as a single dwelling unit for the purposes of calculating maximum net density. Total dwelling units within a development may count for the purposes of calculating minimum net density.
3. Cottage clusters are exempt from maximum net density standards.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.10.060 Conversion of existing duplexes.

Any conversion of an existing duplex unit into two single-family attached dwellings shall be reviewed for compliance with the land division requirements in Title 16 and the underlying zone district.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.10.070 Additional standards for Thimble Creek Concept Plan Area.

- A. Applicability. This section applies to all development in the R-5 district within the Thimble Creek Concept Plan Area.
- B. Relationship of Standards. These standards apply in addition to and supersede the standards of the R-5 zone within the Thimble Creek Concept Plan Area. In the event of a conflict, the standards of this section control.
- C. Southern Perimeter Transition. Along the southern boundary of the Thimble Creek Concept Plan area between Beavercreek Road and the eastern-most point of Tax Lot 00316, located on Clackamas County Map #32E15A, additional standards apply to create a perimeter transition.
 - 1. Where any portion of a lot is within twenty feet of the southern boundary, uses shall be limited to residential uses and roads, parks, trails, and open space.
 - 2. Where any portion of a lot is within twenty feet of the southern boundary, the minimum lot size for residential uses shall be six thousand square feet for single-family detached dwellings, duplexes and triplexes. Minimum lot size shall be one thousand five hundred square feet for townhouses. Minimum lot size shall be seven thousand square feet for quadplexes and cottage clusters.
 - 3. Where any portion of a lot is within twenty feet of the southern boundary, all primary structures shall be set back a minimum of forty feet from the southern boundary.
 - 4. Within the forty-foot wide setback from the southern boundary, a combination of landscaping and screening shall be provided to buffer the perimeter. The landscaping and screening shall meet one of the two standards:
 - a. Utilize existing vegetation in compliance with OCMC 17.41, resulting in preservation of a minimum of twelve inches total DBH per lot with trees spaced an average of one tree for every thirty linear feet along the southern property line. These trees may be located on the residential lots or an abutting tract created for tree preservation consistent with OCMC 17.41.050.B or other similar landscaping or open space purpose.
 - b. Provide a combination of new landscaping and screening to include:
 - i. A minimum of twelve inches of total DBH, or a minimum of an average of one tree with minimum caliper of two inches DBH for every thirty linear feet along the southern property line, whichever is greater; and
 - ii. A minimum six-foot tall, decorative, sight-obscuring fence or wall running parallel to the southern boundary. The fence or wall shall be constructed of wood, stone, rock, or brick. Other durable materials may be substituted with the community development director's approval. Chain-link fencing with slats shall not be allowed to satisfy this standard.
 - 5. An alternative southern perimeter transition may be proposed as part of a master plan per OCMC 17.65, provided it is consistent with the goals of the adopted Thimble Creek Concept Plan.

(Ord. No. 21-1006, § 1(Exh. A), 7-1-2020)

Chapter 17.12 HIGH DENSITY RESIDENTIAL DISTRICT

17.12.010 Designated.

The R-2 residential district is designed for high density residential development.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

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. Duplexes;
- C. Triplexes;
- D. Quadplexes;
- E. Townhouses;
- F. Multi-family residential;
- G. Cottage clusters;
- H. Residential care facilities;
- I. Accessory buildings;
- J. Parks, playgrounds, playfields and community or neighborhood centers;
- K. Home occupations;
- L. Family day care providers;
- M. 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;
- N. Management and associated offices and buildings necessary for the operations of a multi-family residential development;
- O. Transportation facilities.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.12.025 Conditional uses.

The following uses are permitted in the R-2 districts when authorized by and in accordance with the standards contained in OCMC 17.56:

- A. Golf courses, except miniature golf courses, driving ranges or similar commercial enterprises;
- B. Bed and breakfast inns/boarding houses;
- C. Cemeteries, crematories, mausoleums and columbariums;
- D. Child care centers and nursery schools;
- E. Emergency service facilities (police and fire), excluding correctional facilities;
- F. Private and/or public educational or training facilities;

- G. Public utilities, including sub-stations (such as buildings, plants and other structures);
- H. Religious institutions;
- I. Assisted living facilities; nursing homes and group homes for over fifteen patients;
- J. Live/work dwellings.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.12.030 Pre-existing industrial use.

Tax Lot 11200, located on Clackamas County Map #32E16BA has a special provision to permit the current industrial use and the existing incidental sale of the products created and associated with the current industrial use on the site. This property may only maintain and expand the current uses, which are the manufacturing of aluminum boats and the fabrication of radio and satellite equipment, internet and data systems and antennas.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.12.035 Prohibited uses.

Prohibited uses in the R-2 district are:

- A. Any use not expressly listed in OCMC 17.12.020, 17.12.025 or 17.12.030.
- B. Marijuana businesses.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

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
• Townhouse	2,000 square feet
• Triplex, quadplex and multi-family	6,000 square feet
• Cottage cluster	8,000 square feet
Maximum height	
All, except	35 feet, except
Multi-family	45 feet
Cottage cluster	25 feet
Maximum building lot coverage	85%
Minimum lot width	
All, except	50 feet, except
Townhouse	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
Townhouse	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.
2. Public utility easements may supersede the minimum setback.
3. Maximum setback may be increased per OCMC 17.62.055.D.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 21-1007, § 1(Exh. A), 4-21-2021)

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.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

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.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.12.060 Additional standards for Thimble Creek Concept Plan Area.

- A. Applicability. This section applies to all development in the R-2 district within the Thimble Creek Concept Plan Area.
- B. Relationship of Standards. These standards apply in addition to and supersede the standards of the R-2 zone within the Thimble Creek Concept Plan Area. In the event of a conflict, the standards of this section control.

- C. Uses.
1. Live/work dwellings are a permitted use.
 2. As part of a master plan when authorized by and in accordance with the standards contained in OCMC 17.65, up to five thousand square feet of commercial space as a stand-alone building or part of a larger mixed-use building, to be used for:
 - a. Restaurants, eating, and drinking establishments;
 - b. Services, including personal, professional, educational, and financial services; laundry and dry-cleaning;
 - c. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores, and similar; or
 - d. Drive through facilities are prohibited.
- D. Sustainability Density Bonus. The maximum net density allowed in 17.12.050.B may be increased by five percent for each of the sustainability features identified below subject to a total maximum twenty percent bonus or no greater than 26.2 du/acre: Buildings LEED-certified by the U.S. Green Building Council at any level shall be allowed to increase net density by the full twenty percent.
1. A vegetated eco-roof for a minimum of thirty percent of the total roof surface;
 2. For a minimum of seventy-five percent of the total roof surface, a white roof with a solar reflectance index (SRI) of seventy-eight or higher if the roof has a 3/12 roof pitch or less, or SRI of twenty-nine or higher if the roof has a roof pitch greater than 3/12;
 3. A system that collects rainwater for reuse on-site (e.g., site irrigation) designed to capture an amount of rainwater equivalent to the amount of stormwater anticipated to be generated by fifty percent of the total roof surface;
 4. An integrated solar panel system for a minimum of thirty percent of the total roof or building surface;
 5. Orientation of the long axis of the building within thirty degrees of the true east-west axis, with unobstructed solar access to the south wall and roof;
 6. Windows located to take advantage of passive solar collection and include architectural shading devices (such as window overhangs) that reduce summer heat gain while encouraging passive solar heating in the winter;
 7. Fifty percent or more of landscaped area covered by native plant species selected from the Oregon City Native Plant List;
 8. Provision of pedestal or wall-mounted Level 2, two hundred forty-volt electric vehicle chargers, or similar alternative fueling stations as approved by the planning director, at a minimum ratio of one station per fifty vehicle parking spaces up to a maximum of five such stations;
 9. Building energy efficiency measures that will reduce energy consumption by thirty percent based on HERS rating for building, including efficient lighting and appliances, efficient hot water systems, solar orientation or solar water heating, solar photovoltaic panels, geothermal, and offsetting energy consumption with alternative energy;
 10. Use of Forest Stewardship Council certified wood reclaimed wood for a minimum of thirty percent of wood products used in the on the primary building of the site; or
 11. Permeable paving, which may include porous concrete, permeable pavers, or other pervious materials as approved by the city engineer, for a minimum of thirty percent of all paved surfaces.

(Ord. No. 21-1006, § 1(Exh. A), 7-1-2020)

Chapter 17.14 SINGLE-FAMILY DETACHED AND DUPLEX RESIDENTIAL DESIGN STANDARDS

17.14.010 Purpose.

The purpose of this chapter is to provide standards for single-family detached residential units and duplexes which are intended to:

- A. Enhance Oregon City through the creation of attractively designed housing and streetscapes.
- B. Ensure that there is a physical and visual connection between the living area of the residence and the street.
- C. Improve public safety by providing "eyes on the street".
- D. Promote community interaction by designing the public way, front yards and open spaces so that they are attractive and inviting for neighbors to interact.
- E. Prevent garages from obscuring or dominating the primary facade of the house.
- F. Provide clear and objective standards for good design at reasonable costs and with multiple options for design variety.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.14.020 Applicability.

This chapter applies to all street-facing facades of all single-family detached residential units and duplexes, referred to herein as "residences," including manufactured homes not within a manufactured home park.

- A. New single-family detached residential units and duplexes or new garages or expansions of an existing garage on properties with this use require compliance with OCMC 17.14.030 through 17.14.050, OCMC 17.21 or OCMC 17.22 if applicable, as well as OCMC 17.14.080 and 17.14.090.
- B. Residences on a flag lot with a pole length of one hundred feet or greater are exempt from OCMC 17.14.030—17.14.050.
- C. Compliance with minimum public improvements standards in OCMC Chapter 16.12 is required.
- D. The creation of a duplex through conversion of an existing single-family detached residential unit is exempt from the standards of this chapter.

For the purpose of this chapter, garages are defined as structures, or portions thereof, used or designed to be used for the parking of vehicles, including carports. For purposes of this section, garages do not include detached accessory dwelling units which are not part of a detached garage. The garage width shall be measured based on the foremost four feet of the interior garage walls or carport cover.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.14.025 Review process.

Applications are processed as a Type I minor site plan and design review per OCMC 17.62.035 concurrently with a building permit application. Modifications to these standards are processed as a Type II application or may be requested as part of a concurrent Type II, III or IV land use application.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.14.030 Residential design options.

- A. A residence with no garage, a garage not on a street-facing façade, or a detached garage shall provide five of the residential design elements in OCMC 17.14.040.A on the front facade of the structure.
- B. A residence with a front-facing garage where the structure is less than twenty-four feet wide may be permitted if:
 - 1. The garage is no more than twelve feet wide and;
 - 2. The garage does not extend closer to the street than the furthest forward living space on the street-facing facade;
 - 3. Six of the residential design elements in OCMC 17.14.040.A are included on the front facade of the structure; and
 - 4. One of the following is provided:
 - a. Interior living area above the garage is provided. The living area shall be set back no more than four feet from the street-facing garage wall; or
 - b. A covered balcony above the garage is provided. The covered balcony shall be at least the same length as the street-facing garage wall, at least six feet deep and accessible from the interior living area of the dwelling unit;
- C. A residence with a garage that extends up to fifty percent of the length of the street-facing facade and is not closer to the street than the furthest forward living space on the street-facing facade may be permitted if:
 - 1. Six of the residential design elements in OCMC 17.14.040.A are included on the front facade of the structure.
- D. A residence with a garage that extends up to sixty percent of the length of the street-facing facade and is recessed two feet or more from the furthest forward living space on the street-facing facade may be permitted if:
 - 1. Seven of the residential design elements in OCMC 17.14.040.A are included on the front facade of the structure.
- E. A residence with a garage that extends up to sixty percent of the length of the street-facing facade may extend up to four feet in front of the furthest forward living space on the street-facing facade may be permitted if:
 - 1. Eight of the residential design elements in OCMC 17.14.040.A are included on the front facade of the structure; and
 - 2. One of the options in OCMC 17.14.040.B is provided on the front facade of the structure.
- F. A residence with a garage that extends up to fifty percent of the length of the street-facing facade may extend up to eight feet in front of the furthest forward living space on the street-facing facade if:
 - 1. Nine of the residential design elements in OCMC 17.14.040.A are included on the front facade of the structure; and
 - 2. One of the options in OCMC 17.14.040.B is provided on the front facade of the structure.
- G. A residence with a garage that is side-oriented to the front lot line may extend up to thirty-two feet in front of the furthest forward living space on the street-facing facade if:
 - 1. Windows occupy a minimum of fifteen percent of the lineal length of the street-facing wall of the garage; and

2. Six of the residential design elements in OCMC 17.14.040.A are included on the front facade of the structure.
3. The garage wall does not exceed sixty percent of the length of the street-facing façade.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.14.035 Corner lots and through lots.

- A. Residences on corner lots and through lots shall comply with one of the options in OCMC 17.14.030 for the front of the home
- B. The other street-facing side of the residence on a corner lot or through lot shall include the following:
 1. Windows and doors for a minimum of fifteen percent of the lineal length of the ground floor facade;
 2. Minimum four-inch window trim; and
 3. Three additional residential design elements selected from OCMC 17.14.040.A.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.14.040 Residential design elements.

- A. The residential design elements listed below shall be provided as required in OCMC 17.14.030 above.
 1. The design of the residence includes dormers, which are projecting structures built out from a sloping roof housing a vertical window;
 2. The roof design utilizes a:
 - a. Gable, which is a roof sloping downward in two parts from a central ridge, so as to form a gable at each end; or
 - b. Hip, which is a roof having sloping ends and sides meeting at an inclined projecting angle.
 3. The building facade includes two or more offsets of sixteen inches or greater;
 4. A roof overhang of sixteen inches or greater;
 5. A recessed entry that is at least two feet behind the furthest forward living space on the ground floor, and a minimum of eight feet wide;
 6. A minimum sixty square-foot covered front porch that is at least five feet deep or a minimum forty square-foot covered porch with railings that is at least five feet deep and elevated entirely a minimum of eighteen inches;
 7. A bay window that extends a minimum of twelve inches outward from the main wall of a building and forming a bay or alcove in a room within;
 8. Windows and main entrance doors that occupy a minimum of fifteen percent of the lineal length of the front facade (not including the roof and excluding any windows in a garage door);
 9. Window trim (minimum four inches);
 10. Window grids on all street facing windows (excluding any windows in the garage door or front door).
 11. Windows on all elevations include a minimum of four-inch trim (worth two elements);
 12. Windows on all of the elevations are wood, clad wood, or fiberglass (worth two elements);
 13. Windows on all of the elevations are recessed a minimum of two inches from the facade (worth two elements);

14. A balcony that projects a minimum of one foot from the wall of the building and is enclosed by a railing or parapet;
 15. Shakes, shingles, brick, stone or other similar decorative materials shall occupy a minimum of sixty square feet of the street facade;
 16. All garage doors are a maximum nine feet wide;
 17. All garage doors wider than nine feet are designed to resemble two smaller garage doors;
 18. There are a minimum of two windows in each garage door;
 19. A third garage door is recessed a minimum of two feet;
 20. A window over the garage door that is a minimum of twelve square feet with window trim (minimum four inches);
 21. The living space of the dwelling is within five feet of the front yard setback; or
 22. The driveway is composed entirely of pervious pavers or porous pavement.
- B. If the garage projects in front of the furthest forward living space on the street facing facade, one of the residential design elements 1 or 2 below, shall be provided in addition to the residential design elements required in OCMC 17.14.040.A. Residential design elements utilized in OCMC 17.14.040.B can be additionally utilized in OCMC 17.14.040.A.
1. A minimum sixty square-foot covered front porch that is at least five feet deep; or a minimum forty square-foot covered porch with railings that is at least five feet deep and elevated entirely a minimum of eighteen inches.
 2. The garage is part of a two-level facade. The second level facade shall have a window (minimum twelve square feet) with window trim (minimum four inches).

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.14.050 Main entrances.

- A. The main entrance for each single-family detached residential unit, and the main entrance for at least one unit in a duplex shall:
1. Be located on a façade that faces a street; or
 2. Open onto a covered porch on a street-facing facade that is at least sixty square feet with a minimum depth of five feet.
- B. The main entrance of one or more dwelling units on a flag lot shall face either the front lot line or the side lot line adjoining the flag pole.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.14.060 Detached duplexes

- A. Duplexes consisting of two detached dwelling units are permitted provided that one dwelling unit on the lot is an existing dwelling unit that received final inspection at least five years ago.
- B. In the case of a duplex with detached dwelling units, each street-facing façade that is can bee seen from the street shall meet the standards in OCMC 17.14.030.

17.14.080 Residential lot tree requirements.

The intent of this section is to encourage the retention of trees, minimize the impact of tree loss during development and ensure a sustainable tree canopy in Oregon City at the time of construction. Though not required, the use of large native and heritage tree species is recommended as detailed in this section. In no case shall any plant listed as a nuisance, invasive or problematic species on any regionally accepted plant list be used.

- A. Tree Requirement. All single-family detached residential units and middle housing developments shall comply with the requirements of this section. This requirement may be met using one or any combination of the three options below (tree preservation, tree planting, or tree fund). Table 17.14.080.A identifies the minimum number of inches of tree diameter per lot that shall be preserved, planted or paid into the tree fund. Adjustments from this section are prohibited. The applicant shall submit a residential tree plan for Options 1 and 2 demonstrating compliance with the requirements of this section.

Table 17.14.080.A
Tree Requirements

Lot Size (square feet)	Tree Diameter Inches Required to be Protected, Planted or Paid into Tree Fund
0—4,999	4"
5,000—7,999	6"
8,000—9,999	8"
10,000—14,999	10"
15,000 +	12"

1. Tree Preservation. The size of existing trees to be preserved shall be measured as diameter at breast height (DBH).
 - a. This standard shall be met using trees that are located on the lot. When this option is used, a tree preservation plan is required.
 - b. Trees to be preserved may be located anywhere on the lot, and shall be a minimum of two inches' caliper DBH.
 - c. Large Native or Heritage Tree Incentive. If a tree is preserved that is selected from the list in Table 17.14.080.A.2, the diameter of the tree may be doubled when demonstrating compliance with the minimum tree requirements indicated in Table 17.14.080.A. For

example, an Oregon White Oak with a two-inch caliper at DBH may count as a tree diameter of four inches.

2. Tree Planting. All planted trees shall measure a minimum two-inch caliper at six inches above the root crown. When this option is used, a tree planting plan is required.
 - a. Trees may be planted anywhere on the lot as space permits.
 - b. Large Native or Heritage Tree Incentive. If a tree is planted that is selected from the list in Table 17.14.080.A.2, the diameter of the tree may be doubled when demonstrating compliance with the minimum tree requirements indicated in Table 17.14.080.A. For example, an Oregon White Oak with a two-inch caliper at six inches above the root crown may count as a tree diameter of four inches.

Table 17.14.080.A.2
Large Native and Heritage Tree List

Common Name	Scientific Name
Oregon White Oak	<i>Quercus garryana</i>
Pacific willow	<i>Salix lucida</i> spp. <i>lasianдра</i>
Western red cedar	<i>Thuja plicata</i>
Western hemlock	<i>Tsuga heterophylla</i>
Northern Red Oak	<i>Quercus rubra</i>
Bur Oak	<i>Quercus macrocarpa</i>
Bigleaf Maple	<i>Acer macrophyllum</i>
Grand Fir	<i>Abies grandis</i>
Douglas Fir	<i>Pseudotsuga menziesii</i>
American Elm hybrids (disease resistant)	<i>Ulmus</i> spp.
Western yew	<i>Taxus brevifolia</i>

3. Tree Fund. This option may be used where site characteristics or construction preferences do not support the preservation or planting options identified above. The community development director may approve this option in-lieu-of or in addition to requirements of Option 1 and/or 2 above. 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 large native or heritage tree incentive does not apply when using this option to calculate the number of required inches.
 - a. The cash-in-lieu payment per tree shall utilize the adopted fee schedule when calculating the total tree fund payment.
 - b. The amount to be paid to the tree fund shall be calculated by subtracting the total inches of trees preserved and planted per subsection 1 and 2 above from the minimum tree diameter inches required in Table 17.14.080.A, dividing the sum by two inches and multiplying the remainder by the adopted fee from the Oregon City fee schedule. For example:

Lot Size	a. Tree Requirement per Table 17.14.080.A (inches)	b. Trees Preserved (inches)	c. Trees Planted (inches)	d. To be mitigated (inches) a.—b.—c.	Number of trees owed to tree fund. d./2" minimum caliper tree
10,000—14,999	10"	2"	4"	4"	2

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.14.090 Street trees.

All new single-family detached residential units and middle housing developments, or additions of twenty-five percent or more of the existing square footage of the residence (including the living space and garage(s)) shall install one street tree in accordance with OCMC 12.08 if there is not at least one existing street tree for every thirty-five feet of property frontage.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

Chapter 17.16 MIDDLE HOUSING DESIGN STANDARDS

17.16.010 Purpose.

The intention of these standards is to promote quality middle housing developments that include - physical and visual connection between units and the street, enhance the streetscape with attractive and varied front facades, minimize the prominence of garages and off-street parking areas, and promote compatibility with the surrounding neighborhood.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.16.020 Applicability.

The standards of this chapter apply to townhouses, triplexes, quadplexes, and cottage clusters in any zone. The applications are processed as a Type I minor site plan and design review per OCMC 17.62.035 concurrently with a building permit application.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.16.030 Townhouse design standards.

- A. Townhouses shall meet the dimensional and density standards of the underlying zoning district.
- B. Each townhouse shall comply with the residential design options in OCMC 17.14.030. For purposes of applying the standards in OCMC 17.14.030, the garage width shall be measured based on the foremost four feet of the interior garage walls.
- C. No more than six consecutive townhouses that share a common wall are allowed.
- D. The main entrance of each townhouse must:
 - 1. Be within eight feet of the longest street-facing wall of the dwelling unit, if the lot has public street frontage; and
 - 2. Either:
 - a. Face the street (see Figure 17.16.030.D.1);
 - b. Be at an angle of up to forty five degrees from the street (see Figure 17.16.030.D.2);
 - c. Face a common open space or private access or driveway that is abutted by dwellings on at least two sides (see Figure 17.16.030.D.3); or
 - d. Open onto a porch that is at least twenty five square feet in area, and that has at least one entrance facing the street or have a roof (see Figure 17.16.030.D.4).

Figure 17.16.030.D.1

Main Entrance Facing the Street

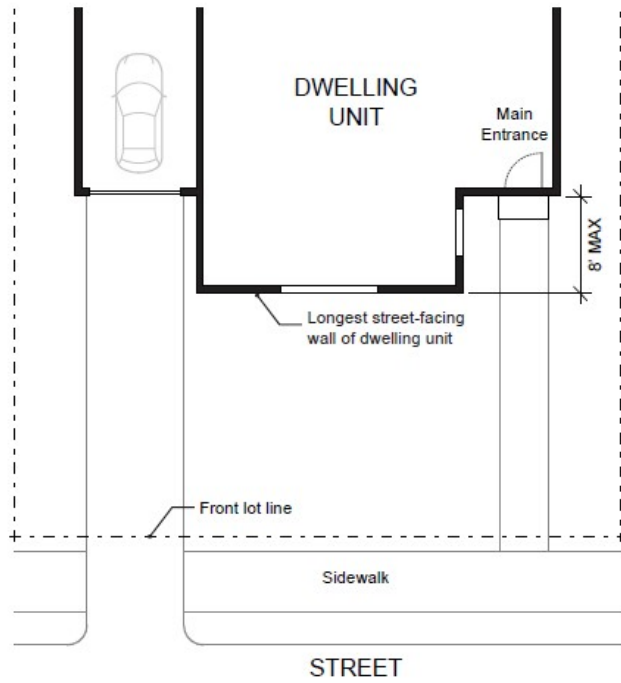


Figure 17.16.030.D.2
Main Entrance at Forty Five Degree Angle from the Street

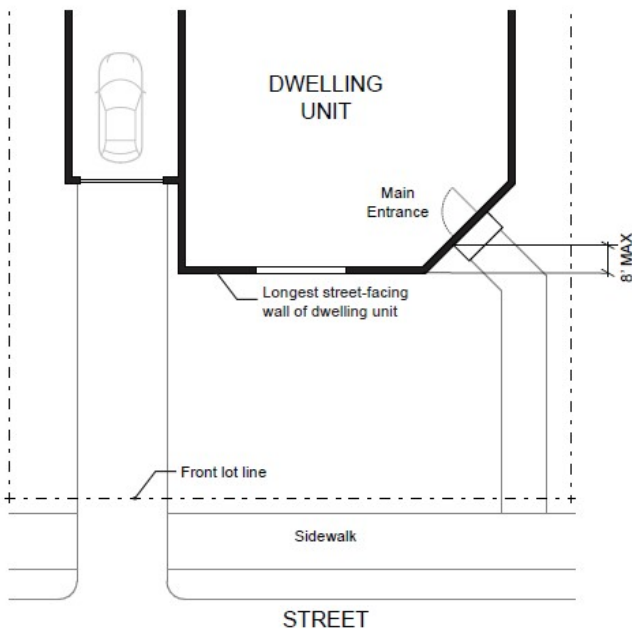


Figure 17.16.030.D.3
Main Entrance Facing Common Open Space

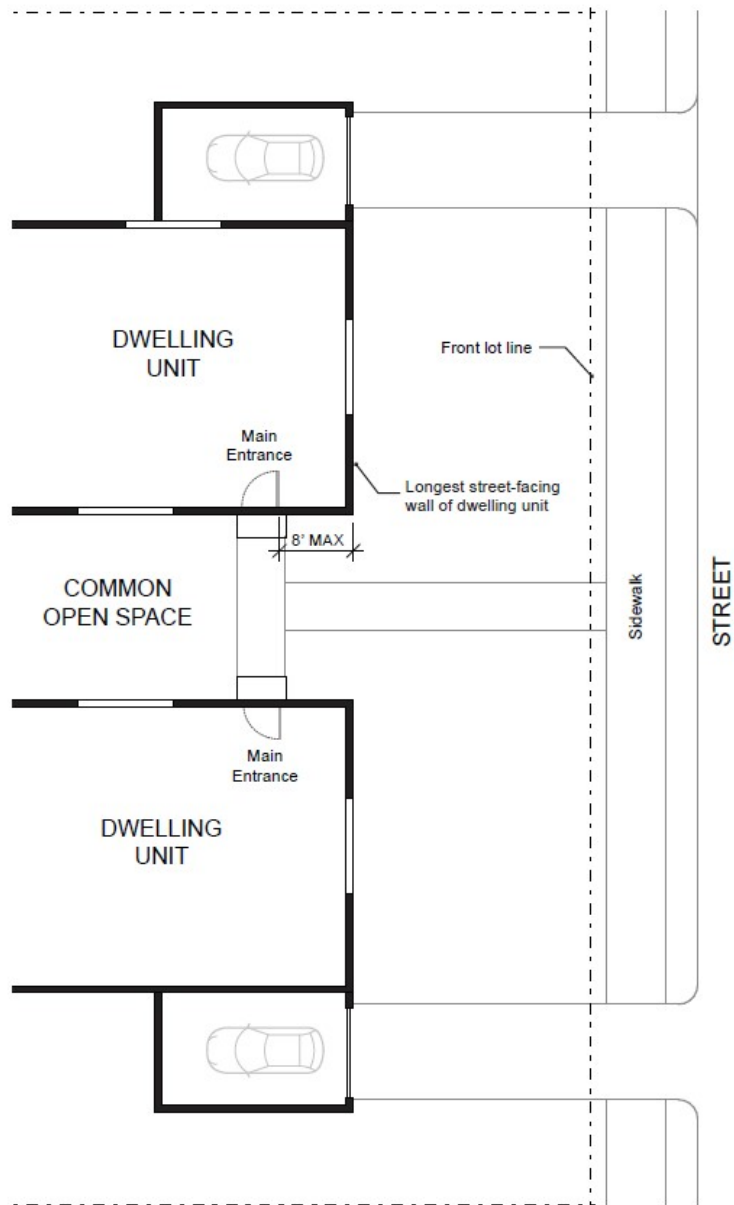
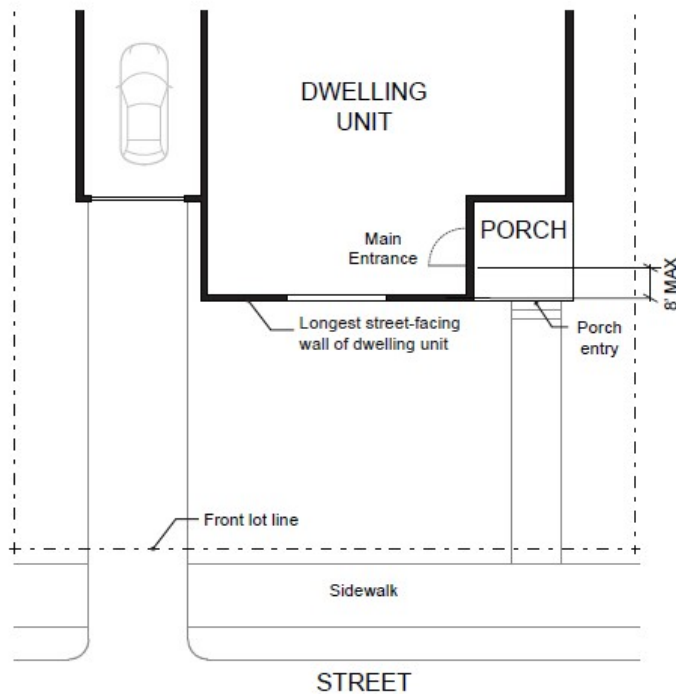


Figure 17.16.030.D.4
Main Entrance Opening onto a Porch



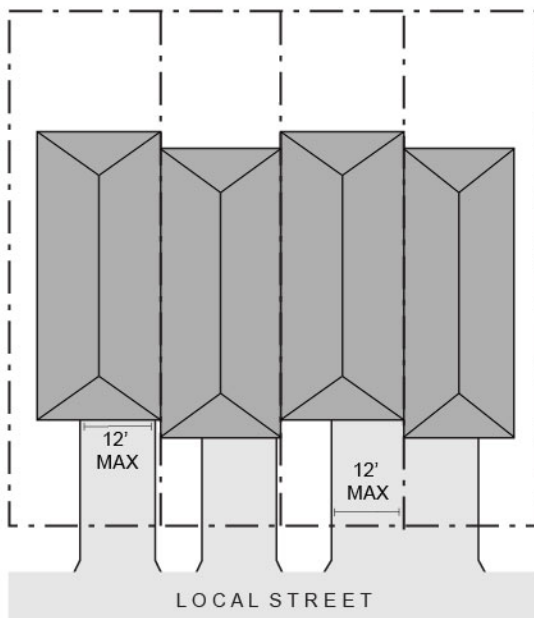
- E. Driveway access and parking shall comply with OCMC 17.16.040.
- F. Townhouses shall comply with the residential lot tree requirements in OCMC 17.14.080 and the street tree requirements in OCMC 17.14.090.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.16.040 Townhouse driveway access and parking.

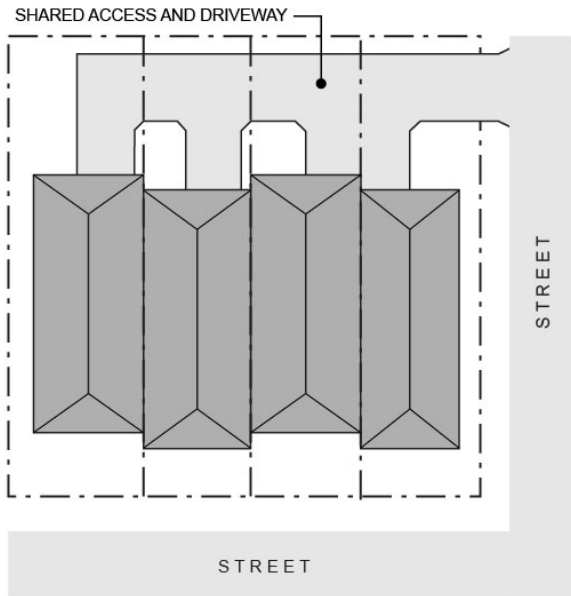
- A. Where townhouses have frontage on a public street, garages on the front façade of a townhouse, off-street parking areas in the front yard, and driveway accesses in front of a townhouse are permitted in compliance with the following standards (see Figure 17.16.030.E.1):
 1. All driveways shall comply with OCMC 16.12.035.
 2. Outdoor on-site parking and maneuvering areas shall not exceed twelve feet wide on any lot; ~~and~~
 - a. For two abutting lots in the same townhouse project, driveways are encouraged to be paired and abut along the lot line to create one shared driveway approach, which may be between 20 to 24 feet in width, meeting all other standards of OCMC 16.12.035.
 3. The garage width shall not exceed twelve feet.
 4. Each townhouse lot shall have a street frontage on a local street.

Figure 17.16.040.A.1
Townhouses with Parking in the Front Yard



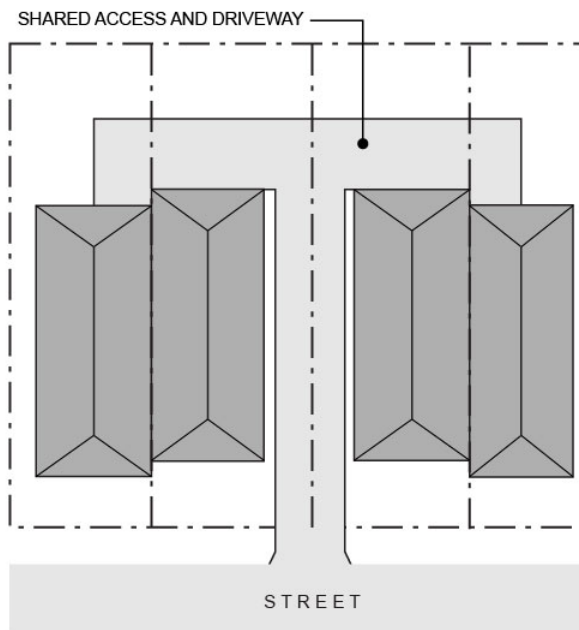
- B. Garages not on the front façade and townhouses which do not include off-street parking in the front yard are permitted in compliance with the following standards. The following driveway access and parking standards may also be voluntarily utilized for townhouses that could otherwise meet the standards in OCMC 17.16.040.A:
1. Off-street parking areas shall be accessed on the back façade or located in the rear yard. No off-street parking shall be allowed in the front yard or side yard.
 2. Development that includes a corner lot shall take access from a single driveway on the side of the corner lot. The city engineer may alter this requirement based on street classifications, access spacing, or other provisions. See Figure 17.16.040.B.2.

Figure 17.16.040.B.2
Development with Corner Lot Access



3. Development that does not include a corner lot shall consolidate access for all lots into a single driveway. The access and driveway are not allowed in the area directly between the front façade and front lot line of any of the single-family attached dwellings. See Figure 17.16.040.B.3.

Figure 17.16.040.B.3
Development with Consolidated Access



- 4. A development that includes consolidated access or shared driveways shall record access easements to allow normal vehicular access and emergency access.
 - C. Developments served by an alley providing access to the rear yard are exempt from compliance with OCMC 17.16.040.A and 17.16.040.B.
 - D. Driveways shall comply with the standards of OCMC 16.12.035.
- (Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.16.060 Triplex and quadplex development requirements.

- A. Triplexes and quadplexes shall meet the dimensional and density standards of the underlying zoning district.
- B. Each triplex or quadplex shall comply with the residential design options in OCMC 17.14.030. For purposes of applying the standards in OCMC 17.14.030, the width of any garage(s) shall be measured based on the foremost four feet of the interior walls of the garage(s).
- C. At least one main entrance for each triplex or quadplex structure must:
 - 1. Be within eight feet of the longest street-facing wall of the dwelling unit, if the lot has public street frontage; and
 - 2. Either:
 - a. Face the street (see Figure 17.16.030.D.1);
 - b. Be at an angle of up to forty-five degrees from the street (see Figure 17.16.030.D.2);
 - c. Face a common open space or private access or driveway that is abutted by dwellings on at least two sides (see Figure 17.16.030.D.3); or
 - d. Open onto a porch that is at least twenty five square feet in area, and that has at least one entrance facing the street or have a roof (see Figure 17.16.030.D.4).
- D. In residential zones, garages on the front façade and off-street parking areas in the front yard, are permitted in compliance with the following standards:
 - 1. Outdoor on-site parking and maneuvering areas shall not exceed a total of forty feet wide or fifty percent of the lot frontage, whichever is less; and
 - 2. The combined width of all garages shall not exceed forty feet or fifty percent of the lot frontage, whichever is less.
- E. In mixed-use and commercial zones, 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, except where the following conditions exist:
 - 1. The site does not abut a collector or arterial street (i.e. the site abuts a local street);
 - 2. The site is not a corner lot; and
 - 3. The site is less than twenty thousand square feet in size; or
 - 4. There is an existing topographic constraint that precludes locating the parking area in conformance with this standard.
- F. Triplexes and quadplexes shall comply with the residential lot tree requirements in OCMC 17.14.080 and the street tree requirements in OCMC 17.14.090.

- G. The creation of a triplex or quadplex through conversion of an existing single-family detached residential unit is exempt from the standards of this section.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.16.065 Detached triplexes

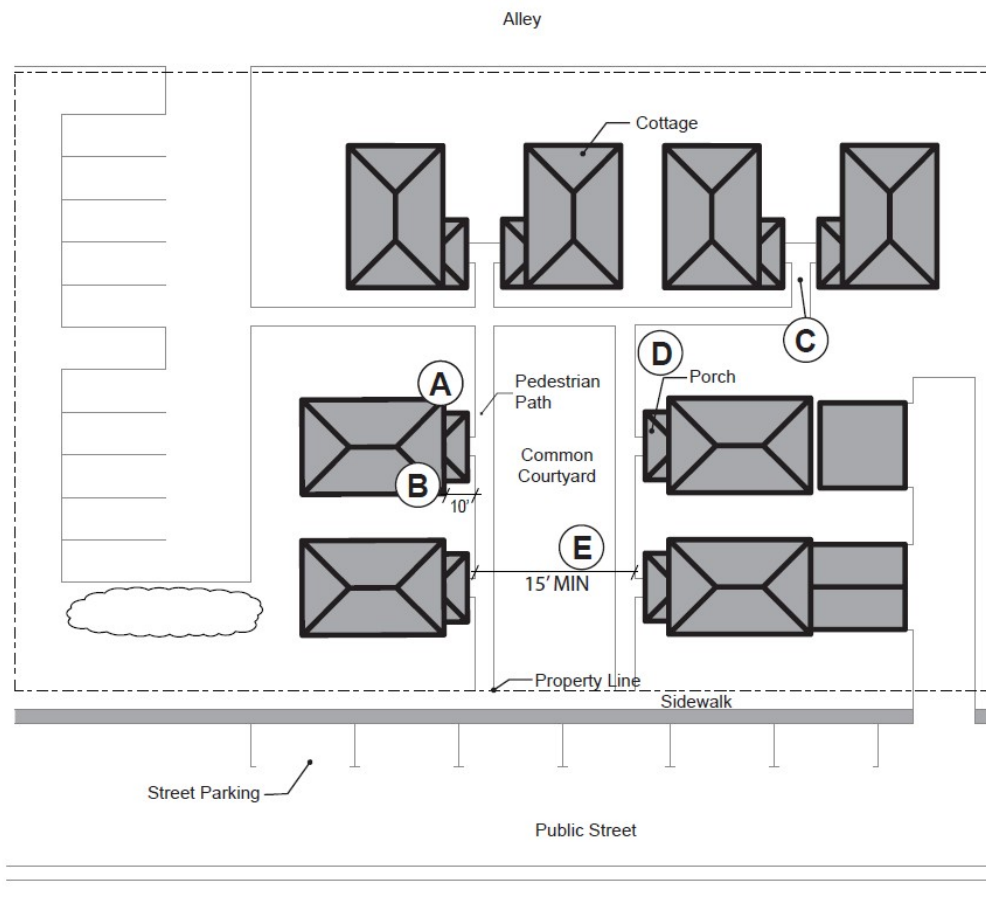
- A. Triplexes consisting of three detached dwelling units, or one detached and two attached dwelling units, are permitted provided that one dwelling unit on the lot is an existing dwelling unit that received final inspection at least five years ago.
- B. In the case of a triplex with detached dwelling units, each street-facing façade that is not separated from the street property line by a dwelling shall meet the standards in OCMC 17.14.030.
- C. Any detached dwelling unit that is not separated from the street property line by a dwelling along more than 50 percent of its street-facing façade shall provide at least one main entrance meeting the standards of OCMC 17.16.060.C.

17.16.070 Cottage clusters.

- A. Intent.
1. To provide a variety of housing types that respond to changing household sizes and ages, including but not limited to retirees, small families, and single-person households.
 2. To encourage creation of more usable open space for residents of the development through flexibility in density and lot standards.
 3. To ensure that the overall size and visual impact of the cluster development be comparable to standard residential development, by balancing bulk and mass of individual residential units with allowed intensity of units.
 4. To provide centrally located and functional common open space that fosters a sense of community and a sense of openness in cluster housing developments.
 5. To ensure minimal visual impact from vehicular use and storage areas for residents of the cluster housing development as well as adjacent properties.
- B. Density Standards. Cottage clusters shall meet the density standards of the underlying zoning district.
- C. Dimensional Standards. Cottage clusters shall meet the dimensional standards of the underlying zoning district and the following standards.
1. Maximum building footprint: Nine hundred square feet per cottage cluster unit.
 2. Maximum average gross floor area: One thousand square feet per cottage cluster unit.
 3. Maximum gross floor area: One thousand five hundred square feet per cottage cluster unit.
 4. Setbacks for accessory buildings shall comply with OCMC 17.54.010.
 5. Minimum distance separating cottage cluster units (excluding attached dwellings and accessory structures): Ten feet.
 6. Cottage clusters shall contain a minimum of four and a maximum of twelve cottage cluster units per cluster to encourage a sense of community among the residents. A development site may contain more than one cluster, however only one cluster of up to twelve units per lot is eligible to utilize the middle housing land division process in OCMC 16.24.

- D. Cottage Orientation. Cottages must be clustered around a common courtyard, meaning they abut the associated common courtyard or are directly connected to it by a pedestrian path, and must meet the following standards (see Figure 17.16.070.D):
1. Each cottage cluster unit within a cluster must either abut the common courtyard or must be directly connected to it by a pedestrian path.
 2. A minimum of fifty percent of cottage cluster units within a cluster must be oriented to the common courtyard and must:
 - a. Have a main entrance facing the common courtyard;
 - b. Be within ten feet from the common courtyard, measured from the façade of the cottage to the nearest edge of the common courtyard; and
 - c. Be connected to the common courtyard by a pedestrian path.
 3. Cottages within twenty feet of a street property line may have their entrances facing the street.
 4. Cottages not facing the common courtyard or the street must have their main entrances facing a pedestrian path that is directly connected to the common courtyard.

Figure 17.16.070.D
Cottage Cluster Orientation and Common Courtyard Standards



- A** A minimum of 50% of cottages must be oriented to the common courtyard.
- B** Cottages oriented to the common courtyard must be within 10 feet of the courtyard.
- C** Cottages must be connected to the common courtyard by a pedestrian path.
- D** Cottages must abut the courtyard on at least two sides of the courtyard.
- E** The common courtyard must be at least 15 feet wide at its narrowest width.

E. Common Courtyard Design Standards.

- 1. Each cottage cluster must share a common courtyard in order to provide a sense of openness and community of residents.
- 1. The required minimum common courtyard is one hundred fifty square feet per cottage cluster unit.
- 2. Common courtyards must meet the following standards (see Figure 17.16.070.D):
 - a. The common courtyard must be a single compact, contiguous, central open space that:
 - i. Has a minimum dimension of fifteen feet.
 - ii. Abuts at least fifty percent of the cottage cluster units in the cottage cluster
 - b. The common courtyard shall be developed with a mix of landscaping and lawn area, recreational amenities, hard-surfaced pedestrian paths, and/or paved courtyard area. Impervious elements of the common open space shall not exceed seventy-five percent of the total common courtyard area.
 - c. Pedestrian paths must be included in a common courtyard. Paths that are contiguous to a courtyard shall count toward the courtyard's minimum dimension and area. Parking areas, required setbacks, and driveways do not qualify as part of a common courtyard.

F. Pedestrian Access. An accessible, hard-surfaced pedestrian path that is a minimum of four feet wide must be provided that connects the main entrance of each cottage cluster unit to the following:

- 1. The common courtyard;
- 2. Shared parking areas;
- 3. Community buildings; and
- 4. Sidewalks in public rights-of-way abutting the site or rights-of-way if there are no sidewalks.

G. Community Buildings. Cottage clusters may include community buildings for the shared use of residents that provide space for accessory uses such as community meeting rooms, guest housing, exercise rooms, day care, or community eating areas. Community buildings must meet the following standards:

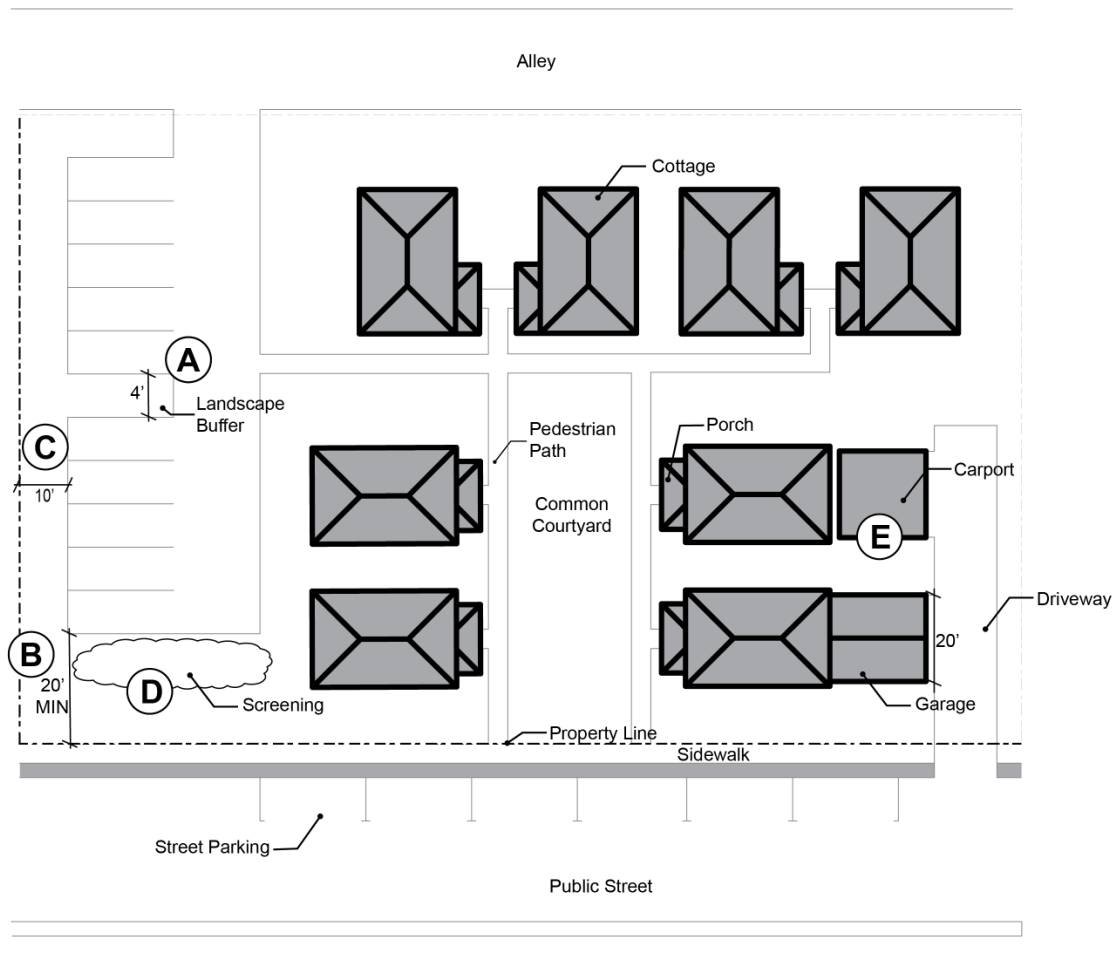
- 1. A cottage cluster is permitted one community building, which shall count towards the maximum one thousand square feet average floor area limitation,
- 2. A community building that meets the definition of a dwelling unit must meet the maximum nine hundred square foot building footprint limitation that applies to cottage dwelling units, unless a

covenant is recorded against the property stating that the structure is not a legal dwelling unit and will not be used as a primary dwelling.

H. Dwelling Types.

1. In the R-10, R-8 and R-6 zones: In addition to detached cottage cluster units groups of up to two units attached together are permitted in a cottage cluster
 2. In the R-5 and R-3.5 zones: In addition to detached cottage cluster units ~~and~~, groups of up to four units attached together are permitted in a cottage cluster.
 3. In the R-2 zone: In addition to detached cottage cluster units, ~~and~~ groups of up to six units attached together, ~~are~~ are permitted in a cottage cluster
 4. Accessory dwelling units are not permitted as part of a cottage cluster.
- I. Each cottage cluster unit within twenty feet of a street property line shall comply with the residential design options in OCMC 17.14.030.
- J. Parking shall be provided pursuant to the following requirements (see Figure 17.16.070.J):
1. Parking shall be provided at a ratio of one parking space per dwelling unit minimum and 2.5 spaces per dwelling unit maximum.
 2. All parking shall be located on-site and shall not include shared parking or on-street spaces as allowed by OCMC 17.52.020.B.
 3. Landscaping, fencing, or walls at least three feet tall shall separate parking areas and parking structures from common courtyards and public streets.
 4. Parking shall be located in clusters of not more than five adjoining spaces (except where parking areas are adjacent to an alley).
 5. Parking clusters shall be separated by a landscaping planter that is a minimum of four feet in width.
 6. Parking spaces and vehicle maneuvering areas are prohibited:
 - a. In the front, interior or and side yard setback areas.
 - b. Within twenty feet of any street property line or within ten feet of any other property line, except alley property lines.
 - c. Between a street property line (excluding an alley) and the front façade of cottages located closest to the street property line.
 7. Drive aisles and access driveways are allowed in the side or rear yard setback, and within ten feet of other property lines.
 8. Detached parking structures/garages shall be six hundred square feet or less if shared by more than one cottage cluster unit, or four hundred square feet or less if exclusively used by a single cottage cluster unit. Such detached parking structures/garages shall not be counted as part of the allowed average or maximum gross floor area or building footprint of the cottage cluster units.
 9. Garages may be attached to cottage cluster units. Such garages shall not abut common open spaces, shall have garage doors of twenty feet or less in width shall not exceed two hundred square feet of gross floor area. The gross floor area of the garage shall not count towards the allowed average or maximum gross floor area or building footprint of the cottage cluster unit.
 10. Driveways shall comply with OCMC 16.12.035.

Figure 17.16.070.J
Cottage Cluster Parking Design Standards



- (A)** Parking allowed in clusters of up to 5 spaces. Clusters separated by minimum 4 feet of landscaping.
- (B)** No parking or vehicle area within 20 feet from street property line (except alley).
- (C)** No parking within 10 feet from other property lines (except alley). Driveways and drive aisles permitted within 10 feet.
- (D)** Screening required between clustered parking areas or parking structures and public streets or common courtyards.
- (E)** Garages and carports must not abut common courtyards. Garage doors for individual garages must not exceed 20 feet in width.

K. Fences.

1. All fences shall be no more than forty-two inches in height, except that fences within one foot of the side or rear property line and outside of the front setback area may be no more than six feet in height.
2. Chain link fences shall not be allowed.

- L. Existing Dwelling Unit On-Site. One existing single-family detached residential unit incorporated into a cottage cluster-that does not meet the requirements of this section is permitted to remain on a site developed for cottage cluster-and shall be considered a unit in the development. The size of the existing single-family detached residential unit may exceed the maximum building footprint and maximum gross floor area, and shall not be part of the average gross floor area calculations. The existing single-family detached residential unit shall be excluded from the calculation of orientation toward the common courtyard. Modifications or additions to the existing dwelling unit not consistent with the provisions of this section shall not be permitted.

17.16.080 Sufficient infrastructure.

- A. For all triplexes, quadplexes, townhouses and cottage clusters in residential zones, the city shall work with the applicant to ensure that sufficient infrastructure will be provided, or can be provided, to include:
1. Connection to a public wastewater system capable of meeting established service levels.
 2. Connection to a public water system capable of meeting established service levels.
 3. Access via public or private streets meeting adopted emergency vehicle access standards to a city's public street system.
 4. Storm drainage facilities capable of meeting established service levels for storm drainage.

Chapter 17.20 ACCESSORY DWELLING UNIT, LIVE/WORK DWELLING, AND MANUFACTURED HOME PARK DESIGN STANDARDS

17.20.010 Accessory dwelling units.

An accessory dwelling unit (ADU) is defined as a self-contained residential dwelling unit located on the same lot as a principal single-family dwelling, but not a recreational vehicle. The habitable living unit provides basic living requirements including permanent cooking and toilet facilities. It may be located either within the same building as the principal single-family dwelling unit and/or in a detached building, and may be created through conversion of an existing structure or through new construction.

A. Intent.

1. Provide homeowners with a means of obtaining rental income, companionship, security, services and flexibility in the use of their property as their household composition and needs evolve over time.
2. Add affordable housing units to the existing housing inventory.
3. Support more efficient use of existing housing stock and infrastructure by offering environmentally friendly housing choices.
4. Develop housing units in single-family neighborhoods that are appropriate for people at a variety of stages in the life cycle, that responds to changing family needs, smaller households, and increasing housing costs.
5. Create new housing units while respecting the look and scale of single-family neighborhoods.

B. Types of ADUs. There are two types of ADUs:

1. Detached ADUs in an accessory structure detached from the principal dwelling. Examples include converted detached garages, new construction, or converting a small existing dwelling into an ADU while building a new principal dwelling on the property.
2. ADUs that are attached to or part of the principal dwelling. Examples include converted living space, attached garages, basements or attics, additions to the existing dwelling, or a combination thereof.

C. Eligibility.

1. One ADU is allowed per detached single-family residential unit. ADUs are not permitted with any housing units developed under the provisions of OCMC 17.20.020, Cluster housing.
2. ADUs may be added to any existing single-family detached residential unit or constructed simultaneously with any new single-family detached residential unit.
3. ADUs are exempt from the density limits of the underlying zone.

D. Design Standards. An ADU shall meet the following standards and criteria. If not addressed in this section, base zone development standards apply:

1. The design and size of the ADU shall conform to all applicable standards in the building, plumbing, electrical, mechanical, fire, health, and any other applicable codes.
2. Setbacks.
 - a. For attached ADUs, any additions to the existing dwelling unit shall not encroach into the minimum setbacks in the underlying zone. However, access structures (e.g. stairs or ramps)

may be allowed within the setback if no access can be provided to the unit without encroaching into the setback area.

- b. For detached ADUs, structures shall be located behind the front building line of the principal dwelling or set back a minimum of forty feet, whichever is less, and shall meet all other rear and side yard setbacks for the underlying zone. Legal nonconforming detached structures that are converted into detached ADUs are exempt from this requirement, provided that modifications to the structure associated with the conversion do not cause it to encroach any further into the existing setbacks.
3. Height. The height of a detached ADU shall not exceed the greater of the height of the principal dwelling unit or twenty feet.
4. Size. The gross floor area of an ADU shall not be more than eight hundred square feet or sixty percent of the gross floor area of the principal dwelling unit, whichever is less. Conversion of an existing basement to an ADU shall be exempt from these size limits provided that no new floor area will be added with the conversion.
5. Lot Coverage. The property shall comply with the lot coverage standards of the zoning designation.
6. Design.
 - a. The exterior finish materials shall be similar in type, size and placement as those on the principal dwelling unit.
 - b. All windows shall include the same trim type and size as those on the principal dwelling unit, provided that the size of the trim shall be a minimum of two inches in width.
 - c. Eaves shall project from the building walls at the same distance as the eaves on the principal dwelling unit.
7. Parking. No off-street parking is required. If provided, driveways shall comply with OCMC 16.12.035.
- E. Application Procedure. Applications are processed as a Type I minor site plan and design review per OCMC 17.62.035 concurrently with a building permit application.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.20.040 Live/work dwelling.

Live/work dwellings provide important flexibility by combining residential and commercial uses and allowing for commercial uses on the ground floor when the market is ready to support them. These standards apply to all new live/work dwellings. Live/work dwellings shall be reviewed through a Type II process. For all zones where live/work dwellings are permitted, the following standards shall apply.

- A. The ground floor business shall provide visibility, signage and access from the primary street. The building in which the live/work dwelling is located shall architecturally differentiate the ground floor from the upper floors by meeting the following requirements on the ground floor:
 1. The main front elevation shall provide at least fifty percent windows. The transparency is measured in lineal fashion and required between 3.5 feet and six feet from the ground (for example, a twenty-five-foot long building elevation shall have at least 12.5 feet (fifty percent of twenty-five feet) of transparency in length).
 2. Large single paned windows over ten feet in width shall be divided into multiple panes to add human scale by dividing the vertical plane into smaller parts.

3. Highly reflective or glare-producing glass with a reflective factor of .25 or greater is prohibited on all building façades. Exceptions to this prohibition may be granted for LEED certified buildings when documented as part of the application and requested as part of the land use application.
- B. A live/work dwelling is allowed instead of, or in addition to, a home occupation as defined by OCMC 17.04. The business portion of the dwelling shall be limited to the ground floor and may not exceed fifty percent of the square footage of the entire dwelling, excluding the garage, or one thousand square feet, whichever is the smaller number.
- C. The primary entrance to the business shall be located on the primary street frontage. Alley access is required to provide refuse and recycling service and residential parking. If alley access cannot be provided, an alternative parking and refuse and recycling service plan may be approved by the community development director if it meets the intent of the standards.
- D. The applicant shall show that there is adequate on-street or off-street parking for the proposed use. One parking space is required for every five hundred square feet of commercial, personal service, or office use or a portion thereof. For example, seven hundred square feet of commercial use requires two parking spaces. Adequate parking can be shown by meeting one of the following:
 1. Shared Parking. Required parking 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 overlap (e.g., uses primarily of a daytime versus nighttime nature) or the live/work use is utilizing a parking space that is above the minimum parking requirement of the shared use, and 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 establishing the joint use.
 2. On-Street Parking. On-street parking dimensions for live/work units shall conform to the standards set forth in OCMC 17.52.010.C.
 3. On-Site Parking. Parking spaces are provided on-site and meet the requirements of OCMC 17.52, Off-Street Parking and Loading. Driveways shall comply with OCMC 16.12.035.
- E. The number of employees permitted on-site for employment purposes shall be limited to five persons at one time.
- F. All live/work dwellings shall be subject to ongoing compliance with the following performance standards:
 1. The work use shall not generate noise exceeding fifty-five-decibel level as measured at the lot line of the lot containing the live/work dwelling.
 2. No outside storage of materials or goods related to the work occupation or business shall be permitted. Solid waste associated with the work use shall be stored inside the building.
 3. No dust or noxious odor shall be evident off the premises.
 4. If the business is open to the public, public access shall be through the front door and the business may not be open to clients or the public before seven a.m. or after eight p.m.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.20.050 Manufactured home park.

- A. Purpose. Manufactured home parks provide locational opportunities for manufactured dwellings, to support a variety of affordable housing options. These manufactured home park requirements provide standards for orderly development, adequate vehicle circulation, parking, pedestrian circulation, open areas, and landscaping.

- B. Review Required.
1. New manufactured home parks and modifications to existing parks shall be subject to a Type II Land Use Review to determine compliance with OCMC 17.20.050.
 2. Placement of a single manufactured home within an existing space or lot within a park shall require Type I Minor Site Plan and Design Review pursuant to OCMC 17.62.035.A to determine compliance with OCMC 17.20.050.
 3. Applications for new or modified manufactured home parks shall include a site plan drawn to scale of the specific layout of the entire park. The site plan shall include both the dimensions and the existing and proposed locations of all utilities, roadways, structures, parking, landscaping and open areas, and manufactured home spaces on the site. In addition, the location of structures on adjacent properties shall be shown.
- C. Development Requirements. All manufactured home parks shall meet the following minimum requirements:
1. The minimum size of a manufactured home park shall be one acre.
 2. The number of units allowed in the manufactured home park shall be subject to the density requirements of the underlying zone after area used for public and private streets, access drives and any other areas that may be deducted pursuant to the definition of net developable area in OCMC 17.04.810 has been deducted.
 3. Except for accessory structures, a minimum setback of fifteen feet is required around the outer boundary of the manufactured home park. Exterior boundaries of the park shall be screened to a height of six feet by a sight-obscuring solid wall, fence, or evergreen or other suitable hedge planting, exclusive of required openings, except where height is limited pursuant to OCMC 17.54.100. Chain link fences are prohibited unless screened with vegetation.
 4. Each manufactured home shall maintain a minimum six-foot setback from another manufactured home. Accessory structures are not subject to minimum setbacks or location requirements, except they shall be setback a minimum of five feet from the outer boundary.
 5. A minimum of fifteen percent of the gross site area shall be landscaped, which may include landscaped setbacks and common open space required in subsection 6 below. 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. 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.
 6. A minimum of two hundred square feet of open space for each unit in the park, or a minimum of five thousand square feet, whichever is greater, shall be provided in common open space. Streets, access drives and parking lots shall not be considered open space. Open space shall be a mix of landscaping and lawn area, recreational amenities, and hard-surfaced pedestrian paths. Open space areas shall have no dimension less than twenty feet, and shall be landscaped and maintained by the park owner.
 7. A manufactured home park shall have an entrance drive from a public street. Access to individual units shall be from private streets within the site which have a minimum width of twenty-four feet of paving from curb to curb. A paved sidewalk shall be provided along at least one side of each private street in the park and shall be a minimum of four feet in width. Parking shall be permitted on one side of those private streets constructed with a minimum width of thirty feet of paving.

8. Off-Street Parking. An on-site paved parking area shall be provided for each manufactured home, either within the park or adjacent to each unit.
 9. Except for a structure which conforms to the state definition of a manufactured dwelling accessory structure, no other extension shall be attached to a manufactured dwelling, except a garage or carport constructed to the specifications of the Oregon State Structural Specialty Code.
 10. Standards of the underlying zone also apply except where otherwise provided for in this subsection.
 11. Parking lots greater than two spaces, refuse and recycling areas, outdoor lighting, fencing, and structures (other than the manufactured homes or accessory structures) are subject to compliance with site plan and design review standards in OCMC 17.62.
 12. Cargo containers and membrane and fabric covered storage areas visible from the adjacent right-of-way are prohibited per OCMC 17.54.010.B.4.
- D. In addition to conformance with these standards, all parks, including any alteration and expansion thereof, shall comply with the manufactured dwelling park and mobile home park rules adopted by OAR 918-600-0005 through 918-600-0030, including the Oregon Manufactured Dwelling and Park Specialty Code, as amended.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

Chapter 17.21 RESIDENTIAL STANDARDS—PARK PLACE CONCEPT PLAN AREA

17.21.010 Purpose.

The intent of this chapter is to ensure new development implements the goals and policies of the Park Place Concept Plan area and the historic architectural styles of Oregon City. Appropriate architectural styles include: Western Farmhouse/Vernacular, Bungalow, Queen Anne Vernacular and Foursquare. The 2006 Historic Review Board's Design Guidelines for New Construction include additional architectural descriptions of historic single-family structures in Oregon City.



Western Farmhouse/Vernacular



Bungalow (Craftsman)



Foursquare



Queen Anne Vernacular

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.21.020 Applicability.

This chapter applies to all new detached single-family residential units, duplexes, triplexes, quadplexes, townhouses, accessory dwelling units, and cottage clusters located within the Park Place Concept Plan areas. Additions to homes existing prior to the adoption of this chapter in a concept plan area or new - residences outside of a concept plan area may choose review under this section or OCMC 17.14, OCMC 17.16, or OCMC 17.20 as applicable.

Residential plans that conform to the following standards may be approved as a Type I Decision. Residential plans that require approval of an exemption shall be processed as a Type II Land Use decision at time of land division or building permit application.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.21.030 Roof design.

- A. Primary roofs shall be pitched at a minimum ratio of five-twelfths, except for non-gabled dormers, covered porches, or secondary masses.
- B. Exemption: An exemption from the roof standard of subsection A above may be approved by the community development director if the resulting plan is consistent with the architectural style.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.21.040 Modulation and massing.

New residences shall have a massing and footprint that is compatible with the envisioned pedestrian friendly neighborhoods of the concept plan area.

- A. Residences with footprints over one thousand two hundred square feet (not including porch or deck areas) shall provide for secondary massing (such as cross gabled wings or sunroom/kitchen/dining room extensions) under separate roof-lines. Each secondary mass shall not have a footprint larger than six hundred square feet.
- B. Exemption: An exemption from the massing standard of subsection A above may be approved by the community development director if the resulting plan continues to provide for a pedestrian friendly design and provides sufficient architectural details to mitigate the impact of a residence with a large mass on the surrounding neighborhood.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.21.050 Porches and entries.

- A. Each residence shall contain a front porch with a front door that faces the street that is a minimum of twenty-four inches above average grade with skirting and is at least eighty square feet with no dimension under six feet with the wider dimension parallel to the street. Porch railings are required. The front porch shall be covered.
- B. Exemption: Residence styles that do not contain a front porch or require a reduction in the size of the porch or its location may request an exemption from the community development director from subsection A above, if another type of pronounced entryway is provided. Pronounced entrances may include a rounded front door, canopy or other articulated entrances, columns, and/or other similar features provided they are compatible with the architectural style of the house. A reduced porch may be allowed if there is sufficient architectural or topographical reason to reduce the size of the porch.
- C. All subdivisions shall have at least seventy-five percent of the housing utilize front porches as approved under subsection A above.
- D. Each residence shall have a separate delineated pedestrian connection from the front door of the unit to the sidewalk a minimum width of three feet. The pedestrian connection shall be separate from a driveway.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.21.060 Architectural details.

Residences shall contain architectural details. Each of the types of details listed below are worth one point unless otherwise noted. Residences must achieve the equivalent of five points worth of architectural details.

- A. Stonework detailing on columns or across foundation.
- B. Brick or stonework covering more than ten percent of the front facade.
- C. Wood, clad wood, or fiberglass windows on all four elevations of the building (two points).

- D. Decorative roofline elements (choose two): Roof brackets, rake board at edge of all roof and porch, eaves, roof eaves that extend at least eighteen inches.
- E. Decorative siding elements (choose two): Barge board/frieze boards (minimum eight inches) under eaves, waterboard at foundation line and between floors (minimum six inches), corner board at all corners.
- F. Decorative porch elements (choose one): Scrolls, brackets, or wrapped and finished porch railings and posts.
- G. Decorative shingle design covering ten percent of the facade.
- H. Exemption: Other architectural detailing may be approved by the community development director if they are constructed with quality material, have a high level of craftsmanship and are consistent with the architectural style of the residence.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.21.070 Approved siding materials.

- A. Brick.
- B. Basalt stone or basalt veneer.
- C. Narrow horizontal wood or composite siding (five inches wide or less); wider siding will be considered where there is a historic precedent.
- D. Board and batten siding (wood or composite).
- E. Exemption: Other materials may be approved by the community development director if they are consistent with the quality of the approved siding materials and have historic precedence in Oregon City.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.21.080 Windows.

- A. All windows on all elevations must be recessed at least two inches from the facade and incorporate window trim at least four inches in width. All elevations must provide an average of one window every fifteen feet of linear elevation on each floor of each elevation. If shutters are used, they shall be half of the window opening each such that the entire window opening is covered when they are closed.
- B. Exemption: An exemption may be granted by the community development director from the window standard of subsection A above if the proposed windows provide for some amount recess depth and the side elevation is consistent architecturally with the front elevation of the house in window prominence.
- C. All subdivisions shall have at least seventy-five percent of the housing meet the standards under subsection A above.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.21.090 Garages and accessory structures.

- A. Garages must be detached, side entry or rear entry. For side entry garages: The garage area shall not be located in front of the living area. Accessory structures shall be designed consistent with the primary residence. Consistency of design includes the use of similar roofing, siding, and trim. For the purposes of this section, detached garages may be connected by a breezeway but consequently, will be subject to the setbacks of the underlying zone.
- B. Exemption: An exemption may be granted by the community development director from the garage requirement of subsection A above if topographic or pre-existing lot layout prevents the construction of detached, rear entry or side entry garages on-site or if the applicant proposes a design that mitigates the impact a front entry attached garage has on the pedestrian environment. Any alternative attached garage

design shall not project farther than the living area and shall be limited to garage door widths of ten feet or less.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

Chapter 17.22 RESIDENTIAL STANDARDS—SOUTH END CONCEPT PLAN AREA

17.22.010 Purpose.

The intent of this chapter is to ensure new development is compatible with the goals and policies of the South End Concept Plan area. Specifically, these standards achieve the following objectives:

- A. Enhance the quality of the streetscape by providing a welcoming and safe area for pedestrians at the front of residences.
- B. Encourage private outdoor space primarily in the rear or side yards of residences.
- C. Locate new residences relatively close to the street to provide "eyes on the street" and encourage neighborly interaction and safety.
- D. Where alleys are required pursuant to OCMC 16.12, assure convenient garage placement, vehicle access and parking.

(Ord. No. 13-1017, § 1(Exh. 1), 4-16-2014; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.22.020 Applicability.

These standards apply in addition to OCMC 17.14, OCMC 17.16, or OCMC 17.20 as applicable. This chapter applies to all new detached single-family residential units, duplexes, triplexes, quadplexes, townhouses, accessory dwelling units, and cottage clusters located within the South End Concept Plan area.

Residential plans that conform to these standards may be approved as a Type I Decision. Residential plans that require approval of an exemption shall be processed as a Type II Land Use decision at time of land division or building permit application.

(Ord. No. 13-1017, § 1(Exh. 1), 4-16-2014; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.22.030 Alley loaded garages.

- A. Garages on an alley may be attached to or detached from the residence.
- B. Detached garages on an alley shall be set back no further than five feet from the alley.
- C. Attached garages on an alley shall meet the principal building setback of the zone district.
- D. Additional parking outside of an attached or detached garage shall be located beside the detached garage, not in front of the garage doors.

(Ord. No. 13-1017, § 1(Exh. 1), 4-16-2014; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.22.040 Modulation and massing.

New residences shall have a massing and footprint that is compatible with the envisioned pedestrian friendly neighborhoods of the concept plan area.

- A. Residences with footprints over one thousand two hundred square feet (not including porch or deck areas) shall provide for secondary massing (such as cross gabled wings or sunroom/kitchen/dining room extensions) under separate rooflines. Each secondary mass shall not have a footprint larger than six hundred square feet.
- B. Exemption: An exemption from the massing standard of subsection A above may be approved by the community development director through a Type II process, upon finding that the resulting plan continues to provide for a pedestrian friendly design and provides sufficient architectural details to mitigate the impact of a residence with a large mass on the surrounding neighborhood.

(Ord. No. 13-1017, § 1(Exh. 1), 4-16-2014; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.22.050 Porches and entries.

- A. Residences within twenty feet of the public sidewalk or front property line, whichever is closer, shall contain a front porch with a front door that faces the street that is a minimum of twenty-four inches above average grade with skirting and is at least eighty square feet in area with no dimension under six feet with the wider dimension parallel to the street. Porch railings are required. The front porch shall be covered.
- B. Exemption: Residential styles that do not contain porches or require a reduction in the size of the porch or its location may be granted an exemption pursuant to a Type II Land Use process from subsection A above if another type of pronounced entryway is provided. Pronounced entrances may include a rounded front door, canopy or other articulated entrances, columns, and/or other similar features provided they are compatible with the architectural style of the house. A reduced porch may be allowed if there is sufficient architectural or topographical reason to reduce the size of the porch.
- C. Each residence shall have a separate delineated pedestrian connection from the front door of the unit to the public sidewalk with a minimum width of three feet. At the front of the house, the pedestrian connection shall be separate from any driveway.

(Ord. No. 13-1017, § 1(Exh. 1), 4-16-2014; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.22.060 Architectural details.

Residences shall contain architectural details. Each architectural detail listed below is worth one point unless otherwise noted. Residences must achieve the equivalent of five points' worth of architectural details.

- A. Stonework detailing on columns or across foundation.
- B. Brick or stonework covering more than ten percent of the facade.
- C. Wood, clad wood, or fiberglass windows on all four elevations of the building (two points).
- D. Decorative roofline elements (choose two): Roof brackets, rake board at edge of all roof and porch, eaves, roof eaves that extend at least eighteen inches.
- E. Decorative siding elements (choose two): Barge board/frieze boards (minimum eight inches) under eaves, waterboard at foundation line and between floors (minimum six inches), corner board at all corners.
- F. Decorative porch elements (choose one): Scrolls, brackets, or wrapped and finished porch railings and posts.
- G. Decorative shingle design covering ten percent of the facade.
- H. Exemption: Other architectural detailing may be approved through a Type II process if they are constructed with quality material, have a high level of craftsmanship and are consistent with the architectural style of the residence.

(Ord. No. 13-1017, § 1(Exh. 1), 4-16-2014; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.22.070 Approved siding materials.

Residences shall have approved siding materials of one or more [of] the types listed below:

- A. Brick.
- B. Basalt stone or basalt veneer.

- C. Narrow horizontal wood or composite siding (five inches wide or less); wider siding will be considered where there is a historic precedent pursuant to a Type II process.
- D. Board and batten siding (wood or composite).
- E. Exemption: Other materials may be approved through a Type II process if they are consistent with the quality of the approved siding materials and have historic precedence in Oregon City.

(Ord. No. 13-1017, § 1(Exh. 1), 4-16-2014; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.22.080 Windows.

- A. All windows on all elevations must be recessed at least two inches from the facade and incorporate window trim at least four inches in width. All elevations must provide an average of one window every fifteen feet of linear elevation on each floor of each elevation. If shutters are used, they shall be half of the window opening each such that the entire window opening is covered when they are closed.
- B. Exemption: An exemption may be granted through a Type II process from the window standard of subsection A above if the proposed windows provide for some amount of recess depth and the side elevation is consistent architecturally with the front elevation of the house in window prominence.

(Ord. No. 13-1017, § 1(Exh. 1), 4-16-2014; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.22.090 Garages and accessory structures.

- A. All detached garages and accessory structures larger than two hundred square feet shall be designed consistent with the primary residence. Consistency of design includes the use of similar roofing, siding, and trim.
- B. Detached garages connected by a breezeway will be subject to the setbacks of the underlying zone. Exceptions to this standard shall be processed as a Type II Land Use decision at time of land division or building permit application.

(Ord. No. 13-1017, § 1(Exh. 1), 4-16-2014; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

Chapter 17.26 HC HISTORIC COMMERCIAL DISTRICT

17.26.010 Designated.

The historic commercial district is designed for limited commercial use. Allowed uses should facilitate the re-use and preservation of existing buildings and the construction of new architecturally compatible structures. Land uses are characterized by high-volume establishments such as retail, service, office, residential, lodging, recreation and meeting facilities, or a similar use as defined by the community development director. Additional design requirements or adjustments to dimensional standards may be required to comply with OCMC 17.40, Historic Overlay District.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.26.020 Permitted uses.

- A. Single-family detached residential units or a single unit in conjunction with a nonresidential use.
- B. Duplexes or two units in conjunction with a nonresidential use.
- C. Conversions of an existing single-family detached residential unit or duplex into a triplex or quadplex.
- D. Live/work dwellings; accessory uses, buildings and dwellings.
- E. Banquet, conference facilities and meeting rooms.
- F. Bed and breakfast/boarding houses, hotels, motels, and other lodging facilities for up to ten guests per night.
- G. Child care centers and/or nursery schools.
- H. Indoor entertainment centers and arcades.
- I. Health and fitness clubs.
- J. Medical and dental clinics, outpatient; infirmary services.
- K. Museums, libraries and cultural facilities.
- L. Offices, including finance, insurance, real estate and government.
- M. Outdoor markets, such as produce stands, craft markets and farmers markets that are operated on the weekends and after six p.m. during the weekday.
- N. Postal services.
- O. Parks, playgrounds, play fields and community or neighborhood centers.
- P. Repair shops, for radio and television, office equipment, bicycles, electronic equipment, shoes and small appliances and equipment.
- Q. Restaurants, eating and drinking establishments without a drive-through.
- R. Services, including personal, professional, educational and financial services; laundry and dry-cleaning.
- S. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores, marijuana, and similar, provided the maximum footprint for a stand-alone building with a single store or multiple buildings with the same business does not exceed sixty thousand square feet.
- T. Seasonal sales.
- U. Assisted living facilities; nursing homes and group homes for over fifteen patients licensed by the state.
- V. Studios and galleries, including dance, art, photography, music and other arts.

- W. Utilities: Basic and linear facilities, such as water, sewer, power, telephone, cable, electrical and natural gas lines, not including major facilities such as sewage and water treatment plants, pump stations, water tanks, telephone exchanges and cell towers.
- X. Veterinary clinics or pet hospitals, pet day care.
- Y. Home occupations.
- Z. Research and development activities.
- AA. Temporary real estate offices in model dwellings located on and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed.
- BB. Residential care homes and facilities licensed by the state.
- CC. Transportation facilities.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.26.030 Conditional uses.

The following conditional uses and their accessory uses are permitted in this district when authorized by and in accordance with the standards contained in OCMC 17.56:

- A. Drive-through facilities;
- B. Emergency service facilities (police and fire), excluding correctional facilities;
- C. Gas stations;
- D. Outdoor markets that do not meet the criteria of OCMC 17.29.020.I;
- E. Public utilities and services including sub-stations (such as buildings, plants, and other structures);
- F. Public and/or private educational or training facilities;
- G. Religious institutions;
- H. Retail trade, including gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores and any other use permitted in the neighborhood, historic or limited commercial districts that have a footprint for a stand-alone building with a single store in excess of sixty thousand square feet in the MUC-1 or MUC-2 zone;
- J. Hospitals;
- K. Parking not in conjunction with a primary use;
- L. Passenger terminals.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.26.035 Prohibited uses.

- A. Townhouses.
- B. Triplexes and quadplexes.
- C. Multi-family residential.
- D. Marijuana businesses.
- E. Mobile food units, except with a special event permit.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.26.050 Dimensional standards.**A. Residential uses:**

1. Single-family detached residential units shall comply with the dimensional and density standards required for the R-6 district.
2. Duplexes shall comply with the dimensional and density standards required for the R-3.5 district.

B. All other uses:

1. Minimum lot area: None.
2. Maximum building height: Thirty-five feet or three stories, whichever is less.
3. Minimum required setbacks if not abutting a residential zone: None.
4. Minimum required rear yard setback if abutting a residential zone: Twenty feet.
5. Minimum required side yard setbacks if abutting a single-family residential use: Five feet.
6. Maximum front yard setback: Five feet.
7. Maximum interior side yard: None.
8. Maximum rear yard: None.
9. Minimum required landscaping (including landscaping within a parking lot): Twenty percent.

Public utility easements may supersede the minimum setback. Maximum setback may be increased per OCMC 17.62.055.D.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019; Ord. No. 21-1007, § 1(Exh. A), 4-21-2021)

Chapter 17.29 MUC MIXED-USE CORRIDOR DISTRICT

17.29.010 Designated.

The mixed-use corridor (MUC) district is designed to apply along selected sections of transportation corridors such as Molalla Avenue, 7th Street, Beavercreek Road, and along Warner-Milne Road. Land uses are characterized by high-volume establishments such as retail, service, office, multi-family residential, lodging, recreation and meeting facilities, or a similar use as defined by the community development director. A mix of high-density residential, office, and small-scale retail uses are encouraged in this district. Moderate density (MUC-1) and high density (MUC-2) options are available within the MUC zoning district. The area along 7th Street is an example of MUC-1, and the area along Warner-Milne Road is an example of MUC-2.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.29.020 Permitted uses—MUC-1 and MUC-2.

- A. Banquet, conference facilities and meeting rooms.
- B. Bed and breakfast/boarding houses, hotels, motels, and other lodging facilities.
- C. Child care centers and/or nursery schools.
- D. Indoor entertainment centers and arcades.
- E. Health and fitness clubs.
- F. Medical and dental clinics, outpatient; infirmary services.
- G. Museums, libraries and cultural facilities.
- H. Offices, including finance, insurance, real estate and government.
- I. Outdoor markets, such as produce stands, craft markets and farmers markets that are operated on the weekends and after six p.m. during the weekday.
- J. Postal services.
- K. Parks, playgrounds, playfields and community or neighborhood centers.
- L. Repair shops, for radio and television, office equipment, bicycles, electronic equipment, shoes and small appliances and equipment.
- M. Multi-family residential, triplexes and quadplexes.
- N. One or two dwelling units in conjunction with a nonresidential use, provided that the residential use occupies no more than fifty percent of the total square footage of the development.
- O. Restaurants, eating and drinking establishments without a drive-through.
- P. Services, including personal, professional, educational and financial services; laundry and dry-cleaning.
- Q. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores, marijuana, and similar, provided the maximum footprint for a stand-alone building with a single store or multiple buildings with the same business does not exceed sixty thousand square feet.
- R. Seasonal sales.
- S. Residential care facilities, assisted living facilities; nursing homes and group homes for over fifteen patients licensed by the state.

- T. Studios and galleries, including dance, art, photography, music and other arts.
- U. Utilities: Basic and linear facilities, such as water, sewer, power, telephone, cable, electrical and natural gas lines, not including major facilities such as sewage and water treatment plants, pump stations, water tanks, telephone exchanges and cell towers.
- V. Veterinary clinics or pet hospitals, pet day care.
- W. Home occupations.
- X. Research and development activities.
- Y. Temporary real estate offices in model dwellings located on and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed.
- Z. Transportation facilities.
- AA. Live/work dwellings.
- BB. Accessory dwelling unit in conjunction with a legally established non-conforming single-family dwelling.
- CC. Duplex.
- DD. After-hours public parking.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 13-1003, § 1(Exh. 1), 7-17-2013; Ord. No. 13-1017, § 1(Exh. 1), 4-16-2014; Ord. No. 16-1008, § 1(Exh. A), 10-19-2016, ballot 11-8-2016; Ord. No. 18-1005, § 1(Exh. A), 5-2-2018; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.29.030 Conditional uses—MUC-1 and MUC-2 zones.

The following uses are permitted in this district when authorized and in accordance with the process and standards contained in OCMC 17.56:

- A. Drive-through facilities;
- B. Emergency service facilities (police and fire), excluding correctional facilities;
- C. Gas stations;
- D. Outdoor markets that do not meet the criteria of OCMC 17.29.020.I;
- E. Public utilities and services including sub-stations (such as buildings, plants and other structures);
- F. Public and/or private educational or training facilities;
- G. Religious institutions;
- H. Retail trade, including gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores and any other use permitted in the neighborhood, historic or limited commercial districts that have a footprint for a stand-alone building with a single store in excess of sixty thousand square feet in the MUC-1 or MUC-2 zone;
- I. Hospitals;
- J. Parking not in conjunction with a primary use on private property, excluding after-hours public parking;
- K. Passenger terminals, excluding bus stops;
- L. Shelters.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.29.040 Prohibited uses in the MUC-1 and MUC-2 zones.

The following uses are prohibited in the MUC district:

- A. Distributing, wholesaling and warehousing;
- B. Outdoor storage;
- C. Outdoor sales that are not ancillary to a permitted use on the same or abutting property under the same ownership;
- D. Correctional facilities;
- E. Heavy equipment service, repair, sales, storage or rentals (including but not limited to construction equipment and machinery and farming equipment);
- F. Kennels;
- G. Motor vehicle and recreational vehicle sales and incidental service;
- H. Motor vehicle and recreational vehicle repair/service;
- I. Self-service storage facilities;
- J. Marijuana production, processing, wholesaling, research, testing, and laboratories;
- K. Mobile food units, except with a special event permit.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 13-1017, § 1(Exh. 1), 4-16-2014; Ord. No. 16-1008, § 1(Exh. A), 10-19-2016, ballot 11-8-2016; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.29.050 Dimensional standards—MUC-1.

- A. Minimum lot areas: None.
- B. Maximum building height: Forty feet or three stories, whichever is less.
- C. Minimum required setbacks if not abutting a residential zone: None.
- D. Minimum required interior and rear yard setbacks if abutting a residential zone: Twenty feet, plus one foot additional yard setback for every one foot of building height over thirty-five feet.
- E. Maximum allowed setbacks.
 - 1. Front yard: Five feet.
 - 2. Interior side yard: None.
 - 3. Corner side setback abutting street: Thirty feet.
 - 4. Rear yard: None.

Public utility easements may supersede the minimum setback. Maximum setback may be increased per OCMC 17.62.055.D.

- F. Maximum lot coverage of the building and parking lot: Eighty percent.
- G. Minimum required landscaping (including landscaping within a parking lot): Twenty percent.
- H. Residential minimum net density of 17.4 units per acre, except that no minimum net density shall apply to residential uses proposed above nonresidential uses in a mixed-use configuration or to live/work dwellings.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019; Ord. No. 21-1007, § 1(Exh. A), 4-21-2021)

17.29.060 Dimensional standards—MUC-2.

- A. Minimum lot area: None.
- B. Minimum floor area ratio: 0.25.
- C. Minimum building height: Twenty-five feet or two stories except for accessory structures or buildings under one thousand square feet.
- D. Maximum building height: Sixty feet.
- E. Minimum required setbacks if not abutting a residential zone: None.
- F. Minimum required interior and rear yard setbacks if abutting a residential zone: Twenty feet, plus one foot additional yard setback for every two feet of building height over thirty-five feet.
- G. Maximum Allowed Setbacks.
 - 1. Front yard: Five feet.
 - 2. Interior side yard: None.
 - 3. Corner side yard abutting street: Twenty feet.
 - 4. Rear yard: None.
- H. Maximum site coverage of building and parking lot: Ninety percent.
- I. Minimum landscaping requirement (including parking lot): Ten percent.
- J. Residential minimum net density of 17.4 units per acre, except that no minimum net density shall apply to residential uses proposed above nonresidential uses in a mixed-use configuration or to live/work dwellings.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.29.070 Floor area ratio (FAR).

Floor area ratios are a tool for regulating the intensity of development. Minimum FARs help to achieve more intensive forms of building development in areas appropriate for larger-scale buildings and higher residential densities.

- A. The minimum floor area ratios contained in OCMC 17.29.050 and 17.29.060 apply to all nonresidential and mixed-use building development, except stand-alone commercial buildings less than ten thousand square feet in floor area.
- B. Required minimum FARs shall be calculated on a project-by-project basis and may include multiple contiguous blocks. In mixed-use developments, residential floor space will be included in the calculations of floor area ratio to determine conformance with minimum FARs.
- C. An individual phase of a project shall be permitted to develop below the required minimum floor area ratio provided the applicant demonstrates, through covenants applied to the remainder of the site or project or through other binding legal mechanism, that the required density for the project will be achieved at project build out.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.29.080 Additional standards for Thimble Creek Concept Plan Area.

- A. Applicability. This section applies to all development in the MUC-2 district within the Thimble Creek Concept Plan Area.

- B. Relationship of Standards. These standards apply in addition to and supersede the standards of the MUC-2 zone within the Thimble Creek Concept Plan Area. In the event of a conflict, the standards of this section control.
- C. Uses.
1. Light industrial uses limited to the design, light manufacturing, processing, assembly, packaging, fabrication and treatment of products made from previously prepared or semi-finished materials are permitted.
 2. The following permitted uses, alone or in combination, shall not exceed twenty percent of the total gross floor area of all of the other permitted and conditional uses within the development site. The total gross floor area of two or more buildings may be used, even if the buildings are not all on the same parcel or owned by the same property owner, as long as they are part of the net developable portion of contiguous mixed-use corridor zoned lands.
 - a. Restaurants, eating and drinking establishments;
 - b. Services, including personal, professional, educational and financial services; laundry and dry-cleaning;
 - c. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores, marijuana, and similar, provided the maximum footprint for a stand-alone building with a single store does not exceed twenty thousand square feet; and
 - d. Grocery stores provided the maximum footprint for a stand-alone building does not exceed forty thousand square feet.
 3. Drive-throughs are prohibited.
 4. Gas stations are prohibited.
 5. Bed and breakfast and other lodging facilities for up to ten guests per night are a conditional use.
 6. Tax Lot 00800, located on Clackamas County Map #32E10C has a special provision to allow the multifamily residential use permitted as of July 31, 2020 as a permitted use. This property may only maintain and expand the current use.
- D. Dimensional Standards.
1. Minimum floor area ratio (FAR) shall be 0.35.
 2. Maximum allowed setback for corner side yard abutting street shall be five feet.
- E. Residential Uses. All residential uses, except live/work units, are limited to upper stories only, and may only be proposed as part of a single development application incorporating nonresidential uses allowed in the MUC-2 district on the ground floor.

(Ord. No. 21-1006, § 1(Exh. A), 7-1-2020)

Chapter 17.32 C GENERAL COMMERCIAL DISTRICT

17.32.010 Designated.

Uses in the general commercial district are designed to serve the city and the surrounding area. Land uses are characterized by a wide variety of establishments such as retail, service, office, multi-family residential, lodging, recreation and meeting facilities or a similar use as defined by the community development director.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.32.020 Permitted uses.

- A. Banquet, conference facilities and meeting rooms.
- B. Bed and breakfast/boarding houses, hotels, motels, and other lodging facilities.
- C. Child care centers and/or nursery schools.
- D. Drive-in or drive-through facilities.
- E. Gas stations.
- F. Indoor entertainment centers and arcades.
- G. Health and fitness clubs.
- H. Motor vehicle and recreational vehicle sales and/or incidental service.
- I. Motor vehicle and recreational vehicle repair and/or service.
- J. Custom or specialized vehicle alterations or repair wholly within a building.
- K. Medical and dental clinics, outpatient; infirmary services.
- L. Museums, libraries and cultural facilities.
- M. Offices, including finance, insurance, real estate and government.
- N. Outdoor markets, such as produce stands, craft markets and farmers markets.
- O. Postal services.
- P. Passenger terminals (water, auto, bus, train).
- Q. Parks, playgrounds, play fields and community or neighborhood centers.
- R. Repair shops, for radio and television, office equipment, bicycles, electronic equipment, shoes and small appliances and equipment.
- S. Multi-family residential, triplexes, quadplexes, or one or two units in conjunction with a nonresidential use.
- T. Restaurants, eating and drinking establishments without a drive-through.
- U. Services, including personal, professional, educational and financial services; laundry and dry-cleaning.
- V. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores, marijuana, and similar, provided the maximum footprint for a stand-alone building with a single store or multiple buildings with the same business does not exceed sixty thousand square feet.
- W. Seasonal sales.
- X. Assisted living facilities; nursing homes and group homes for over fifteen patients licensed by the state.

- Y. Studios and galleries, including dance, art, photography, music and other arts.
- Z. Utilities: Basic and linear facilities, such as water, sewer, power, telephone, cable, electrical and natural gas lines, not including major facilities such as sewage and water treatment plants, pump stations, water tanks, telephone exchanges and cell towers.
- AA. Veterinary clinics or pet hospitals, pet day care.
- BB. Home occupations.
- CC. Research and development activities.
- DD. Temporary real estate offices in model dwellings located on and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed.
- EE. Residential care facility licensed by the state.
- FF. Transportation facilities.
- GG. Live/work dwellings.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.32.030 Conditional uses.

The following conditional uses are permitted when authorized and in accordance with the standards contained in OCMC 17.56:

- A. Religious institutions;
- B. Hospitals;
- C. Self-service storage facilities;
- D. Public utilities, including sub-stations (such as buildings, plants and other structures);
- E. Public and/or private educational or training facilities;
- F. Parking structures and lots not in conjunction with a primary use;
- G. Emergency service facilities (police and fire), excluding correctional facilities.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.32.040 Prohibited uses in the general commercial district.

The following uses are prohibited in the general commercial district:

- A. Distribution, wholesaling and warehousing;
- B. Outdoor sales or storage, except secured areas for overnight parking or temporary parking of vehicles used in the business. Sales of products not located under a roof may be allowed if they are located in an area that is architecturally connected to the primary structure, is an ancillary use and is approved through the site plan and design review process. This area may not exceed fifteen percent of the building footprint of the primary building;
- C. General manufacturing or fabrication;
- D. Heavy equipment service, repair, sales, storage or rental (including but not limited to construction equipment and machinery and farming equipment);
- E. Marijuana production, processing, wholesaling, research, testing, and laboratories;

- F. Mobile food units, except with a special event permit.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010; Ord. No. 16-1008, § 1(Exh. A), 10-19-2016, ballot 11-8-2016; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.32.050 Dimensional standards.

- A. Minimum lot area: None.
- B. Maximum building height: Sixty feet.
- C. Minimum required setbacks if not abutting a residential zone: None.
- D. Minimum required interior and rear yard setbacks if abutting a residential zone: Twenty feet, plus one foot additional yard setback for every two feet of building height over thirty-five feet.
- E. Maximum Allowed Setbacks.
 - 1. Front yard setback: Five feet.
 - 2. Interior side yard setback: None.
 - 3. Corner side yard setback abutting street: None.
 - 4. Rear yard setback: None.

Public utility easements may supersede the minimum setback. Maximum setback may be increased per OCMC 17.62.055.D.

- F. Maximum site coverage of building and parking lot: Eighty-five percent.
- G. Minimum landscaping requirement (including parking lot): Fifteen percent.
- H. Residential minimum net density of 17.4 units per acre, except that no minimum net density shall apply to residential uses proposed above nonresidential uses in a mixed-use configuration or to live/work dwellings.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019; Ord. No. 21-1007, § 1(Exh. A), 4-21-2021)

Chapter 17.34 MUD MIXED-USE DOWNTOWN DISTRICT

17.34.010 Designated.

The mixed-use downtown (MUD) district is designed to apply within the traditional downtown core along Main Street and includes the "north-end" area, generally between 5th Street and Abernethy Street, and some of the area bordering McLoughlin Boulevard. Land uses are characterized by high-volume establishments constructed at the human scale such as retail, service, office, multi-family residential, lodging or similar as defined by the community development director. A mix of high-density residential, office and retail uses are encouraged in this district, with retail and service uses on the ground floor and office and residential uses on the upper floors. The emphasis is on those uses that encourage pedestrian and transit use. This district includes a downtown design district overlay for the historic downtown area. Retail and service uses on the ground floor and office and residential uses on the upper floors are encouraged in this district. The design standards for this sub-district require a continuous storefront façade featuring streetscape amenities to enhance the active and attractive pedestrian environment.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.34.020 Permitted uses.

Permitted uses in the MUD district are defined as:

- A. Banquet, conference facilities and meeting rooms;
- B. Bed and breakfast/boarding houses, hotels, motels, and other lodging facilities;
- C. Child care centers and/or nursery schools;
- D. Indoor entertainment centers and arcades;
- E. Health and fitness clubs;
- F. Medical and dental clinics, outpatient; infirmary services;
- G. Museums, libraries and cultural facilities;
- H. Offices, including finance, insurance, real estate and government;
- I. Outdoor markets, such as produce stands, craft markets and farmers markets that are operated on the weekends and after six p.m. during the weekday;
- J. Postal services;
- K. Repair shops, for radio and television, office equipment, bicycles, electronic equipment, shoes and small appliances and equipment;
- L. Multi-family residential, triplexes and quadplexes;
- M. One or two units in conjunction with a nonresidential use provided that the residential use occupies no more than fifty percent of the total square footage of the development;
- N. Restaurants, eating and drinking establishments without a drive-through;
- O. Services, including personal, professional, educational and financial services; laundry and dry-cleaning;
- P. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores provided the maximum footprint of a freestanding building with a single store does not exceed sixty thousand square feet (a freestanding building over sixty thousand square feet is allowed as long as the building contains multiple stores);

- Q. Seasonal sales;
- R. Residential care facilities, assisted living facilities; nursing homes and group homes for over fifteen patients licensed by the state;
- S. Studios and galleries, including dance, art, photography, music and other arts;
- T. Utilities: Basic and linear facilities, such as water, sewer, power, telephone, cable, electrical and natural gas lines, not including major facilities such as sewage and water treatment plants, pump stations, water tanks, telephone exchanges and cell towers;
- U. Veterinary clinics or pet hospitals, pet day care;
- V. Home occupations;
- W. Research and development activities;
- X. Temporary real estate offices in model dwellings located on and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed;
- Y. Transportation facilities;
- Z. Live/work dwellings;
- AA. After-hours public parking;
- BB. Marinas;
- CC. Religious institutions;
- DD. Mobile food units outside of the downtown design district.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.34.030 Conditional uses.

The following uses are permitted in this district when authorized and in accordance with the process and standards contained in OCMC 17.56:

- A. Drive-through facilities;
- B. Emergency services;
- C. Hospitals;
- D. Outdoor markets that do not meet the criteria of OCMC 17.34.020.I;
- E. Parks, playgrounds, play fields and community or neighborhood centers;
- F. Parking structures and lots not in conjunction with a primary use on private property, excluding after-hours public parking;
- G. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies and specialty stores in a freestanding building with a single store exceeding a foot print of sixty thousand square feet;
- H. Public facilities such as sewage and water treatment plants, water towers and recycling and resource recovery centers;
- I. Public utilities and services such as pump stations and sub-stations;
- J. Distributing, wholesaling and warehousing;
- K. Gas stations;

- L. Public and or private educational or training facilities;
- M. Stadiums and arenas;
- N. Passenger terminals (water, auto, bus, train), excluding bus stops;
- O. Recycling center and/or solid waste facility;
- P. Shelters, except within the downtown design district.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.34.040 Prohibited uses.

The following uses are prohibited in the MUD district:

- A. Kennels;
- B. Outdoor storage and sales, not including outdoor markets allowed in OCMC 17.34.030;
- C. Self-service storage;
- D. Single-family detached residential units, townhouses and duplexes;
- E. Motor vehicle and recreational vehicle repair/service;
- F. Motor vehicle and recreational vehicle sales and incidental service;
- G. Heavy equipment service, repair, sales, storage or rental (including but not limited to construction equipment and machinery and farming equipment);
- H. Marijuana production, processing, wholesaling, research, testing, and laboratories;
- I. Mobile food units within the downtown design district unless a special event has been issued.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 16-1008, § 1(Exh. A), 10-19-2016, ballot 11-8-2016; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.34.050 Pre-existing industrial uses.

Tax lot 5400 located at Clackamas County Tax Assessors Map #22E20DD, Tax Lots 100 and two hundred located on Clackamas County Tax Assessors Map #22E30DD and Tax Lot 700 located on Clackamas County Tax Assessors Map #22E29CB have special provisions for industrial uses. These properties may maintain and expand their industrial uses on existing tax lots. A change in use is allowed as long as there is no greater impact on the area than the existing use.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.34.060 Mixed-use downtown dimensional standards—For properties located outside of the downtown design district.

- A. Minimum lot area: None.
- B. Minimum floor area ratio: 0.30.
- C. Minimum building height: Twenty-five feet or two stories except for accessory structures or buildings under one thousand square feet.
- D. Maximum building height: Seventy-five feet, except for the following location where the maximum building height shall be forty-five feet:

1. Properties between Main Street and McLoughlin Boulevard and 11th and 16th streets;
 2. Property within five hundred feet of the End of the Oregon Trail Center property; or
 3. Property abutting single-family detached or attached units.
- E. Minimum required setbacks, if not abutting a residential zone: None.
- F. Minimum required interior side yard and rear yard setback if abutting a residential zone: Fifteen feet, plus one additional foot in yard setback for every two feet in height over thirty-five feet.
- G. Maximum Allowed Setbacks.
1. Front yard: Twenty feet.
 2. Interior side yard: No maximum.
 3. Corner side yard abutting street: Twenty feet.
 4. Rear yard: No maximum.
 5. Rear yard abutting street: Twenty feet.
- H. Maximum site coverage including the building and parking lot: Ninety percent.
- I. Minimum landscape requirement (including parking lot): Ten percent.
- J. Residential minimum net density of 17.4 units per acre, except that no minimum net density shall apply to residential uses proposed above nonresidential uses in a vertical mixed-use configuration or to live/work dwellings.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.34.070 Mixed-use downtown dimensional standards—For properties located within the downtown design district.

- A. Minimum lot area: None.
- B. Minimum floor area ratio: 0.5.
- C. Minimum building height: Twenty-five feet or two stories except for accessory structures or buildings under one thousand square feet.
- D. Maximum building height: Fifty-eight feet.
- E. Minimum required setbacks, if not abutting a residential zone: None.
- F. Minimum required interior and rear yard setback if abutting a residential zone: Twenty feet, plus one foot additional yard setback for every three feet in building height over thirty-five feet.
- G. Maximum Allowed Setbacks.
1. Front yard setback: Ten feet.
 2. Interior side yard setback: No maximum.
 3. Corner side yard setback abutting street: Ten feet.
 4. Rear yard setback: No maximum.
 5. Rear yard setback abutting street: Ten feet.

Public utility easements may supersede the minimum setback. Maximum setback may be increased per OCMC 17.62.055.D.

- H. Maximum site coverage of the building and parking lot: Ninety-five percent.
- I. Minimum landscape requirement (including parking lot): Five percent.
- J. Residential minimum net density of 17.4 units per acre, except that no minimum net density shall apply to residential uses proposed above nonresidential uses in a vertical mixed-use configuration or to live/work dwellings.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 13-1003, § 1(Exh. 1), 7-17-2013; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019; Ord. No. 21-1007, § 1(Exh. A), 4-21-2021)

17.34.080 Explanation of certain standards.

- A. Floor Area Ratio (FAR).
 - 1. Purpose. Floor area ratios are a tool for regulating the intensity of development. Minimum FARs help to achieve more intensive forms of building development in areas appropriate for larger-scale buildings and higher residential densities.
 - 2. Standards.
 - a. The minimum floor area ratios contained in OCMC 17.34.060 and 17.34.070 apply to all nonresidential and mixed-use building developments.
 - b. Required minimum FARs shall be calculated on a project-by-project basis and may include multiple contiguous blocks. In mixed-use developments, residential floor space will be included in the calculations of floor area ratio to determine conformance with minimum FARs.
 - c. An individual phase of a project shall be permitted to develop below the required minimum floor area ratio provided the applicant demonstrates, through covenants applied to the remainder of the site or project or through other binding legal mechanism, that the required density for the project will be achieved at project build out.
- B. Building Height.
 - 1. Purpose.
 - a. The Masonic Hall is currently the tallest building in downtown Oregon City, with a height of fifty-eight feet measured from Main Street. The maximum building height limit of fifty-eight feet will ensure that no new building will be taller than the Masonic Hall.
 - b. A minimum two-story (twenty-five feet) building height is established for the downtown design district overlay sub-district to ensure that the traditional building scale for the downtown area is maintained.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

Chapter 17.35 WILLAMETTE FALLS DOWNTOWN DISTRICT

17.35.010 Designated.

The Willamette Falls Downtown (WFD) District applies to the historic Willamette Falls site, bordered by 99E to the north and east, and the Willamette River to the west and south. This area was formerly an industrial site occupied by the Blue Heron Paper Mill and is the location of Oregon City's founding. A mix of open space, retail, high-density residential, office, and compatible light industrial uses are encouraged in this district, with retail, service, and light industrial uses on the ground floor and office and residential uses on upper floors. Allowed uses in the district will encourage pedestrian and transit activity. This district includes a downtown design overlay for the historic downtown area. Design guidelines for this sub-district require storefront facades along designated public streets featuring amenities to enhance the active and attractive pedestrian environment.

(Ord. No. 14-1016, § 1(Att. B), 11-5-2014; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.35.020 Permitted uses.

Permitted uses in the WFD district are defined as:

- A. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies, marijuana pursuant to OCMC 17.54.110, and specialty stores provided the maximum footprint of a freestanding building with a single store does not exceed forty thousand square feet (a freestanding building over forty thousand square feet is allowed as long as the building contains multiple tenant spaces or uses);
- B. Industrial uses including food and beverage production, limited to the design, light manufacturing, processing, assembly, packaging, fabrication and treatment of products made from previously prepared or semi-finished materials, and not to exceed sixty thousand square feet;
- C. Research and development activities;
- D. Offices, including finance, insurance, real estate, software, engineering, design, and government;
- E. Restaurants, eating and drinking establishments without a drive-through, and mobile food units;
- F. Parks, playgrounds, outdoor entertainment space, and community or neighborhood centers;
- G. Museums, libraries, and interpretive/education facilities;
- H. Outdoor markets, such as produce stands, craft markets and farmers markets;
- I. Indoor entertainment centers and arcades;
- J. Studios and galleries, including dance, art, film and film production, photography, and music;
- K. Hotel and motel, commercial lodging;
- L. Conference facilities and meeting rooms;
- M. Public and/or private educational or training facilities;
- N. Child care centers and/or nursery schools;
- O. Health and fitness clubs;
- P. Medical and dental clinics, outpatient; infirmary services;
- Q. Repair shops, except automotive or heavy equipment repair;
- R. Residential units—Multi-family, triplexes and quadplexes;

- S. Services, including personal, professional, educational and financial services; laundry and dry-cleaning;
- T. Seasonal sales;
- U. Utilities: Basic and linear facilities, such as water, sewer, power, telephone, cable, electrical and natural gas lines, not including major facilities such as sewage and water treatment plants, pump stations, water tanks, telephone exchanges and cell towers;
- V. Veterinary clinics or pet hospitals, pet day care;
- W. Home occupations;
- X. Religious institutions;
- Y. Live/work units;
- Z. Water-dependent uses, such as boat docks;
- AA. Passenger terminals (water, auto, bus, train);
- BB. Existing parking, storage and loading areas, as an interim use, to support open space/recreational uses;
- CC. After-hours public parking.

(Ord. No. 14-1016, § 1(Att. B), 11-5-2014; Ord. No. 16-1008, § 1(Exh. A), 10-19-2016, ballot 11-8-2016; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.35.030 Conditional uses.

The following uses are permitted in this district when authorized and in accordance with the process and standards contained in OCMC 17.56:

- A. Emergency services;
- B. Hospitals;
- C. Assisted living facilities; nursing homes, residential care facilities and group homes for over fifteen patients;
- D. Parking not in conjunction with a primary use on private property, excluding after-hours public parking;
- E. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies and specialty stores in a freestanding building with a single store exceeding forty thousand square feet;
- F. Public facilities such as sewage and water treatment plants, water towers and recycling and resource recovery centers;
- G. Industrial uses including food and beverage production, design, light manufacturing, processing, assembly, packaging, fabrication and treatment of products made from previously prepared or semi-finished materials that exceed sixty thousand square feet;
- H. Public utilities and services such as pump stations and sub-stations;
- I. Stadiums and arenas.

(Ord. No. 14-1016, § 1(Att. B), 11-5-2014; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.35.040 Prohibited uses.

The following uses are prohibited in the WFD district:

- A. Kennels;

- B. Outdoor sales or storage that is not accessory to a retail use allowed in OCMC 17.35.020 or 17.35.030;
- C. Self-service storage;
- D. Distributing, wholesaling and warehousing not in association with a permitted use;
- E. Single-family detached residential units, duplexes and townhouses;
- F. Motor vehicle and recreational vehicle repair/service;
- G. Motor vehicle and recreational vehicle sales and incidental service;
- H. Heavy equipment service, repair, sales, storage or rental (including but not limited to construction equipment and machinery and farming equipment);
- I. Marijuana production, processing, wholesaling, research, testing, and laboratories.

(Ord. No. 14-1016, § 1(Att. B), 11-5-2014; Ord. No. 16-1008, § 1(Exh. A), 10-19-2016, ballot 11-8-2016; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.35.050 Temporary uses.

- A. Temporary activities are short-term or seasonal nature and do not fundamentally change the site. Examples of temporary activities include: Movie and TV filming, construction and film staging, and general warehousing. Temporary activities are not considered primary or accessory uses and require a temporary use permit be obtained from the city. The city has a right to deny or condition any temporary use permit if it feels the proposal conflicts with the purpose of the district or to ensure that health and safety requirements are met. Temporary use permits are processed as a Type II land use action.
- B. The following uses may be allowed in the district on a temporary basis, subject to permit approval:
 - 1. Outdoor storage or warehousing not accessory to a use allowed in OCMC 17.35.020 or 17.35.030;
 - 2. Movie and Television Filming. On-site filming and activities accessory to on-site filming that exceed two weeks on the site are allowed with a city temporary use permit. Activities accessory to on-site filming may be allowed on-site, and include administrative functions such as payroll and scheduling, and the use of campers, truck trailers, or catering/craft services. Accessory activities do not include otherwise long-term uses such as marketing, distribution, editing facilities, or other activities that require construction of new buildings or create new habitable space. Uses permitted in the district and not part of the temporary use permit shall meet the development standards of the district;
- C. General Regulations for Temporary Uses.
 - 1. The temporary use permit is good for one year and can be renewed for a total of three years;
 - 2. Temporary activities that exceed time limits in the city permit are subject to the applicable use and development standards of the district;
 - 3. These regulations do not exempt the operator from any other required permits such as sanitation permits, erosion control, building or electrical permits.

(Ord. No. 14-1016, § 1(Att. B), 11-5-2014; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.35.060 Willamette Falls Downtown District dimensional standards.

- A. Minimum lot area: None.
- B. Minimum floor area ratio (as defined in OCMC 17.34.080): 1.0.
- C. Minimum building height: Two entire stories and twenty-five feet, except for:

1. Accessory structures or buildings under one thousand square feet; and
 2. Buildings to serve open space or public assembly uses.
- D. Maximum building height: Eighty feet.
- E. Minimum required setbacks: None. Public utility easements may supersede the minimum setback. Maximum setback may be increased per OCMC 17.62.055.D.
- F. Maximum allowed setbacks: Ten feet.
- G. Maximum site coverage: One hundred percent.
- H. Minimum landscape requirement: None for buildings. Landscaping for parking areas required per OCMC 17.52.

(Ord. No. 14-1016, § 1(Att. B), 11-5-2014; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019; Ord. No. 21-1007, § 1(Exh. A), 4-21-2021)

Chapter 17.49 NATURAL RESOURCE OVERLAY DISTRICT

17.49.010 Purpose.

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

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

The NROD ecological functions listed above are planned for integration with existing neighborhoods, new residential and commercial developments. The long-term goal of the NROD is to restore and enhance stream corridors, wetlands, and forests to more natural vegetated conditions, recognizing that existing homes and other existing uses will continue in the district. This chapter does not regulate the development within the identified water resource. Separate permits from the Division of State Lands and the Army Corp of Engineers may be required for work within a stream or wetland.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.49.015 Natural resources committee.

The applicant is encouraged to contact the Oregon City Natural Resources Committee for input and advice on ways to further the purpose of the natural resources overlay district, whether or not a development application is proposed within the natural resources overlay district. Any advice given by the natural resources committee is non-binding on the applicant and the natural resources committee, and shall not relieve an applicant from compliance with this chapter.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.49.020 NROD identifying documents.

- A. The NROD protects as one connected system the habitats and associated functions of the streams, riparian corridors, wetlands and the regulated upland habitats found in Oregon City. These habitats and functions are described in the following documents upon which the NROD is based:
 - 1. The 1999 Oregon City Local Wetland Inventory.
 - 2. The Oregon City Water Quality Resource Area Map (Ord. No. 99-1013).
 - 3. 2004 Oregon City slope data and mapping (LIDAR).
 - 4. Metro Regionally Significant Habitat Map (Aerial Photos taken 2002).

5. National Wetland Inventory (published 1992).
6. Beaver Creek Road Concept Plan (adopted September 2008).
7. Park Place Concept Plan (adopted April 2008).
8. South End Concept Plan (adopted April 2014).

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

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

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.49.030 Map as reference.

1. This chapter applies to all development within the natural resources overlay district as shown on the NROD Map, which is a regulatory boundary mapped ten feet beyond the required vegetated corridor width specified in OCMC 17.49.110. The mapped NROD boundary is based on a GIS-supported application of the adopted documents, plans and maps listed in OCMC 17.49.020.A.1—17.49.020.A.8, however the adopted map may not indicate the true location of protected features.
2. Notwithstanding changing field conditions or updated mapping approved by the city (and processed as a Type I Verification per OCMC 17.49.255), the applicant may choose to either accept the adopted NROD boundary or provide a verifiable delineation of the true location of the natural resource feature pursuant to the Type I or Type II procedure in accordance with this chapter.
3. The NROD boundary shall be shown on all development permit applications.
4. The official NROD map can only be amended by the city commission.
5. Verification of the map shall be processed pursuant to OCMC 17.49.250.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.49.035 Addition of wetlands to map following adoption.

The NROD boundary shall be expanded to include a wetland identified during the course of a development permit review if it is within or partially within the mapped NROD boundary and meets the state of Oregon's definition of a "Locally Significant Wetland." In such cases, the entire wetland and its required vegetated corridor as defined in Table 17.49.110 shall be regulated pursuant to the standards of this chapter. The amended NROD boundary may be relied upon by the community development director for the purposes of subsequent development review.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.49.040 NROD permit and review process.

An NROD permit is required for those uses regulated under OCMC 17.49.090, Uses Allowed under Prescribed Conditions. An NROD permit shall be processed under the Type II development permit procedure, unless an adjustment of standards pursuant to OCMC 17.49.200 is requested or the application is being processed in conjunction with a concurrent application or action requiring a Type III or Type IV development permit.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.49.050 Emergencies.

The provisions of this chapter do not apply to work necessary to protect, repair, maintain, or replace existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements in response to emergencies. After the emergency has passed, any disturbed native vegetation areas shall be replanted with similar vegetation found in the Oregon City Native Plant List pursuant to the mitigation standards of OCMC 17.49.180. For purposes of this section emergency shall mean any man-made or natural event or circumstance causing or threatening loss of life, injury to person or property, and includes, but is not limited to fire, explosion, flood, severe weather, drought, earthquake, volcanic activity, spills or releases of oil or hazardous material, contamination, utility or transportation disruptions, and disease.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.49.060 Consistency and relationship to other regulations.

- A. Where the provisions of the NROD are less restrictive or conflict with comparable provisions of the OCMC, other city requirements, regional, state or federal law, the provisions that provides the greater protection of the resource shall govern.
- B. Compliance with Federal and State Requirements.
 - 1. If the proposed development requires the approval of any other governmental agency, such as the Division of State Lands or the U.S. Army Corps of Engineers, the applicant shall make an application for such approval prior to or simultaneously with the submittal of its development application to the city. The planning division shall coordinate city approvals with those of other agencies to the extent necessary and feasible. Any permit issued by the city pursuant to this chapter shall not become valid until other agency approvals have been obtained or those agencies indicate that such approvals are not required.
 - 2. The requirements of this chapter apply only to areas within the NROD and to locally significant wetlands that may be added to the boundary during the course of development review pursuant to OCMC 17.49.035. If, in the course of a development review, evidence suggests that a property outside the NROD may contain a wetland or other protected water resource, the provisions of this chapter shall not be applied to that development review. However, the omission shall not excuse the applicant from satisfying any state and federal wetland requirements which are otherwise applicable. Those requirements apply in addition to, and apart from the requirements of the city's comprehensive plan and this code.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.49.070 Prohibited uses.

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

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

- D. Grading, the placement of fill in amounts greater than ten cubic yards, or any other activity that results in the removal of more than ten percent of the existing native vegetation on any lot within the NROD is prohibited, unless part of an approved development activity.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.49.080 Uses allowed outright (exempted).

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

- A. Stream, wetland, riparian, and upland restoration or enhancement projects as authorized by the city.
- B. Farming practices as defined in ORS 215.203 and farm uses, excluding buildings and structures, as defined in ORS 215.203.
- C. Utility service using a single utility pole.
- D. Boundary and topographic surveys leaving no cut scars greater than three inches in diameter on live parts of native plants listed in the Oregon City Native Plant List.
- E. Soil tests, borings, test pits, monitor well installations, and other minor excavations necessary for geotechnical, geological or environmental investigation, provided that disturbed areas are restored to pre-existing conditions as approved by the community development director.
- F. Trails meeting all of the following:
 - 1. Construction shall take place between May 1 and October 30 with hand held equipment;
 - 2. Widths shall not exceed forty-eight inches and trail grade shall not exceed twenty percent;
 - 3. Construction shall leave no scars greater than three inches in diameter on live parts of native plants;
 - 4. Located no closer than twenty-five feet to a wetland or the top of banks of a perennial stream, or no closer than ten feet of an intermittent stream;
 - 5. No impervious surfaces; and
 - 6. No native trees greater than one-inch in diameter may be removed or cut, unless replaced with an equal number of native trees of at least two-inch diameter and planted within ten feet of the trail.
- G. Land divisions provided they meet the following standards, and indicate the following on the final plat:
 - 1. Lots shall have their building sites (or buildable areas) entirely located at least five feet from the NROD boundary shown on the city's adopted NROD map. For the purpose of this subparagraph, "building site" means an area of at least three thousand five hundred square feet with minimum dimensions of forty feet wide by forty feet deep;
 - 2. All public and private utilities (including water lines, sewer lines or drain fields, and stormwater disposal facilities) are located outside the NROD;
 - 3. Impervious streets, driveways and parking areas shall be located at least ten feet from the NROD; and
 - 4. The NROD portions of all lots are protected by:
 - a. A conservation easement; or
 - b. A lot or tract created and dedicated solely for unimproved open space or conservation purposes.

- H. Site plan and design review applications where all new construction is located outside of the NROD boundary shown on the city's adopted NROD map, and the NROD area is protected by a conservation easement approved in form by the city.
- I. Routine repair and maintenance of existing structures, roadways, driveways and utilities.
- J. Replacement, additions, alterations and rehabilitation of existing structures, roadways, utilities, etc., where the ground level impervious surface area is not increased.
- K. Measures approved by the city of Oregon City to remove or abate nuisances or hazardous conditions.
- L. Tree Removal. The community development director may permit the removal of any tree determined to be a dead, hazardous, or diseased tree as defined in OCMC 17.04. Any tree that is removed in accordance with this subsection L shall be replaced with a new tree of at least one-half-inch caliper or at least six foot overall height. An exception to this requirement may be granted if the applicant demonstrates that a replacement tree has already been planted in anticipation of tree removal, or if the existing site conditions otherwise preclude tree replacement (due to existing dense canopy coverage or other ecological reasons).

The replacement tree(s) shall be located in the general vicinity of the removed tree(s), somewhere within NROD on the property. The replacement tree(s) shall be identified on the Oregon City Native Plant List or other locally adopted plant list (e.g. Metro or Portland). The property owner shall ensure that the replacement tree(s) survives at least two years beyond the date of its planting.

- M. Planting of native vegetation and the removal of non-native, invasive vegetation (as identified on the Oregon City Native Plant List or other locally adopted plant list (e.g. Metro or Portland), or as recommended by an environmental professional with experience and academic credentials in one or more natural resource areas such as ecology, arboriculture, horticulture, wildlife biology, botany, hydrology or forestry), and removal of refuse and fill, provided that:
 - 1. All work is done using hand-held equipment;
 - 2. No existing native vegetation is disturbed or removed; and
 - 3. All work occurs outside of wetlands and the top-of-bank of streams.
- N. Activities in which no more than one hundred square feet of ground surface is disturbed outside of the bankfull stage of water bodies and where the disturbed area is restored to the pre-construction conditions, notwithstanding that disturbed areas that are predominantly covered with invasive species shall be required to remove the invasive species from the disturbance area and plant trees and native plants pursuant to this chapter.
- O. New fences meeting all of the following:
 - 1. No taller than three and a half feet and of split rail or similar open design;
 - 2. Two feet width on both sides of fence shall be planted or seeded with native grasses, shrubs, herbs, or trees to cover any bare ground;
 - 3. Six inches of clearance from ground level;
 - 4. Fence posts shall be placed outside the top-of-bank of streams and outside of delineated wetlands.
- P. Gardens, fences and lawns within the NROD that existed prior to the time the overlay district was applied to a subject property are allowed to be maintained but cannot expand further into the overlay district.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.49.090 Uses allowed under prescribed conditions.

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

- A. Alteration to existing structures within the NROD when not exempted by OCMC 17.49.080, subject to OCMC 17.49.130.
- B. A single-family detached residential unit or duplex on a highly constrained vacant lot of record that has less than three thousand square feet of buildable area, with minimum dimensions of fifty feet by fifty feet, remaining outside the NROD portion of the property, subject to the maximum disturbance allowance prescribed in OCMC 17.49.120.A.
- C. A land division that would create a new lot for an existing residence currently within the NROD, subject to OCMC 17.49.160.
- D. Land divisions when not exempted by OCMC 17.49.080, subject to the applicable standards of OCMC 17.49.160.
- E. Trails/pedestrian paths when not exempted by OCMC 17.49.080, subject to OCMC 17.49.170 (for trails) or OCMC 17.49.150 (for paved pedestrian paths).
- F. New roadways, bridges/creek crossings, utilities or alterations to such facilities when not exempted by OCMC 17.49.080.
- G. Roads, bridges/creek crossings subject to OCMC 17.49.150.
- H. Utility lines subject to OCMC 17.49.140.
- I. Stormwater detention or pre-treatment facilities subject to OCMC 17.49.155.
- J. Institutional, industrial or commercial development on a vacant lot of record situated in an area designated for such use that has more than seventy-five percent of its area covered by the NROD, subject to OCMC 17.49.120.B.
- K. City, county and state capital improvement projects, including sanitary sewer, water and stormwater facilities, water stations, and parks and recreation projects.
- L. Non-hazardous tree removal that is not exempted pursuant to OCMC 17.49.080.K.
- M. Fences that do not meet the standards for exemption pursuant to OCMC 17.49.080.O.4.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.49.100 General development standards.

The following standards apply to all uses allowed under prescribed conditions within the NROD with the exception of rights-of-way (subject to OCMC 17.49.150), trails (subject to OCMC 17.49.170), utility lines (subject to OCMC 17.49.140), land divisions (subject to OCMC 17.49.160), and mitigation projects (subject to OCMC 17.49.180 or 17.49.190):

- A. Native trees shall be preserved unless they are located within ten feet of any proposed structures or within five feet of new driveways, or if deemed not wind-safe by a certified arborist. Trees listed on the Oregon City Nuisance Plant List or Prohibited Plant List are exempt from this standard and may be removed. A protective covenant shall be required for any native trees that remain;
- B. The community development director may allow the landscaping requirements of the base zone, other than landscaping required for parking lots, to be met by preserving, restoring and permanently protecting habitat on development sites in the natural resource overlay district;

- C. All vegetation planted in the NROD shall be native and listed on the Oregon City Native Plant List or other locally adopted plant list (e.g. Metro or Portland), or as recommended by an environmental professional with experience and academic credentials in one or more natural resource areas such as ecology, arboriculture, horticulture, wildlife biology, botany, hydrology or forestry);
- D. Grading is subject to installation of erosion control measures required by the city;
- E. The minimum front, street, or garage setbacks of the base zone may be reduced to any distance between the base zone minimum and zero in order to minimize the disturbance area within the NROD portion of the lot;
- F. Any maximum required setback in any zone, such as for multi-family, commercial or institutional development, may be increased to any distance between the maximum and the distance necessary to minimize the disturbance area within the NROD portion of the lot;
- G. Fences in compliance with OCMC 17.49.080.N;
- H. Exterior lighting shall be placed or shielded so that they do not shine directly into resource areas;
- I. If development will occur within the one hundred-year floodplain, the standards of OCMC 17.42 shall be met; and
- J. Mitigation of impacts to the regulated buffer is required, subject to OCMC 17.49.180 or 17.49.190.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.49.110 Width of vegetated corridor.

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

Table 17.49.110

Protected Water Feature Type (see definitions)	Slope Adjacent to Protected Water Feature	Starting Point for Measurements from Water Feature	Width of Vegetated Corridor (see Note 1)
Anadromous fish-bearing streams	Any slope	• Edge of bankfull flow	200 feet
Intermittent streams with slopes less than 25 percent and which drain less than 100 acres	< 25 percent	• Edge of bankfull flow	15 feet
All other protected water features	< 25 percent	• Edge of bankfull flow • Delineated edge of Title 3 wetland	50 feet
	≥ 25 percent for 150 feet or more (see Note 2)		200 feet
	≥ 25 percent for less than 150 feet (see Note 2)		Distance from starting point of measurement to top of ravine (break in ≥25 percent slope) (See Note 3) plus 50 feet.

Notes:

1. Required width (measured horizontally) of vegetated corridor unless reduced pursuant to the provisions of OCMC 17.49.120.
 2. Vegetated corridors in excess of fifty feet apply on steep slopes only in the uphill direction from the protected water feature.
 3. Where the protected water feature is confined by a ravine or gully, the top of the ravine is the break in the twenty-five percent or more slope.
- B. Habitat Areas within/City Parks. For habitat and water features identified by Metro as regionally significant which are located within city parks, the NROD Boundary shall correspond to the Metro Regionally Significant Habitat Map.
- C. Habitat areas outside city limit within UGB. For habitat and water features identified by Metro as regionally significant which are located outside of the city limits as of the date of adoption of the ordinance codified in this chapter, the minimum corridor width from any non-anadromous fish bearing stream or wetland shall be fifty feet.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.49.120 Maximum disturbance allowance for highly constrained lots of record.

In addition to the general development standards of OCMC 17.49.100, the following standards apply to a vacant lot of record that is highly constrained by the NROD, per OCMC 17.49.090.B and 17.49.090.F:

- A. Standard for Residential Development. In the NROD where the underlying zone district is zoned residential (R-10, R-8, R-6, R-5, R-3.5): The maximum disturbance area allowed for new residential development within the NROD area of the lot is three thousand square feet.
- B. Standard for all developments not located in R-10, R-8, R-6, R-5, and R-3.5. For all other underlying zone districts, the maximum disturbance area allowed for a vacant, constrained lot of record development within the NROD is that square footage which when added to the square footage of the lot lying outside the NROD portion equals twenty-five percent of the total lot area.
1. Lots that are entirely covered by the NROD will be allowed to develop twenty-five percent of their area.
 2. This can be determined by: (1) Multiplying the total square footage of the lot by .25; or (2) Subtracting from that amount the square footage of the lot that is located outside the NROD. The result is the maximum square footage of disturbance to be allowed in the NROD portion of the lot. If the result is less than or equal to zero, no disturbance is permitted and the building shall be located outside of the boundary.
- C. In all areas, the disturbance area of a vacant, highly constrained lot of record within the NROD shall be set back at least fifty feet from the top of bank on Abernethy Creek, Newell Creek, or Livesay Creek or twenty-five feet from the top of bank of any tributary of the aforementioned creeks, other water body, or from the delineated edge of a wetland located within the NROD area.
- D. If the highly constrained lot of record cannot comply with the above standards, a maximum one thousand five hundred square foot disturbance within the NROD area may be allowed.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.49.130 Existing development standards.

In addition to the General Development Standards of OCMC 17.49.100, the following standards apply to alterations and additions to existing development within the NROD, except for trails, rights-of-way, utility lines,

land divisions and mitigation projects. As of June 1, 2010, applicants for alterations and additions to existing development that are not exempt pursuant to OCMC 17.49.080.J shall submit a Type II or Type III application pursuant to this section.

Mitigation is required, subject to OCMC 17.49.180 or 17.49.190.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.49.140 Standards for utility lines.

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

- A. The disturbance area for private connections to utility lines shall be no greater than ten feet wide;
- B. The disturbance area for the upgrade of existing utility lines shall be no greater than fifteen feet wide;
- C. New utility lines shall be within the right-of-way, unless reviewed under subsection D.
- D. New utility lines that cross above or underneath a drainage way, wetland, stream, or ravine within the NROD but outside of a right-of-way shall be processed as a Type III permit pursuant to OCMC 17.49.200, Adjustment from standards.
- E. No fill or excavation is allowed within the ordinary high water mark of a stream without the approval of the Division of State Lands and/or the U.S. Army Corps of Engineers;
- F. The Division of State Lands must approve any work that requires excavation or fill in a wetland;
- G. Native trees more than ten inches in diameter shall not be removed unless it is shown that there are no feasible alternatives; and
- H. Each six to ten-inch diameter native tree cut shall be replaced at a ratio of three trees for each one removed. Each eleven-inch or greater diameter native tree shall be replaced at a ratio of five trees for each removed. The replacement trees shall be a minimum one-half inch diameter and selected from the Oregon City Native Plant List. All trees shall be planted within the NROD on the subject property. Where a utility line is approximately parallel with the stream channel, at least half of the replacement trees shall be planted between the utility line and the stream channel.
- I. Mitigation is required, subject to OCMC 17.49.180 or 17.49.190.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.49.150 Standards for vehicular or pedestrian paths and roads.

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

- A. Stream crossings shall be limited to the minimum number and width necessary to ensure safe and convenient pedestrian, bicycle and vehicle connectivity, and shall cross the stream at an angle as close to perpendicular to the stream channel as practicable. Bridges shall be used instead of culverts wherever practicable.
- B. Where the right-of-way or private road crosses a stream the crossing shall be by bridge or a bottomless culvert;
- C. No fill or excavation shall occur within the ordinary high water mark of a stream without the approval of the Division of State Lands and/or the U.S. Army Corps of Engineers;
- D. If the Oregon Department of State Lands (DSL) has jurisdiction over any work that requires excavation or fill in a wetland, required permits or authorization shall be obtained from DSL prior to release of a grading permit;

- E. Any work that will take place within the banks of a stream shall be conducted between June 1 and August 31, or shall be approved by the Oregon Department of Fish and Wildlife; and
 - F. Mitigation is required, subject to OCMC 17.49.180 or 17.49.190.
- (Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.49.155 Standards for stormwater facilities.

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

- A. The forest canopy within the driplines of existing trees shall not be disturbed.
- B. Only vegetation from the Oregon City Native Plant List shall be planted within these facilities.
- C. Mitigation is required, subject to OCMC 17.49.180 or 17.49.190.
- D. The stormwater facility may encroach up to one-half the distance of the NROD corridor.
- E. The stormwater facility shall not impact more than one thousand square feet of the NROD. Impacts greater than one thousand square feet shall be processed as a Type III application.
- F. The community development director may allow landscaping requirements of the base zone, other than landscaping required for parking lots, to be met by preserving, restoring and permanently protecting habitat on development sites within the natural resource overlay district.
- G. The design of the stormwater facility shall be subject to OCMC 13.12.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.49.160 Standards for land divisions.

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

- A. For a lot for an existing residence currently within the NROD. This type of lot is allowed within the NROD for a residence that existed before the NROD was applied to a subject property. A new lot for an existing house may be created through a partition or subdivision process when all of the following are met:
 - 1. There is an existing house on the site that is entirely within the NROD area; and
 - 2. The existing house will remain; and
 - 3. The new lot is no larger than required to contain the house, minimum required side setbacks, garage, driveway and a twenty-foot deep rear yard, with the remaining NROD area beyond that point protected by a conservation easement, or by dedicating a conservation tract or public open space.
- B. Protection and ownership of NROD areas in land divisions:
 - 1. New partitions shall delineate the NROD area either as a separate tract or conservation easement that meets the requirements of subsection 2. of this section.
 - 2. Prior to final plat approval, ownership and maintenance of the NROD area shall be identified to distinguish it from the buildable areas of the development site. The NROD area may be identified as any one of the following:
 - a. A tract of private open space held by the homeowners association;

- b. For residential land divisions, a tract of private open space held by a homeowner's association subject to an easement conveying stormwater and surface water management rights to the city and preventing the owner of the tract from activities and uses inconsistent with the purpose of this document;
- c. Public open space where the tract has been dedicated to the city or other governmental unit;
- d. Conservation easement area pursuant to OCMC 17.49.180.G and approved in form by the community development director;
- e. Any other ownership proposed by the owner and approved by the community development director; or
- f. NROD tracts shall be exempt from minimum frontage requirements, dimensional standards of the zoning designation, street frontage requirements, or flag lot standards pursuant to OCMC 16.08.053.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.49.170 Standards for trails.

All trails that are not exempt pursuant to OCMC 17.49.80.F shall be processed through a Type II or Type III process pursuant to this chapter; and shall provide mitigation, subject to OCMC 17.49.180 or 17.49.190.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.49.180 Mitigation standards.

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

- A. Mitigation shall occur at a two-to-one ratio of mitigation area to proposed NROD disturbance area. Mitigation of the removal or encroachment of a wetland or stream shall not be part of this chapter and will be reviewed by the Division of State Lands or the Army Corp of Engineers during a separate review process.
- B. Mitigation shall occur on the site where the disturbance occurs, pursuant to the following:
 - 1. The mitigation required for disturbance associated with a right-of-way or utility in the right-of-way shall be located as close to the impact area as possible within the NROD;
 - 2. If not possible to locate mitigation on the same site, the mitigation shall occur first on the same stream tributary, secondly in the Abernethy, Newell or Livesay Creek or a tributary thereof, or thirdly as close to the impact area as possible within the NROD; and
 - 3. An easement that allows access to the mitigation site for monitoring and maintenance shall be provided as part of the mitigation plan.
- C. Mitigation shall occur within the NROD area of a site unless it is demonstrated that this is not feasible because of a lack of available and appropriate area. In such cases, the proposed mitigation area shall be contiguous to the existing NROD area so the NROD boundary can be easily extended in the future to include the new resource site.
- D. Invasive and nuisance vegetation shall be removed within the mitigation area.
- E. Required Mitigation Planting. An applicant shall meet Mitigation Planting Option 1 or 2 below, whichever option results in more tree plantings, except that where the disturbance area is one acre or more, Mitigation Option 2 shall be required. All trees, shrubs and ground cover shall be selected from the Oregon City Native Plant List.

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

1. Mitigation Planting Option 1.

- a. Planting Quantity. This option requires mitigation planting based on the number and size of trees that are removed from the site pursuant to Table 17.49.180E.1.a.

Table 17.49.180E.1.a
Required Planting

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

- b. Plant Size. Replacement trees shall be at least one-half inch in caliper on average, measured at six inches above the ground level for field grown trees or above the soil line for container grown trees. Oak, madrone, ash or alder may be one gallon size. Conifers shall be a minimum of six feet in height. Shrubs shall be at least one-gallon container size or the equivalent in ball and burlap, and shall be at least twelve inches in height at the time of planting. All other species shall be a minimum of four-inch pots.
- c. Plant Spacing. Except for the outer edges of mitigation areas, trees and shrubs shall be planted in a non-linear fashion. Plant spacing for new species shall be measured from the driplines of existing trees when present. Trees shall be planted on average between eight and twelve feet on center, and shrubs shall be planted on average between four and five feet on center, or clustered in single species groups of no more than four plants, with each cluster planted on average between eight and ten feet on center.
- d. Mulching and Irrigation. Mulch new plantings a minimum of three inches in depth and eighteen inches in diameter. Water new plantings one inch per week from June 30th to September 15th, for the three years following planting.
- e. Plant Species. Shrubs shall consist of at least two different species. If ten trees or more are planted, no more than one-half of the trees may be of the same genus. Conifers shall be replaced with conifers. Bare ground shall be planted or seeded with native grasses and ground cover species.

2. Mitigation Planting Option 2.

- a. Planting Quantity. In this option, the mitigation requirement is calculated based on the size of the disturbance area within the NROD. Native trees and shrubs are required to be planted at a rate of five trees and twenty-five shrubs per every five hundred square feet of disturbance area (calculated by dividing the number of square feet of disturbance area by five hundred, and then multiplying that result times five trees and twenty-five shrubs, and rounding all fractions to the nearest whole number of trees and shrubs; for example, if there will be three hundred thirty square feet of disturbance area, then three hundred thirty divided by five hundred equals .66, and .66 times five equals 3.3, so three trees shall be planted, and .66 times twenty-five equals 16.5, so seventeen shrubs shall be planted). Bare ground shall be planted or seeded with native grasses or herbs. Non-native sterile

wheat grass may also be planted or seeded, in equal or lesser proportion to the native grasses or herbs.

- b. Plant Size. Plantings may vary in size dependent on whether they are live cuttings, bare root stock or container stock, however, no initial plantings may be shorter than twelve inches in height.
 - c. Plant Spacing. Trees shall be planted at average intervals of seven feet on center. Shrubs may be planted in single-species groups of no more than four plants, with clusters planted on average between eight and ten feet on center.
 - d. Mulching and Irrigation shall be applied in the amounts necessary to ensure eighty percent survival at the end of the required five-year monitoring period.
 - e. Plant Diversity. Shrubs shall consist of at least three different species. If twenty trees or more are planted, no more than one-third of the trees may be of the same genus.
- F. An alternative planting plan using native plants may be approved in order to create a new wetland area, if it is part of a wetlands mitigation plan that has been approved by the DSL or the U.S. Army Corps of Engineers (USACE) in conjunction with a wetland joint removal/fill permit application.
- G. Monitoring and Maintenance. The mitigation plan shall provide for a five-year monitoring and maintenance plan with annual reports in a form approved by the community development director. Monitoring of the mitigation site is the on-going responsibility of the property owner, assign, or designee, who shall submit said annual report to the planning division, documenting plant survival rates of shrubs and trees on the mitigation site. Photographs shall accompany the report that indicate the progress of the mitigation. A minimum of eighty percent survival of trees and shrubs of those species planted is required at the end of the five-year maintenance and monitoring period. Any invasive species shall be removed and plants that die shall be replaced in kind to meet the eighty percent survival requirement. Bare spots and areas of invasive vegetation larger than ten square feet that remain at the end the five-year monitoring period shall be replanted or reseeded with native grasses and/or ground cover species.
- H. Covenant or Conservation Easement. The applicant shall record a restrictive covenant or conservation easement, in a form provided by the city, requiring the owners and assigns of properties subject to this section to comply with the applicable mitigation requirements of this section. Said covenant shall run with the land, and permit the city to complete mitigation work in the event of default by the responsible party. Costs borne by the city for such mitigation shall be borne by the owner.
- I. Financial Guarantee. A financial guarantee for establishment of the mitigation area, in a form approved by the city, shall be submitted before development within the NROD disturbance area commences. The city will release the guarantee at the end of the five-year monitoring period, or before, upon its determination that the mitigation plan has been satisfactorily implemented pursuant to this section.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.49.190 Alternative mitigation standards.

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

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

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

- B. The proposed mitigation shall occur at a minimum two-to-one ratio of mitigation area to proposed disturbance area;
- C. The proposed mitigation shall result in a significant improvement to good existing condition as determined by a qualified environmental professional;
- D. There shall be no detrimental impact on resources and functional values in the area designated to be left undisturbed;
- E. Where the proposed mitigation includes alteration or replacement of development in a stream channel, wetland, or other water body, there shall be no detrimental impact related to the migration, rearing, feeding or spawning of fish;
- F. Mitigation shall occur on the site of the disturbance to the extent practicable. If the proposed mitigation cannot practically occur on the site of the disturbance, then the applicant shall possess a legal instrument, such as an easement, sufficient to carry out and ensure the success of the mitigation.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.49.200 Adjustment from standards.

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

- A. There are no feasible alternatives for the proposed use or activity to be located outside the NROD area or to be located inside the NROD area and to be designed in a way that will meet all of the applicable NROD development standards;
- B. The proposal has fewer adverse impacts on significant resources and resource functions found in the local NROD area than actions that would meet the applicable environmental development standards;
- C. The proposed use or activity proposes the minimum intrusion into the NROD area that is necessary to meet development objectives;
- D. Fish and wildlife passage will not be impeded;
- E. With the exception of the standard(s) subject to the adjustment request, all other applicable NROD standards can be met; and
- F. The applicant has proposed adequate mitigation to offset the impact of the adjustment.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.49.210 Type II development permit application.

Unless otherwise directed by the NROD standards, proposed development within the NROD shall be processed as a Type II development permit application. All applications shall include the items required for a complete application by OCMC 17.49.220—17.49.230, and 17.50.080 as well as a discussion of how the proposal meets all of the applicable NROD development standards in OCMC 17.49.100—17.49.170.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.49.220 Required site plans.

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

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

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

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.49.230 Mitigation plan report.

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

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

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.49.240 Density transfer.

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

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

- A. Density may be transferred from the NROD to non-NROD portions of the same property or of contiguous properties within the same development site;
- B. The residential transfer credit shall be as follows: For new residential partitions and subdivisions, one-third of the area of the NROD tract or conservation easement area may be added to the net developable area outside of the tract or conservation easement area within the boundary of the development site in order to calculate the allowable number of lots.
- C. Permitted Modifications to Residential Dimensional Standards. In order to allow for a transfer of density pursuant to subsection B above, the dimensional standards of the base zone may be modified in order minimize disturbance to the NROD. The permissible reductions are specified in Tables 17.49.240.A—17.49.240.C.

- D. The applicant shall demonstrate that the minimum lot size of the underlying zone has been met. The area of the NROD in subsection B. above that is used to transfer density may be included in the calculation of the average minimum lot size.
- E. The applicant may choose to make the adjustments over as many lots as required.

Table 17.49.240.A
Lot Size Reductions Allowed for NROD Density Transfers

ZONE	Minimum Lot Size (%)	Minimum Lot Width	Minimum Lot Depth
R-10	5,000 square feet	50'	65'
R-8	4,000 square feet	45'	60'
R-6	3,500 square feet	35'	55'
R-5	3,000 square feet	30'	50'
R-3.5	1,800 square feet	20'	45'

Table 17.49.240.B
Reduced Dimensional Standards for Detached Single-Family Residential Units and Duplexes

Size of Reduced Lot	Front Yard Setback	Rear Yard Setback	Side Yard Setback	Corner Side	Lot Coverage
8,000—9,999 square feet	15 feet	20 feet	7/9 feet	15 feet	40%
6,000—7,999 square feet	10 feet	15 feet	5/7 feet	15 feet	40%
4,000—5,999 square feet	10 feet	15 feet	5/5 feet	10 feet	40%
1,800—3,999 square feet	5 feet	15 feet	5/5 feet	10 feet	55%

Table 17.49.240.C
Reduced Dimensional Standards for Townhouses

Size of Reduced Lot	Front Yard Setback	Rear Yard Setback	Side yard Setback	Corner Side	Lot Coverage
3,500—7,000 square feet	10 feet	15 feet	5/0* feet	10 feet	40%
1,800—3,499 square feet	5 feet	15 feet	5/0* feet	10 feet	55%

*Zero foot setback is only allowed on townhouses.

- F. For density transfers on properties zoned commercial, institutional, industrial or multi-family, the transfer credit ratio is ten thousand square feet per acre of land within the NROD;
- G. The area of land contained in the NROD area may be excluded from the calculations for determining compliance with minimum density requirements of the land division code.
- H. The owner of the transferring property shall execute a covenant that records the transfer of density. The covenant shall be found to meet the requirements of this section and be recorded before building permits are issued.

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

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.49.250 Verification of NROD boundary.

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

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.49.255 Type I verification.

- A. Applicants for a determination under this section shall submit a site plan meeting the requirements of OCMC 17.49.220, as applicable.
- B. An applicant may request a Type I Verification determination by the community development director. Such requests may be approved provided that there is evidence substantiating that all the requirements of this chapter relative to the proposed use are satisfied and demonstrates that the property also satisfies the following criteria, as applicable:
 1. No soil, vegetation, hydrologic features have been disturbed;
 2. No hydrologic features have been changed;
 3. There are no man-made drainage features, water marks, swash lines, drift lines present on trees or shrubs, sediment deposits on plants, or any other evidence of sustained inundation.
 4. The property does not contain a wetland as identified by the city's local wetland inventory or water quality and flood management areas map.
 5. There is no evidence of a perennial or intermittent stream system or other protected water feature. This does not include established irrigation ditches currently under active farm use, canals or man-made storm or surface water runoff structures or artificial water collection devices.
 6. Evidence of prior land use approvals that conform to the natural resource overlay district, or which conformed to the water quality resources area overlay district that was in effect prior to the current adopted NROD (Ord. No. 99-1013).
 7. There is an existing physical barrier between the site and a protected water feature, including:
 - a. Streets, driveways, alleys, parking lots or other approved impervious areas wider than fifteen feet and which includes drainage improvements that are connected to the city storm sewer system, as approved by the city.
 - b. Walls, buildings, drainages, culverts, topographic features or other structures which form a physical barrier between the site and the protected water features, as approved by the city.
- C. If the city is not able to clearly determine, through the Type I verification process that the applicable criteria subsections B.1. —B.7. above are met, the verification application shall be denied. An applicant may then opt to apply for a verification through the Type II process defined below.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.49.260 Type II verification.

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

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

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.49.265 Corrections to violations.

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

- A. No permanent loss of any type of resource or functional value listed in OCMC 17.49.10, as determined by a qualified environmental professional;
- B. A significant improvement of at least one functional value listed in OCMC 17.49.10, as determined by a qualified environmental professional; and
- C. There will be minimal loss of resources and functional values during the remediation action until it is fully established.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

Chapter 17.50 ADMINISTRATION AND PROCEDURES

17.50.010 Purpose.

This chapter provides the procedures by which Oregon City reviews and decides upon applications for all permits relating to the use of land authorized by ORS 92, 197 and 227. These permits include all form of land divisions, land use, limited land use and expedited land division and legislative enactments and amendments to the Oregon City Comprehensive Plan and Titles 16 and 17 of this code. Pursuant to ORS 227.175, any applicant may elect to consolidate applications for two or more related permits needed for a single development project. Any grading activity associated with development shall be subject to preliminary review as part of the review process for the underlying development. It is the express policy of the city of Oregon City that development review not be segmented into discrete parts in a manner that precludes a comprehensive review of the entire development and its cumulative impacts.

(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		
Expedited land division		X (modified)			x
Extension	X				
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				
Middle housing land division		X (modified)			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			
Residential design standards review for single-family detached, duplexes, triplexes, quadplexes, townhouses, cottage clusters and accessory dwelling units (uses minor site plan and design review)	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. Expedited land divisions and middle housing land divisions are subject to the requirements of OCMC 16.24. The expedited land division (ELD) process is set forth in ORS 197.360 to 197.380.
- 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)

17.50.040 Development review in overlay districts and for erosion control.

For any development subject to regulation of geologic hazards overlay district under OCMC 17.44; natural resource overlay district under OCMC 17.49; Willamette River Greenway Overlay District under OCMC 17.48; historic overlay district under OCMC 17.40, and erosion and sediment control under OCMC 17.47, compliance with the requirements of these chapters shall be reviewed as part of the review process required for the underlying development for the site.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.50.050 Pre-application conference.

- A. Pre-application Conference. Prior to a Type II—IV or legislative application, excluding historic review, being deemed complete, the applicant shall schedule and attend a pre-application conference with city staff to discuss the proposal, unless waived by the community development director. The purpose of the pre-application conference is to provide an opportunity for staff to provide the applicant with information on the likely impacts, limitations, requirements, approval standards, fees and other information that may affect the proposal.
 - 1. To schedule a pre-application conference, the applicant shall contact the planning division, submit the required materials, and pay the appropriate conference fee.
 - 2. At a minimum, an applicant should submit a short narrative describing the proposal and a proposed site plan, drawn to a scale acceptable to the city, which identifies the proposed land uses, traffic circulation, and public rights-of-way and all other required plans.
 - 3. The planning division shall provide the applicant(s) with the identity and contact persons for all affected neighborhood associations as well as a written summary of the pre-application conference.
- B. A pre-application conference shall be valid for a period of six months from the date it is held. If no application is filed within six months of the conference or meeting, the applicant shall schedule and attend another conference before the city will accept a permit application. The community development director may waive the pre-application requirement if, in the director's opinion, the development has not changed significantly and the applicable municipal code or standards have not been significantly amended. In no case shall a pre-application conference be valid for more than one year.
- C. Notwithstanding any representations by city staff at a pre-application conference, staff is not authorized to waive any requirements of this code, and any omission or failure by staff to recite to an applicant all relevant applicable land use requirements shall not constitute a waiver by the city of any standard or requirement.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.50.055 Neighborhood association meeting.

Neighborhood Association Meeting. The purpose of the meeting with the recognized neighborhood association is to inform the affected neighborhood association about the proposed development and to receive the preliminary responses and suggestions from the neighborhood association and the member residents.

- A. Applicants applying for annexations, zone change, comprehensive plan amendments, conditional use, planning commission variances, subdivision, or site plan and design review (excluding minor site plan and design review), general development master plans or detailed development plans applications shall schedule and attend a meeting with the city-recognized neighborhood association in whose territory the application is proposed no earlier than one year prior to the date of application. Although not required for other projects than those identified above, a meeting with the neighborhood association is highly recommended.
- B. The applicant shall request via email or regular mail a request to meet with the neighborhood association chair where the proposed development is located. The notice shall describe the proposed project. A copy of this notice shall also be provided to the chair of the citizen involvement committee.
- C. A meeting shall be scheduled within thirty days of the date that the notice is sent. A meeting may be scheduled later than thirty days if by mutual agreement of the applicant and the neighborhood association. If the neighborhood association does not want to, or cannot meet within thirty days, the applicant shall host a meeting inviting the neighborhood association, citizen involvement committee, and all property owners within three hundred feet to attend. This meeting shall not begin before six p.m. on a weekday or may be held on a weekend and shall occur within the neighborhood association boundaries or at a city facility.

- D. If the neighborhood association is not currently recognized by the city, is inactive, or does not exist, the applicant shall request a meeting with the citizen involvement committee.
- E. To show compliance with this section, the applicant shall submit a copy of the email or mail notice to the neighborhood association and CIC chair, a sign-in sheet of meeting attendees, and a summary of issues discussed at the meeting. If the applicant held a separately noticed meeting, the applicant shall submit a copy of the meeting flyer, postcard or other correspondence used, and a summary of issues discussed at the meeting and submittal of these materials shall be required for a complete application.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.50.060 Application requirements.

A permit application may only be initiated by the record property owner or contract purchaser, the city commission or planning commission. If there is more than one record owner, then the city will not complete a Type II—IV application without signed authorization from all record owners. All permit applications shall be submitted on the form provided by the city, along with the appropriate fee and all necessary supporting documentation and information, sufficient to demonstrate compliance with all applicable approval criteria. The applicant has the burden of demonstrating, with evidence, that all applicable approval criteria are, or can be, met.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.50.070 Completeness review and one hundred twenty-day rule.

- A. Upon submission, the community development director shall date stamp the application form and verify that all of the appropriate application review fee(s) have been submitted. Upon receipt of all review fees and an application form, the community development director will then review the application and all information submitted with it and evaluate whether the application is complete enough to process. Within thirty days of receipt of the application and all applicable review fees, the community development director shall complete this initial review and issue to the applicant a written statement indicating whether the application is complete enough to process, and if not, what information shall be submitted to make the application complete.
- B. The applicant has one hundred eighty days from the date the application was made to submit the missing information or the application shall be rejected and the unused portion of the application fee returned to the applicant. If the applicant submits the requested information within the one hundred eighty-day period, the community development director shall again verify whether the application, as augmented, is complete. Each such review and verification shall follow the procedure in subsection A of this section.

The application will be deemed complete for the purpose of this section upon receipt by the community development director of:

- 1. All the missing information;
- 2. Some of the missing information and written notice from the applicant that no other information will be provided; or
- 3. Written notice from the applicant that none of the missing information will be provided.
- C. Once the community development director determines the application is complete enough to process, or the applicant refuses to submit any more information, the city shall declare the application complete. Pursuant to ORS 227.178, the city will reach a final decision on an application within one hundred twenty calendar days from the date that the application is determined to be or deemed complete unless the applicant agrees to suspend the one hundred twenty-calendar-day timeline or unless state law provides otherwise. The one hundred twenty-day period, however, does not apply in the following situations:
 - 1. Any hearing continuance or other process delay requested by the applicant shall be deemed an extension or waiver, as appropriate, of the one hundred twenty-day period.

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

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.50.080 Complete application—Required information.

Unless stated elsewhere in OCMC 16 or 17, a complete application includes all the materials listed in this subsection. The community development director may waive the submission of any of these materials if not deemed to be applicable to the specific review sought. Likewise, within thirty days of when the application is first submitted, the community development director may require additional information, beyond that listed in this subsection or elsewhere in Titles 12, 14, 15, 16, or 17, such as a traffic study or other report prepared by an appropriate expert. In any event, the applicant is responsible for the completeness and accuracy of the application and all of the supporting documentation, and the city will not deem the application complete until all information required by the community development director is submitted. At a minimum, the applicant shall submit the following:

- A. One copy of a completed application form that includes the following information:
 1. An accurate address and tax map and location of all properties that are the subject of the application;
 2. Name, address, telephone number and authorization signature of all record property owners or contract owners, and the name, address and telephone number of the applicant, if different from the property owner(s);
- B. A complete list of the permit approvals sought by the applicant;
- C. A complete and detailed narrative description of the proposed development;

- D. A discussion of the approval criteria for all permits required for approval of the development proposal that explains how the criteria are or can be met or are not applicable, and any other information indicated by staff at the pre-application conference as being required;
- E. One copy of all architectural drawings and site plans shall be submitted for Type II—IV applications. One paper copy of all application materials shall be submitted for Type I applications;
- F. For all Type II—IV applications, the following is required:
 - 1. An electronic copy of all materials.
 - 2. Mailing labels or associated fee for notice to all parties entitled under OCMC 17.50.090 to receive mailed notice of the application. The applicant shall use the names and addresses of property owners within the notice area indicated on the most recent property tax rolls.
 - 3. Documentation indicating there are no liens favoring the city on the subject site.
 - 4. 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.
 - 5. A current preliminary title report or trio for the subject property(ies);
- G. All required application fees;
- H. Annexation agreements, traffic or technical studies (if applicable);
- I. Additional documentation, as needed and identified by the community development director.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

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.
- B. Notice of Public Hearing on a Type III or IV Quasi-Judicial Application. Notice for all public hearings concerning a quasi-judicial application shall conform to the requirements of this subsection. At least twenty days prior to the hearing, the city shall prepare and send, by first class mail, notice of the hearing 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 city shall also publish the notice on the city website within the city at least twenty days prior to the hearing. Pursuant to OCMC 17.50.080.H, the applicant is responsible for providing 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. Notice of the application hearing shall include the following information:
1. The time, date and location of the public hearing;
 2. Street address or other easily understood location of the subject property and city-assigned planning file number;
 3. A description of the applicant's proposal, along with a list of citations of the approval criteria that the city will use to evaluate the proposal;
 4. A statement that any interested party may testify at the hearing or submit written comments on the proposal at or prior to the hearing and that a staff report will be prepared and made available to the public at least seven days prior to the hearing;
 5. A statement that any issue which is intended to provide a basis for an appeal to the city commission shall be raised before the close of the public record. Issues must be raised and accompanied by statements or evidence sufficient to afford the city and all parties to respond to the issue;
 6. 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;
 7. A statement that the application and all supporting materials and evidence submitted in support of the application may be inspected at no charge and that copies may be obtained at reasonable cost at the planning division offices during normal business hours; and
 8. The name and telephone number of the planning staff person responsible for the application or is otherwise available to answer questions about the application.
- C. Notice of Public Hearing on a Legislative Proposal. At least twenty days prior to a public hearing at which a legislative proposal to amend or adopt the city's land use regulations or comprehensive plan is to be considered, the community development director shall issue a public notice that conforms to the requirements of this subsection. Notice shall be sent to affected governmental entities, special districts, providers of urban services, including Tri-Met, Oregon Department of Transportation and Metro, any affected recognized neighborhood associations and any party who has requested in writing such notice. Notice shall also be published on the city website. Notice issued under this subsection shall include the following information:
1. The time, date and location of the public hearing;
 2. The city-assigned planning file number and title of the proposal;
 3. A description of the proposal in sufficient detail for people to determine the nature of the change being proposed;

4. A statement that any interested party may testify at the hearing or submit written comments on the proposal at or prior to the hearing; and
5. The name and telephone number of the planning staff person responsible for the proposal and who interested people may contact for further information.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

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.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.50.110 Assignment of decision-makers.

The following city entity or official shall decide the following types of applications:

- A. Type I Decisions. The community development director shall render all Type I decisions. The community development director's decision is the city's final decision on a Type I application.
- B. Type II Decisions. The community development director shall render the city's decision on all Type II permit applications, which are then appealable to the city commission with notice to the planning commission. The city's final decision is subject to review by LUBA.
- C. Type III Decisions. The planning commission or historic review board, as applicable, shall render all Type III decisions. Such decision is appealable to the city commission, on the record. The city commission's decision is the city's final decision and is subject to review by LUBA within twenty-one days of when it becomes final.
- D. Type IV Decisions. The planning commission shall render the initial decision on all Type IV permit applications. If the planning commission denies the Type IV application, that decision is final unless appealed in accordance with OCMC 17.50.190. If the planning commission recommends approval of the application, that recommendation is forwarded to the city commission. The city commission decision is the city's final decision on a Type IV application and is subject to review LUBA.
- E. Expedited Land Division (ELD). The community development director shall render the initial decision on all ELD applications. The community development director's decision is the city's final decision unless appealed in accordance to ORS 197.375 to a city-appointed hearings referee. The hearings referee decision is the city's final decision which is appealable to the Oregon Court of Appeals.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.50.120 Quasi-judicial hearing process.

All public hearings pertaining to quasi-judicial permits, whether before the planning commission, historic review board, or city commission, shall comply with the procedures of this section. In addition, all public hearings held pursuant to this chapter shall comply with the Oregon Public Meetings Law, the applicable provisions of ORS 197.763 and any other applicable law.

- A. Once the community development director determines that an application for a Type III or IV decision is complete, the planning division shall schedule a hearing before the planning commission or historic review board, as applicable. Once the community development director determines that an appeal of a Type II, Type III or Type IV decision has been properly filed under OCMC 17.50.190, the planning division shall schedule a hearing pursuant to OCMC 17.50.190.
- B. Notice of the Type III or IV hearing shall be issued at least twenty days prior to the hearing in accordance with OCMC 17.50.090.B.
- C. Written notice of an appeal hearing shall be sent by regular mail no later than fourteen days prior to the date of the hearing to the appellant, 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.
- D. The community development director shall prepare a staff report on the application which lists the applicable approval criteria, describes the application and the applicant's development proposal, summarizes all relevant city department, agency and public comments, describes all other pertinent facts as they relate to the application and the approval criteria and makes a recommendation as to whether each of the approval criteria are met.
- E. At the beginning of the initial public hearing at which any quasi-judicial application or appeal is reviewed, a statement describing the following shall be announced to those in attendance:
 1. That the hearing will proceed in the following general order: Staff report, applicant's presentation, testimony in favor of the application, testimony in opposition to the application, rebuttal, record closes, commission deliberation and decision;
 2. That all testimony and evidence submitted, orally or in writing, shall be directed toward the applicable approval criteria. If any person believes that other criteria apply in addition to those addressed in the staff report, those criteria shall be listed and discussed on the record. The meeting chairperson may reasonably limit oral presentations in length or content depending upon time constraints. Any party may submit written materials of any length while the public record is open;
 3. Failure to raise an issue on the record with sufficient specificity and accompanied by statements or evidence sufficient to afford the city and all parties to respond to the issue, will preclude appeal on that issue to the land use board of appeals;
 4. Any party wishing a continuance or to keep open the record shall make that request while the record is still open;
 5. That the commission chair shall call for any ex-parte contacts, conflicts of interest or bias before the beginning of each hearing item; and
 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.
- F. Requests for continuance and to keep open the record: The hearing may be continued to allow the submission of additional information or for deliberation without additional information. New notice of a continued hearing need not be given so long as a time-certain and location is established for the continued hearing. Similarly, hearing may be closed but the record kept open for the submission of

additional written material or other documents and exhibits. The chairperson may limit the factual and legal issues that may be addressed in any continued hearing or open record period.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.50.130 Conditions of approval and notice of decision.

- A. All city decision-makers have the authority to impose reasonable conditions of approval designed to ensure that all applicable approval standards, including standards set out in city overlay districts, the city's master plans, and city public works design standards, are, or can be met.
- B. Failure to comply with any condition of approval shall be grounds for revocation of the permit(s) and grounds for instituting code enforcement proceedings pursuant to OCMC 1.20 of this code and ORS 30.315.
- C. Notice of Decision. The city shall send, by first class mail, a notice of all decisions rendered under this chapter to all persons with standing, i.e., the applicant, all others who participated either orally or in writing before the close of the public record and those who specifically requested notice of the decision. The notice of decision shall include the following information:
 - 1. The file number and date of decision;
 - 2. The name of the applicant, owner and appellant (if different);
 - 3. The street address or other easily understood location of the subject property;
 - 4. A brief summary of the decision, and if an approval, a description of the permit approved;
 - 5. A statement that the decision is final unless appealed and description of the requirements for perfecting an appeal;
 - 6. The contact person, address and a telephone number whereby a copy of the final decision may be inspected or copies obtained.
- D. Modification of Conditions. Any request to modify a condition of permit approval is to be considered either minor modification or a major modification, unless otherwise authorized. A minor modification shall be processed as a Type I. A major modification shall be processed in the same manner and shall be subject to the same standards as was the original application. However, the decision-maker may at their sole discretion, consider a modification request and limit its review of the approval criteria to those issues or aspects of the application that are proposed to be changed from what was originally approved.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

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.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

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.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.50.150 Covenant with the city.

- A. The city may impose as a condition of final approval of a quasi-judicial permit, the requirement that the applicant execute a covenant with the city agreeing to comply with all conditions of approval. Any such covenant shall include the following elements:
 - 1. An agreement that the applicant will comply with all applicable code requirements, conditions of approval and any representations made to the city by the applicant or the applicant's agents during the application review process, in writing. This commitment shall be binding on the applicant and all of the applicant's successors, heirs and assigns;
 - 2. If the owner fails to perform under the covenant, the city may immediately institute revocation of the approval or any other enforcement action available under state law or this code. The covenant may also provide for payment of attorney fees and other costs associated with any such enforcement action; and
 - 3. Where the development rights of one site are dependent on the performance of conditions by the owner of another property (such as joint access), the covenants are judicially enforceable by the owner of one site against the owner of another.
- B. Adopting the Covenant. The form of all covenants shall be approved by the city attorney. The covenant shall run with the land and shall be placed in the county deed records prior to the issuance of any permits or development activity pursuant to the approval. Proof of recording shall be made prior to the issuance of any permits and filed with the planning division. Recording shall be at the applicant's expense. Any covenant required under this section shall be properly signed and executed within thirty days after permit approval with conditions; provided, however, that the community development director may grant reasonable extensions, not to exceed an additional thirty days, in cases of practical difficulty. Failure to sign and record the covenant within the prescribed period shall require a new application for any use of the subject property.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.50.160 Ex parte contact, conflict of interest and bias.

The following rules shall govern any challenges to a decision-maker's participation in a quasi-judicial action:

- A. Ex parte Contacts. Any factual information obtained by a decision-maker outside the context of a quasi-judicial hearing shall be deemed an ex parte contact. Prior to the close of the record in any particular matter, any decision-maker that has obtained any materially factual information through an ex parte

contact shall declare the content of that contact and allow any interested party to rebut the substance of that contact. This rule does not apply to legislative proceedings.

- B. Conflict of Interest. Whenever a decision-maker, or any member of a decision-maker's immediate family or household, has a financial interest in the outcome of a particular quasi-judicial or legislative matter, that decision-maker shall not participate in the deliberation or decision on that matter.
- C. Bias. All decisions in quasi-judicial matters shall be fair, impartial and based on the applicable approval standards and the evidence in the record. Any decision-maker who is unable to render a decision on this basis in any particular matter shall refrain from participating in the deliberation or decision on that matter. This rule does not apply to legislative proceedings.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.50.170 Legislative hearing process.

- A. Purpose. Legislative actions involve the adoption or amendment of the city's land use regulations, comprehensive plan, maps, inventories and other policy documents that affect the entire city or large portions of it. Legislative actions which affect land use shall begin with a public hearing before the planning commission.
- B. Planning Commission Review.
 - 1. Hearing Required. The planning commission shall hold at least one public hearing before recommending action on a legislative proposal. Any interested person may appear and provide written or oral testimony on the proposal at or prior to the hearing. The community development director shall notify the Oregon Department of Land Conservation and Development (DLCD) as required by the post-acknowledgment procedures of ORS 197.610 to 197.625, as applicable.
 - 2. The Community Development Director's Report. Once the planning commission hearing has been scheduled and noticed in accordance with OCMC 17.50.090.C and any other applicable laws, the community development director shall prepare and make available a report on the legislative proposal at least seven days prior to the hearing.
 - 3. Planning Commission Recommendation. At the conclusion of the hearing, the planning commission shall adopt a recommendation on the proposal to the city commission. The planning commission shall make a report and recommendation to the city commission on all legislative proposals. If the planning commission recommends adoption of some form of the proposal, the planning commission shall prepare and forward to the city commission a report and recommendation to that effect.
- C. City Commission Review.
 - 1. City Commission Action. Upon a recommendation from the planning commission on a legislative action, the city commission shall hold at least one public hearing on the proposal. Any interested person may provide written or oral testimony on the proposal at or prior to the hearing. At the conclusion of the hearing, the city commission may adopt, modify or reject the legislative proposal, or it may remand the matter to the planning commission for further consideration. If the decision is to adopt at least some form of the proposal, and thereby amend the city's land use regulations, comprehensive plan, official zoning maps or some component of any of these documents, the city commission decision shall be enacted as an ordinance.
 - 2. Notice of Final Decision. Not later than five days following the city commission final decision, the community development director shall mail notice of the decision to DLCD in accordance with ORS 197.615(2).

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.50.180 Objections to procedure.

Any party who objects to the procedure followed in any particular matter, including bias, conflict of interest and undisclosed ex parte contacts, shall make a procedural objection prior to the city rendering a final decision. Procedural objections may be raised at any time prior to a final decision, after which they are deemed waived. In making a procedural objection, the objecting party shall identify the procedural requirement that was not properly followed and identify how the alleged procedural error harmed that person's substantial rights.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

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)

17.50.200 Expiration of an approval.

- A. **When Approvals Become Void.** All Type I—IV approvals, except for zoning or comprehensive plan map amendments, conditional use or master plan approvals, all Type I—IV approvals automatically become void if any of the following events occur:
1. If, within three years of the date of the final decision, an application for a building permit has not been submitted. Unless the approval provides otherwise, all building permits associated with the approval shall be issued within five years of date of the final decision.
 2. If, within three years of the date of the final decision for all land divisions, property line adjustments, abandonments, or replat, the plat or survey approved in the decision has not been submitted to the Clackamas County Surveyors Office for recording. The plat or survey shall be recorded within five years of date of the final decision.
 3. Annexations become void if a vote of the citizens rejects the application.
- B. **New Application Required.** Expiration of an approval shall require a new application for any use on the subject property that is not otherwise allowed outright.
- C. **Deferral of the Expiration Period Due to Appeals.** If a permit decision is appealed beyond the jurisdiction of the city, the expiration period shall not begin until review before the land use board of appeals and the appellate courts has been completed, including any remand proceedings before the city. The expiration period provided for in this section will begin to run on the date of final disposition of the case (the date when an appeal may no longer be filed).

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.50.230 Interpretation.

Where a provision of Title 12, 14, 15, 16, or Title 17 conflicts with another city ordinance or requirement, the provision or requirement that is more restrictive or specific shall control.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.50.240 Conformity of permits.

The city shall not accept any application for a permit, certificate or other approval, including building permit applications, for any property that is not in full compliance with all applicable provisions of Title 16 and Title 17 and

any permit approvals previously issued by the city. The city shall not issue a Type II—IV permit, permit recordation of a land division with the Clackamas County Surveyor's Office, or allow finalization of a project for a Type II—IV development, until any pending liens in favor of the city filed against the property have been fully resolved.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.50.270 Revocation of a previously approved permit.

In the event an applicant, or the applicant's successor in interest, fails to fully comply with all conditions of permit approval or otherwise does not comply fully with the city's approval, the city may institute a revocation or modification proceeding under this section.

- A. Situations when Permit Approvals may be Revoked or Modified. All quasi-judicial permits may be revoked or modified if the planning commission determines a substantial likelihood that any of the following situations exists:
 - 1. One or more conditions of the approval have not been implemented or have been violated;
 - 2. The activities of the use, or the use itself, are substantially different from what was approved; or
 - 3. The use is subject to the nonconforming use regulations, the applicant has not obtained approval, and has substantially changed its activities or substantially increased the intensity of its operations since the use became nonconforming.
- B. Process for Revocation and Modification. Revocation or modification shall be processed as a Type IV decision. The planning division or any private complaining party shall have the burden of proving, based on substantial evidence in the whole record, that the applicant or the applicant's successor has in some way violated the city's approval.
- C. Possible Actions at the Revocation Hearing. Depending on the situation, the planning commission may take any of the actions described below. The planning commission may not approve the new use or a use that is more intense than originally approved unless the possibility of this change has been stated in the public notice. Uses or development which are alleged to have not fulfilled conditions, violate conditions or the use is not consistent with the city's approval may be subject to the following actions:
 - 1. The planning commission may find that the use or development is complying with the conditions of the approval. In this case, the use or development shall be allowed to continue.
 - 2. The planning commission may modify the approval if it finds that the use or development does not meet the standards for revocation and that the use can comply with the original approval criteria if certain conditions are met. In this case, the planning commission may modify the existing conditions, add new conditions to ensure compliance with the approval criteria, or refer the case to the code compliance officer for enforcement of the existing conditions.
 - 3. The planning commission may revoke the approval if it finds there are substantial violations of conditions or failure to implement conditions of prior land use decisions, such that the original approval criteria for the use or development are not being met.
- D. Effect of Revocation. In the event permit approval is revoked, the use or development becomes illegal. The use or development shall be terminated within thirty days of the date the revocation final order is approved by the planning commission, unless the decision provides otherwise. In the event the decision-maker's decision on a revocation request is appealed, the revocation action shall be stayed pending a final, unappealed decision.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.50.280 Transfer of approval rights.

Unless otherwise stated in the city's permit decision, any approval granted under Title 16 or Title 17 of this code runs with the land and is transferred with ownership of the land. Any conditions, time limits or other restrictions imposed with a permit approval shall bind all subsequent owners of the property for which the permit was granted.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.50.290 Fees.

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)

Chapter 17.52 OFF-STREET PARKING AND LOADING

17.52.010 Applicability.

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

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.52.015 Planning commission adjustment of parking standards.

- A. Purpose. The purpose of permitting a planning commission adjustment to parking standards is to provide for flexibility in modifying parking standards in all zoning districts, without permitting an adjustment that would adversely impact the surrounding or planned neighborhood. Adjustments provide flexibility to those uses which may be extraordinary, unique, or provide greater flexibility for areas that can accommodate a denser development pattern based on existing infrastructure and ability to access the site by means of walking, biking or transit. An adjustment to a minimum parking standard may be approved based on a determination by the planning commission that the adjustment is consistent with the purpose of this code, and the approval criteria can be met.
- B. Procedure. A request for a planning commission parking adjustment shall be initiated by a property owner or authorized agent by filing a land use application. The application shall be accompanied by a site plan, drawn to scale, showing the dimensions and arrangement of the proposed development and parking plan, the extent of the adjustment requested along with findings for each applicable approval criteria. A request for a parking adjustment shall be processed as a Type III application as set forth in Chapter 17.50.
- C. Approval criteria for the adjustment are as follows:
 1. Documentation. The applicant shall document that the individual project will require an amount of parking that is different from that required after all applicable reductions have been taken.
 2. Parking Analysis for Surrounding Uses and On-Street Parking Availability. The applicant shall show that there is a continued fifteen percent parking vacancy in the area adjacent to the use during peak parking periods and that the applicant has permission to occupy this area to serve the use pursuant to the procedures set forth by the community development director.
 - a. For the purposes of demonstrating the availability of on street parking as defined in OCMC 17.52.020.B.3, the applicant shall undertake a parking study during time periods specified by the community development director. The time periods shall include those during which the highest parking demand is anticipated by the proposed use. Multiple observations during multiple days shall be required. Distances are to be calculated as traversed by a pedestrian that utilizes sidewalks and legal crosswalks or an alternative manner as accepted by the community development director.
 - b. The on-site parking requirements may be reduced based on the parking vacancy identified in the parking study. The amount of the reduction in on-site parking shall be calculated as follows:
 - i. Vacant on-street parking spaces within three hundred feet of the site will reduce on-site parking requirements by 0.5 parking spaces; and
 - ii. Vacant on-street parking spaces between three hundred and six hundred feet of the site will reduce on-site parking requirements by 0.2 parking spaces.
 3. Function and Use of Site. The applicant shall demonstrate that modifying the amount of required parking spaces will not significantly impact the use or function of the site and/or adjacent sites.

4. Compatibility. The proposal is compatible with the character, scale and existing or planned uses of the surrounding neighborhood.
5. Safety. The proposal does not significantly impact the safety of adjacent properties and rights-of-way.
6. Services. The proposal will not create a significant impact to public services, including fire and emergency services.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

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
Multi-family residential	1.00 per unit	2.5 per unit
Triplex and quadplex	2.00	4
Hotel, motel	1.0 per guest room	1.25 per guest room
Correctional Institution	1 per 7 beds	1 per 5 beds
Senior housing, including congregate care, residential care and assisted living facilities; nursing homes and other types of group homes	1 per 7 beds	1 per 5 beds
Hospital	2.00	4.00
Preschool nursery/kindergarten	2.00	3.00
Elementary/middle school	1 per classroom	1 per classroom + 1 per administrative employee + 0.25 per seat in auditorium/assembly room/stadium
High school, college, commercial school for adults	0.20 per # staff and students	0.30 per # staff and students
Auditorium, meeting room, stadium, religious assembly building, movie theater	.25 per seat	0.5 per seat
Retail store, shopping center, restaurants	4.10	5.00
Office	2.70	3.33
Medical or dental clinic	2.70	3.33
Sports club, recreation facilities	Case specific	5.40
Storage warehouse, freight terminal	0.30	0.40
Manufacturing, wholesale establishment	1.60	1.67
Light industrial, industrial park	1.3	1.60

1. Multiple Uses. In the event several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately.
2. Requirements for types of buildings and uses not specifically listed herein shall be determined by the community development director, based upon the requirements of comparable uses listed.

3. Where calculation in accordance with the 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.
 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.
 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.
- B. Parking requirements can be met either on-site, or off-site 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.
 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.
 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.
 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.
- 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);
 - b. When adjacent to multi-family development with over eighty units; or

- c. Within one thousand three hundred twenty feet of an existing or planned public transit street and within one thousand three hundred twenty 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.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.52.030 Standards for automobile parking.

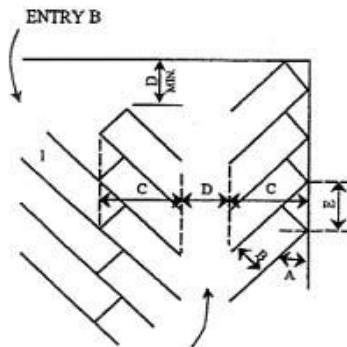
- A. Access. Ingress and egress locations on public thoroughfares shall be located in the interests of public traffic safety and meet requirements of OCMC 16.12.035. Groups of more than four parking spaces shall be so located and served by driveways so that their use will require no backing movements or other maneuvering within a street right-of-way other than an alley.
- 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 stormwater runoff and improve water quality pursuant to the city's stormwater and low impact development design standards are encouraged.
- 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.
- 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.

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.

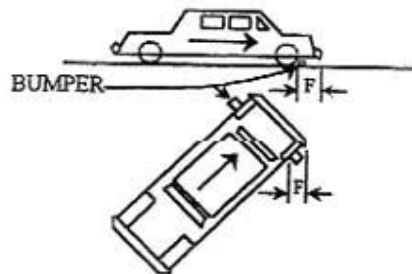
Parking Standard
Parking Angle Space Dimensions

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.



TYPICAL PARKING LAYOUT
ENTRY A



NOTE: SPACE 1 CONTINGENT UPON ENTRY B
OVERHANG

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

- E. 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."

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.52.040 Bicycle parking standards.

- A. Purpose-Applicability. To encourage bicycle transportation to help reduce principal reliance on the automobile, and to ensure bicycle safety and security, bicycle parking shall be provided in conjunction with all uses other than exclusively residential use with less than five dwellings on-site (excluding cottage clusters).
- 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)
Correctional institution	1 per 15 auto spaces (minimum of 2)	30% (minimum of 1)
Nursing home or care facility	1 per 30 auto spaces (minimum of 2)	30% (minimum of 1)
Hospital	1 per 20 auto spaces (minimum of 2)	30% (minimum of 1)
Park-and-ride lot	1 per 5 auto spaces (minimum of 2)	50% (minimum of 1)
Transit center	1 per 5 auto spaces (minimum of 2)	50% (minimum of 1)
Parks and open space	1 per 10 auto spaces (minimum of 2)	0%
Public parking lots	1 per 10 auto spaces (minimum of 2)	50% (minimum of 1)

Automobile parking structures	1 per 10 auto spaces (minimum of 4)	80% (minimum of 2)
Religious institutions, movie theater, auditorium or meeting room	1 per 10 auto spaces (minimum of 2)	30% (minimum of 1)
Libraries, museums	1 per 5 auto spaces (minimum of 2)	30% (minimum of 1)
Preschool, nursery, kindergarten	2 per classroom (minimum of 2)	50% (minimum of 1)
Elementary	4 per classroom (minimum of 2)	50% (minimum of 1)
Junior high and High school	2 per classroom (minimum of 2)	50% (minimum of 2)
College, business/commercial schools	2 per classroom (minimum of 2)	50% (minimum of 1)
Swimming pools, gymnasiums, ball courts	1 per 10 auto spaces (minimum of 2)	30% (minimum of 1)
Retail stores and shopping centers	1 per 20 auto spaces (minimum of 2)	50% (minimum of 2)
Retail stores handling exclusively bulky merchandise such as automobile, boat or trailer sales or rental	1 per 40 auto spaces (minimum of 2)	0%
Bank, office	1 per 20 auto spaces (minimum of 2)	50% (minimum of 1)
Medical and dental clinic	1 per 20 auto spaces (minimum of 2)	50% (minimum of 1)
Eating and drinking establishment	1 per 20 auto spaces (minimum of 2)	0%
Gasoline service station	1 per 10 auto spaces (minimum of 2)	0%

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

C. Design Standards.

1. Bicycle parking facilities shall be in the form of a lockable enclosure on-site, secure room in a building on-site, a covered or uncovered rack on-site, 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 bicycle frame is supported horizontally at two or more places.
 - b. The frame and at least one wheel of the bicycle can be locked to the rack with a standard U-type lock.
 - c. The user is not required to lift the bicycle onto the bicycle rack.
 - d. Each bicycle parking space is accessible without moving another bicycle.

- e. It is a minimum of thirty inches tall and eighteen inches wide between the two points of contact.
- f. 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.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.52.060 Parking lot landscaping.

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

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

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

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

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.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.52.090 Loading areas.

- A. Purpose. The purpose of this section is to provide adequate loading areas for commercial, office, retail and industrial uses that do not interfere with the operation of adjacent streets.
- 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.
- 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.
 - 2. Where parking areas are prohibited between a building and the street, loading areas or drive isles are also prohibited.
 - 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 five a.m. and twelve a.m. or all operations between twelve a.m. and five 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.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

Chapter 17.58 LAWFUL NONCONFORMING USES, STRUCTURES AND LOTS

17.58.010 Purpose.

Nonconforming situations are created when the application of zoning district to a site changes or the zoning regulations change. As part of the change, existing uses, density, or development might no longer be allowed or are further restricted. Nonconforming uses, structures and lots are those uses, structures and lots that were lawfully established but do not conform to the provisions of this title or the provisions of the zoning district in which the use, structure or lot is located. The intent of these provisions is not to force all nonconforming situations immediately to be brought into conformance. Instead, the intent is to guide nonconforming situations in a new direction consistent with city policy, and, eventually, bring them into conformance.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.58.015 Applicability.

The regulations of this chapter apply only to those nonconforming situations that were lawfully established or that were approved through a land use decision. All nonconforming structures, uses or lots shall have been maintained over time. These situations have lawful nonconforming status. Nonconforming situations that were not allowed when established or have not been maintained over time have no lawful right to continue.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.58.020 Lawful nonconforming lots of record.

Lots or parcels lawfully created but which do not now conform to the legal lot standards in this land use code may be occupied by uses otherwise permitted if those uses comply with all other provisions of this land use code.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.58.030 Lawful nonconforming use.

A use that was lawfully established on a particular development site but that no longer complies with the allowed uses or the standards for those uses in this title may be considered a lawful nonconforming use. Change of ownership, tenancy, or management of a lawfully established nonconforming use shall not affect its lawful nonconforming status. The continuation of a lawful nonconforming use is subject to the following:

- A. Discontinuance. If a lawful nonconforming use is discontinued for a period of one year, it shall lose its lawful nonconforming status and the use of the property thereafter shall conform with the existing provisions of this title. If a nonconforming use ceases operations, even if the structure or materials related to the use remain, the use shall be deemed to have been discontinued.
- B. Conformance. If a lawful nonconforming use is converted to a conforming use, no nonconforming use may be resumed.
- C. Destruction of a Nonresidential Use. When a structure containing a lawful nonconforming nonresidential use is damaged by fire or other causes, the re-establishment of the nonconforming use shall be prohibited if the repair cost of the structure is more than sixty percent of its assessed value.
- D. Destruction of a Residential Use. When a structure containing a lawful nonconforming residential use is damaged by fire or other causes, the re-establishment of the nonconforming use shall be permitted.
- E. Intentional Destruction. When a structure containing a nonconforming use is removed or intentionally damaged by fire or other causes within the control of the owner, the re-establishment of the nonconforming use shall be prohibited.

- F. Expansion. No lawful nonconforming use may be replaced by a different type of nonconforming use, nor may any legal nonconforming use be expanded or intensified.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.58.040 Lawful nonconforming structure or site.

A structure or site that was lawfully established but no longer conforms to all development standards of this land use code (such as setbacks) shall be considered lawfully nonconforming. Notwithstanding development standard requirements in this code, minor repairs and routine maintenance of a lawful nonconforming structure are permitted. The continuation of a lawful nonconforming structure or site is subject to the following:

- A. Accidental Destruction. When a nonconforming structure is damaged by fire or other causes, the structure may be rebuilt using the same structure footprint.
- B. Intentional Destruction. When a nonconforming structure is removed or intentionally damaged by fire or other causes within the control of the owner, the replacement structure shall comply with the development standards of this title.
- C. Expansion. An expansion of a lawful nonconforming structure or site may be approved, conditionally approved or denied in accordance with the standards and procedures of this section.
 - 1. In making a determination on such applications, the decision maker shall weigh the proposal's positive and negative features and the public convenience or necessity to be served against any adverse conditions that would result from authorizing the particular development at the location proposed, and, to approve such expansion, it shall be found that the criteria identified in OCMC 17.58.060 have either been met, can be met by observance of conditions, or are not applicable.
 - 2. Increases in the square footage of a building and/or site improvements which include installation of any additional off-street parking stalls that exceed the threshold of subparagraph C.2.a below shall comply with the development standards listed in subparagraph C.2.b. The value of the alterations and improvements is based on the entire project and not individual building permits.
 - a. Thresholds triggering compliance. The standards of subparagraph C.2.b below shall be met when the value of the increase in square footage of a building and/or increase in off-street parking stalls, as determined by the community development director, is more than seventy-five thousand dollars. The following alterations and improvements shall not be included in the threshold calculation:
 - i. Proposed alterations to meet approved fire and life safety agreements;
 - ii. Alterations related to the removal of existing architectural barriers, as required by the Americans with Disabilities Act, or as specified in Section 1113 of the Oregon Structural Specialty Code;
 - iii. Alterations required to meet seismic design requirements; and
 - iv. Improvements to on-site stormwater management facilities in conformance with Oregon City Stormwater Design Standards.
 - b. Standards that shall be met. Developments not complying with the development standards listed below shall be brought into conformance:
 - i. Pedestrian circulation systems, as set out in the pedestrian standards that apply to the sites;
 - ii. Minimum perimeter parking lot landscaping;
 - iii. Minimum interior parking lot landscaping;

- iv. Minimum site landscaping requirements;
 - v. Bicycle parking by upgrading existing racks and providing additional spaces in order to comply with OCMC 17.52, Off-Street Parking and Loading;
 - vi. Screening; and
 - vii. Paving of surface parking and exterior storage and display areas.
- c. Area of Required Improvements.
- i. Generally. Except as provided in subparagraph C.2.c.ii below, required improvements shall be made for the entire site.
 - ii. Exception for Sites with Ground Leases. Required improvements may be limited to a smaller area if there is a ground lease for the portion of the site where the alterations are proposed. If all of the following are met, the area of the ground lease will be considered as a separate site for purposes of required improvements. The applicant shall meet the following:
 - A. The signed ground lease, or excerpts from the lease document satisfactory to the city attorney, shall be submitted to the community development director. The portions of the lease shall include the following:
 - 1. The term of the lease. In all cases, there shall be at least one year remaining on the ground lease; and
 - 2. A legal description of the boundaries of the lease.
 - B. The boundaries of the ground lease shall be shown on the site plan submitted with the application. The area of the lease shall include all existing and any proposed development that is required for, or is used exclusively by, those uses within the area of the lease; and
 - C. Screening shall not be required along the boundaries of ground leases that are interior to the site.
- d. Timing and cost of required improvements. The applicant may choose one of the two following options for making the required improvements:
- i. Option 1. Required improvements may be made as part of the alteration that triggers the required improvements. The cost of the standards that shall be met, identified in subparagraph C.2.b above, is limited to ten percent of the value of the proposed alterations. It is the responsibility of the applicant to document to the Community Development Director the value of the required improvements. Additional costs may be required to comply with other applicable requirements associated with the proposal. When all required improvements are not being made, the priority for the improvements shall be as listed in subparagraph C.2.b above.
 - ii. Option 2. Required improvements may be made over several years, based on the compliance period identified in Table 17.58-1. However, by the end of the compliance period, the site shall be brought fully into compliance with the standards listed in subparagraph C.2.b. Where this option is chosen, the following shall be met:
 - A. Before a building permit is issued, the applicant shall submit the following to the community development director:

1. A nonconforming development assessment, which identifies in writing and on a site plan, all development that does not meet the standards listed in subparagraph C.2.b.
 2. A covenant, in a form approved by the city attorney, executed by the property owner that meets the requirements of OCMC 17.50.150. The covenant shall identify development on the site that does not meet the standards listed in subparagraph C.2.b, and require the owner to bring that development fully into compliance with this title. The covenant shall also specify the date by which the owner will be in conformance. The date shall be within the compliance periods set out in Table 17.58-1.
- B. The nonconforming development identified in the nonconforming development assessment shall be brought into full compliance with the requirements of this title within the following compliance periods. The compliance period begins when a building permit is issued for alterations to the site of more than seventy-five thousand dollars. The compliance periods are based on the size of the site (see Table 17.58-1).
- C. By the end of the compliance period, the applicant or owner shall request that the site be certified by the community development director as in compliance. If the request is not received within that time, or if the site is not fully in conformance, no additional building permits will be issued.
- D. If the regulations referred to by subparagraph C.2.b are amended after the nonconforming development assessment is received by the community development director, and those amendments result in development on the site that was not addressed by the assessment becoming nonconforming, the applicant shall address the new nonconforming development using Option 1 or 2. If the applicant chooses Option 2, a separate nonconforming development assessment, covenant and compliance period will be required for the new nonconforming development.

Table 17.58-1
Compliance Periods for Option 2

Square Footage of Site	Compliance Period
Less than 150,000 square feet	2 years
150,000 square feet or more, up to 300,000 square feet	3 years
300,000 square feet or more, up to 500,000 square feet	4 years
More than 500,000 square feet	5 years

- D. Conversion. Conversion of an existing single-family detached residential unit in a residential zone to a middle housing unit with no expansion of the building is permitted. The standards of subsection C shall apply to any expansion of the structure associated with the conversion.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 18-1005, § 1(Exh. A), 5-2-2018; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.58.060 Process to confirm the legality of a nonconforming use, lot or structure.

Any person may request a Type I or a Type II review to confirm the legality of a nonconforming use, lot, structure or site. In order to confirm that the nonconforming use, lot, structure or site is legal, sufficient evidence shall be submitted to the city determining the following:

- A. The nonconforming use, lot, structure or site was established lawfully; and
- B. The nonconforming use, lot, structure or site has not become more nonconforming within the past twenty years from the date of application.

The applicant shall provide sufficient evidence to allow the community development director to review and confirm the legality of a nonconforming use, lot, structure or site. An applicant may request a Type I procedure, provided the applicant can provide sufficient evidence to confirm OCMC 17.58.060.A and B without discretion. If the applicant cannot provide sufficient evidence to determine OCMC 17.58.060.A and B without discretion, the applicant may apply for a Type II procedure. Applications for a Type II procedures shall be noticed to the public in a public comment period to gather additional information. If the applicant cannot show that the nonconforming use, lot, structure or site was lawfully established or has not been expanded pursuant to OCMC 17.58.060.A and B above, the use, lot, structure or site shall be determined to be illegal.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

Chapter 17.62 SITE PLAN AND DESIGN REVIEW

17.62.010 Purpose.

The purposes of site plan and design review are to: Encourage site planning in advance of construction; protect lives and property from potential adverse impacts of development; consider natural or man-made hazards which may impose limitations on development; conserve the city's natural beauty and visual character and minimize adverse impacts of development on the natural environment as much as is reasonably practicable; assure that development is supported with necessary public facilities and services; ensure that structures and other improvements are properly related to their sites and to surrounding sites and structure; and implement the city's comprehensive plan and land use regulations with respect to development standards and policies.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

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. Onsite utility location OCMC 17.62.050.G;
 - e. Building location in OCMC 17.62.055.D;
 - f. Building details in OCMC 17.62.055.I;
 - g. Windows in OCMC 17.62.055.J;
 - h. Parking lot landscaping in OCMC 17.52.060.
2. Modifications that are denied through Type II design review may be requested as a variance through the variance process pursuant to OCMC 17.60.020 or master plan adjustment pursuant to OCMC 17.65.070 as applicable.
3. Rather than a modification, applicants may choose to apply for a variance through the variance process pursuant to OCMC 17.60.020 or master plan adjustment pursuant to OCMC 17.65.070 as applicable.

B. The review body may approve requested modifications if it finds that the applicant has shown that the following approval criteria are met:

1. The modification will result in a development that better meets the applicable design guidelines; and
2. The modification meets the intent of the standard. On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019; Ord. No. 21-1007, § 1(Exh. A), 4-21-2021)

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 nonresidential 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	5 or more dwellings, except cottage cluster

Site plan and design review shall not alter the type and category of uses permitted in the underlying zoning districts.

Only the standards of OCMC 17.62.035 apply to duplex, triplex, quadplex, cottage cluster, townhouse, single-family detached residential unit, 7 live/work dwelling and accessory dwelling unit Type I applications.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.62.035 Minor site plan and design review.

This section provides for a minor site plan and design review process. Minor site plan review is a Type I or Type II decision, as described in OCMC 17.62.035.A, subject to administrative proceedings described in OCMC 17.50 and may be utilized as the appropriate review process only when authorized by the community development director. The purpose of this type of review is to expedite design review standards for uses and activities that require only a minimal amount of review, typical of minor modifications and/or changes to existing uses or buildings.

A. Type I Minor Site Plan and Design Review.

1. Applicability. Type I applications involve no discretion and are typically processed concurrently with a building permit application. The Type I process is not applicable for:
 - a. Any activity which is included with or initiates actions that require Type II—IV review.
 - b. Any increase in square footage of a conditional or nonconforming use (excluding nonconforming structures).
 - c. Any proposal in which nonconforming upgrades are required under OCMC 17.58.
 - d. Any proposal in which modifications are proposed under OCMC 17.62.015.
2. The following projects may be processed as a Type I application:
 - a. Addition of up to two hundred square feet to a commercial, institutional, or multi-family structure in which no increases are required to off-street parking. This includes a new ancillary structure, addition to an existing structure, or new interior space (excluding new drive thru). Increases of more than two hundred square feet in a twelve-month period shall be processed as Type II.
 - b. Addition of up to one thousand square feet to an industrial use in which no increases are required to off-street parking. This includes a new ancillary structure, addition to an existing structure, or new interior space (excluding ancillary retail and office). Increases of

more than one thousand square feet in a twelve-month period shall be processed as Type II.

- c. Temporary structures, excluding mobile vendors.
 - d. Removal, replacement or addition of awnings, or architectural projections to existing structures.
 - e. Addition, modification, or relocation of refuse enclosure.
 - f. Changes to amount, location, or design of bicycle parking.
 - g. Installation of mechanical equipment.
 - h. Repaving of previously approved parking lots with no change to striping.
 - i. Replacement of exterior building materials.
 - j. Addition of windows and doors, relocation of windows and doors in which transparency levels remain unchanged, or removal of windows and doors provided minimum transparency requirements are still met.
 - k. Addition or alteration of parapets or rooflines.
 - l. Modification of building entrances.
 - m. Addition to or alteration of a legal nonconforming single- or two-family dwelling.
 - n. Change to parking lot circulation or layout, excluding driveway modifications.
 - o. Removal or relocation of vehicle parking stalls provided total parking remains between approved minimum and maximum with no new reductions other than through the downtown parking district.
 - p. Adoption of shared parking agreements.
 - q. Changes to landscaping that do not require stormwater quality and quantity treatment under OCMC 13.12.
 - r. New or changes to existing pedestrian accessways, walkways or plazas.
 - s. Installation of or alterations to ADA accessibility site elements.
 - t. Modification or installation of a fence, hedge, or wall, or addition of a fence, hedge or wall.
 - u. Addition of or alterations to outdoor lighting.
 - v. Demolition of any structure or portion of a structure.
 - w. Tree removal.
 - x. Type I master plan amendments under OCMC 17.65.080.
 - y. Mobile food units in one location for five hours or less as identified in OCMC 17.54.115.
 - z. Duplex, triplex, quadplex, cottage cluster, townhouse, single-family detached residential unit, live/work dwelling, and accessory dwelling unit.
 - aa. Placement of a single manufactured home within an existing space or lot in a manufactured home park.
3. Submittal Requirements. A Type I application shall include:
- a. A narrative describing the project.
 - b. Site plan drawings showing existing conditions/uses and proposed conditions/uses.

- c. Architectural drawings, including building elevations and envelopes, if architectural work is proposed.
 - d. A completed application form.
 - e. Any other information determined necessary by the community development director.
- B. Type II Minor Site Plan and Design Review.
 - 1. Type II minor site plan and design review applies to the following uses and activities unless those uses and activities qualify for Type I review per OCMC 17.62.035.A:
 - a. Modification of an office, commercial, industrial, institutional, public or multi-family structure that does not increase the interior usable space (for example covered walkways or entryways, addition of unoccupied features such as clock tower, etc.).
 - b. Modification to parking lot layout and landscaping, or the addition of up to five parking spaces.
 - c. A maximum addition of up to one thousand square feet to a commercial, office, institutional, public, multi-family, or industrial building provided that the addition is not more than thirty-five percent of the original building square footage.
 - d. Mobile food units in OCMC 17.54.115.
 - e. Other land uses and activities may be added if the community development director makes written findings that the activity/use will not increase off-site impacts and is consistent with the type and/or scale of activities/uses listed above.
 - 2. Application. The application for the Type II minor site plan and design review shall contain the following elements:
 - a. The submittal requirements of OCMC 17.50.
 - b. A narrative explaining all aspects of the proposal in detail and addressing each of the applicable criteria listed in OCMC 17.62.
 - c. Site plan drawings showing existing conditions/uses and proposed conditions/uses.
 - d. Architectural drawings, including building elevations and envelopes, if architectural work is proposed.
 - e. Additional submittal material may be required by the community development director on a case-by-case basis.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.62.040 Items required.

A complete application for site plan and design review shall be submitted. Except as otherwise in subsection I of this section, the application shall include the following:

- A. A site plan or plans, to scale, containing the following:
 - 1. Vicinity information showing streets and access points, pedestrian and bicycle pathways, transit stops and utility locations;
 - 2. The site size, dimensions, and zoning, including dimensions and gross area of each lot or parcel and tax lot and assessor map designations for the proposed site and immediately adjoining properties;

3. Contour lines at two-foot contour intervals for grades zero to ten percent, and five-foot intervals for grades over ten percent;
 4. The location of natural hazard areas on and within one hundred feet of the boundaries of the site, including:
 - a. Areas indicated on floodplain maps as being within the one hundred-year floodplain,
 - b. Unstable slopes, as defined in OCMC 17.44.020,
 - c. Areas identified on the seismic conditions map in the comprehensive plan as subject to earthquake and seismic conditions;
 5. The location of natural resource areas on and within one hundred feet of the boundaries of the site, including fish and wildlife habitat, existing trees (six inches or greater in caliper measured four feet above ground level), wetlands, streams, natural areas, wooded areas, areas of significant trees or vegetation, and areas designated as being within the natural resources overlay district;
 6. The location of inventoried historic or cultural resources on and within one hundred feet of the boundaries of the site;
 7. The location, dimensions, and setback distances of all existing permanent structures, improvements and utilities on or within twenty five feet of the site, and the current or proposed uses of the structures;
 8. The location, dimensions, square footage, building orientation and setback distances of proposed structures, improvements and utilities, and the proposed uses of the structures by square footage;
 9. The location, dimension and names, as appropriate, of all existing and platted streets, other public ways, sidewalks, bike routes and bikeways, pedestrian/bicycle accessways and other pedestrian and bicycle ways, transit street and facilities, neighborhood activity centers, and easements on and within two hundred fifty feet of the boundaries of the site;
 10. The location, dimension and names, as appropriate, of all proposed streets, other public ways, sidewalks, bike routes and bikeways, pedestrian/bicycle accessways and other pedestrian and bicycle ways, transit streets and facilities, neighborhood activity centers, and easements on and within two hundred feet of the boundaries of the site;
 11. All parking, circulation, loading and servicing areas, including the locations of all carpool, vanpool and bicycle parking spaces as required in OCMC 17.52;
 12. Site access points for automobiles, pedestrians, bicycles and transit;
 13. On-site pedestrian and bicycle circulation;
 14. Outdoor common areas proposed as open space;
 15. Total impervious surface created (including buildings and hard ground surfaces);
 16. The proposed location, dimensions and materials of fences and walls.
- B. A landscaping plan, drawn to scale, showing the location and types of existing trees (six inches or greater in caliper measured four feet above ground level) and vegetation proposed to be removed and to be retained on the site, the location and design of landscaped areas, the varieties, sizes and spacings of trees and plant materials to be planted on the site, other pertinent landscape features, and irrigation systems required to maintain plant materials.
- C. Architectural drawings or sketches, drawn to scale and showing floor plans, elevations accurately reflected to grade, and exterior materials of all proposed structures and other improvements as they

will appear on completion of construction. The name of the adjacent street shall be identified on each applicable building elevation.

- D. An electronic materials board clearly depicting all building materials with specifications as to type, color and texture of exterior materials of proposed structures.
- E. An erosion/sedimentation control plan, in accordance with the requirements of OCMC 17.47 and the public works erosion and sediment control standards, and a drainage plan developed in accordance with city drainage master plan requirements, OCMC 13.12 and the public works stormwater and grading design standards. The drainage plan shall identify the location of drainage patterns and drainage courses on and within one hundred feet of the boundaries of the site. Where development is proposed within an identified hazard area, these plans shall reflect concerns identified in the hydrological/geological/geotechnical development impact statement.
- F. An exterior lighting plan, drawn to scale, showing type, height, and area of illumination.
- G. Archeological Monitoring Recommendation. For all projects that will involve ground disturbance, the applicant shall provide:
 - 1. A letter or email from the Oregon State Historic Preservation Office Archaeological Division indicating the level of recommended archeological monitoring on-site, or demonstrate that the applicant had notified the Oregon State Historic Preservation Office and that the Oregon State Historic Preservation Office had not commented within forty-five days of notification by the applicant; and
 - 2. A letter or email from the applicable tribal cultural resource representative of the Confederated Tribes of the Grand Ronde, Confederated Tribes of the Siletz, Confederated Tribes of the Umatilla, Confederated Tribes of the Warm Springs and the Confederated Tribes of the Yakama Nation indicating the level of recommended archeological monitoring on-site, or demonstrate that the applicant had notified the applicable tribal cultural resource representative and that the applicable tribal cultural resource representative had not commented within forty-five days of notification by the applicant.

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

- H. Such special studies or reports as the community development director may require to obtain information to ensure that the proposed development does not adversely affect the surrounding community or identified natural resource areas or create hazardous conditions for persons or improvements on the site. The community development director shall require an applicant to submit one or more development impact evaluations as may be necessary to establish that the city's traffic safety or capacity standards, natural resource, including geologic hazard and flood plain overlay districts, will be satisfied.
- I. The community development director may waive the submission of information for specific requirements of this section or may require information in addition to that required by a specific provision of this section, as follows:
 - 1. The community development director may waive the submission of information for a specific requirement upon determination either that specific information is not necessary to evaluate the application properly, or that a specific approval standard is not applicable to the application. If submission of information is waived, the community development director shall, in the decision, identify the waived requirements, explain the reasons for the waiver, and state that the waiver may be challenged on appeal and may be denied by a subsequent review authority. If the matter

is forwarded to the planning commission for initial review, the information required by this paragraph shall be included in the staff report;

2. The community development director may require information in addition to that required by a specific provision of this section upon determination that the information is needed to evaluate the application properly and that the need can be justified on the basis of a special or unforeseen circumstance as necessary to comply with the applicable standards. If additional information is required, the community development director shall, in the decision, explain the reasons for requiring the additional information.
- J. All new utilities shall be placed underground.
1. Service poles may be allowed on private property when undergrounding service is technically or physically infeasible.
- K. One full-sized copy of all architectural and site plans.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019; Ord. No. 21-1007, § 1(Exh. A), 4-21-2021)

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.
- B. Vehicular Access and Connectivity.

1. Parking areas shall be located behind the building façade that is closest to the street, below buildings, or on one or both sides of buildings.
 2. Existing or future connections to adjacent sites through the use of vehicular and pedestrian access easements which provide connection from the right-of-way to the adjoining property shall be provided.
 3. Parcels larger than three acres shall provide streets as required in OCMC 16.12.
 4. Parking garage entries shall not be more than half of the streetscape.
- C. A well-marked, continuous and protected on-site pedestrian circulation system meeting the following standards shall be provided:
1. Pathways between all building entrances and the street are required. Pathways between the street and buildings fronting on the street shall be direct and not cross a drive aisle. Exceptions may be allowed by the director where steep slopes, a physically constrained site, or protected natural resources prevent a direct connection or where an indirect route would enhance the design and/or use of a common open space.
 2. The pedestrian circulation system shall connect all main entrances, parking areas, bicycle parking, recreational areas, common outdoor areas, and any pedestrian amenities on the site. For buildings fronting on the street, the sidewalk may be used to meet this standard.
 3. The pedestrian circulation system shall connect the principal building entrance to those of buildings on adjacent sites, except within industrial zoning designations.
 4. Elevated external stairways or walkways shall not extend beyond the building facade except for external stairways or walkways located in, or facing interior courtyard areas that are not visible from the street or a public access easement. This standard does not apply to sky-bridges or skyways.
 5. On-site pedestrian walkways shall be hard surfaced, well drained and at least five feet wide. Surface material shall contrast visually to adjoining surfaces. When bordering parking spaces other than spaces for parallel parking, pedestrian walkways shall be a minimum of seven feet in width unless curb stops are provided. When the pedestrian circulation system is parallel and adjacent to an auto travel lane, the walkway shall be raised or separated from the auto travel lane by a raised curb, bollards, landscaping or other physical barrier.
- If a raised walkway is used, the ends of the raised portions shall be equipped with curb ramps for each direction of travel. Pedestrian walkways that cross drive isles or other vehicular circulation areas shall utilize a change in textual material or height to alert the driver of the pedestrian crossing area.
- D. All development shall maintain continuous compliance with applicable federal, state, and city standards.
- E. Adequate public water and sanitary sewer facilities sufficient to serve the proposed or permitted level of development shall be provided pursuant to OCMC 16.12. The applicant shall demonstrate that adequate facilities and services are presently available or can be made available concurrent with development. Service providers shall be presumed correct in the evidence, which they submit. All facilities shall be designated to city standards as set out in the city's facility master plans and public works design standards. A development may be required to modify or replace existing off-site systems if necessary to provide adequate public facilities. The city may require over sizing of facilities where necessary to meet standards in the city's facility master plan or to allow for the orderly and efficient provision of public facilities and services. Where over sizing is required, the developer may request reimbursement from the city for over sizing based on the city's reimbursement policy and fund availability, or provide for recovery of costs from intervening properties as they develop.

- F. If a transit agency, upon review of an application for an industrial, institutional, retail or office development, recommends that a bus stop, bus turnout lane, bus shelter, accessible bus landing pad, lighting, or transit stop connection be constructed, or that an easement or dedication be provided for one of these uses, consistent with an agency adopted or approved plan at the time of development, the review authority shall require such improvement, using designs supportive of transit use. Improvements at a major transit stop may include intersection or mid-block traffic management improvements to allow for crossings at major transit stops, as identified in the city's transportation system plan.
- G. Screening of Mechanical Equipment. Commercial, mixed-use, institutional, and multi-family buildings shall include the following measures to screen or block views of mechanical equipment from adjacent streets according to the following requirements:
1. Rooftop mechanical equipment, including HVAC equipment and utility equipment that serves the structure, shall be screened from view from the adjacent street on all new buildings or building additions. Screening shall be accomplished through the use of parapet walls or a sight-obscuring enclosure around the equipment constructed of one of the primary materials used on the primary facades of the structure, and that is an integral part of the building's architectural design. The parapet or screen shall completely surround the rooftop mechanical equipment to an elevation equal to or greater than the highest portion of the rooftop mechanical equipment being screened from adjacent streets, as viewed from the sidewalk or future sidewalk location on the adjacent street at pedestrian level. In the event such parapet wall does not fully screen all rooftop equipment, then the rooftop equipment shall be enclosed by a screen constructed of one of the primary materials used on the primary facade of the building so as to achieve complete screening. Screening requirements do not apply to new or replacement equipment on existing buildings. New or replacement rooftop mechanical equipment on existing buildings shall be painted or powder-coated.
 2. Wall-mounted mechanical HVAC and air conditioning equipment, and groups of multiple utility meters shall not be placed on the front facade of a building or on a facade that faces a right-of-way. Wall-mounted mechanical equipment, including air conditioning and groups of multiple utility meters, that extend six inches or more from the outer building wall shall be screened from view from adjacent streets; from residential, public, and institutional properties; and from public areas of the site or adjacent sites through the use of (a) sight-obscuring enclosures constructed of one of the primary materials used on the primary facade of the structure, (b) sight-obscuring fences, or (c) trees or shrubs that block at least eighty percent of the equipment from view or (d) painting the units to match the building. Wall-mounted mechanical equipment that extends six inches or less from the outer building wall shall be designed to blend in with the color and architectural design of the subject building. Vents which extend six inches or less from the outer building wall shall [be] exempt from this standard if painted.
 3. Ground-mounted above-grade mechanical equipment shall be screened by ornamental fences, screening enclosures, trees, or shrubs that block at least eighty percent of the view from the public right-of-way.
 4. This section shall not apply to the installation of solar energy panels, photovoltaic equipment, wind power generating equipment, dishes/antennas, pipes, vents, and chimneys.
- H. Building Materials.
1. Prohibited Materials. The following materials shall be prohibited in visible locations from the right-of-way or a public access easement unless an exception is granted by the community development director based on the integration of the material into the overall design of the structure:
 - a. Vinyl or plywood siding (including T-111 or similar plywood).

- b. Glass block or highly tinted, reflected, translucent or mirrored glass (except stained glass) as more than ten percent of the building facade.
 - c. Corrugated fiberglass.
 - d. 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.g, or when located on properties within the general industrial district).
 - e. Crushed colored rock/crushed tumbled glass.
 - f. Non-corrugated and highly reflective sheet metal.
 - g. Tarps, except for the protection of outside storage.
2. Special Material Standards. The following materials are allowed if they comply with the requirements found below:
- a. 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.
 - b. 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.
 - c. 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.
 - d. Building surfaces shall be maintained in a clean condition and painted surfaces shall be maintained to prevent or repair peeling, blistered or cracking paint.
 - e. Membrane or fabric covered storage areas are permitted as temporary structures, excluding the use of tarps.
 - f. 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.
 - g. Chain link fencing is permitted in the following circumstances:
 - 1. Within city-owned parks and recreational facilities.
 - 2. On any property when used for a baseball or softball backstop or dugout, track and field facility, or sports court.
- I. Temporary Structures. Temporary structures are permitted pursuant to the following standards:
- 1. Structures up to two hundred square feet:
 - a. Shall not be on a property for more than three consecutive days;
 - b. Shall not be on a property more than six times per year;
 - c. Shall comply with the minimum dimensional standards of the zoning designation;
 - d. Shall be sited so as to leave the minimum number of parking spaces for the primary uses as required by OCMC 17.52 or as otherwise specified in a land use approval;
 - e. Shall not disturb ingress or egress to the site; and

- f. Shall be exempt from all sections of OCMC 12.08, 16.12, 17.52 and 17.62 except subsections 17.62.050.I and J.
- 2. Temporary structures larger than two hundred square feet may be permitted up to two times per year; and:
 - a. Structures larger than two hundred square feet up to eight hundred square feet:
 - i. Shall not be on a property for more than thirty consecutive days;
 - ii. Shall comply with the minimum dimensional standards of the zoning designation;
 - iii. Shall be sited so as to leave the minimum number of parking spaces for the primary uses as required by OCMC 17.52 or as otherwise specified in a land use approval;
 - iv. Shall not disturb ingress or egress to the site; and
 - v. Shall be exempt from all sections of OCMC 12.08, 16.12, 17.52 and 17.62 except subsections 17.62.050.I and J.
 - b. Structures larger than eight hundred square feet:
 - i. Shall not be on a property for more than seven consecutive days;
 - ii. Shall comply with the minimum dimensional standards of the zoning designation;
 - iii. Shall be sited so as to leave the minimum number of parking spaces for the primary uses as required by OCMC 17.52 or as otherwise specified in a land use approval;
 - iv. Shall not disturb ingress or egress to the site; and
 - v. Shall be exempt from all sections of OCMC 12.08, 16.12, 17.52 and 17.62 except subsections 17.62.050.I and J.
- 3. Government owned properties are exempt from all sections of OCMC 12.08, 16.12, 17.52 and 17.62 except subsections 17.62.050.H and I and the dimensional standards of the zoning designation.
- J. All new utilities shall be placed underground.
 - 1. Service poles may be allowed on private property when undergrounding service is technically or physically infeasible.
- K. Development shall comply with requirements of the following Oregon City Municipal Code chapters, as applicable, including but not limited to:
 - 1. Chapter 12.04, Streets, Sidewalks and Public Places.
 - 2. Chapter 12.08, Public and Street Trees.
 - 3. Chapter 13.04, Water Service System.
 - 4. Chapter 13.08, Sewer Regulations.
 - 5. Chapter 13.12, Stormwater Management.
 - 6. Chapter 16.12, Minimum Improvements and Design Standards for Development.
 - 7. Chapter 17.20, Residential Design Standards for ADU's, Cluster Housing, Internal Conversions, Live/Work Units, and Manufactured Home Parks.

8. Chapter 17.40, Historic Overlay District.
9. Chapter 17.41, Tree Protection Standards.
10. Chapter 17.42, Flood Management Overlay District.
11. Chapter 17.44, Geologic Hazards.
12. Chapter 17.47, Erosion and Sediment Control.
13. Chapter 17.48, Willamette River Greenway.
14. Chapter 17.49, Natural Resource Overlay District.
15. Chapter 17.50, Administration and Procedures.
16. Chapter 17.52, Off-Street Parking and Loading.
17. Chapter 17.54, Supplemental Zoning Regulations and Exceptions.
18. Chapter 17.58, Lawful Nonconforming Uses, Structures, and Lots.
19. Chapter 17.65, Master Plans and Planned Unit Development.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019; Ord. No. 21-1007, § 1(Exh. A), 4-21-2021)

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

- A. Purpose. The primary objective of the regulations contained in this section is to provide a range of design choices that promote creative, functional, and cohesive development that is compatible with surrounding areas. Buildings approved in compliance with these standards are intended to serve multiple tenants over the life of the building, and are not intended for a one-time occupant. The standards encourage people to spend time in the area, which also provides safety through informal surveillance. Finally, this section is intended to promote the design of an urban environment that is built to human scale by creating buildings and streets that are attractive to pedestrians, create a sense of enclosure, provide activity and interest at the intersection of the public and private spaces, while also accommodating vehicular movement.
- B. Applicability. This section applies to institutional, office, multi-family, retail and commercial buildings except accessory structures less than one thousand square feet and temporary structures.
- C. Conflicts. With the exception of standards for building orientation and building front setbacks, in the event of a conflict between a design standard in this section and a standard or requirement contained in the underlying zoning district, the standard in the zoning district shall prevail.
- D. Siting of Structures. On sites with one hundred feet or more of frontage at least sixty percent of the site frontage width shall be occupied by buildings placed within five feet of the property line. For sites with less than one hundred feet of street frontage, at least fifty percent of the site frontage width shall be occupied by buildings placed within five feet of the property. Multi-family developments shall be placed no farther than twenty feet from the front property line. This section does not apply to properties with less than forty feet of frontage.

A larger front yard setback may be approved through site plan and design review if the setback area incorporates at least one element from the following list for every five feet of increased setback requested:

1. Tables, benches or other approved seating area.
2. Cobbled, patterned or paved stone or enhanced concrete.
3. Pedestrian scale lighting.
4. Sculpture/public art.

5. Fountains/water feature.
 6. At least twenty square feet of landscaping or planter boxes for each tenant facade fronting on the activity area.
 7. Outdoor café.
 8. Enhanced landscaping or additional landscaping.
 9. Other elements, as approved by the community development director, that can meet the intent of this section.
- E. **Building Orientation.** All buildings along the street frontage shall face the front most architecturally significant facade toward the street and have a functional primary entrance facing the street. Primary building entrances shall be clearly defined and recessed or framed by a sheltering element such as an awning, arcade or portico in order to provide shelter from the summer sun and winter weather.
- F. **Entryways.** Entrances shall include a doorway and a minimum of four of the following elements:
1. Display windows; recesses or projections; peaked roof or raised parapet over the door; canopy of at least five feet in depth; porch; distinct materials; architectural details such as tile work and moldings; pedestrian amenities such as benches, planters or planter boxes; landscape treatments integrating arbors, low walls, trellis work; or similar elements. Trellises, canopies and fabric awnings may project up to five feet into front setbacks and public rights-of-way, provided that the base is not less than eight feet at the lowest point and no higher than ten feet above the sidewalk.
- G. **Corner Lots.** For buildings located at the corner of intersections, the primary entrance of the building shall be located at the corner of the building or within twenty-five feet of the corner of the building. Additionally, one of the following treatments shall be required:
1. Incorporate prominent architectural elements, such as increased building height or massing, cupola, turrets, or pitched roof, at the corner of the building or within twenty-five feet of the corner of the building.
 2. Chamfer the corner of the building (i.e. cut the corner at a forty-five degree angle and a minimum of ten feet from the corner) and incorporate extended weather protection (arcade or awning), special paving materials, street furnishings, or plantings in the chamfered area.
 3. Standards 1 and 2 above do not apply to vertically attached 3—4 plexes, multi-family buildings or multi-family portions of residential mixed-use buildings.
- H. **Variation in Massing.** For street facing facades greater than 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.
- I. **Building Design Elements.**
1. All front and side facades shall provide a design element or architectural feature that add interest and detail such that there are no blank walls of thirty feet in length or more, measured horizontally. Features that can meet this requirement include:
 - a. Change in building material or texture;
 - b. Window or door;
 - c. Balcony; or

- d. Pillar or post.
- 2. Street facing facades shall include additional design features. For every thirty feet of façade length, three of the following elements are required:
 - a. Decorative materials on more than ten percent of the total wall area (e.g., brick or stonework, shingles, wainscoting, ornamentation, and similar features);
 - b. Decorative cornice and/or roof line (e.g., for flat roofs);
 - c. Roof gable;
 - d. Recessed entry;
 - e. Covered canopy entry;
 - f. Cupola or tower;
 - g. Dormer;
 - h. Balcony;
 - i. Pillars or posts;
 - j. Repeating pattern of building materials;
 - k. A change in plane of at least two feet in width and six inches in depth;
 - l. Bay or oriel window; or
 - m. An alternative feature providing visual relief and detail as approved by the community development director.
- 3. Building Detail Variation. Architectural features shall be varied on different buildings within the same development. At least two of the required features on each street-facing elevation shall be distinct from the street-facing elevations of other buildings within the same development.
- J. Windows.
 - 1. The minimum windows requirements are set forth in Table 17.62.055.J. Windows are measured in lineal fashion between 3.5 feet and six feet from the ground. For example, a one hundred-foot long building elevation would be required to have at least sixty feet (sixty percent of one hundred feet) of windows in length between the height of 3.5 feet and six feet from the ground.

Table 17.62.055.J
Minimum Windows

Use	Ground Floor: Front and Street Facing Facades	Upper Floor(s): Front and Street Facing Facades	Ground Floor: Side(s) Facades	Upper Floor(s): Side(s) Facades
Non-Multi-Family (or Portions of Buildings Thereof)	60%	10%	30%	10%
Multi-Family (or Portions of Buildings Thereof)	15%	15%	10%	10%

2. Reflective, glazed, mirrored or tinted glass is limited to ten percent of the lineal footage of windows on the street facing facade. Highly reflective or glare-producing glass with a reflective factor of one-quarter or greater is prohibited on all building facades. Any glazing materials shall have a maximum fifteen percent outside visual light reflectivity value. No exception shall be made for reflective glass styles that appear transparent when internally illuminated.
 3. Side walls that face walkways may include false windows and door openings only when actual doors and windows are not feasible because of the nature of the use of the interior use of the building. False windows located within twenty feet of a right-of-way shall be utilized as display windows with a minimum display depth of thirty-six inches.
 4. Multi-family windows shall incorporate window trim at least four inches in width when surrounded by horizontal or vertical lap siding.
- K. Roof Treatments. The maximum length of any continuous roofline on a street-facing façade shall be seventy-five feet without a cross gable or change in height of at least two feet.
- L. Drive-through facilities shall:
1. Be located at the side or rear of the building.
 2. Be designed to maximize queue storage on-site.
- M. Special development standards along transit streets.
1. Purpose. This section is intended to provide direct and convenient pedestrian access to retail, office and institutional buildings from public sidewalks and transit facilities and to promote pedestrian and transit travel to commercial and institutional facilities.
 2. Applicability. Except as otherwise provide in this section, the requirements of this section shall apply to the construction of new retail, office and institutional buildings which front on a transit street.
 3. Development Standards.
 - a. All buildings shall have at least one main building entrance oriented towards the transit street. A main building entrance is oriented toward a transit street if it is directly located on the transit street, or if it is linked to the transit street by an on-site pedestrian walkway that does not cross off-street parking or maneuvering areas.
 - i. If the site has frontage on more than one transit street, or on a transit street and a street intersecting a transit street, the building shall provide one main building entrance oriented to the transit street or to the corner where the two streets intersect.
 - ii. For building facades over three hundred feet in length on a transit street, two or more main building entrances shall be provided as appropriate and oriented towards the transit street.
 - b. In the event a requirement of this section conflicts with other requirements in Title 17, the requirements of this section shall control.
 4. Exemptions. The following permitted uses are exempted from meeting the requirements of subsection 3 of this section:
 - a. Heavy equipment sales;
 - b. Motor vehicle service stations, including convenience stores associated therewith; or
 - c. Solid waste transfer stations.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.62.056 Additional standards for large retail establishments.

Retail building(s) occupying more than ten thousand gross square feet of floor area shall contribute to the establishment or enhancement of community and public spaces by providing at least two of the following:

- A. Patio/seating area;
- B. Pedestrian plaza with benches;
- C. Transportation center;
- D. Window shopping walkway;
- E. Outdoor playground area;
- F. Kiosk area, water feature;
- G. Clock tower; or
- H. Other such deliberately shaped area and/or a focal feature or amenity that, in the judgment of the appropriate decision maker, adequately enhances such community and public spaces. Any such areas shall have direct access to the public sidewalk network and such features shall not be constructed of materials that are inferior to the principle materials of the building and landscape.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

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.
- C. Usable Open Space Types.
 - 1. Common open spaces shall be accessible to all residents of the development and include landscaped courtyards, decks, gardens with pathways, children's play areas, common rooftop decks and terraces, and other multipurpose recreational or green spaces. Common open spaces may be used to meet one hundred percent of the usable open space requirement. Design standards:
 - a. Minimum dimensions for common open space shall be twelve feet with a minimum size of two hundred square feet for developments with twenty units or less, and twenty feet with a minimum size of four hundred square feet for developments with twenty-one or more units.
 - b. Common open space shall feature a mix of natural and recreational amenities to make the area more functional and enjoyable for a range of users. Sites with twenty units or less shall provide a

minimum of two of the following amenities, and sites with twenty-one units or more shall provide a minimum of three of the following amenities and an additional amenity for every twenty units over forty, rounded up.

1. Landscaping areas.
2. Community gardening areas.
3. Large trees expected to reach over eighteen inches dbh at maturity.
4. Seating.
5. Pedestrian-scaled lighting.
6. Hard-surfaced pedestrian paths in addition to those required for internal pedestrian circulation.
7. Paved courtyard or plaza.
8. Gazebos or other decorative shelters.
9. Play structures for children.
10. Sports courts.
11. An alternative amenity as approved by the community development director.
 - c. Common open space shall be separated from ground level windows, streets, service areas and parking lots with landscaping, low-level fencing, and/or other treatments as approved by the city that enhance safety and privacy for both the common open space and dwelling units.
 - d. Common open space shall be accessible from the dwelling units and, as appropriate, from public streets and sidewalks. The space shall be oriented to encourage activity from local residents.
2. Private open space that is not open to all residents includes balconies, patios, and other outdoor multi-purpose recreational or green spaces. It may be used to meet up to fifty percent of the usable open space requirement.
 - a. Minimum dimensions for private open space shall be five feet with a minimum size of forty square feet.
3. Indoor recreational space may be used to meet up to twenty-five percent of the usable open space requirement provided the space is:
 - a. Accessible to all dwelling units.
 - b. Designed for and includes equipment for a recreational use (e.g., exercise, group functions, etc.).

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.62.058 Additional public park and open space requirements in Thimble Creek Concept Plan Area—Nonresidential development.

- A. New non-residential development creating new commercial or industrial space will contribute to the creation of the parks and open space within the Thimble Creek Concept Plan by contributing a fee in lieu to the city to support the acquisition and interim use of needed park and open space land within the concept plan boundary as follows:
 1. The fee in lieu will be set by the city commission and adopted yearly in the city's fee schedule. The fee shall only be used by the city for park, trail and open space acquisition and interim site development.
 2. The fee-in-lieu or other equivalent monetary contribution, approved by the community development director, must be paid prior to approval of the certificate of occupancy.

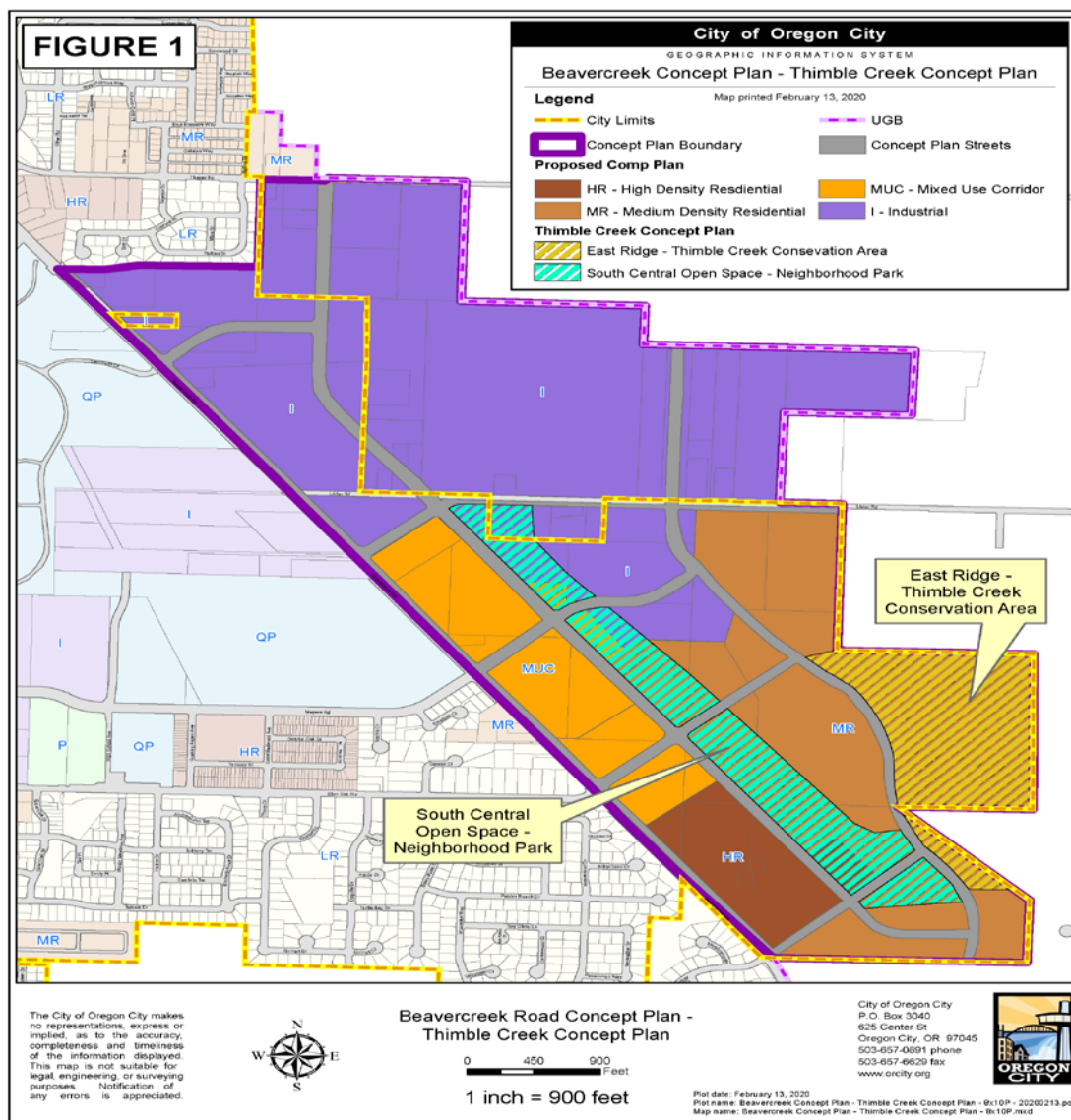
(Ord. No. 21-1006, § 1(Exh. A), 7-1-2020)

17.62.059 Additional public park and open space requirements in Thimble Creek Concept Plan Area—Residential development.

- A. Each development within the Thimble Creek Concept Plan area that includes residential development must dedicate land for neighborhood parks and open space subject to the location requirement set forth in subsection D as follows:
 - 1. The minimum acreage of land dedicated for the South-Central Open Space-Neighborhood Park as provided in the following calculation: $(2.6 \text{ persons per dwelling units}) \times (\text{total number of dwelling units proposed}) \times (\text{four acres}) / (\text{one thousand persons})$;
 - 2. The minimum amount of land in acres dedicated for the East Ridge-Thimble Creek Conservation Area shall be 7.5 acres; and
 - 3. The entire acreage must be dedicated as part of the final plat or site plan development approval for the first phase of development.
- B. If a larger area for a neighborhood park or open space is proposed than is required based on the per-unit calculation described in subsection A, for the south Central Open Space Neighborhood Park, the city must reimburse the applicant for the value of the amount of land that exceeds the required dedication based on the fee-in-lieu formula expressed in subsection C.
- C. The city may accept a fee-in-lieu as an alternative to this dedication at its discretion or may require a fee-in-lieu if a suitable site meeting the criteria described in subsection D of these provisions is not available within the development site. The calculation of the fee-in-lieu or other monetary contributions must meet the following standards:
 - 1. The amount of the fee in lieu of other monetary contributions shall be determined by a licensed, city selected appraiser retained by the applicant, who will value the excessive dedication assuming that zoning and other land use entitlement necessary for park and open space development are in place.
 - 2. The fee-in-lieu or other monetary contribution shall be paid current with public dedication.
- D. Neighborhood park and open space sites proposed for dedication must be located within the South-Central Open Space Network and East Ridge Thimble Creek Conservation Area Park locations as shown in Figure 17.62.059-1 and meet the following locational and development standards:
 - 1. South Central Open Space-Neighborhood Park.
 - a. Thirty-foot ped/bikeway string along the east side of Center Parkway to be located in a shared-use path and will not be considered part of a pearl.
 - b. Up to four pearls of various sizes spread along the open space network.
 - c. Minimum sizes pearl: Two acres minimum.
 - d. Maximum size pearl: None.
 - e. Minimum combined size of all pearls: Ten acres.
 - f. Minimum average pearl width: Two hundred feet.
 - g. Minimum average pearl depth: Two hundred feet.
 - h. At least five acres to be developed with active recreation components.
 - i. The first pearl dedicated must be at least three acres in size.
 - 2. East Ridge-Thimble Creek Conservation Area shall include:

- a. One-half of area between the Thimble Creek stream buffer and the four hundred ninety-foot elevation ridgeline to be open space;
- b. Two public viewpoints separated by at least four hundred feet with a minimum size of .35 acre at less than ten percent slope for each viewpoint. One of the viewpoints must be visible from a passing vehicle on the Ridge Parkway;
- c. Seven hundred-foot non-interrupted view corridor along the open space from the east edge of the Ridge Parkway; and
- d. Provide a pedestrian-oriented forest trail from one view-point to another along the Ridge Parkway.

Figure 17.62.059-1



(Ord. No. 21-1006, § 1(Exh. A), 7-1-2020)

17.62.065 Outdoor lighting.

- A. Purpose. The general purpose of this section is to require outdoor lighting that is adequate for safety and convenience; in scale with the activity to be illuminated and its surroundings; directed to the surface or activity to be illuminated; and designed to clearly render people and objects and contribute to a pleasant nighttime environment. Additional specific purposes are to:
1. Provide safety and personal security as well as convenience and utility in areas of public use or traverse, for uses where there is outdoor public activity during hours of darkness;
 2. Control glare and excessive brightness to improve visual performance, allow better visibility with relatively less light, and protect residents from nuisance and discomfort;
 3. Control trespass light onto neighboring properties to protect inhabitants from the consequences of stray light shining in inhabitants' eyes or onto neighboring properties;
 4. Result in cost and energy savings to establishments by carefully directing light at the surface area or activity to be illuminated, using only the amount of light necessary; and
 5. Control light pollution to minimize the negative effects of misdirected light and recapture views to the night sky.
 6. Encourage energy efficient lighting with new technologies such as light emitting diodes (LED) or similar to reduce ongoing electrical demand and operating costs.
- B. Applicability.
1. General.
 - a. All exterior lighting for any type of commercial, mixed-use, industrial, institutional, or multi-family development shall comply with the standards of this section, unless excepted in subsection B.3.
 - b. The city engineer or public works director shall have the authority to enforce these regulations on private property if any outdoor illumination is determined to present an immediate threat to the public health, safety and welfare.
 2. Lighting Plan Requirement. All commercial, industrial, mixed-use, cottage housing and multi-family developments shall submit a proposed exterior lighting plan. The plan shall be submitted concurrently with the site plan. The exterior lighting plan shall include plans and specifications for streetlights, parking lot lights, and exterior building lights. The specifications shall include details of the pole, fixture height and design, lamp type, wattage, and spacing of lights.
 3. Excepted Lighting. The following types of lighting are excepted from the requirements of this section:
 - a. Residential lighting for single-family attached and detached homes, and duplexes.
 - b. Public street and right-of-way lighting.
 - c. Temporary decorative seasonal lighting provided that individual lamps have a light output of sixty watts or less.
 - d. Temporary lighting for emergency or nighttime work and construction.
 - e. Temporary lighting for theatrical, television, and performance areas, or for special public events.
 - f. Lighting for a special district, street, or building that, according to an adopted municipal plan or ordinance, is determined to require special lighting aesthetics as part of its physical character.
 - g. Lighting required and regulated by the Federal Aviation Administration.
- C. Design and Illumination Standards.

1. Outdoor lighting, if provided, shall be provided in a manner that enhances security, is appropriate for the use, avoids adverse impacts on surrounding properties, and the night sky through appropriate shielding as defined in this section. Glare shall not cause illumination on other properties in excess of a measurement of 0.5 footcandles of light as measured at the property line.
2. Lighting shall be provided in parking lots and vehicular circulation areas.
3. Lighting shall be provided in pedestrian walkways, pedestrian plazas, and pedestrian circulation areas.
4. Lighting shall be provided at all building entrances.
5. With the exception of pedestrian scale lighting, all light sources shall be concealed or shielded with a full cut-off style fixture in order to minimize the potential for glare and unnecessary diffusion on adjacent property.
6. The maximum height of any lighting pole serving a multi-family residential use shall be twenty feet. The maximum height serving any other type of use shall be twenty-five feet, except in parking lots larger than five acres, the maximum height shall be thirty-five feet if the pole is located at least one hundred feet from any residential use.
7. Floodlights shall not be utilized to light all or any portion of a building facade between 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.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

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 detached residential units, duplexes, triplexes, quadplexes, townhouses, cottage clusters 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).

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.62.090 Implementation.

- A. Applications for site plan and design review shall be reviewed in the manner provided in OCMC 16.12 and 17.50. The building official may issue a certificate of occupancy only after the improvements required by site plan and design review approval have been completed, or a schedule for completion and a bond or other financial guarantee have been accepted by the city.
- B. In performing site plan and design review, the review authority shall consider the effect of additional financial burdens imposed by such review on the cost and availability of needed housing types. Consideration of such factors shall not prevent the imposition of conditions of approval found necessary to meet the requirements of this section. The cost of such conditions of approval shall not unduly increase the cost of housing beyond the minimum necessary to achieve the provisions of this title, nor shall such cost prevent the construction of needed housing types.
- C. The site plan and design review provisions of this chapter shall not be applied to reduce the density or height of an application for a development project that reserves at least seventy-five percent of the gross floor area for housing where the proposed density or height is at or below what is allowed in the base zone, except in the following situations:
 - 1. Where the reduction in density is required for development subject to historic overlay provision in OCMC 17.40; or
 - 2. Where the reduction in density is necessary to resolve a health, safety or habitability issue, or to comply with the natural resource overlay district regulations of OCMC 17.49, the geologic hazard overlay district regulations of OCMC 17.44, or the floodplain management overlay district regulations of OCMC 17.42 or steep slope regulations.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

Chapter 17.65 MASTER PLANS AND PLANNED UNIT DEVELOPMENTS

17.65.010 Purpose and intent.

It is the intent of this chapter to foster the growth of major institutions, phased residential, commercial or mixed-use development, and other large-scale development, while identifying and mitigating the impacts of such growth on surrounding properties and public infrastructure. The city recognizes the valuable housing options, services and/or employment opportunities that these developments bring to Oregon City residents. The master plan or planned unit development process is intended to facilitate an efficient and flexible review process for major developments, support innovative and creative land development, and to provide long-term assurance to plan for and execute developments in a phased manner. To facilitate this, the master plan process is structured to allow an applicant to address larger development issues, such as adequacy of infrastructure and transportation capacity, and reserve capacity of the infrastructure and transportation system before expenditure of final design costs. The master plan or planned unit development process is further intended to promote efficiency in land development, maintenance, street systems and utility networks while providing site layouts that integrate usable and attractive open spaces, site circulation, and the general wellbeing of site users. For the purposes of this chapter planned unit developments are considered the same as master plans.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.65.020 What is included in a master plan or planned unit development.

- A. A master plan or planned unit development is a two-step process that includes a general development plan and a detailed development plan. A general development plan incorporates the entire area where development is planned for up to the next twenty years from the date of final approval, including the identification of one or more development phases. The general development plan may encompass land that is not currently under the applicant's control, but which eventually may be controlled by the applicant during the duration of the master plan. The plan shall have no effect for lands not currently controlled by the applicant. "Controlled" shall be defined as leased or owned by the applicant. A detailed development plan is the phase or phases of the general development plan that are proposed for development within two years.
- B. A master plan or planned unit development identifies the current and proposed uses of the development, proposed project boundaries, and proposed public and private infrastructure needed to serve the development. If approved, the general development plan may be used to allow existing legal non-conforming uses. If conditions of approval from a previous land use decision have not been completed, they shall be modified through the general development plan or completed with new development.
- C. A master plan or planned unit development identifies future development impacts, thresholds for mitigation and mitigation improvements and implementation schedules. A threshold for mitigation is the point that determines when or where a mitigation improvement will be required. Examples of "thresholds" include vehicle trips, square feet of impervious surface area, water usage measured in gallons per minute, construction of a building within a general development plan and construction of a building within a certain distance of a residential lot.

Mitigation improvements are necessary when a threshold for mitigation is reached. Examples include road dedication, intersection improvement, road widening, construction of a stormwater or water quality facility, installation of vegetative buffering and wetland restoration or enhancement.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.65.030 Applicability of the master plan or planned unit development regulations.

- A. Required for Large Institutional Uses. If the boundaries of an institutional development exceed ten acres in size, the proposed development shall be master planned using the regulations of this chapter. No land use

review other than a Type I or II Minor Site Plan and Design Review shall be issued for any institutional development in excess of ten acres in total acreage unless it is accompanied by or preceded by a master plan approval under this chapter. This requirement does not apply to modifications to existing institutional developments unless the modification results in a cumulative square footage increase of over ten thousand total building square feet in an existing institutional development over ten acres.

- B. When Required as Part of Previous Land Use Review. The master plan or planned unit development regulations may be used to fulfill a condition of approval from a previous land use decision-requiring master planning for a development.
- C. When identified in the Oregon City Comprehensive Plan. The master plan regulations are required for all properties identified for master planning in the land use section of the Oregon City Comprehensive Plan.
- D. Voluntarily. An applicant may voluntarily submit a master plan or planned unit development as part of a land use review, including for residential projects.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.65.040 Procedure.

- A. Preapplication Review. Prior to filing for either general development plan or detailed development plan approval, the applicant shall file a pre-application conference pursuant to OCMC 17.50.030.
- B. General Development Plan. An application for a general development plan describing the long-term buildout of the site shall be reviewed through a Type III procedure. An applicant shall have an approved general development plan before any detailed development plan may be approved, unless both are approved or amended concurrently. Amendments to an approved general development plan shall be reviewed under a Type III procedure pursuant to OCMC 17.65.080.
- C. Detailed Development Plan. An application for a detailed development plan, is processed through a Type II procedure, as long as it is in conformance with the approved general development plan. Amendments to an approved detailed development plan shall be processed pursuant to OCMC 17.65.080. Once a development has an approved detailed development plan, OCMC 17.62, Site Plan and Design Review is not required.
- D. Concurrent Review. An applicant may concurrently apply for a general development plan and a detailed development plan. Such a concurrent application is reviewed through the highest procedure that applies to any element of the combined application.
- E. Relationship to Other Reviews. It is the express policy of the city that development review not be segmented into discrete parts in a manner that precludes a comprehensive review of the entire development and its cumulative impacts.
- F. Duration of General Development Plan. A general development plan shall involve a planning period of up to twenty years. An approved general development plan shall remain in effect until development allowed by the plan has been completed through the detailed development plan process, the plan is amended or superseded, or the plan expires under its stated expiration date either as stated in the approved master plan or planned unit development application or decision of approval.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.65.050 General development plan.

- A. Existing Conditions Submittal Requirements.
 - 1. Narrative Statement. An applicant shall submit a narrative statement that describes the following:
 - a. Current uses of and development on the site;

- b. For institutions, history or background information about the mission and operational characteristics of the institution that may be helpful in the evaluation of the general development plan, and information about current programs or services;
- c. A vicinity map showing the location of the general development plan boundary relative to the larger community, along with affected major transportation routes, transit, and parking facilities. At least one copy of the vicinity map shall be eight and one-half inches by eleven inches in size, and black and white reproducible;
- d. Land uses that surround the development site. This may also reference submitted maps, diagrams or photographs;
- e. Previous land use approvals within the general development plan boundary and related conditions of approval, if applicable;
- f. Existing utilization of the site;
- g. Site description, including the following items. May also reference submitted maps, diagrams or photographs:
 - i. Physical characteristics;
 - ii. Ownership patterns;
 - iii. Building inventory;
 - iv. Vehicle/bicycle parking;
 - v. Landscaping/usable open space;
 - vi. FAR/lot coverage;
 - vii. Natural resources that appear on the city's adopted Goal 5 inventory;
 - viii. Cultural/historic resources that appear on the city's adopted Goal 5 inventory;
 - ix. Location of existing trees six inches in diameter or greater when measured four feet above the ground. The location of single trees shall be shown. Trees within groves may be clustered together rather than shown individually; and
 - x. Geologic hazards pursuant to OCMC 17.44.
- h. Existing transportation analysis, including the following items. May also reference submitted maps, diagrams or photographs.
 - i. Existing transportation facilities, including highways, local streets and street classifications, and pedestrian and bicycle access points and ways;
 - ii. Transit routes, facilities and availability;
 - iii. Alternative modes utilization, including shuttle buses and carpool programs; and
 - iv. Baseline parking demand and supply study (may be appended to application or waived if not applicable).
- i. Infrastructure facilities and capacity, including the following items:
 - i. Water;
 - ii. Sanitary sewer;
 - iii. Stormwater management; and
 - iv. Easements.

2. Maps and Plans.

- a. Existing conditions site plan. Drawn at a minimum scale of one-inch equals one hundred feet (one inch equals one hundred feet) that shows the following items. At least one copy shall be eight and one-half inches x eleven inches in size, and black and white reproducible.
 - i. Date, north point, and scale of drawing.
 - ii. Identification of the drawing as an existing conditions site plan.
 - iii. Proposed development boundary.
 - iv. All parking, circulation, loading and service areas, including locations of all carpool, vanpool and bicycle parking spaces as required in Chapter 52 of this title.
 - v. Contour lines at two-foot contour intervals for grades zero to ten percent, and five-foot intervals for grades over ten percent.
- b. A site plan or plans, to scale, for the general development plan site and surrounding properties containing the required information identified in OCMC 17.62.040.b, Vicinity map. Depicting the location of the site sufficient to define its location, including identification of nearest cross streets. At least one copy of the vicinity map shall be eight and one-half inches by eleven inches in size, and black and white reproducible.
- c. Aerial photo. Depicting the subject site and property within two hundred fifty feet of the proposed development boundaries. At least one copy of the aerial photo shall be eight and one-half inches by eleven in size, and black and white reproducible.

B. Proposed Development Submittal Requirements.

1. Narrative statement. An applicant shall submit a narrative statement that describes the following:
 - a. The proposed duration of the general development plan.
 - b. The proposed development boundary. May also reference submitted maps or diagrams.
 - c. A description, approximate location, and timing of each proposed phase of development, and a statement specifying the phase or phases for which approval is sought under the current application. May also reference submitted maps or diagrams.
 - d. An explanation of how the proposed development is consistent with the purposes of Section 17.65, the applicable zone district or districts, and any applicable overlay district.
 - e. A statement describing the impacts of the proposed development on inventoried Goal 5 natural, historic or cultural resources within the development boundary or within two hundred fifty feet of the proposed development boundary.
 - f. An analysis of the impacts of the proposed development on the surrounding community and neighborhood, including:
 - i. Transportation impacts as prescribed in subsection g below;
 - ii. Internal parking and circulation impacts and connectivity to sites adjacent to the development boundary and public right-of-ways within two hundred fifty feet of the development boundary;
 - iii. Public facilities impacts (sanitary sewer, water and stormwater management) both within the development boundary and on city-wide systems; including a phasing plan for all on-site and off-site public improvements, including but not limited to transportation, schools, parks, open space, trails, sewer, water and stormwater, with an analysis of the capacity and improvements required as a result of fully implementing the plan. This analysis shall

reference any adopted parks and recreation, public facilities plans and concept plans and identify specific funding mechanisms to address the adequacy of public facilities.

- iv. Neighborhood livability impacts;
 - v. Natural, cultural and historical resource impacts within the development boundary and within two hundred fifty feet of the development boundary.
- g. A summary statement describing the anticipated transportation impacts of the proposed development. This summary shall include a general description of the impact of the entire development on the local street and road network, and shall specify the maximum projected average daily trips, projected AM and PM peak hour traffic and the maximum parking demand associated with build-out each phase of the master plan or planned unit development.
- h. In addition to the summary statement of anticipated transportation impacts, an applicant shall provide a traffic impact study as specified by city requirements. The transportation impact study shall either:
- i. Address the impacts of the development of the site consistent with all phases of the general development plan; or
 - ii. Address the impacts of specific phases if the city engineer determines that the traffic impacts of the full development can be adequately evaluated without specifically addressing subsequent phases.
- i. If an applicant chooses to pursue option h.1., the applicant may choose among three options for implementing required transportation capacity and safety improvements:
- i. The general development plan may include a phasing plan for the proposed interior circulation system and for all on-site and off-site transportation capacity and safety improvements required on the existing street system as a result of fully implementing the plan. If this option is selected, the transportation phasing plan shall be binding on the applicant.
 - ii. The applicant may choose to immediately implement all required transportation safety and capacity improvements associated with the fully executed general development plan. If this option is selected, no further transportation improvements will be required from the applicant. However, if a general development plan is later amended in a manner so as to cause the projected average daily trips, the projected a.m. or p.m. peak hour trips, or the peak parking demand of the development to increase over original projections, an additional transportation impact report shall be required to be submitted during the detailed development plan review process for all future phases of the development project and additional improvements may be required.
 - iii. The applicant may defer implementation of any and all capacity and safety improvements required for any phase until that phase of the development reaches the detailed development plan stage. If this option is selected, the applicant shall submit a table linking required transportation improvements to vehicle trip thresholds for each development phase.
- j. For residential and mixed-use projects:
- i. Proposed minimum lot area, width, frontage and yard requirements.
 - ii. Proposed project density in number of units per acre.
 - iii. Proposed residential types and number of each.
2. Maps and Diagrams. The applicant shall submit, in the form of scaled maps or diagrams, as appropriate, the following information:

- a. A preliminary site circulation plan showing the approximate location of proposed vehicular, bicycle, and pedestrian access points and circulation patterns, parking and loading areas or, in the alternative, proposed criteria for the location of such facilities to be determined during detailed development plan review.
 - b. The approximate location of all proposed streets, alleys, other public ways, sidewalks, bicycle and pedestrian access ways and other bicycle and pedestrian ways, transit streets and facilities, neighborhood activity centers and easements on and within two hundred fifty feet of the site. The map shall identify existing subdivisions and development and un-subdivided or unpartitioned land ownerships adjacent to the proposed development site and show how existing streets, alleys, sidewalks, bike routes, pedestrian/bicycle access ways and utilities within two hundred fifty feet may be extended to and/or through the proposed development.
 - c. The approximate location of all public facilities to serve the proposed development, including water, sanitary sewer, stormwater management facilities.
 - d. The approximate location, footprint and building square footage of buildings within of each phase of proposed development, and/or proposed lot patterns for each phase of future development.
 - e. The approximate locations of proposed parks, playgrounds or other outdoor play areas; outdoor common areas and usable open spaces; and natural, historic and cultural resource areas or features proposed for preservation. This information shall include identification of areas proposed to be dedicated or otherwise preserved for public use and those open areas to be maintained and controlled by the owners of the property and their successors in interest for private use.
- C. Approval Criteria for a General Development Plan. The planning commission may approve an application for general development plan only upon finding that the following approval criteria are met:
- 1. The proposed general development plan is consistent with the purposes of OCMC 17.65.
 - 2. Development shall demonstrate compliance with OCMC 12.0416.12, 17.62, if applicable, and 16.08, if applicable.
 - 3. Public services for transportation, water supply, police, fire, sanitary waste disposal, storm-water disposal, and any other needed public services and facilities including schools and parks for proposed residential uses, are capable of serving the proposed development, or will be made capable by the time each phase of the development is completed.
 - 4. The proposed general development plan protects any inventoried Goal 5 natural, historic or cultural resources within the proposed development boundary consistent with the provisions of applicable overlay districts.
 - 5. The proposed general development plan, including development standards and impact mitigation thresholds and improvements, adequately mitigates identified impacts from each phase of development. For needed housing, as defined in ORS 197.303(1), the development standards and mitigation thresholds shall contain clear and objective standards.
 - 6. The proposed general development plan is consistent with the Oregon City Comprehensive Plan.
 - 7. The proposed general development plan is consistent with the underlying zoning district(s) and any applicable overlay zone or concept plans.
 - 8. For projects with a residential use component, the proposed general development plan includes common open space for the recreational needs of the development's residents.
 - a. Required open space shall be located either on-site or off-site within one-quarter mile of the development.

- b. Minimum required open space shall be one hundred square feet per residential unit in the development.
 - c. The open space area may be in private ownership or proposed for public dedication, at the city's discretion whether to accept.
 - d. The open space shall be developed with a unified design to provide for a mix of passive and active uses. Passive uses include, but are not limited to sitting benches, picnicking, reading, bird watching and natural areas. Active uses include, but are not limited to playgrounds, sports fields and courts, running and walking areas.
 - e. Land area to be used for the open space area that is required in this section shall not include required setback areas, required landscaping, streets, rights-of-way, driveways, or parking spaces.
 - f. Unless dedicated to the public, the applicant shall also provide an irrevocable legal mechanism for the maintenance of the open space and any related landscaping and facilities. The applicant shall submit, for city review and approval, all proposed deed restrictions or other legal instruments used to reserve open space and maintenance of open space and any related landscaping and facilities.
9. For projects with a residential use component, the proposed general development plan includes a mix of residential uses such that no single residential use exceeds seventy-five percent of the total proposed units. The mix of residential uses shall provide variety of dwelling types and sizes that are integrated throughout the site, rather than isolated from one another, with smooth transitions between residential types including appropriate setbacks, landscaping or screening as necessary, while maintaining street and pedestrian connectivity between all residential uses. Tenancy (i.e. ownership versus rental) shall not be a consideration in determination of the mix of residential use. For the purposes of this section, residential uses include single-family detached, duplex, triplex, quadplex, townhouse, cottage cluster, and multi-family.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.65.060 Detailed development plan.

A. Submittal Requirements.

1. A transportation impact study documenting the on- and off-site transportation impacts, as specified in OCMC 17.65.050.B.1.h.i. If such an analysis was submitted as part of the general development plan process, the scope of the report may be limited to any changes which have occurred during the interim and any information listed below which was not a part of the initial study.

The on-site portion of the analysis shall include the location, dimensions and names of all proposed streets, alleys, other public ways, sidewalks, bike routes and bikeways, pedestrian/bicycle access ways and other pedestrian and bicycle ways, transit streets and facilities, neighborhood activity centers, and easements on and within two hundred fifty feet of the boundaries of the site. The map shall identify existing subdivisions and development and un-subdivided or unpartitioned land ownerships adjacent to the proposed development site and show how existing streets, alleys, sidewalks, bike routes, pedestrian/bicycle access ways and utilities within two hundred fifty feet may be extended to and/or through the proposed development.

2. The location within the development and in the adjoining streets of existing and proposed sewers, water mains, culverts, drain pipes, underground electric, cable television and telephone distribution lines, gas lines, and the location of existing aerial electric, telephone and television cable lines, if any, to be relocated within the development.

3. For portions of the project that would otherwise be subject to site plan and design review, a site plan or plans, to scale, containing the required information identified in OCMC 17.62.040.
 4. For residential portions of the project not otherwise subject to site plan and design review, a site plan or plans, to scale, showing the proposed land uses and densities, building locations, lot patterns, circulation patterns, and open space locations and uses.
 5. Any other information the community development director deems necessary to show that the proposed development will comply with all of the applicable Chapter 17 requirements.
- B. Approval Criteria. The community development director shall approve an application for detailed development plan approval only upon findings that:
1. All development standards and impact mitigation meet the requirements of the approved general development plan, including conditions of approval.
 2. Any other applicable zoning regulations that are not addressed in the general development plan are met, unless an adjustment to those regulations has been applied for and is approved. The approval standards applicable to adjustments required as part of a master plan or planned unit development are contained in OCMC 17.65.070.
 3. The detailed development plan conforms with the base zone standards, applicable residential design standards, and applicable standards contained in Chapters 17.62, 17.52, 16.12, and 16.08 unless adjusted as provided in OCMC 17.65.070.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.65.070 Adjustments to development standards.

- A. Purpose. In order to implement the purpose of the city's master plan or planned unit development process, which is to foster the growth of major institutions, major residential, commercial or mixed-use development, and other large-scale development, while identifying and mitigating their impacts on surrounding properties and public infrastructure, an applicant may request one or more adjustments to the applicable development regulations as part of the master planning or planned unit development process, and are not required to go through the variance process pursuant to OCMC Chapter 17.60.
- B. Procedure. Requests for adjustments shall be processed concurrently with a general development plan. An adjustment request at the detailed development plan review shall cause the detailed development plan to be reviewed as a Type III application.
- C. Regulations That May be Adjusted. Adjustments may be allowed for the following items:
1. Dimensional standards of the underlying zone of up to twenty percent, except the perimeter of the development shall meet the underlying zone's setbacks when adjacent to residentially zoned property.
 2. Site plan and design standards.
 3. Residential design standards.
 4. Increase in allowed maximum residential density of up to ten percent.
 5. Standards for land division approval.
 6. Additional uses allowed with residential projects, or residential component of projects:
 - a. Notwithstanding the use provisions of the underlying zones, neighborhood commercial uses as defined in Chapter 17.24.020, including restaurants and eating and drinking establishments without a drive-through, retail trade, and services, are permitted on up to ten percent of the net developable area. The neighborhood commercial uses shall be planned and constructed so as to support and be compatible with the entire development and shall not alter the character of the

surrounding area so as to substantially preclude, impair or limit the use of surrounding properties for the primary uses listed in the underlying district.

- b. Public or private parks and playgrounds, community buildings and/or outdoor recreational facilities, such as swimming pools and tennis courts.
 - c. Indoor recreational facilities, such as racquetball or tennis courts, fitness centers or swimming pools.
 - d. Common public and private open space including trails.
 - e. Primary or accessory uses that are not identified as a permitted or conditional use in the underlying zone but which are defined in the code.
- D. Regulations That May Not be Adjusted. Adjustments are prohibited for the following items:
- 1. To allow a primary or accessory use that is not identified as a permitted, or conditional use in the underlying zone, with the exception of the additional uses permitted under OCMC 17.65.070.C.6 above;
 - 2. To any regulation that contains the word "prohibited";
 - 3. As an exception to a threshold review, such as a Type III review process; and
 - 4. Minimum density for residential sites may not be reduced.
- E. Approval Criteria. A request for an adjustment to one or more applicable development regulations under this section shall be approved if the review body finds that the applicant has shown the following criteria to be met:
- 1. Granting the adjustment will equally or better meet the purpose of the regulation to be modified;
 - 2. If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project that is still consistent with the overall purpose of the zone;
 - 3. City-designated Goal 5 resources are protected to the extent otherwise required by Title 17;
 - 4. Any impacts resulting from the adjustment are mitigated such that the development does not create significant adverse impacts on adjacent properties;
 - 5. If an environmental zone, the proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable; and
 - 6. The proposed adjustment is consistent with the Oregon City Comprehensive Plan and a concept plan if applicable.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.65.80 Amendments to approved plans.

- A. When Required. An amendment to an approved general development plan or detailed development plan is required for any use or development that is not in conformance with the applicable plan, as provided below. The approval criteria contained in OCMC 17.65.050 will apply to general development plan amendments, the approval criteria contained in OCMC 17.65.060 will apply to detailed development plan amendments. The thresholds and procedures for amendments are stated below.
- B. Type III Procedure. Unless the approved general development plan or detailed development plan specifically provides differently, amendments to either plan that require a Type III procedure are:
 - 1. A proposed expansion of the approved boundary;

2. A proposed reduction in the approved boundary that affects a condition of approval, or takes the site out of conformance, or further out of conformance, with a development standard;
 3. Proposals that increase the amount, frequency, or scale of a use over ten percent of what was approved (examples include the number of students, patients or members; the number of helicopter flights; the number or size of special events; transportation impacts);
 4. New uses not covered in the plan that will increase vehicle trips to the site greater than ten percent of the original amount approved;
 5. Increases or decreases in overall floor area of development on the site or number of residential units of over ten percent;
 6. A increase/decrease greater than ten percent in the amount of approved or required parking; and
 7. Proposed uses or development which were reviewed, but were denied because they were found not to be in conformance with an approved plan.
- C. Type II Procedure. Unless an approved plan specifically provides otherwise, amendments to a general development plan or detailed development plan not specifically stated in subsection B or D are processed through a Type II procedure.
- D. Type I Procedure. Unless an approved plan specifically provides otherwise, the following amendments to a general development plan or detailed development plan shall be processed through a Type I procedure:
1. Accessory uses and structures that meet applicable development regulations;
 2. Reconfiguration of approved parking or landscape designs that do not alter the points of ingress or egress, and do not change the number of parking spaces required, so long as the reconfiguration meets applicable development regulations; and
 3. Structures for approved uses that do not exceed one thousand five hundred square feet in size and that meet applicable development regulations.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.65.090 Regulations that apply.

An applicant is entitled to rely on land use regulations in effect on the date its general development plan application was initially submitted, pursuant to ORS 227.178(3), as that statute may be amended from time to time. After a general development plan is approved, and so long as that general development plan is in effect, an applicant is entitled to rely on the land use regulations in effect on the date its general development plan application was initially submitted, as provided above, when seeking approval of detailed development plans that implement an approved general development plan. At its option, an applicant may request that a detailed development plan be subject to the land use regulations in effect on the date its detailed development plan is initially submitted.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)



CITY OF OREGON CITY

Staff Report

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

To: City Commission
From: Finance Director Matt Zook

Agenda Date: 06/01/2022

SUBJECT:

Resolution No. 22-23 - Budget Adjustment #3 for the 2021-23 Biennium

STAFF RECOMMENDATION:

Approve Resolution No. 22-23 - A Resolution to Adopt a Budget Adjustment #3 for the 2021-23 Biennium

EXECUTIVE SUMMARY:

The City requests a budget adjustment to comply with Governmental Accounting Standards Board (GASB) Statement Number 87 – Leases. The City is required to comply with GASB 87 for the financial year ending June 30, 2022. Compliance with this accounting standard impacts budget appropriations as explained in detail below. Every increase in appropriation is offset equally by either an increase in funding source or a decrease in appropriation in another expense category. This budget adjustment is simply to implement a new accounting standard. There is no impact on any fund balance.

BACKGROUND:

GASB 87 requires that all leases be recognized as long-term financial obligations. This requires the City to do two things. First, all leases need to be recognized as a form of debt (an obligation to pay) that spans multiple fiscal years. The economic substance of a lease reflects that an entity is allowed the use of an asset in exchange for payment not immediately due to the asset owner (a third-party). In essence, it recognizes leases in the same way that the City would if it were to borrow money on the open market and purchase an asset with the debt proceeds. The budgetary impact for Oregon City is that all leases in effect today must recognize the remaining value of the lease as “capital outlay” offset by “proceeds from lease obligations”. The capital outlay part of this new accounting standard requires that the City increase the budget appropriation in various funds. It is important to note that the impact on the fund balance is zero. It is simply an increase in resources offset by a decrease in resources.

Second, the lease payments need to be budgetarily categorized as Debt Service rather than as Materials and Services. The City's 2021-23 Adopted Budget did not use the Debt Service category since the implementation of GASB 87 was not required when the budget process was being performed in early 2021. Oregon budget law requires a public hearing when an entity uses a budget appropriation category, such as Debt Service, that was not included in the adopted budget. In summary, the amount of lease payments that the City budgeted is being recategorized. Again, it is important to note that the impact on the fund balance is zero. It is simply an increase in Debt Service category and an equal decrease in the department program budget.

OPTIONS:

1. Approve Resolution 22-23 as stated and ensure the City adheres to Oregon budget law.
2. Reject Resolution 22-23, ensuring the City does not adhere to Oregon budget law.

BUDGET IMPACT:

Amount: \$0

FY(s): Biennial budget 2021-2023

Funding Source(s): Five funds are included in this budget adjustment – General Fund (Parks), Transportation Fund, Water Fund, Wastewater Fund, and Stormwater Fund.

RESOLUTION NO. 22-23

A RESOLUTION TO ADOPT BUDGET ADJUSTMENT #3 FOR THE 2021-23 BIENNIUM

WHEREAS, the City Commission adopted a budget for the 2021-23 Biennium and made appropriations by Resolution No. 21-29 on June 2, 2021; and

WHEREAS, the City Commission adjusted the budget for the 2021-23 Biennium by Resolution 21-53 on November 17, 2021 and Resolution 22-15 on April 6, 2022; and

WHEREAS, ORS 294.338, ORS 294.463 and ORS 294.466 provide the legal basis for changes in appropriations, and ORS 294.471 and ORS 294.473 provide the legal basis for supplemental budgets, by Commission Resolution; and

WHEREAS, the need now exists to transfer and appropriate funds for the purposes and in the amounts shown in the attached Budget Adjustment Summary; and

WHEREAS, conditions not ascertained at the time the budget was prepared have occurred that require changes in financial planning, resulting in a change in appropriation.

NOW, THEREFORE, OREGON CITY RESOLVES AS FOLLOWS:

Section 1. The City Commission adopts the Budget Adjustment Summary attached as Exhibit A.

Section 2. This resolution shall take effect immediately upon its adoption by the City Commission.

Approved and adopted at a regular meeting of the City Commission held on the 1st day of June 2022.

DENYSE C. MCGRUFF
Commission President

Attested to this 1st day of June 2022:

Approved as to legal sufficiency:

Jakob S. Wiley, City Recorder

City Attorney

Oregon City
Budget Adjustment Summary
 2021 - 2023 Budget Adjustment 3

Exhibit A

<u>Description</u>	<u>Account</u>	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
1) Initial Recognition of Lease Obligations					
General Fund					
Capital Outlay For Lease Obligations	100-310-7074	\$ -	\$ 354,229	\$ -	\$ 354,229
Proceeds From Lease Obligations	100-310-4986	\$ -	\$ 354,229	\$ -	\$ 354,229
Transportation Fund					
Capital Outlay For Lease Obligations	260-526-7074	\$ -	\$ 20,003	\$ -	\$ 20,003
Proceeds From Lease Obligations	260-526-4986	\$ -	\$ 20,003	\$ -	\$ 20,003
Water Fund					
Capital Outlay For Lease Obligations	510-551-7074	\$ -	\$ 20,003	\$ -	\$ 20,003
Proceeds From Lease Obligations	510-551-4986	\$ -	\$ 20,003	\$ -	\$ 20,003
Wastewater Fund					
Capital Outlay For Lease Obligations	520-552-7074	\$ -	\$ 20,003	\$ -	\$ 20,003
Proceeds From Lease Obligations	520-552-4986	\$ -	\$ 20,003	\$ -	\$ 20,003
Stormwater Fund					
Capital Outlay For Lease Obligations	530-553-7074	\$ -	\$ 20,003	\$ -	\$ 20,003
Proceeds From Lease Obligations	530-553-4986	\$ -	\$ 20,003	\$ -	\$ 20,003
2) Reclassify Current Year Lease Payments to Debt Service					
General Fund					
Lease Payment - Principal	100-310-8022	\$ -	\$ 13,000	\$ -	\$ 13,000
Lease Payment - Interest	100-310-8024	\$ -	\$ 37,000	\$ -	\$ 37,000
Professional	100-310-6001	\$ 226,000	\$ -	\$ 9,500	\$ 216,500
Lease Payments	100-310-6150	\$ 40,500	\$ -	\$ 40,500	\$ -
Transportation Fund					
Lease Payment - Principal	260-526-8022	\$ -	\$ 1,840	\$ -	\$ 1,840
Lease Payment - Interest	260-526-8024	\$ -	\$ 1,160	\$ -	\$ 1,160
Technical	260-526-6004	\$ 415,500	\$ -	\$ 3,000	\$ 412,500
Water Fund					
Lease Payment - Principal	510-551-8022	\$ -	\$ 1,840	\$ -	\$ 1,840
Lease Payment - Interest	510-551-8024	\$ -	\$ 1,160	\$ -	\$ 1,160
Technical	510-551-6004	\$ 110,400	\$ -	\$ 3,000	\$ 107,400
Wastewater Fund					
Lease Payment - Principal	520-552-8022	\$ -	\$ 1,840	\$ -	\$ 1,840
Lease Payment - Interest	520-552-8024	\$ -	\$ 1,160	\$ -	\$ 1,160
Technical	520-552-6004	\$ 242,000	\$ -	\$ 3,000	\$ 239,000
Stormwater Fund					
Lease Payment - Principal	530-553-8022	\$ -	\$ 1,840	\$ -	\$ 1,840
Lease Payment - Interest	530-553-8024	\$ -	\$ 1,160	\$ -	\$ 1,160
Technical	530-553-6004	\$ 29,000	\$ -	\$ 3,000	\$ 26,000

Descriptions:

1) The City is implementing the Governmental Accounting Standards Board's (GASB) Statement No. 87, Leases, in the current fiscal year. This standard requires a lessee to report an expenditure and other financing source in the period a lease is initially recognized. This budget adjustment accounts for the initial recognition of leases in which the City is the lessee.

2) The City is implementing the Governmental Accounting Standards Board's (GASB) Statement No. 87, Leases, in the current fiscal year. This standard requires that lease payments be accounted as debt service payments on long-term debt. This budget adjustment reclassifies the City's lease payments scheduled for fiscal years 2022 and 2023 to Debt Service.



CITY OF OREGON CITY

Staff Report

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

Item 8c.

To: City Commission

Agenda Date: 06/01/2022

From: Aquilla Hurd-Ravich, AICP, Community Development Director

SUBJECT:

Appeal of the Approval of a New Three-Story 30-Unit Apartment Complex Located Near Kamm Street (AP 22-00001; AP-22-0000; GLUA-21-00066; SP-21-00017; NROD 21-00018)

STAFF RECOMMENDATION:

Staff recommends that the City Commission choose one of the options identified in the supplemental staff report, restated in the options section below.

EXECUTIVE SUMMARY:

The City has received two appeals of a Type II decision approving the development of a 30-unit apartment building and site improvements on a 0.86 acre site on Warner Milne Road in the Elyville neighborhood. The second Appeal adopts all of the issues in the first Appeal and adds a few additional issues. Each appellant participated in the Type II decision and has standing to appeal.

(AP 22-00001) Elyville Neighborhood Association, c/o Karla Laws and Troy Brummell

(AP 22-00002) Dave Wakefield

The Appeal is governed by the procedures set out in OCMC 17.50.190, including the following limitations:

- The Appeal is "on the record," meaning no new evidence may be introduced on Appeal – only the evidence before the planning staff may be considered by the appellants, Applicant and City Commission. 17.50.190(F).
- The issues on Appeal are limited to those listed in the notice of Appeal. The appellant may not raise any new issues as part of this Appeal. 17.50.190(F).
- Only those persons who submitted comments during the notice and opportunity to comment will be allowed to participate in the appeal hearing. OCMC 17.50.120(E)(6).

The two appeals identify approximately 18 different issues, but the issues generally involve 4 specific areas of concern, and those areas of concern will be addressed in groups. The areas of concern are (1) transportation, including the connection between Kamm Street and Warner Milne Road, (2) Stormwater and the NROD concerns, (3) Tree removal and mitigation, and (4) Other issues.

At the May 18, 2022, City Commission appeal hearing, the Commissioners closed the Record and provided staff with questions to further aid in their deliberations and decision scheduled for June 1, 2022. Some of the questions were initially referenced in the May 10, supplemental staff memo and are further detailed in the "Response to Commissioners' questions from the May 18, 2022 Appeal Hearing Memo. Staff recommends the City Commission review both memos prior to the June 1, 2022 Hearing.

The applicant provided a 120-day waiver to June 8, 2022 for this application. The City Commission chose to designate June 7, 2022 as an alternate date to review revised findings if needed as part of the deliberations and decision for this application. As the Record is closed, the June 1, 2022 hearing is reserved for deliberations and decisions for these appeals. While the Record is closed, no additional public comments will be taken for this Appeal.

BACKGROUND:

Please review the "AP 22-00001 & AP 22-00002 Supplemental Memo" and "Response to Commissioners' questions from the May 18, 2022 Appeal Hearing Memo" prepared by Assistant City Engineer Josh Wheeler, Senior Planner Christina Robertson-Gardiner, City Attorney Bill Kabeiseman, and the attached Record for this application.

OPTIONS:

The options before the City Commission on this Appeal include:

1. Remand the application to staff to renote and reopen the Record to allow additional information. This will require a 120-waiver extension from the applicant.
2. Deny the Appeal and affirm the Community Development Director's April 14, 2022 decision approving the application with Conditions.
3. Deny the Appeal and affirm the Community Development Director's April 14, 2022 decision approving the application with Conditions as Modified by the City Commission.
4. Approve the Appeal based on modified findings adopted by the City Commission and deny the application.



Community Development – Planning

695 Warner Parrott Road | Oregon City OR 97045

Ph (503) 722-3789 | Fax (503) 722-3880

May 24, 2022

To: City Commission

From: Bill Kabeiseman, City Attorney
Josh Wheeler, Assistant City Engineer
Christina Robertson-Gardiner, Sr. Planner

Re: Response to Commissioners' questions from May 18, 2022 Appeal Hearing

File #s: AP 22-00001 and AP-22-00002: Two appeals of the April 14, 2022 Community Development Director approval with conditions of Planning Files GLUA-21-00066: SP-21-00017, NROD 21-00018 Development of a new three-story 30-unit apartment

At the May 18, 2022, City Commission appeal hearing for the above-referenced project, the Commissioners closed the Record and provided staff with questions to further aid in their deliberations and decision scheduled for June 1, 2022. Some of the questions were initially referenced in the May 10, supplemental staff memo but will be further discussed here. Staff recommends the City Commission review both memos prior to the June 1, 2022 Hearing.

While staff initially provided four options for the Commission, based on the discussion at the May 18, 2002 hearing, this memo will focus on two options 1. Deny the Appeal, but modify the Conditions of Approval, and 2. Approve the Appeal and Deny the Application.

I. NROD ISSUES

Natural Resources Overlay District Type II Verification

The Community Development Director found that the applicant had provided a verifiable delineation of the actual location of the protected water feature (in this case, the stream). If the Commission finds that the applicant has not provided sufficient information to demonstrate that the resource shown on the 1999 local wetland inventory is not a protected stream and therefore is not a regulated resource, then the Commission should provide staff with their findings for approval of the Appeal and denial of the application.

If the Commission finds that the applicant has provided sufficient information to demonstrate that the resource shown on the 1999 local wetland inventory is not a protected stream and therefore is not a regulated resource under OCMC 17.49, the Commission should review the remainder of the topics discussed below to determine if Conditions of Approval should be modified or added to address any clear and objective standards that they believe are not being met by the proposal. There may be items that the Commission may wish to add to conditions, such as additional screening, plantings or fencing,

that are not tied to any specific applicable approval criteria. If the applicant is supportive of additional measures, the Commission may add them to a set of revised conditions.

How can a city allow a stream to no longer be a stream?

The code allows for a Verification process to determine if a stream is not a protected stream.

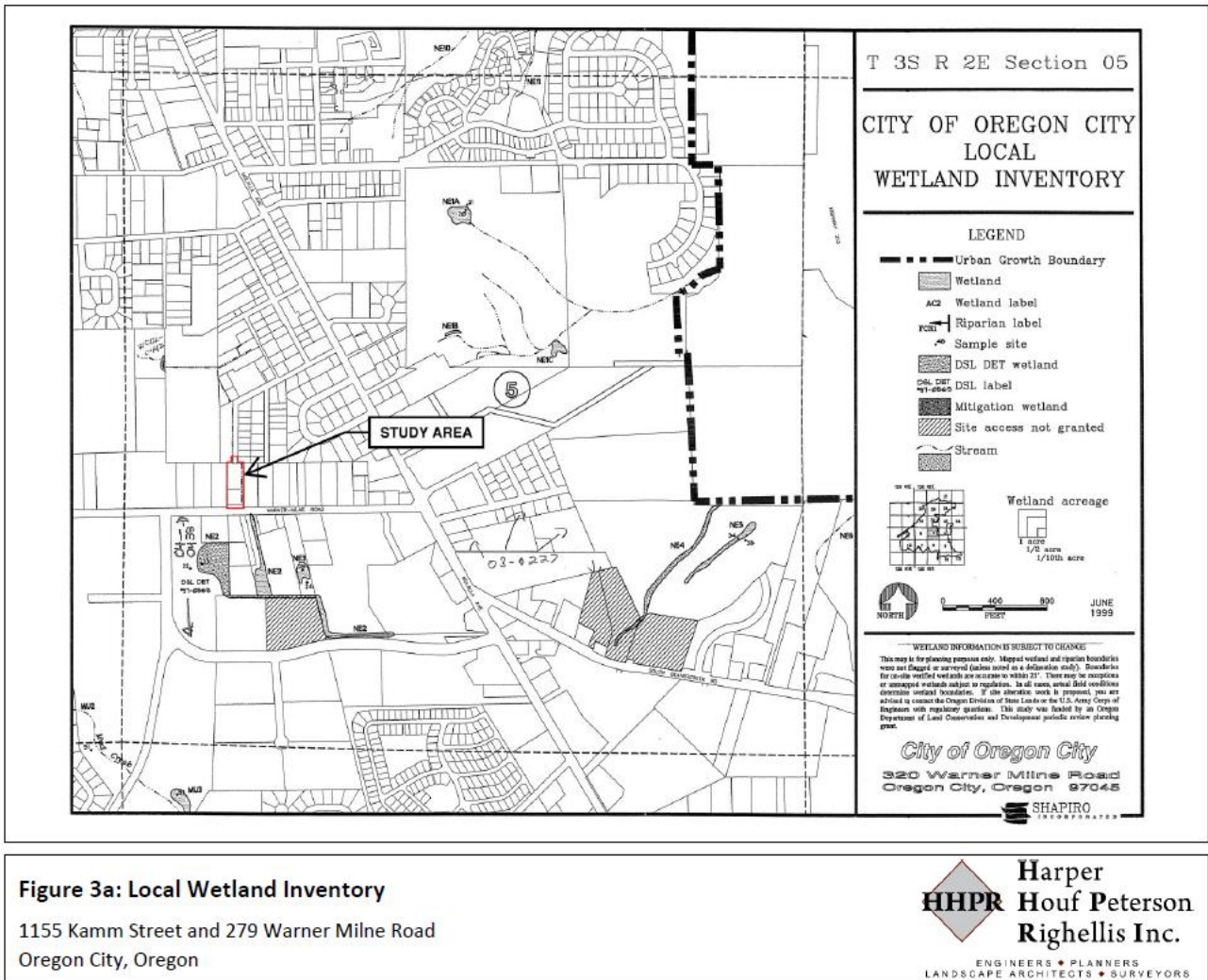
The applicant requested a Verification of the NROD Boundary as part of this application. As noted in the previous memorandum, "[t]he NROD adopted in the City's zoning map was based on a high-level review [not field level site specific in every instance] of natural resources...The code recognized that, in an attempt to map natural resources throughout the City, that high-level review would not properly account for the particulars of every property" (Memo from Kabeiseman, Wheeler, Robertson-Gardiner, May 10, 2022).

In short, Chapter 17.49 Natural Resources Overlay District provides a process by which applicants can field verify any resources identified on the site from the initial 1999 local wetlands inventory. As explained in OCMC 17.49.020 and 17.49.030, when the NROD Chapter of the code was adopted, the location of the overlay district on the City's zoning map was based on "high-level" mapping from various sources, not on-the-ground specific verification for each property. Therefore, the code acknowledges that the mapping may not be completely accurate:

*"The mapped NROD boundary is based on a GIS-supported application of the adopted documents, plans and maps listed in OCMC 17.49.020.A.1—17.49.020.A.8, **however the adopted map may not indicate the true location of protected features.**" OCMC 17.49.030(1).*

Moreover, because the mapping was based on high-level mapping, the NROD overlay was deliberately drawn larger than required to ensure all of any protected feature was included:

*"This chapter applies to all development within the natural resources overlay district as shown on the NROD Map, which is a regulatory boundary **mapped ten feet beyond the required vegetated corridor** width specified in OCMC 17.49.110." OCMC 17.49.030(1).*



Because of the potential errors in the high-level mapping, as well as the expanded boundaries of the NROD overlay, the NROD code specifically allows an applicant to either rely on the NROD as mapped, or submit their own property specific analysis to positively identify the location of the resource (whether it be a stream, wetland, or other protected feature), and then ensure that the resource was adequately protected:

*"[T]he applicant may choose to **either accept the adopted NROD boundary or provide a verifiable delineation of the true location of the natural resource feature pursuant to the Type I or Type II procedure in accordance with this chapter.**" OCMC 17.49.030(2).*

The applicant has gone with the second option of providing its own verifiable delineation of the true location of the natural resource feature through the Type II verification process in OCMC 17.49.260. In such a situation, the location of the NROD boundary is not determinative, but the protection of any resource is based on the actual delineation of the natural resource feature.

In this case, the applicant's expert Ivy Watson, a Natural Resources Scientist, submitted a Technical Memorandum that provided information supporting the applicant's contention that the *resource*

function(s) and/or land feature(s) does not exist on a site-specific area- that is, the drainage area is not an intermittent stream.

The code identifies the water features it protects in OCMC 17.04.970, which provides as follows:

"Protected water features" shall include:

- 1. Title 3 wetlands;*
- 2. **Rivers and perennial and intermittent streams;***
- 3. Springs which feed stream and wetlands and have year-round flow; and*
- 4. Natural lakes.*

The City Code defines a "stream," whether intermittent or perennial, in OCMC 17.04.1205:

"Stream" means areas where surface water produces a defined channel or bed, including bedrock channels, gravel beds, sand and silt beds, and defined-channel swales. The channel or bed does not have to contain water year-round. This definition is not meant to include irrigation ditches, canals, storm or surface water runoff structures, or other artificial watercourses unless used to convey naturally occurring streams prior to construction of such watercourses. Streams are categorized into two classes: Perennial streams and intermittent streams. Perennial stream means a stream that flows year-round during years of normal precipitation. Intermittent stream means a stream that flows only part of the year, or seasonally, during years of normal precipitation."

There does not appear to be any argument that the channel at issue carries water at times; the question is whether it qualifies as a "stream." The Technical Memorandum explains that the identified channel does not meet the definition of a "stream" because the channel was not "produced" by surface water, but by human excavation, except at the southern reach, where the surface water has created its own channel. In addition, the Technical Memorandum notes that aquatic macroinvertebrates exist only in the southern reach as well. Accordingly, the Technical Memorandum concluded that only the southern reach was a "protected water feature" as defined by the City code, and that portion of the channel was protected as required by the City code.

The Commission's role is to determine if the evidence presented by the appellants contradicts the bases of the submitted delineation that describes the rest of the channel as an artificial watercourse that reflects the predominant grass species of the flat upland portion of the site, does not have evidence of aquatic macroinvertebrates, any inundation is related to stormwater events and not naturally occurring flows and should not be categorized as an intermittent stream

Was the resource altered when the trees were removed in 2018?

Staff does not have any evidence to make a conclusion on this question. However, the 1999 Local wetland inventory only indicates the presence of a stream, no other resource was documented.

The 1999 Local wetland inventory only indicates the presence of a stream. No wetlands were documented onsite. The upland habit adjacent to the channel in its current state or in the state prior

to the 2018 removal of the trees and other vegetation is not directly related to the local definition of a stream. If the NROD mapping incorrectly categorized the channel as an Intermittent stream in 1999, the removal or retention of vegetation is not germane to the verification.

II. SETBACK AND FRONTAGE ISSUES

Site Plan and Design Review Criteria and Zoning Setbacks

How can the North property line be a frontage?

Frontage is defined in code as: *that portion of a parcel of property that abuts a dedicated public street or highway or an approved private way.*

The City definition of frontage and front lot line are based on definitions set forth in OCMC 17.04-Definitions. These provide clear and objective direction for a Type II Site Plan and Design Review. If the application meets these standards, the City cannot compel the applicant to consider the property line abutting Kamm Steet to use an interior setback.

The maximum front setback per code is 5 feet, without a request for further setbacks allowance through OCMC 17.62.055D. The applicant has proposed 3 feet along Kamm Street, which meets the MUC-1 dimensional standards for front setbacks.

The setbacks are set in the Mixed-use Corridor decision standards section OCMC 17.29.050¹, which provides as follows:

- A. *Minimum lot areas: None.*
- B. *Maximum building height: Forty feet or three stories, whichever is less.*
- C. *Minimum required setbacks if not abutting a residential zone: None.*
- D. *Minimum required interior and rear yard setbacks if abutting a residential zone: Twenty feet, plus one foot additional yard setback for every one foot of building height over thirty-five feet.***
- E. *Maximum allowed setbacks.***
 - 1. *Front yard: Five feet.*
 - 2. *Interior side yard: None.*
 - 3. *Corner side setback abutting street: Thirty feet.*
 - 4. *Rear yard: None.*

¹ There was a typo in the May 10, 2022 supplemental memo that referenced OCMC 17.27.050(D), a chapter that does not exist. The correct reference to the applicable setbacks in MUC-1 is OCMC 17.29.050(D)



As the site has frontage on both Kamm Street and Warner Milne, the building has no side or rear yards that abut a residential zone. 17.04.495 defines frontage as the following: *"Frontage" means that portion of a parcel of property that abuts a dedicated public street or highway or an approved private way*

The determination of lot lines in most cases is relatively simple and straightforward; however, this case is complicated because it has frontage on two streets that do not intersect. Such lots are sometimes called "through" lots. Per 17.04.1280 *"Through lot"* means a *lot* having frontage on two streets that are not alleys."

The first thing to note regarding the setbacks is OCMC 17.29.050(E), which indicates that, in the MUC-1 zone, there is typically a "maximum" setback, as the code encourages full buildout of a site. However, the code recognizes that when a MUC zone abuts residential zones, there is a need for greater separation of rear and side yards from those residential zones. Accordingly, the critical issue turns on OCMC 17.29.050(D), which addresses situations when MUC property abuts residentially zoned properties.

Turning first to the interior yard setback, for purposes of this application, OCMC 17.04.1535 defines a side interior yard as follows:

"a yard extending from the front yard to the rear yard along the side of the main building. The width of such yard is the minimum distance from the side lot line not abutting the street to the main building."

To the extent the property's front yard faces either Warner Milne or Kamm Street, the side yards would be to the east and west, and both of those lots are not residentially zoned (they are both zoned MUC), so the additional side yard requirement of subsection (D) does not apply. In addition, staff also concluded that the public access easement on the east side of the site - the access easement and parking lot - was not a private way, such as a private street, as it is not designed to be or to function as a street.

The appellants argue that the Kamm Street property line should be considered a side yard, which would require at least a 20-foot setback. If the public Kamm Street right-of-way were to continue through the site to Warner Milne as part of the proposal, the City would consider the north property line a side yard and require a 20-foot setback from the abutting R3 and R6 properties. As proposed, however, the public access easement is not a continuance of Kamm Street, and the north property line that abuts Kamm Street is designated per definition as a front lot line.

Turning to the "rear yard" setback, the "rear yard" is defined in OCMC 17.04.1520 as the open space "extending the full width of the lot, the depth of which is the minimum distance from the rear lot line to the main building." That definition depends on where the "rear lot line" is located; that term is defined in MCMC 17.04.1000 as follows:

"a lot line that is opposite to and more distant from the front lot line. In the case of a corner lot, the community development director shall determine the rear lot line. In the case of an irregular or triangular shaped lot, an imaginary lot line ten feet in length shall be drawn within the lot parallel to and at the maximum distance from the front lot line. A lot line abutting an alley is a rear lot line."

Based on that definition, the rear lot line is determined in relation to the front lot line, which OCMC 17.04.490 defines as follows:

"a lot line abutting a street. For corner lots, the front lot line is that with the narrowest frontage. When the lot line abutting a street is curved, the front lot line follows the curve. For a flag lot, the front lot line is the shortest lot line adjoining the pole portion of the lot including the width of the pole."

So, a "front lot line" is one "abutting a street." In this case, the site abuts both Kamm Street and Warner Milne, meaning both of those lot lines are front lot lines, and there is no lot line that is "opposite to and more distant from the front lot line."

Finally, several persons argued that a 10-foot setback was required pursuant to OCMC 17.12.040 (*note 1*) which provides as follows:

"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."

The difficulty is that this provision is found in OCMC Chapter 17.12, which governs development only on land zone R-2 (High-Density Residential), and this property is not zoned R-2.²

Would the setback be the same if the project was flipped and the building abutted the duplex located at 1149 Kamm Street?

The short answer is yes, based on the definitions regarding setbacks, as described above.

The property lines to the north and south both abut streets (Warner Milne to the south and Kamm Street to the north). By definition, they are front lot lines; as noted above, a "Front lot line" is defined to mean "a lot line abutting a street."

Typically, the street runs perpendicular to the lot line but, in this case, Kamm street butts into the north lot line of the site and, therefore, the north lot line is also a front lot line. City staff concluded that the site's northern lot line remains a front lot line, even though Kamm street abuts it for only a portion of the lot line, as the definition of a front lot line does not differentiate between abutment for the entire length of the lot line and only abutment for only a portion of the lot line. The City could not compel the applicant to consider the Kamm Street property line as a side or rear yard setback.

Can we require additional privacy fencing or screening vegetation to mitigate the impact the project has on the neighboring properties?

The City cannot require but can make a request of an applicant.

Because this is an outright permitted use, the City may only use the clear and objective standards already in the code, and those do not include mitigation of impacts to neighbors. No standards have been identified in the Site Plan and Design Review standards that require additional fencing or vegetative buffering other than what is required by the site and parking lot landscaping requirements, which do include 3 Douglas firs and a large flowering magnolia along the north property line near 1149 Kamm Street, based on the submitted landscape plan. If the applicant is supportive of additional measures, the Commission may add them to a set of revised conditions or recommendations.

III. TREE MITIGATION ISSUES

I'd like to see some or all of the 2018 mitigation planting be planted onsite.

The mitigation standard in the code places first priority on planting mitigation trees onsite, it does allow for offsite tree planting when "it is not practicable to plant the total number of replacement trees onsite."

As noted in the Community Development Director's decision, a significant number of trees were removed from the property prior to the application being filed without a permit. When a violation like this goes to code enforcement, the result would typically be a requirement to complete an "after-the-fact" permit, which is what is being required in this case. The requirement for mitigation comes from

² Nor is OCMC 17.12.040 the only code provision from another zone to address through lots. OCMC 17.08.045 addresses through lots in the R-10, R-8, and R-6 zones. It provides that "[t]hrough lots having a frontage on two streets shall provide the required front yard on each street. The required rear yard is not necessary."

OCMC 17.41.060, which allows an applicant to choose one or a combination of options as part of their construction permit submittal. As the number of trees to be replanted could range between 50-150 trees based on the final tree count and the mitigation category chosen by the Commission, it simply is not physically possible to plant all the trees onsite and, although the mitigation standard in the code places first priority on planting mitigation trees onsite, it does allow for offsite tree planting when "it is not practicable to plant the total number of replacement trees onsite." Staff has provided a revised condition that compels the applicant to plant as many mitigation trees as possible onsite, with the remaining trees being planted offsite or mitigated through fee in lieu.

IV. STREET RELATED ISSUES

Street versus Easement

Why is an easement allowed instead of requiring the applicant to build a full street?

The code allows for connections to be provided, in appropriate circumstances, through easements or other agreements. City staff recognized the circumstances surrounding Kamm Street, and characteristics of the lot being developed (limited width) makes it impractical to require a full City street to be built as discussed further below.

City code requires new development to be connected to other existing development but allows for the use of alternatives to streets in the appropriate circumstance, such as when "topographical or other conditions make continuance or conformance impractical." In this instance, it was impractical to require a full City street to be built on the subject lot.

OCMC 16.12.015(1) requires development, such as that proposed in the application, to provide all necessary accesses and connections to allow new development to connect to existing development. In particular, that section provides that:

"The arrangement of streets shall either: [p]rovide 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;"

That provision also explains that the connections need not be full streets but, in appropriate circumstances, can be provided through easements or other agreements. The introduction to OCMC 16.12.015 requires development, such as proposed here:

"to provide existing or future connections to adjacent streets through the use of vehicular 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."

As stated above, the code requires new development to be connected to other existing development, but allows for the use of alternatives to streets in the appropriate circumstance, such as when "topographical or other conditions make continuance or conformance impractical."

In this case, City staff reviewed the situation and concluded that a connection between Kamm Street and Warner-Milne is required, because the extension of streets and accesses not only provides public convenience and adequate traffic circulation, but also provides more direct paths for emergency services such as police, fire, and ambulance. However, City staff also recognized the circumstances surrounding Kamm Street. The characteristics of the lot being developed (limited width) make it impractical to require a full City street to be built, as discussed further below. Accordingly, the Community Development Director's decision attempted to find the appropriate middle ground of requiring the connection, but not as a full street buildout and, instead, using the option allowed by OCMC 16.12.015 to require only an easement.

At the public hearing, the Commission asked regarding the City standard for a 'constrained section' of a local street. A constrained street section right-of-way is 40 feet in width, which includes a 28-foot paved roadway, and 5 ft curb tight sidewalk, 6-inch high curb, and 6-inch landscape buffer at the back of the sidewalk. Noting that the existing Kamm Street is only 40 feet in right of way width, it would not be appropriate to require a full width of Kamm Street extension of 62 feet. However, the City has the ability to maintain streets best when they are of code pavement width of 32 feet and larger. Please also note that the applicant is also required to provide a larger shared use path through the site, an identified project in the Transportation System Plan, which will require the use of a 10-foot sidewalk onsite, which further reduces the amount of eligible paved right of way in a constrained street configuration.

The City also does not normally permit perpendicular parking along street right-of-way. The City only permits parallel parking or diagonal parking (mostly in the downtown area). Since the extension of Kamm is proposed as 24 feet in width and the 'right-of-way' area will be 24 feet, the City has elected to cause this extension to be for public access through use of an easement. This is similar to how the City allows (and in some cases requires) alleys. The City rarely owns new alleys and considers them private streets with public access. The extension of Kamm Street is an extension of Kamm Street physically, but by code language and the legal definition, will be called a public access easement.

The City could require a constrained street through the site instead of an easement, but it would have implications for parking (which could be partially or fully resolved through the use of offsite parking owned by the applicant), maintenance (which Public Works would have to figure out if the Commission decides to impose this requirement), and potential negative ramifications for the residents of the currently-existing Kamm Street as a street connection would imply a vehicle connection. In short, the City could do it, but it might not necessarily solve any particular issue.

As described in the supplemental memo, A full-width street would require the property owner to dedicate significantly more of its property to the public, which has the potential to implicate a takings claim under the Fifth Amendment and such cases as *Dolan v. City of Tigard*, 512 US 374 (1994), which requires any exaction, such as road dedications or easements, to be "roughly proportional" to the impacts of the development. A constrained street may also be subject to this issue but has not been formally analyzed by the City as it was not proposed by the applicant.

Street Improvement/NROD

Does the proposed street layout stay out of the protected water feature that drove the NROD?

There is sufficient area in the existing right-of-way on Warner Milne Road to complete the required improvements without impacting the location of the verified water feature (downstream reach).

As noted above, the applicant chose not rely on the mapped NROD overlay zone and, instead, provided a verifiable delineation of the true location of the natural resource feature. That delineation identified only a portion of the channel, the "downstream reach" as a stream as defined in the City code. Condition of approval #22 specifically addresses the impact of the improvements on the verified protected water feature. It provides as follows:

"No disturbance may be performed within the delineated 15 -foot buffer of Drainage A—Downstream Reach without additional Type I or Type II review beyond the planting of native grass submitted with the approved landscaping plan. (P)

Those improvements consist of a 6-inch curb and 10 ft sidewalk with 5x5 tree wells. The sidewalk may be reduced to 7 feet where it is adjacent to a natural resource (NROD) or to preserve existing trees as stated in Condition #3.

The applicant will be required to dedicate a 5 ft public utility easement for facilities such as gas, electric, telecom as stated in Condition #32.

An easement for water and sewer is also required as stated in Condition #31 and a 24 ft vehicular access easement on the Kamm extension from existing Kamm Street to Warner Milne Road as stated in condition #36.

Kamm Street

Can the City Require Bollards or Other Improvements to Prevent Use of the Kamm Street Connection to Warner Milne?

Under OCMC 12.04.005, the City exercises regulatory management over all public rights of way, including easements, within the City, and could choose to require the connection, but not open that connection and block it with bollards, gates, or any other device.

As noted above, the City code generally requires the connection of new development to the existing street network. Accordingly, Public Works staff does not support placing bollards, gates, or fences at the connection of existing Kamm Street and Kamm Street extension at the north end of the property.

If the City Commission chooses to require the connection, but prevent the immediate use of that connection, Public Works offers the following new condition:

"The applicant shall provide an appropriately designed lockable bollard or gate at the connection of existing Kamm Street and the public access easement of Kamm Street extension on the subject property according to the standards of City of Oregon City Public Works and Clackamas Fire District No. 1."

If the above condition is adopted, Public Works requests the deletion of Condition 11 as "No Parking" signage will no longer be needed on existing Kamm Street.

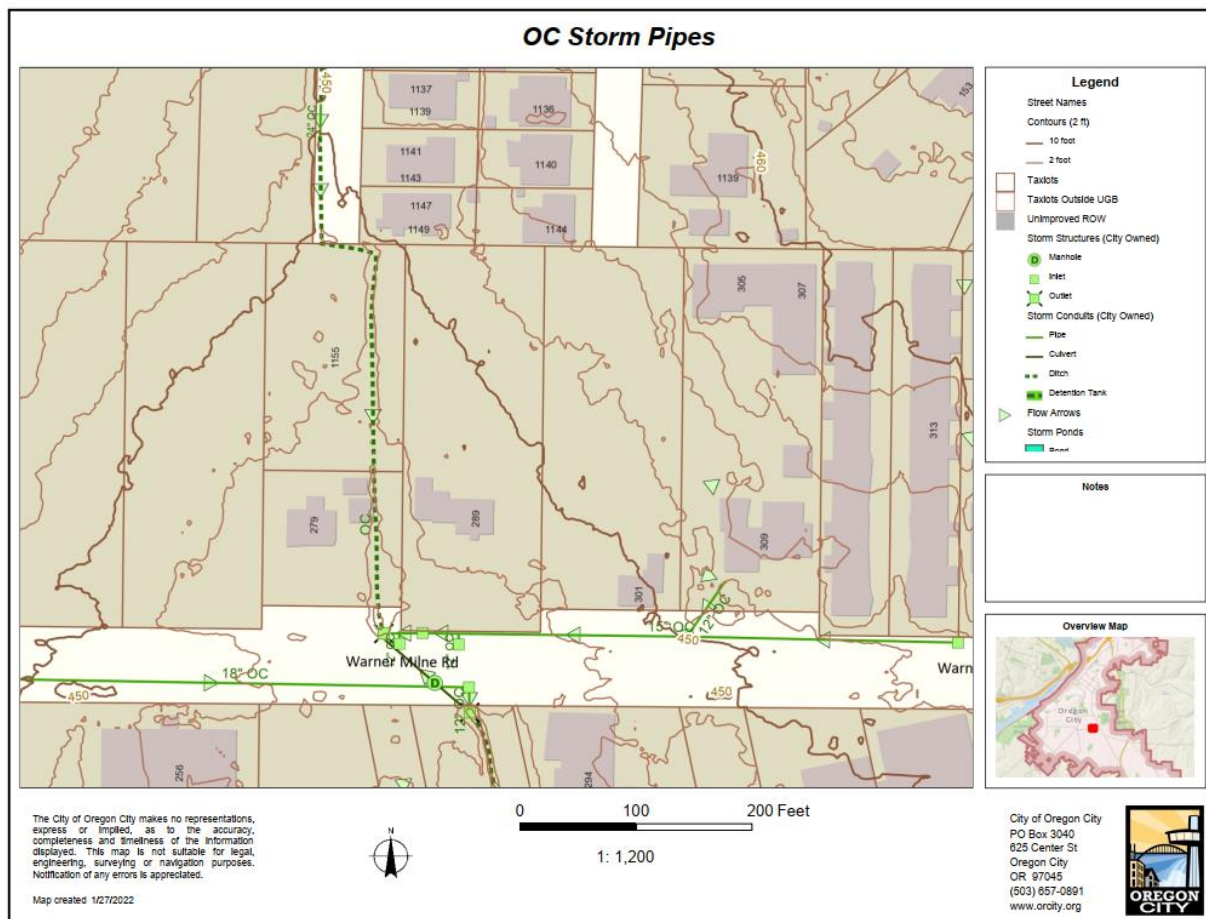
V. STORMWATER RELATED ISSUES

How does this site connect with upstream and downstream stormwater flows?

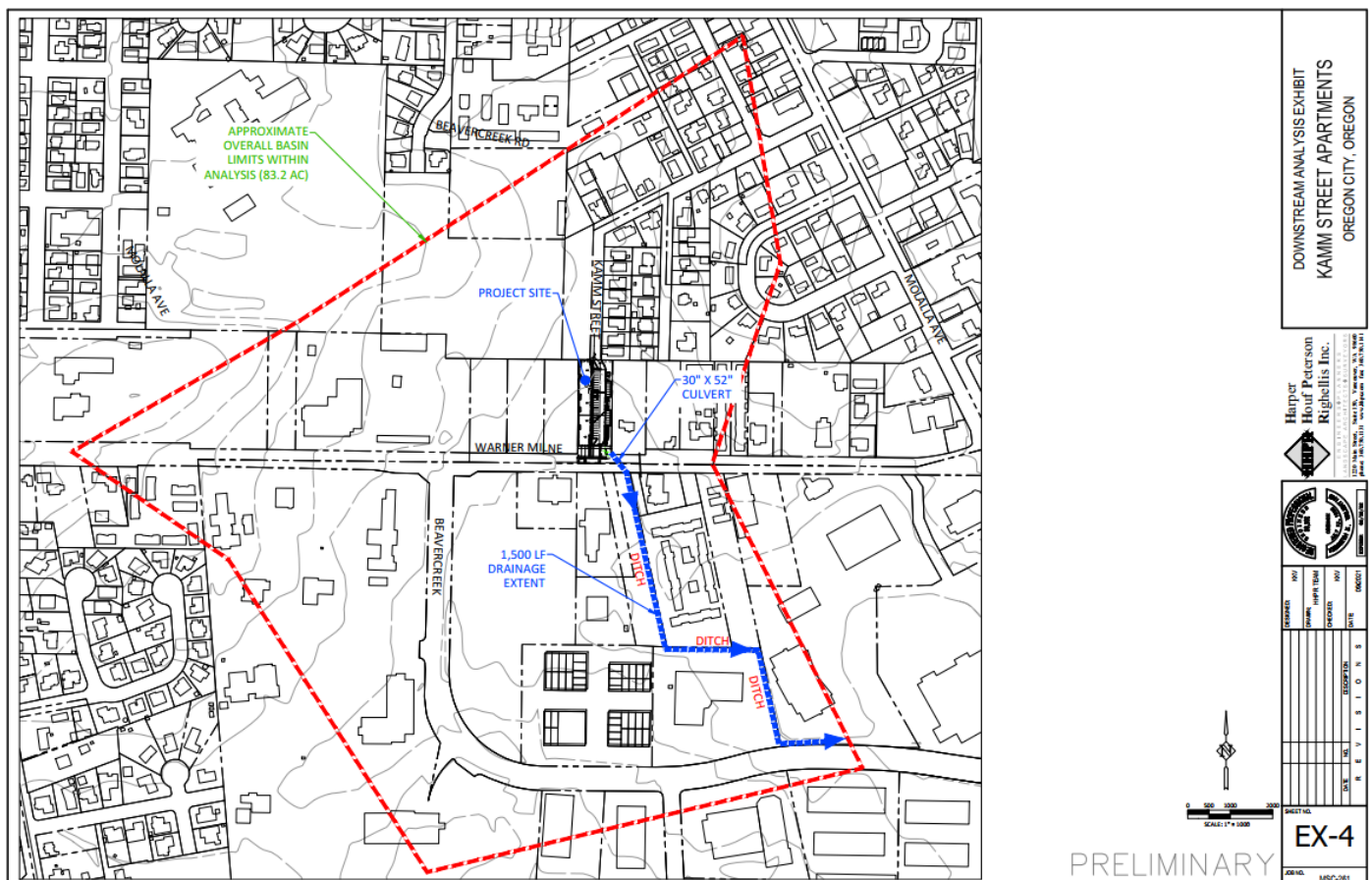
As demonstrated in the maps provided as part of the applicant's submittal, the stormwater system continues southward toward Beaver Creek Road through the proposed development site, then travels eastward along until it reaches the existing stream at the intersection of Highway 213 and Beaver Creek Road and feeds into Newell Creek.

Upstream stormwater gets conveyed in pipes or sheet flows until it is released into the Kamm Street ditch north of the property along the cemetery. The ditch continues through the site and ultimately goes into a pipe under Warner Milne Road that is released into an open channel southward and eastward to Newell Creek.

At the public hearing, the Commission requested additional information related to the operation of the City's stormwater system, including more information regarding upstream and downstream flows, as well as how the stormwater will transition from an open channel to a piped conduit.



The City's Stormwater and Grading Design Standards (the "Stormwater Standards"), adopted pursuant to OCMC 13.12.020, set out the requirements to convey stormwater throughout the City, including the proposed development site. Section 1.4.1. of the Stormwater Standards states that "surface or subsurface drainage, caused or affected by development...shall be collected and conveyed to an acceptable point of discharge..." It also states "surface drainage entering a development from offsite areas shall be intercepted at the naturally occurring locations. Offsite surface drainage shall not be mixed with stormwater collected and treated in onsite stormwater management facilities unless those facilities are designed to manage the additional flows from the upstream drainage" Section 1.4.4 states that "if it is determined by the City that facilities...are necessary to protect natural resources...the City may require additional facilities or modifications"



Enclosing the existing ditch into a piped system meets the requirements of Section 1.4.1 and their design through permit review. Those improvements will need to meet the full breadth of the Stormwater and Grading Design Standards as conditioned as Conditions #12 and #13. Furthermore, as the Community Development Director has determined that the ditch is in fact a manmade ditch based on the consultant's environmental analysis, nothing additional would be required and piping is acceptable per section 1.4.4.

The outfall of the site's entire system will involve an existing regulated resource at the south east corner of the property as determined by the applicant's environmental consultant. Through conditions

#12 and #13, appropriate stormwater management will be required to sustain the existing natural resource area.

No Rise Permits

Does this project need a no-rise permit?

The development is not mapped as part of the City's flood management overlay district and, as such, there is no basis in the City's standards that would allow it to require a "no rise" certificate.

A question was raised at the public hearing regarding the ability of the City to require a "no-rise" certificate for any development on the site.

Generally speaking, a "no-rise" certificate addresses concerns related to the flood management district, which is addressed in OCMC Chapter 17.42. Although the development site is mapped within the NROD overlay, it is not mapped as part of the City's flood management overlay district and, as such, there is no basis in the City's standards that would allow it to require a "no rise" certificate. Localized flooding which is not within a mapped floodplain district is not regulated and therefore is not subject to the requirement for a 'no rise' permit.

VI. ELYVILLE NEIGHRBHOOD ASSOCIATION COMMENTS

Commissioner O'Donnell requested a response to comments presented by Elyville Neighborhood Association at the May 18, 2022 City Commission Meeting. A majority of the comments have been addressed above, or in the May 10, 2022 supplemental staff memo. Responses not found in either document will be addressed in more detail below.

Site Plan and Design Review Criteria and Zoning Setbacks

MUC-1 Zoning Setbacks

Please refer to the above discussion relating to setbacks in the MUC-1 District and its relationship to the Kamm Street frontage. Elyville mentioned OCMC Chapter 17.12 in their comments on the 18th, which governs development only on land zone R-2 (High-Density Residential), and this property is not zoned R-2.

Parking

The appellants indicate that they do not believe that there is enough parking onsite to meet the needs of the residents and visitors and believe it will spill over to Kamm Street and impact existing residents. The Type II process provides clear and objective standards for parking based on use and not specific development conditions. Additionally, State law requires cities to provide a clear and objective standard for residential development. In this case, the number of parking spaces complies with the clear and objective standard in the code. As such the Commission cannot compel that applicant to build additional parking spaces. Please refer to the May 1, 2022 staff memorandum for more detail.

Kamm Steet Improvement/Access

Kamm Street extension vs Easement

Please refer to the beginning of the memo for street connections and vehicular access easements discussions.

Fire access is not needed through the site- Kamm Street is a small street.

Design for fire access is controlled by OCMC 15.40 Fire Prevention Code and Clackamas County Fire District #1. The applicant's proposal that allows for fire access through the site with or without a bollard/gate meets the fire access standards. A redesign of the site for fire access would still send the applicant to the sections described in the Kamm Street connection earlier in the memo, which directs them to connect to existing streets.

Allowing the vehicular connection creates a safety hazard

As discussed in the May 10, 2022 supplemental memo, the Appeal states that the narrower roadway will cause safety concerns; however, the application includes calming traffic measures, including a chicane. This approach meets the requirements of OCMC 16.12.023 by providing an alternative design to discourage the use of the connection by nonlocal traffic. Section 16.12.019 is also met as the site has been conditioned to ensure no traffic sight obstructions will exist.

Notwithstanding the above, the Commission could choose to require the connection, but not open it at this time. Under OCMC 12.04.005, the City exercises "jurisdiction and regulatory control over all streets within the City, and the Commission could choose to keep this particular connection closed at this time by including a condition requiring the placement of a bollard or gate.

Improvements of Existing Kamm Street are needed for safety

As described in the May 10, 2022 supplemental memo, neighborhood concerns about the existing street design and lack of sidewalks on Kamm Steet to the north of the site are not proportional to the impact of the proposal to allow the City to exact off site improvement. No City TSP projects have been adopted on this stretch of Kamm Street, and staff is unable to identify any proportional project beyond the applicant's requirement to pay system development fees for their identified contribution to the transportation system.

16.12.035 Driveways provides guidance for not allowing connection

The Kamm Street connection is neither a driveway or a street connection

This driveway section describes the spacing standards between driveways on different classifications of streets. Kamm Street extension, whether by Easement or right of way, is not a driveway. There are no driveways proposed on this plan, and therefore, this portion of code is not applicable. The staff report says Complies as Proposed with some reasoning but should have been Not Applicable. Either way, the result is the same. This confusion came because the applicant kept changing whether this was a driveway, road, or Easement and how that related to frontage, parking, etc.

Street separation is discussed in 16.12.030 – block widths

If the maximum block size is exceeded, pedestrian accessways shall be provided every 330 feet.

There is lack of connectivity from existing Kamm Street to Warner Milne Road. Block Spacing along Warner Milne Road exceeds 530 feet. The layout of the proposed development shows a pedestrian

and bicycle accessway which is located to minimize out-of-direction travel from Kamm Street to Warner Milne Road to meet this standard. Kamm Street ROW abuts the property. In lieu of a street, or constrained street, the applicant has proposed pedestrian and vehicular connection through the site via the drive isle and the proposed share use path. This approach meets the block length standards.

A fence should be built at north property line to separate use from Kamm street residences.

A fence blocking pedestrian, fire and vehicle access to Kamm Street would not be allowed through a Type II Site Plan and Design Review as the applicant would not be able to show compliance with the applicable code sections referenced in the Kamm Street connection discussion above, would not be able to implement the required shared use path, and meet fire access standards. There is no code section to compel the applicant to build a fence physically separating the development from Kamm Street.

Stormwater

The applicant needs a soil study around the entire property- no samples were taken

Soil survey is wrong and it is not validated- no testing done to validate conclusions- report submitted is incomplete. Clay soil- high water table

As discussed in the May 10, 2022 supplemental memo, City mapping indicates that the property resides in a high groundwater area; however, the applicant provided a stormwater report that addresses the soils onsite. The soils are based on the NRCS Soil Survey, which is consistent with the standards in the City's adopted Stormwater and Grading Design Standards and does not require a site-specific survey. The approval is conditioned on erosion control plan and permits being submitted prior to any building occurring. The Appeal is incorrect when it states that a soil survey without actual documentation 'does not validate the applicants' conclusions' concerning the soils. The City's code and the adopted Stormwater and Grading Design Standards explicitly allow the NRCS soil survey to make that conclusion.

Tree Mitigation

Type I tree permit does not go far enough, trees were larger than 18" -24" should have additional enforcement or deterrent measures

If the caliper sizes of the trees that were removed cannot be verified, the challenged decision requires the applicant to use the middle category of 19" to 24" healthy tree located outside of the construction area category as a default category for all trees in their calculations unless further refined with additional documentation. The category was chosen as it appears that the removed trees vary in size between the identified mitigation categories, though the City Commission could choose a higher default mitigation table in a revised condition of approval if the applicant cannot provide a tree survey with documentation of the caliper of trees removed. A suggested revision to the Conditions of Approval can be found at the end of the memo for Commission review. The Site Plan and Design Review process that regulates tree removal on commercially zone property provides a clear and objective mitigation table. The City Commission does not have the ability to require additional mitigation trees beyond the suggested revisions to the conditions that change the mitigation category to 25 to 30" or 31" or over.

Tree removal does not meet Metro Title 3

As discussed in the May 10, 2022 supplemental memo, Metro Title 3 is implemented through OCMC 17.49 Natural Resources Overlay District. The applicant has applied for a Type II review for verification/exemption for a resource under the administrative review criteria found in OCMC 17.49.260. If the applicant has submitted sufficient information to show compliance with the exemption criteria, the City is obligated to process the verification as a Type II Administrative review.

17.49.265 Correction Violations

As discussed in the May 10, 2022 supplemental memo, if the City Commission finds that the applicant does not meet the criteria for an NROD exemption, the applicant will be required to resubmit a Type II NROD mitigation plan for the 2018 disturbances within an NROD boundary as part of the revised submittal or through code enforcement if no project advances on the site. Tree mitigation calculation is regulated by the tougher of the two standards, which is typically the Natural Resources Overlay District.

Natural Resources Overlay District

Removal of upland habitat affects NROD and delineation report

Water data was not used correctly- does not acknowledge long-term drought conditions.

Please refer to the discussion relating to the Type II Natural Resources Overlay District verification review at the beginning of the memo.

OCMC 17.49.070(b) new lots that would have buildable areas in the NROD buffer are prohibited.

This section of the Natural Resources Overlay District provides guidance in new subdivision or partition applications where new lots are created. This application is for a Site Plan and Design Review for a multi-family dwelling on existing lots and is thus not subject to this code section.

Type I NROD verification criteria were not met (OCMC 17.49.255)

The appellant is correct; the applicant was ineligible for a Type I (ministerial/non-appealable) NROD verification process as two criteria are not met 1. There is evidence of an intermittent stream onsite (downstream reach), and 2. Evidence of vegetation removal within the NROD area. Therefore, the verification of the delineation is required to be reviewed through the Type II (limited land use/appealable) process.

17.49.260 - Type II verification.

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

b. Such requests may be approved provided that there is evidence that demonstrates in an environmental report prepared by one or more qualified professionals with experience and credentials in natural resource areas, including wildlife biology, ecology, hydrology and forestry, that a resource function(s) and/or land feature(s) does not exist on a site-specific area.

VII. POTENTIAL ADDITIONAL CONDITIONS OF APPROVAL

As discussed above, depending on the Commission's ultimate direction, the Commission may require additional conditions of approval. Below are the potential additional conditions of approval the Commission may want to include in a revised decision.

Proposed Revised Conditions of Approval

Mitigation Trees

19. Prior to the release of Building Permits, the applicant is responsible for submitting a [Type I Site Plan and Design Review](#) tree removal application for those trees removed in 2018/2019 based on the compliance options in 17.41.050. The trees removed in 2018/2019 are above and beyond any tree proposed to be removed as part of the current application. If the caliper sizes of the trees that were removed cannot be verified, the applicant shall use the 19" to 24" [25 to 30" or 31" or over] *healthy tree located outside of the construction area category* as a default category in their calculations unless further refined with additional documentation. **The applicant shall demonstrate that required mitigation trees shall be planted onsite to the extent practicable, based on direction from a licensed landscape architect, with the remainder allowed to be planted offsite or paid by fee in-lieu (P)**

Kamm Street Connection

~~11: To ensure there is proper clearance on existing Kamm Street, the developer shall provide "no parking" signs along the west side of existing Kamm Street unless a bollard is place at the connection to Kamm Street extension.~~

40: The applicant shall install a lockable removable bollard, gate, or other device approved by the City at the connection of existing Kamm Street to new Kamm Street extension until such time the City Commission directs Public Works staff to remove the bollard. Emergency Services shall be provided with the means to remove the bollard or open the gate in times of emergency. (DS)

Additional screening along north property line.

41. While not required for this approval, the applicant has indicated that they will provide additional site obscuring fencing and vegetation screening along the north property line abutting 1129 Kamm Street and St John's the Apostle Cemetery. The applicant is encouraged to work with both abutting property owners to determine the final species, height, and materials. (P)

AP 22-00001 and AP-22-00002:
Two appeals of the Development Director approval with conditions
of
Planning Files GLUA-21-00066: SP-21-00017, NROD 21-00018
Development of a new three-story 30-unit apartment building

City Commission Hearing

May 18, 2022

City Commission Hearing

- Staff Presentation
- Applicant Presentation (15 minutes)
- Appellants presentation (15 minutes each)
- Public Comment
- Rebuttal from appellants, then applicant
- Deliberation
- Decision

120-day deadline is May 20, 2022



AN 22-0001 & AN 22-0002

Appellants

Elyville Neighborhood Association, c/o Karla Laws and Troy Brummell
(AP 22-00001)

Dave Wakefield
(AP 22-00002)

Staff supplemental memo provide a joint response to the Appeals



AN 22-0001 & AN 22-0002 Grounds for Appeal

The Commission's review is limited by OCMC 17.50.190.F:

“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.”

2 limitations – no new evidence, and only those issues identified in the appeal may be discussed

Comments and testimony of people with standing that present new evidence or new arguments cannot be used in the deliberations and decision of this appeal.

New Evidence- Not Part of the Record

ORS 197.763(9) defines “evidence” as: “facts, documents, data or other information offered to demonstrate compliance or noncompliance with the standards”

Elyville Neighborhood Association (AP 22-00001 Submittal)

- Several photos submitted are not part of the record
 - ❑ Photos 1 &2 (Google Street View), 4-7 (ducks) 8&9 (squirrels)
- September 22, 2022 Public Records Request Email to Jakob Wiley
- National Weather Service website data outlining Oregon City annual precipitation for the (3) prior years
- October 31, 2019 letter from the Historic Preservation Office for PA 19-45 (Holmes Lane multi-family)

City Commission Options

REMAND THE APPLICATION TO STAFF – *requires a 120-waiver extension*

- Natural Resource Overlay District Exemption- additional information,
- Revised plans and Natural Resource Overlay District mitigation report

DENY THE APPEAL AND AFFIRM APPROVAL

DENY THE APPEAL AND AFFIRM APPROVAL WITH MODIFIED CONDITIONS

- Kamm Street Connection- allow a bollard or gate,
- Type I Tree Mitigation Category – require a higher category

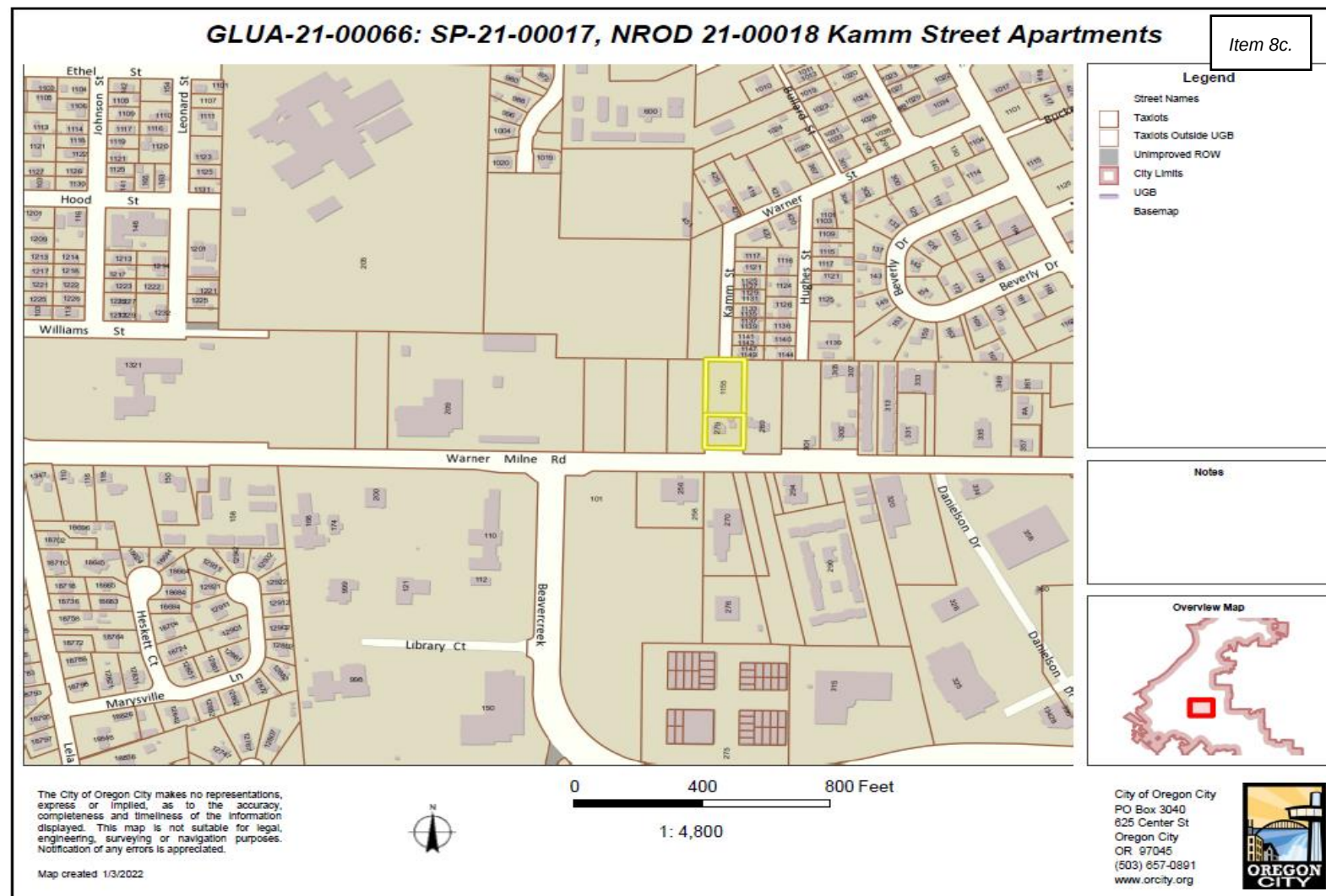
APPROVE THE APPEAL-DENY THE APPLICATION -MODIFIED FINDINGS ADOPTED BY THE COMMISSION.

- Natural Resource Overlay Exemption



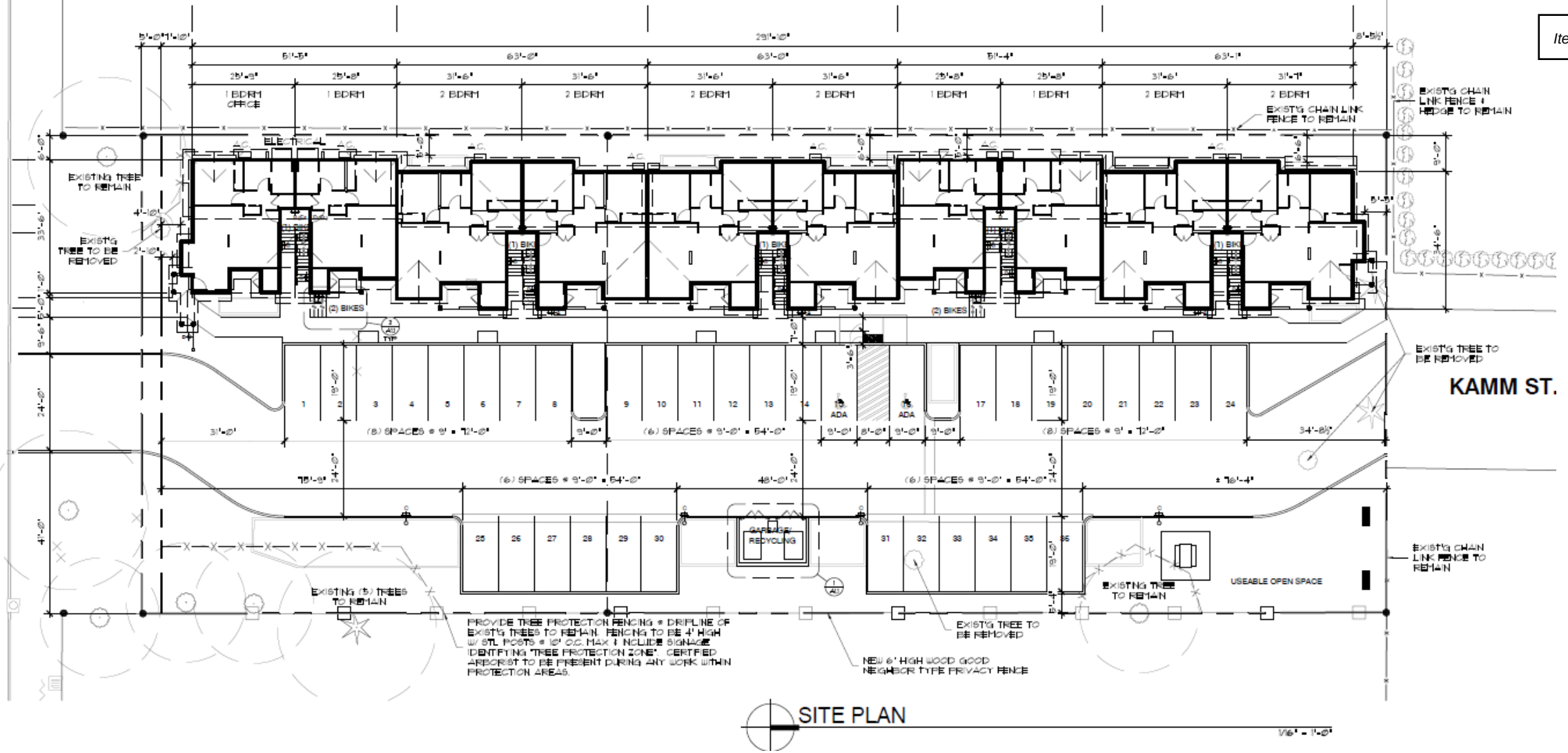
AN 22-0001 & AN 22-0002

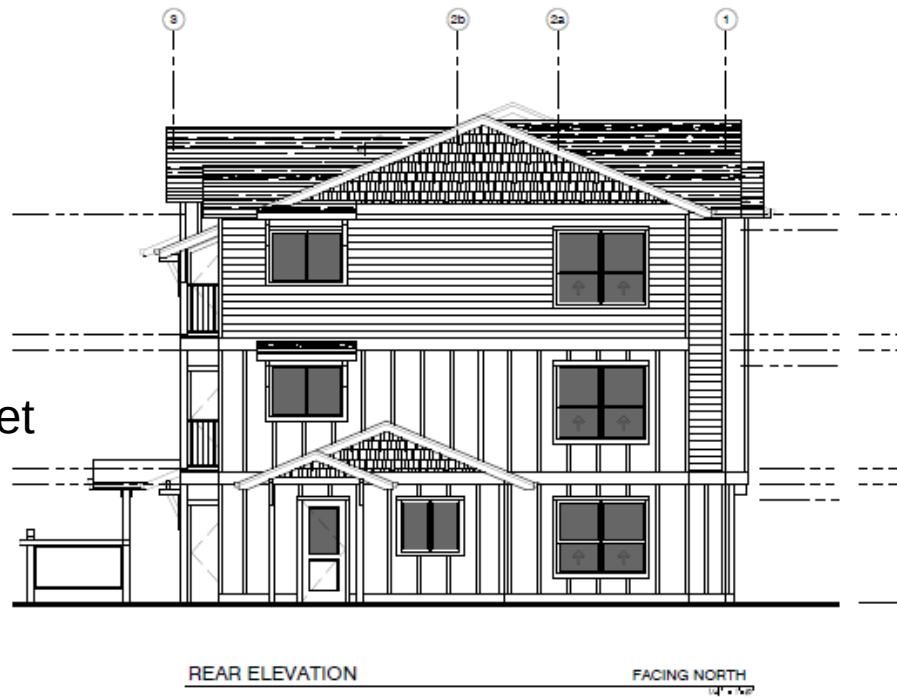
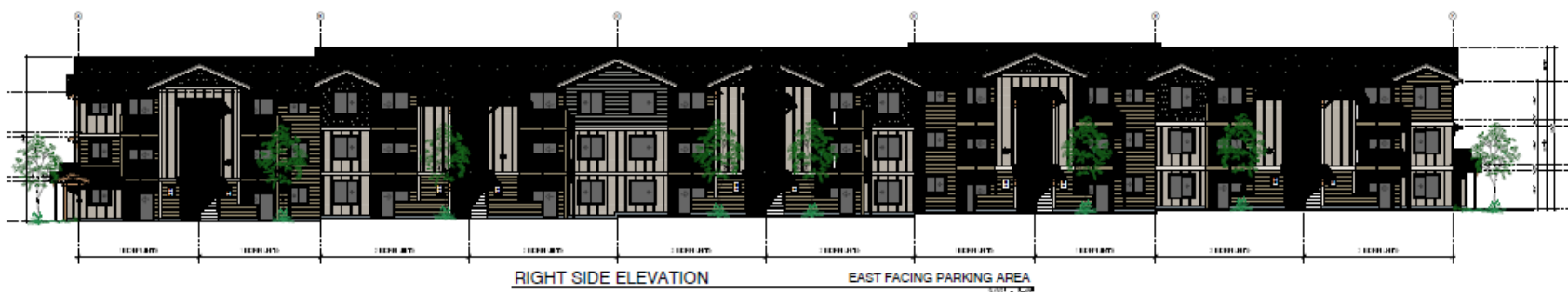
Background



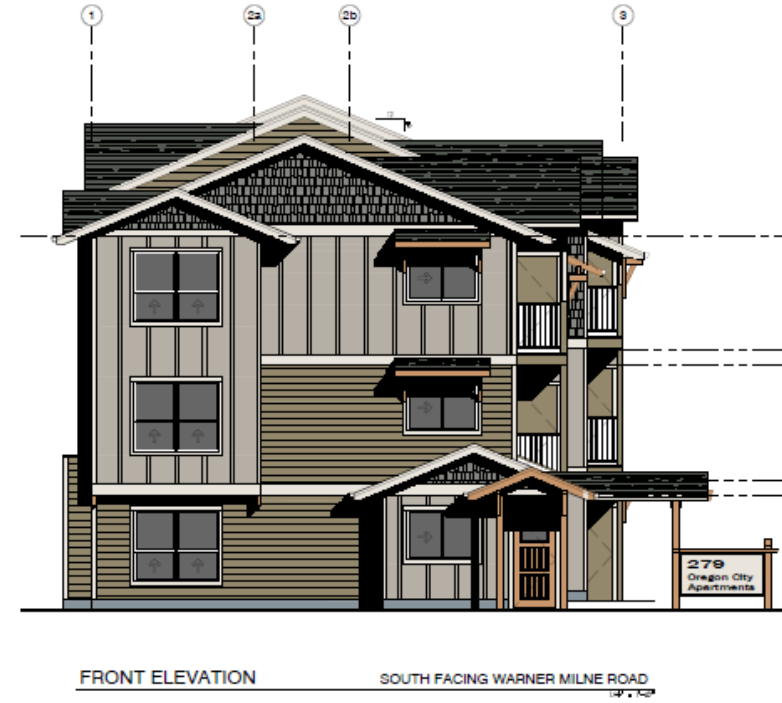
AN 22-0001 & AN 22-0002

WARNER MILNE RD





Kamm Street



Warner Milne



AN 22-0001 & AN 22-0002

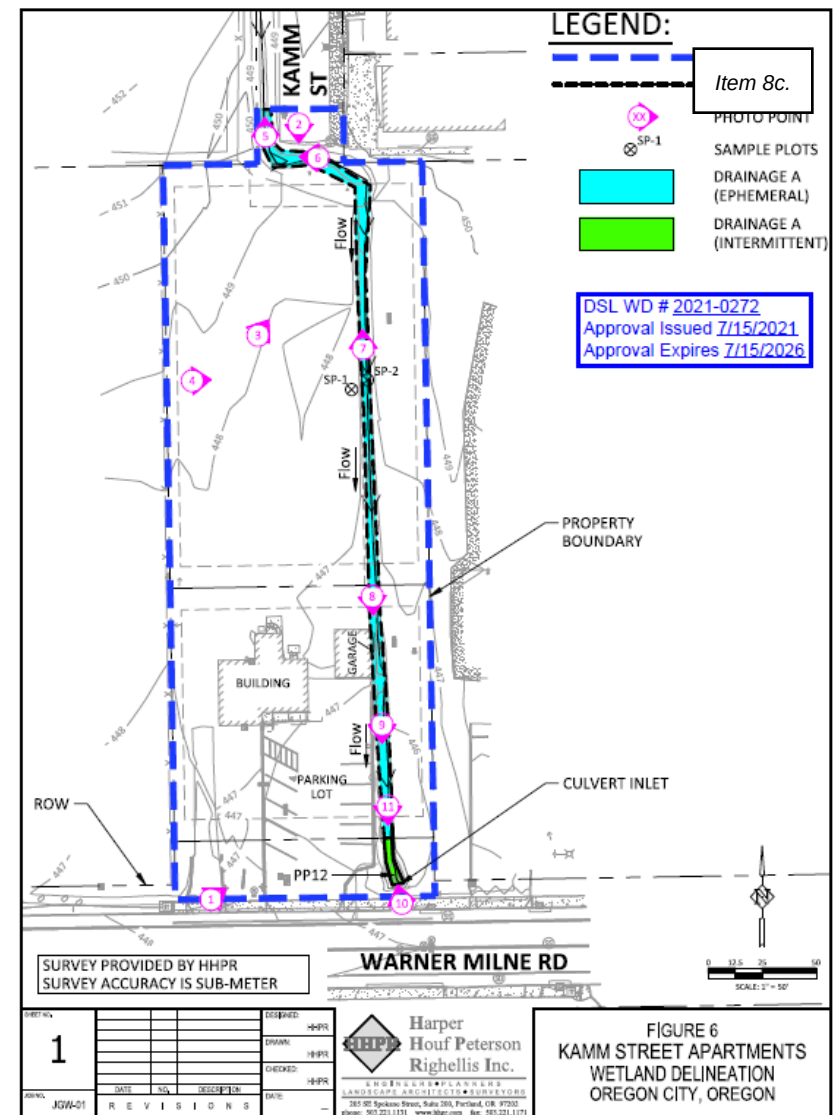
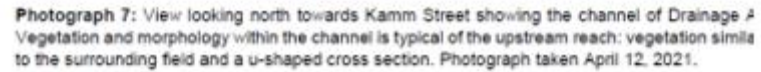
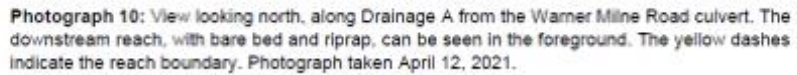




Figure 5: 2018 Aerial – OC Webmaps (showing previous tree canopy)

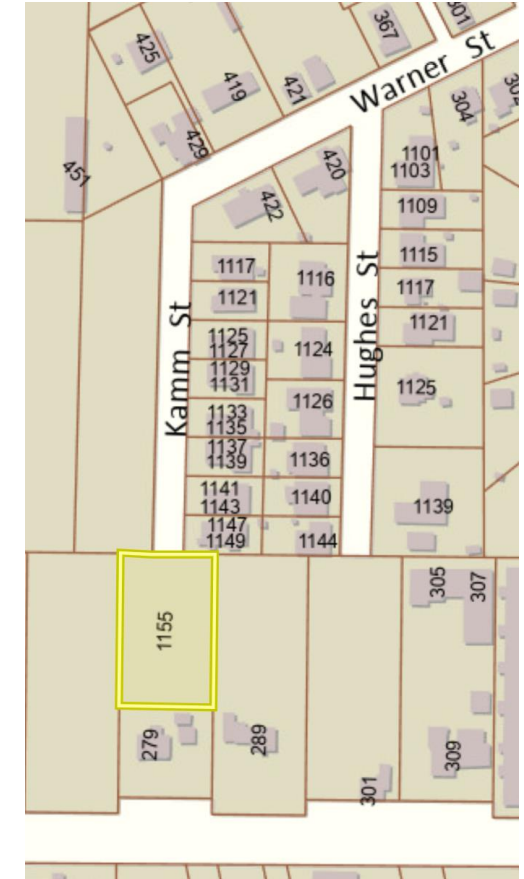


Figure 6: 2019 Aerial – OC Webmaps- showing trees removed onsite

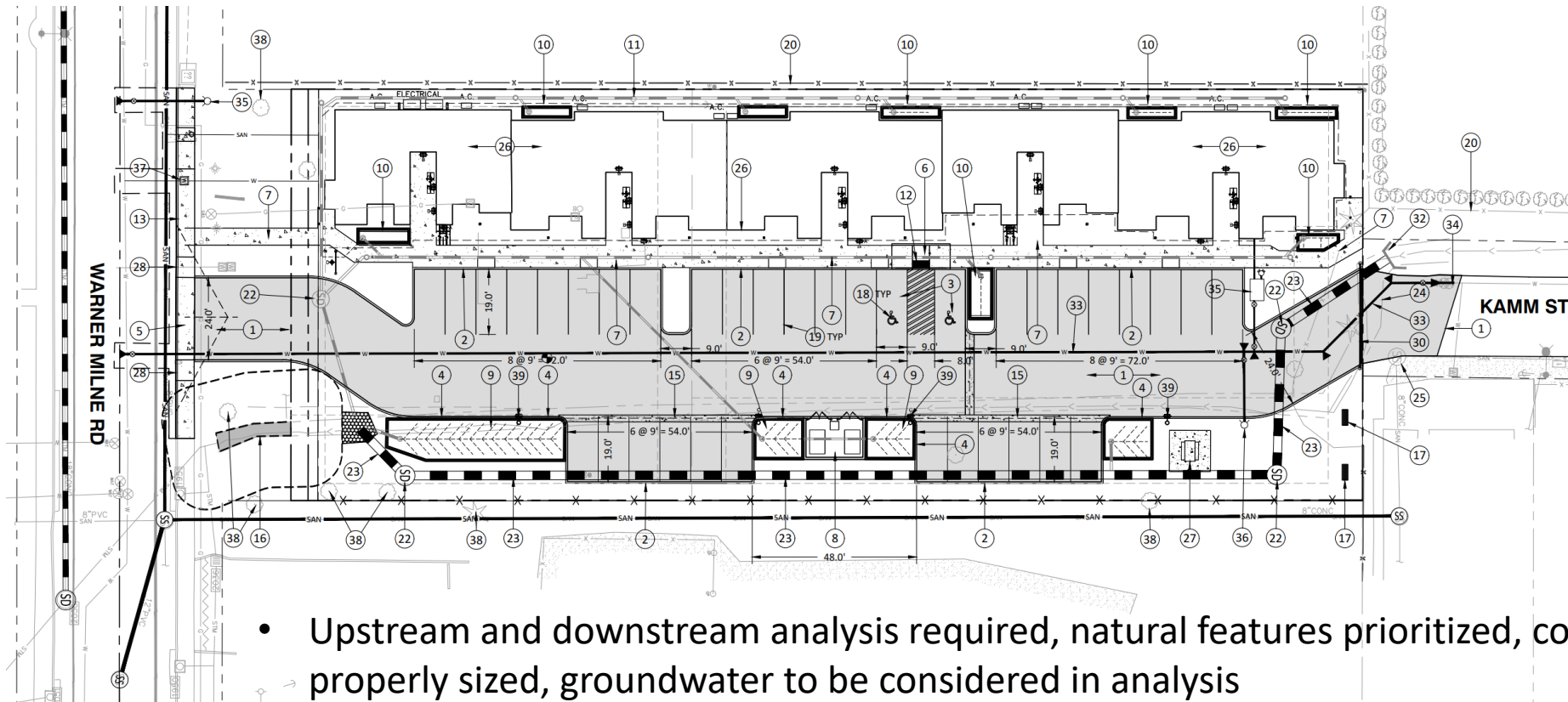
Transportation – Kamm Street Connection

OCMC 16.12.015 and 16.12.016

- Development shall be required to provide existing or future connections to adjacent sites through the use of vehicular and pedestrian access easements where applicable
- Provide for the continuation or appropriate projection of existing principal streets in the surrounding area and on adjacent parcels
- 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
- Vehicular and pedestrian easements shall allow for public access and shall comply with all applicable pedestrian access requirements



Stormwater



- Upstream and downstream analysis required, natural features prioritized, conveyance properly sized, groundwater to be considered in analysis

Natural Resources Overlay District

"Protected water features" shall include:

- 1. Title 3 wetlands;*
- 2. Rivers and **perennial and intermittent streams**;*
- 3. Springs which feed stream and wetlands and have year-round flow; and*
- 4. Natural lakes.*

*"Stream" means areas where surface water produces a defined channel or bed, including bedrock channels, gravel beds, sand and silt beds, and defined-channel swales. The channel or bed does not have to contain water year-round. This definition is not meant to include irrigation ditches, canals, storm or surface water runoff structures, or other artificial watercourses unless used to convey naturally occurring streams prior to construction of such watercourses. Streams are categorized into two classes: Perennial streams and intermittent streams. Perennial stream means a stream that flows year-round during years of normal precipitation. **Intermittent stream means a stream that flows only part of the year, or seasonally, during years of normal precipitation***



Type I Tree Mitigation

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

The appellants indicate that the applicant should be required to mitigate through the highest mitigation table for the 2018 tree removal without additional evidence, which the City could pursue with this Appeal.



Other Issues

Parking/Open Space Requirements

Tree Planting Locations

Zoning Setbacks, Kamm Street

Transportation Analysis

Archeology

Process Concerns

Impact on Property Values,

Headlights-Safety Risk

For these items, the applicant either met the clear and objective criteria, the issue was not based on a criteria for approval, or the city met required process procedures



City Commission Options

REMAND THE APPLICATION TO STAFF – *requires a 120-waiver extension*

- Natural Resource Overlay District Exemption- additional information,
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- Kamm Street Connection- allow a bollard or gate,
- Type I Tree Mitigation Category – require a higher category

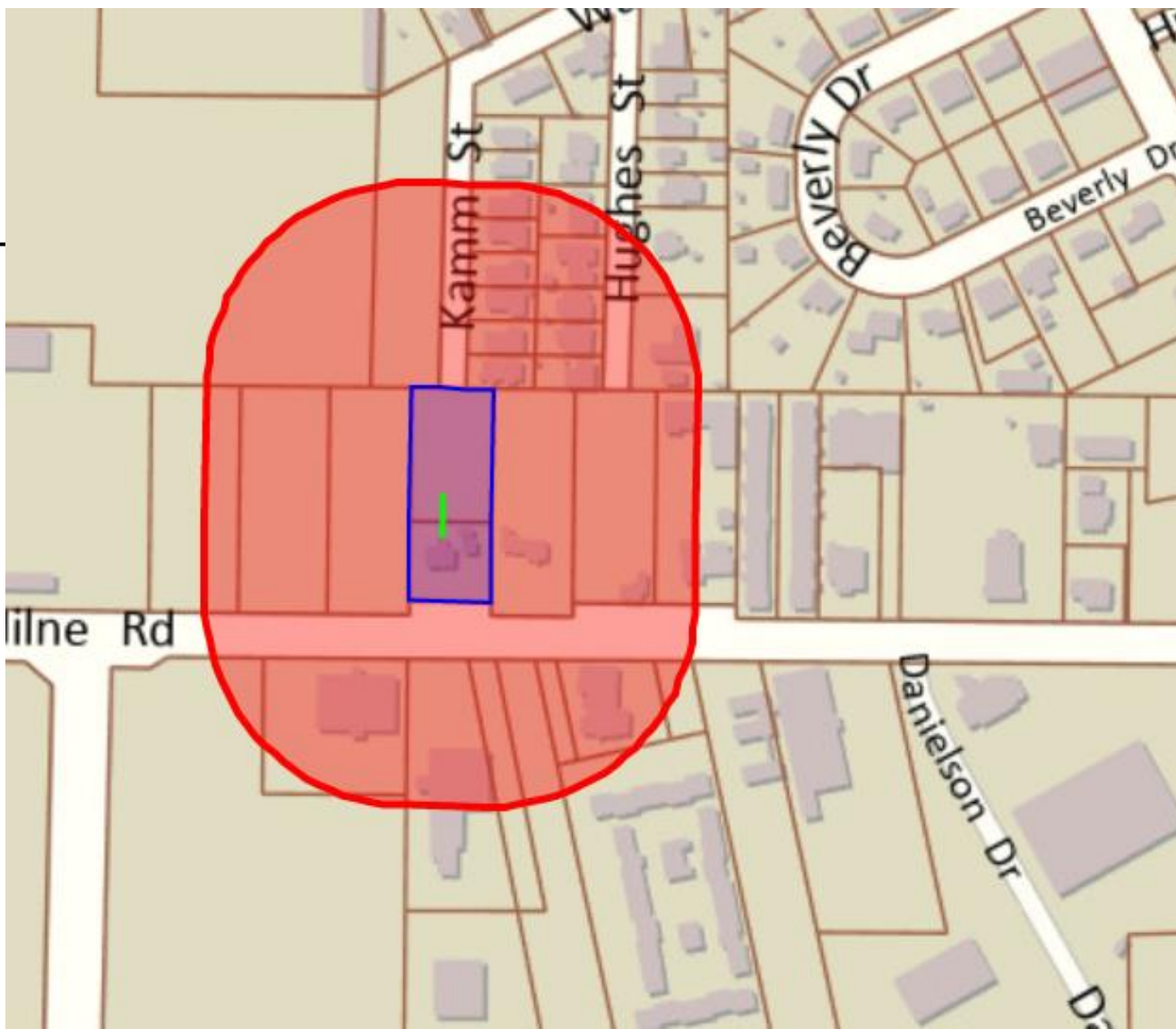
APPROVE THE APPEAL-DENY THE APPLICATION -MODIFIED FINDINGS ADOPTED BY THE COMMISSION.

- Natural Resource Overlay Exemption



AN 22-0001 & AN 22-0002





17.50.090 - Public notices.

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.**



Potential Revisions to Conditions of Approval- Tree Mitigation

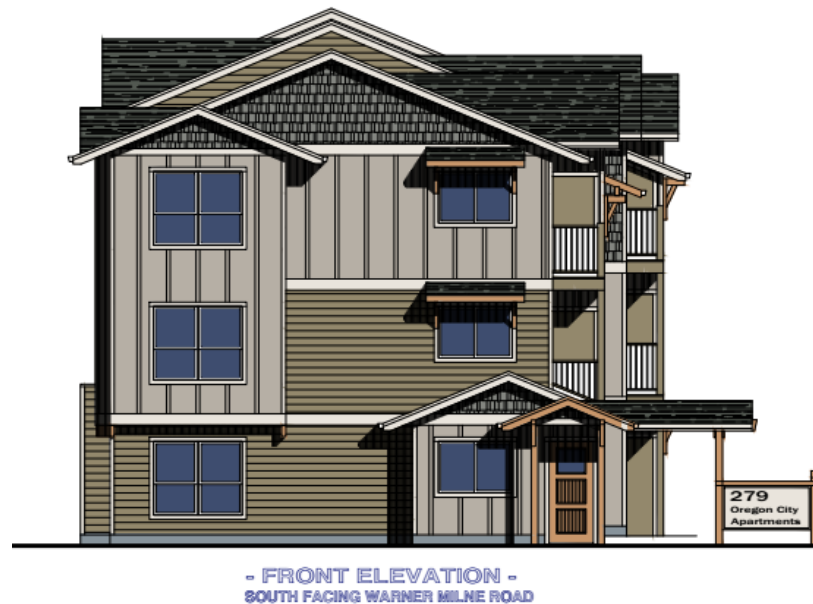
19. Prior to the release of Building Permits, the applicant is responsible for submitting a [Type I Site Plan and Design Review](#) tree removal application for those trees removed in 2018/2019 based on the compliance options in 17.41.050. The trees removed in 2018/2019 are above and beyond any tree proposed to be removed as part of the current application. If the caliper sizes of the trees that were removed cannot be verified, the applicant shall use the ~~19" to 24"~~ [25 to 30" or 31" or over] *healthy tree located outside of the construction area category* as a default category in their calculations unless further refined with additional documentation. (P)

Potential Revisions to Conditions of Approval- Kamm Street

11 : To ensure there is proper clearance on existing Kamm Street, the developer shall provide “no parking” signs along the west side of existing Kamm Street unless a bollard is placed at the connection to Kamm Street extension. **If a bollard is placed, “no parking” signs will not be required to be installed.** (DS)

40 : The applicant shall install a lockable removable bollard at the connection of existing Kamm Street to new Kamm Street extension until such time the City Commission directs Public Works staff to remove the bollard. Emergency Services shall be provided with the means to remove the bollard in times of emergency. (DS)

Kamm St. Apartments



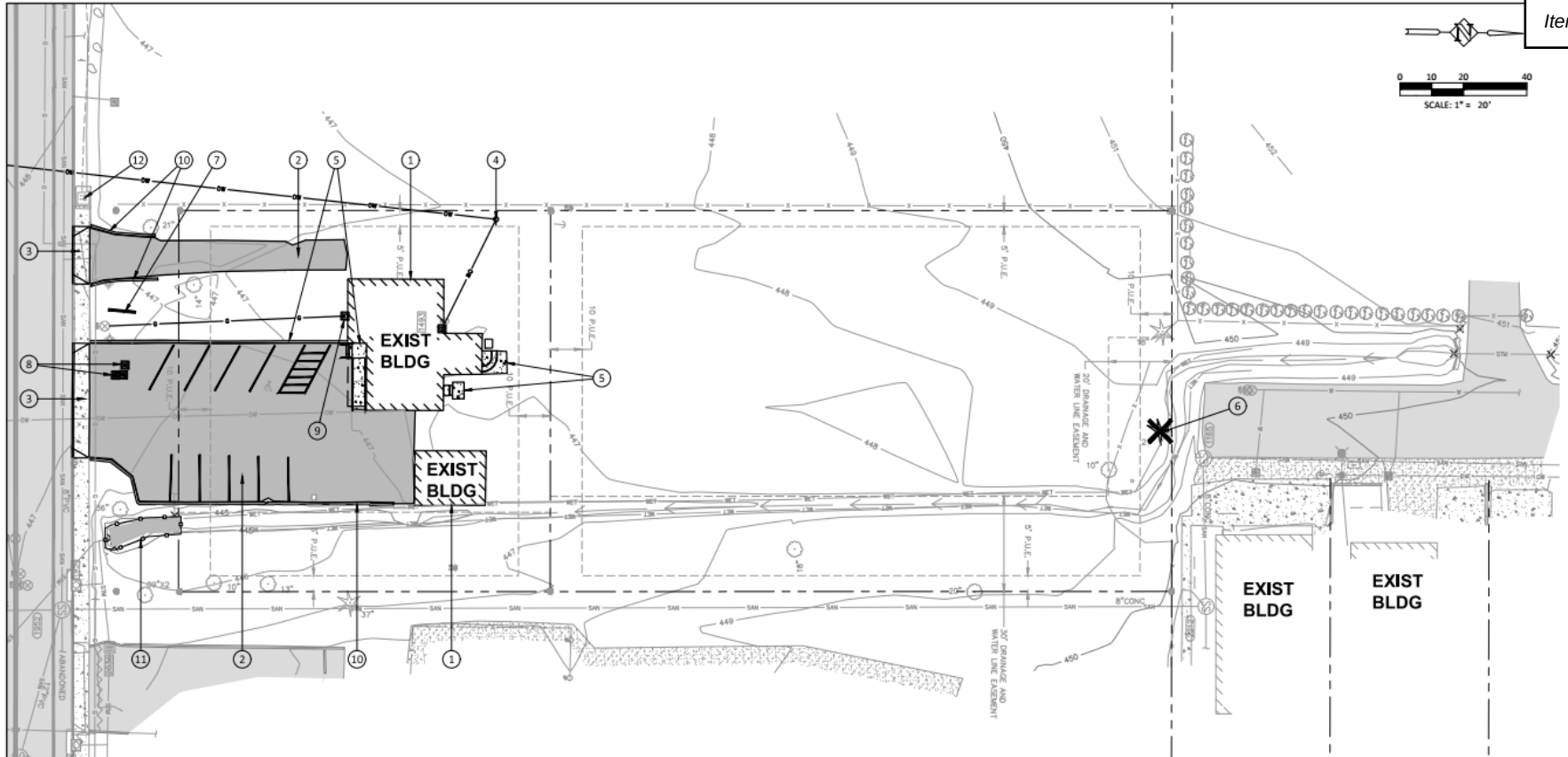
Owner: Ronald Laughlin

Architect: Iselin Architects PC, Todd Iselin

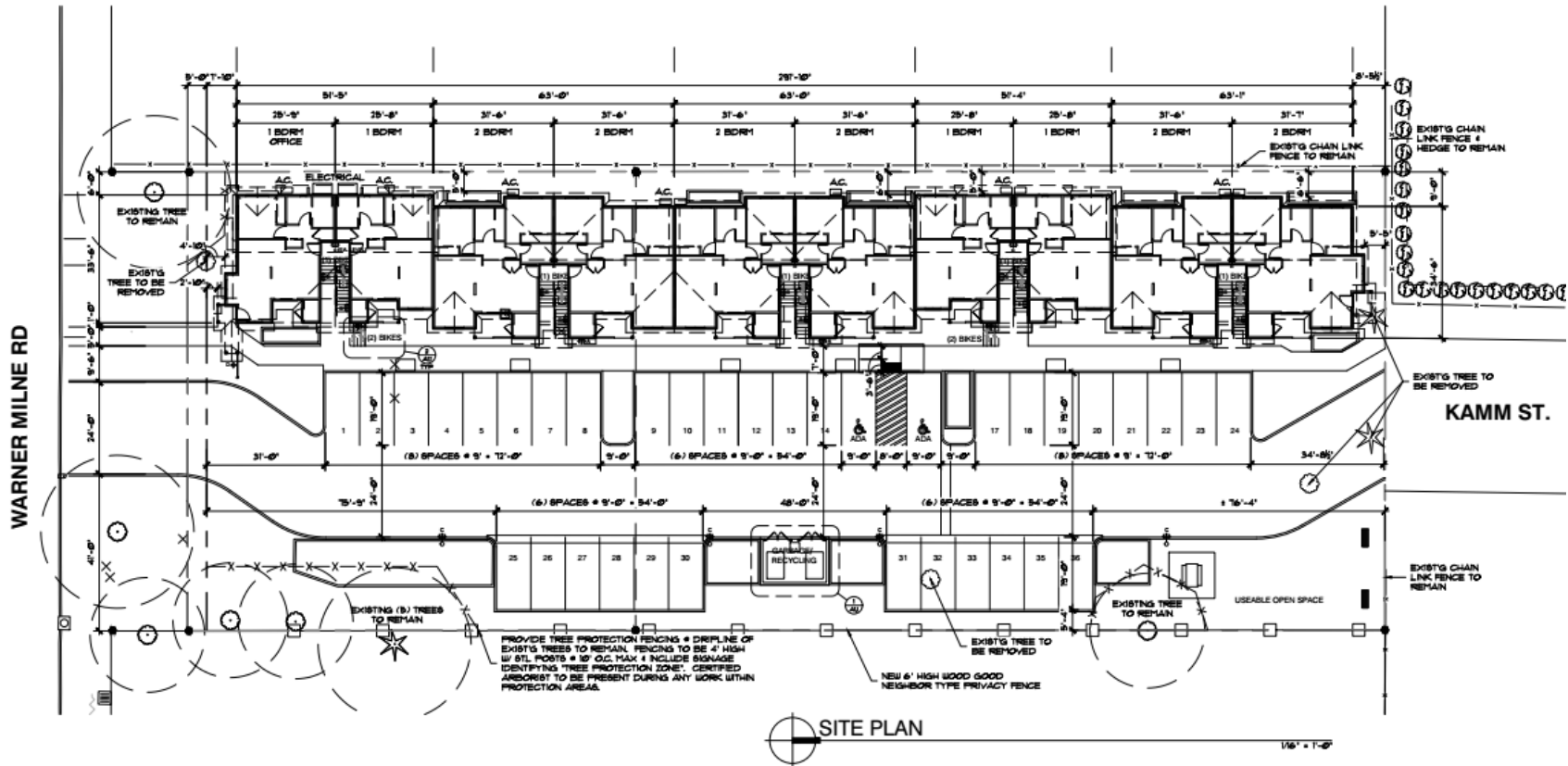
Civil Engineer/ Environmental Consultants: HHPR, Ken Valentine/ Ivy Watson

Traffic Engineer: Greenlight Traffic Engineering, Rick Nys

0 10 20 40
SCALE: 1" = 20'



Existing Conditions



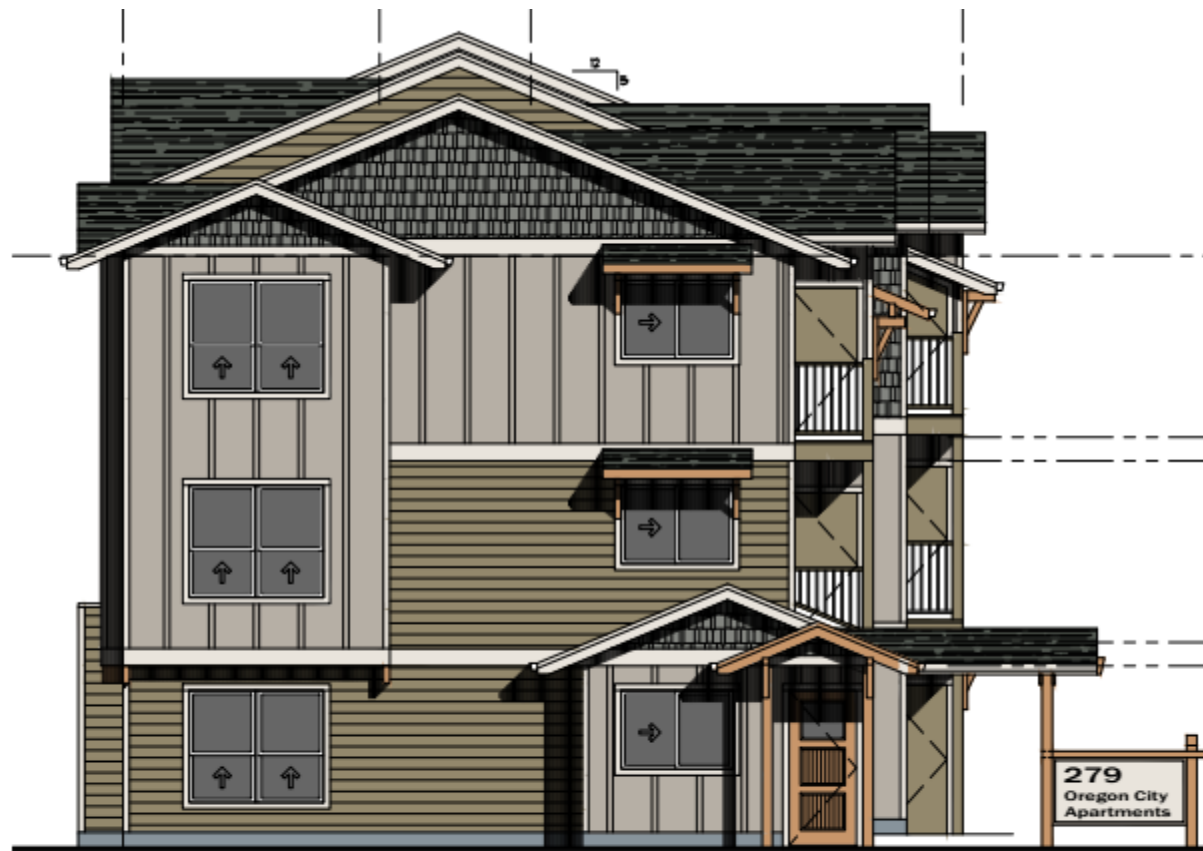
18- 2 Bdrm Units

12- 1 Bdrm Units

30 Total Units Proposed (minimum 17 units Permitted)

36 Parking spaces Proposed (30 minimum required)

25% Landscaping Proposed (20% minimum required)



FRONT ELEVATION

SOUTH FACING WARNER MILNE ROAD

1/4" = 1'-0"

Warner Milne Side Building Elevation (Kamm St similar)

Pedestrian scale with walls offsets with horizontal and vertical articulation and offset roof planes

Glazing exceeds that required by OCMC

Frontage requirements met due to NROD area

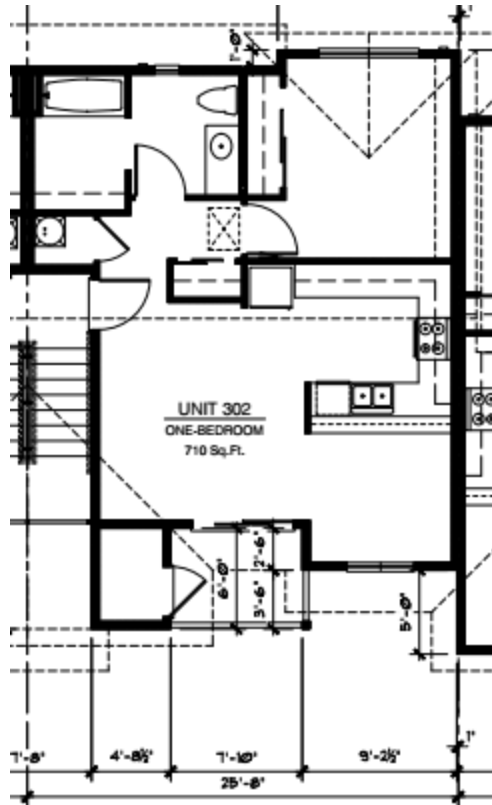


Parking Lot Side Building Elevation

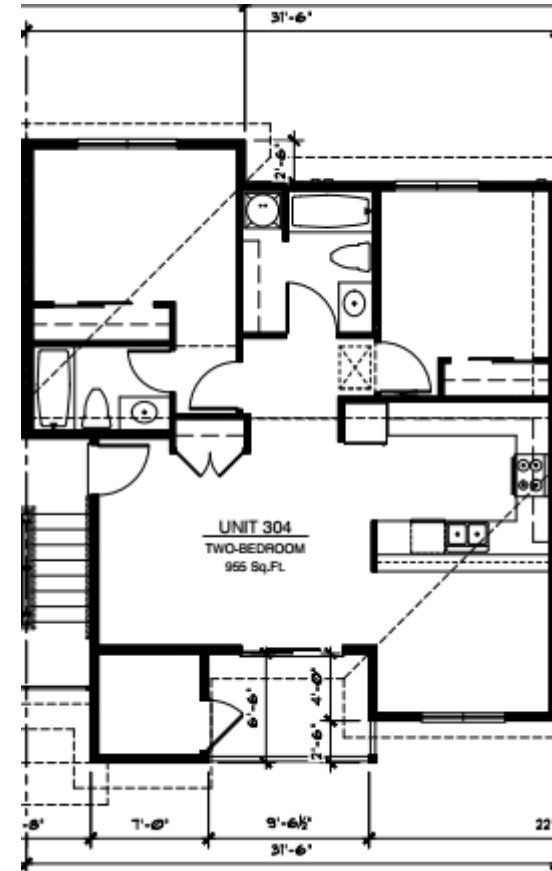
Pedestrian scale with walls offsets < 23' horizontally
& vertical variations in siding for additional articulation

Roof height variations < 37'

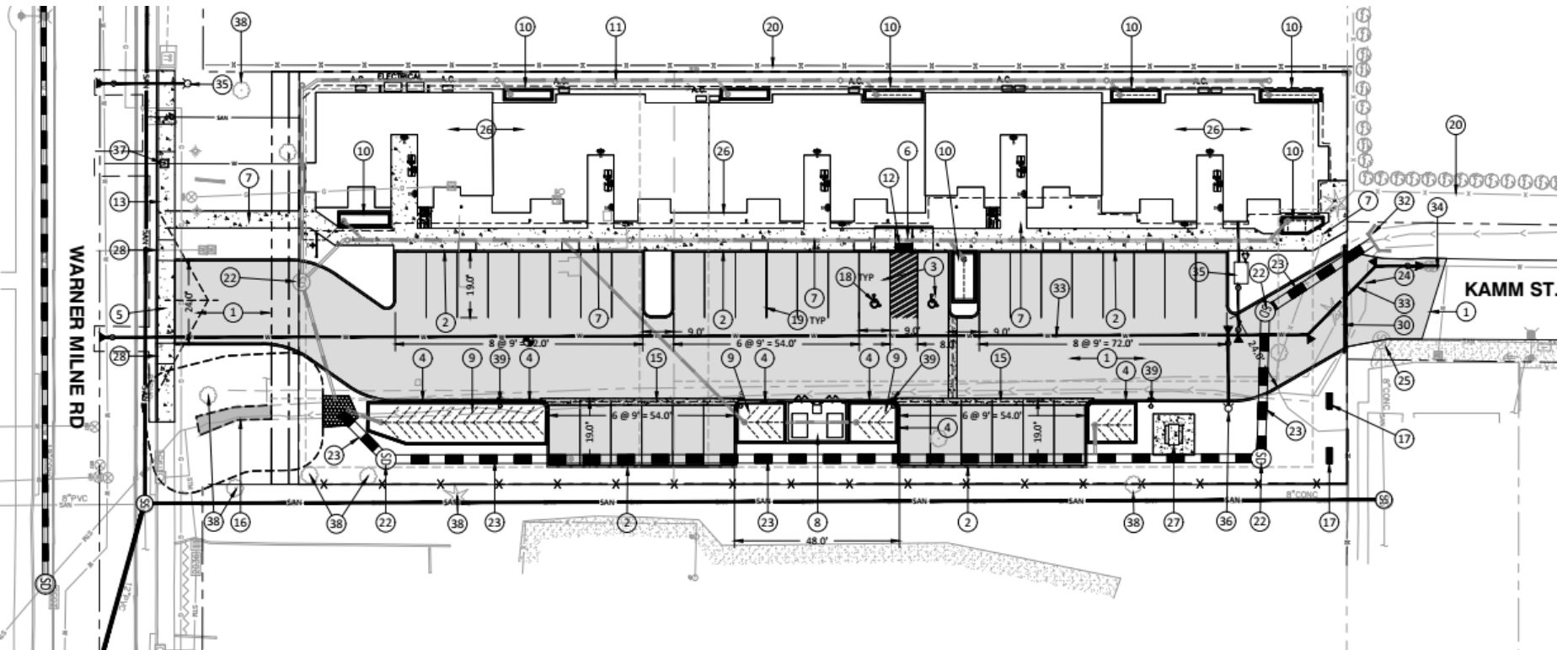
32% glazing (10% required)



Typical 1 Bdrm Unit
 700 s.f./ 760 s.f. end unit
 48 s.f. private outdoor area
 30 s.f. outdoor storage
 W/D hookup @ bath



Typical 2 Bdrm Unit
 900 s.f./ 988 s.f. end unit
 62 s.f. private outdoor area
 46 s.f. outdoor storage
 W/D hookup @ bath



Utility/ Stormwater Plan

12 stormwater planters

Discharge to enhanced pond

Culvert designed to accommodate 200%
of flow to divert existing ditch

New water line to loop City system

Purpose of HHPR Natural Resources Investigation

Determine the Presence or Absence and Extent of:

- Wetlands or waters regulated by the US Army Corps of Engineers.
- Wetlands or waters regulated by the Oregon Department of State Lands.
- Protected Water Features that provide the basis for NROD regulation, identified in OCMC 17.04.970:
 1. Title 3 wetlands
 2. Rivers and perennial and intermittent streams
 3. Springs which feed stream and wetlands and have year-round flow
 4. Natural lakes



**Not
reviewed:**



Wildlife habitat or upland vegetation, except as they relate to the presence of regulated water resources per approved methods (e.g., presence of aquatic macroinvertebrates or non-hydrophytic vegetation).



Consistent with OCMC, the scope of the investigation did not include factors not part of the criteria for Type II NROD verification.

Professional Qualifications

Ivy Watson

- ▶ HHPR Senior Natural Resources Scientist
- ▶ 15+ years of natural resources experience
- ▶ 6+ years of wetland delineation experience

Kent Snyder, PhD

- ▶ HHPR Senior Natural Resources Scientist
- ▶ Certified Professional Soil Scientist
- ▶ 30+ years of experience

Our record:

- ▶ The DSL Consultants Summary for 2017-2021 for HHPR (Ivy and Kent):
16 Wetland & Waters Delineations Approved, 0 Revisions, 0 Rejections

Methods

Wetland Delineation:

- ▶ U.S. Army Corps of Engineers Wetland Delineation Manual (1987) and the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys and Coast Region (2010)
- ▶ Nationwide method, prescribed by Oregon City for identifying wetlands.

Methods

Stream Delineation:

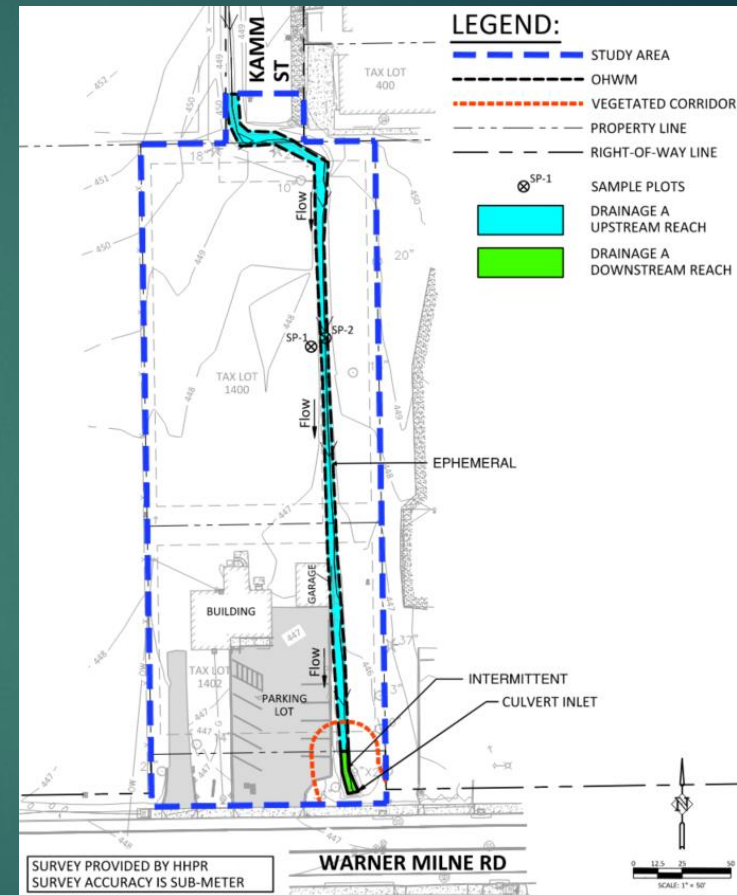
HHPR reviewed physical and biological indicators per Oregon City, U.S. Army Corps of Engineers, and Oregon Department of State Lands stream definitions:

- OCMC chapters 17.49 and section 17.04.1205
- U.S. Army Corps of Engineers Regulatory Guidance Letter No. 05-05 (dated December 7, 2005)
- Oregon Removal-Fill Rules (Oregon Administrative Rules [OAR] 141-085-0515(3))
- *Streamflow Duration Assessment Method for Oregon* (Nadeau 2011).

HHPR reviewed morphological evidence, soil maps, and historical aerial imagery to determine if the drainage is man-made or carrying natural flow.

NROD Findings

- No wetlands occur on site.
- The upper 370 feet of the channel (upstream reach) running through the site is a man-made drainage, does not meet the Oregon City definition of a stream, and therefore should not be regulated as an NROD protected water feature.
- The lower portion of the channel (downstream reach) is also man-made but functions similar to a stream due to the large volume of stormwater runoff it receives. This reach partially meets the OCMC definition of a stream and HHPR accepted the NROD designation for this area with a 15 foot wide Vegetated Corridor.



Concurrences

- ▶ U.S. Army Corps of Engineers issued an Approved Jurisdictional Determination concurring with HHPR's delineation and concluding that Drainage A is a man-made channel, not a ditched stream. This review included an extensive review of historical aerial imagery and topographic maps. Details of these findings were not included in the application materials but are part of the Army's Corps' public record.
- ▶ DSL concurred with HHPR and determined that the upstream reach is a non-jurisdictional drainage.
- ▶ Oregon's City's independent consultant concurred with HHPR, including the finding that the upstream reach does not meet Oregon's City's definition of a stream and does not qualify as a NROD protected water feature.

Conclusion

Per OCMC chapter 17.49, the extent of the regulated NROD is determined by the extent of protected water features, as delineated at the site level by qualified professionals. In this case, HHPR's natural resources scientists found that the protected water feature does not extend as far onto the site as previously mapped and the boundaries of the regulated NROD should be adjusted accordingly.

Precipitation analysis required as part of the wetland delineation and completed by HHPR follows the method developed by the USDA Natural Resources Conservation Services (NRCS).

NRCS WETS table utilizes precipitation data from the Oregon City weather station from 1979 to 2000 to determine the normal range of precipitation.

Result:

►Precipitation levels were within the normal range. If wetlands were present, wetland hydrology would have been present during this site visit.

WETS DATA								
	Month	30% Probability Less Than	30% Probability More Than	Recorded Precipitation	Weighting Factor	Weighted 30% Probability Less Than	Weighted 30% Probability More Than	Weighted Recorded Precipitation
3rd Month Prior	Jan 2021	4.35	7.91	9.71	1	4.35	7.91	9.71
2nd Month Prior	Feb 2021	3.92	6.53	5.32	2	7.84	13.06	10.64
1st Month Prior	Mar 2021	3.56	5.46	3.09	3	10.68	16.38	9.27
						22.87	37.35	29.62

"Stream" means areas **where surface water produces a defined channel or bed**, including bedrock channels, gravel beds, sand and silt beds, and defined-channel swales. The channel or bed does not have to contain water year-round. **This definition is not meant to include irrigation ditches, canals, storm or surface water runoff structures, or other artificial watercourses unless used to convey naturally occurring streams prior to construction of such watercourses.** (emphasis added)

Upstream Reach

HHPR determined that the upper reach of the channel was produced by excavation, not the flow of surface water based on the following findings:

- The soil profile within the channel and the channel shape show evidence of excavation and subsequent fill.
- There is no change in vegetation between the upland and the channel.
- The channel lacked surface flow during the April 2021 field visit and no subsurface flow was detected.
- Evidence of regular flow is absent from the majority of the reach.
- No aquatic macroinvertebrates were found in this reach.



"Stream" means areas **where surface water produces a defined channel or bed**, including bedrock channels, gravel beds, sand and silt beds, and defined-channel swales. The channel or bed does not have to contain water year-round. **This definition is not meant to include irrigation ditches, canals, storm or surface water runoff structures, or other artificial watercourses unless used to convey naturally occurring streams prior to construction of such watercourses.** (emphasis added)

Downstream Reach

Evidence that the channel characteristics are produced by surface flow:

- Change in vegetation between the upland and the channel.
- Scour marks and distinct bed and banks.
- Shells of aquatic snails were found in this reach.





OREGON CITY

Community Development – Planning

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

May 10, 2022

To: City Commission
From: Bill Kabeiseman, City Attorney
Josh Wheeler, Assistant City Engineer
Christina Robertson-Gardiner, Sr. Planner
Re: Supplemental Staff Memo – Kamm Street Apartments
File #: AP 22-00001 and AP-22-00002: Two appeals of the April 14, 2022 Community Development Director approval with conditions of Planning Files GLUA-21-00066: SP-21-00017, NROD 21-00018 Development of a new three-story 30-unit apartment

I. INTRODUCTION

The City has received two appeals of a Type II decision approving the development of a 30-unit apartment building and site improvements on a 0.86 acre site on Warner Milne Road in the Elyville neighborhood. The second Appeal adopts all of the issues in the first Appeal and adds a few additional issues. Accordingly, this staff memorandum will address all of the issues in both of the appeals in one memorandum.

II. PROCEDURES

Because multi-family residential development is an outright allowed use in the applicable zone, the application was reviewed under the Type II process, with notice and opportunity to comment under OCMC 17.50.030(B), leading to a decision by staff, with an appeal to the Commission. This Type II process, also known as a "limited land use decision"¹ provides for limited review because the use is permitted outright.

Moreover, because the development is for housing, ORS 197.307(4) and other statutes mean that the City can apply only "clear and objective" standards in its review. The general concept is that the City must provide the standards in advance, and they must be clear and understandable prior to any application being filed. The City cannot rely on standards such as whether a particular development is "appropriate for the neighborhood" or has the "right character." Instead, any standard must be objectively measurable and understandable. Because of the objective nature of the criteria, the Type II process is used, which allows City staff to review the decision, as it does not require the exercise of discretion – Staff's role is not to create policy but to apply the objective standards that are already set forth in the code. On Appeal, the Commission's review is also constrained; the question is not whether the development is appropriate in this location, but whether staff correctly concluded that the clear and objective standards have or will be met.

In addition, it is important to note that the land use application before the City in this Appeal does not constitute the final construction documents, nor does it set out exactly how everything will be constructed on site. Generally, the applicant must demonstrate that the criteria at issue are either met or are capable of being

¹ ORS 197.015(12)(a)(B) defines limited land use decisions to include:

“The approval or denial of an application based on discretionary standards designed to regulate the physical characteristics of a use permitted outright, including but not limited to site review and design review.”

met. Thus, for example, the applicant does not have to identify the exact surveyed location of every piece of pavement or length of pipe. Instead, they must provide sufficient evidence to demonstrate that the site can accommodate the necessary improvements and the exact location will be determined as part of the construction review process.

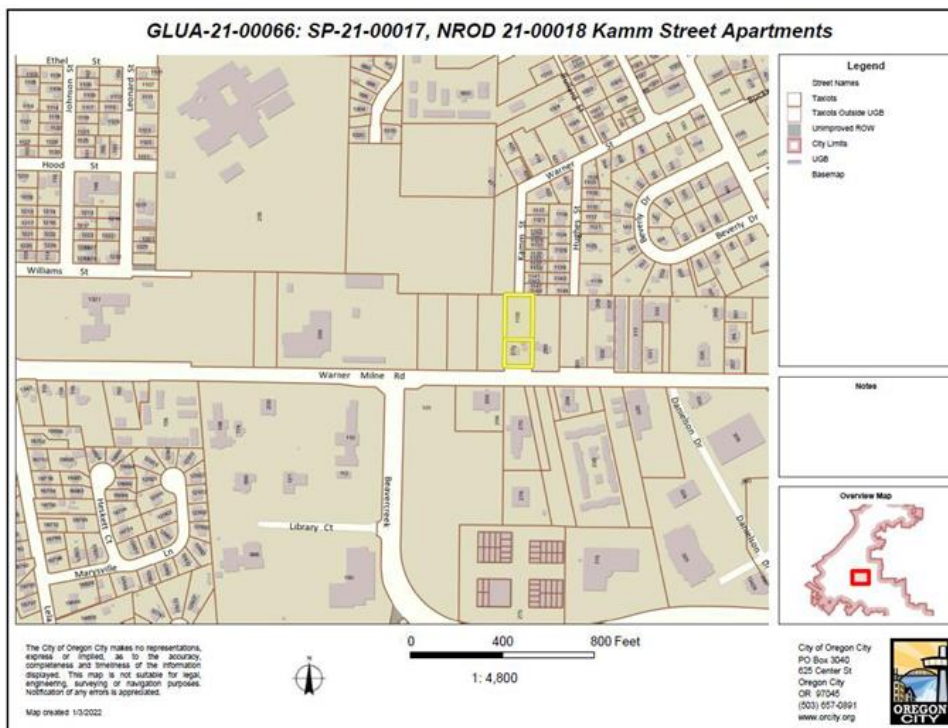
The Appeal is governed by the procedures set out in OCMC 17.50.190, including the following limitations:

- The Appeal is "on the record," meaning no new evidence may be introduced on Appeal – only the evidence before the planning staff may be considered by the appellants, Applicant, and City Commission. 17.50.190(F).
- The issues on Appeal are limited to those listed in the notice of Appeal. The appellant may not raise any new issues as part of this Appeal. 17.50.190(F).
- Only those persons who submitted comments during the notice and opportunity to comment will be allowed to participate in the appeal hearing. OCMC 17.50.120(E)(6).

III. FACTUAL BACKGROUND

The site currently consists of two tax lots, one of which fronts Warner Milne Road and contains a small residential-style office building, and one lot that is accessed off Kamm Street and contains no structures. The two lots will be combined as part of this development, and the existing structure will be demolished. The site is zoned MUC (mixed-use corridor) and a multi-family apartment unit is an outright allowed use under OCMC 17.29.020(M).

The proposed application seeks to replace the existing building with a 30-unit multi-family dwelling and a through connection from Kamm Street to Warner-Milne Road.



IV. DISCUSSION OF ISSUES

The two appeals identify approximately 18 different issues, but the issues generally involve 4 specific areas of concern, and those areas of concern will be addressed in groups. The areas of concern are (1) transportation, including the connection between Kamm Street and Warner Milne Road, (2) Stormwater and the NROD concerns, (3) Tree removal and mitigation, and (4) Other issues.

A. Transportation Issues.

1. The first issue raised in the appeals is the connection of Kamm Street to Warner Milne (Appeal Document p 4-5) (Second Appeal p 2). That connection is generally required by several sections of the City's code. OCMC 17.62.050(K)(6) requires this application to comply with OCMC Chapter 16.12, which includes the following sections addressing street connections:

- Section 16.12.015:

"Development shall be required to provide existing or future connections to adjacent sites through the use of vehicular and pedestrian access easements where applicable...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."

- Section 16.12.015.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."

- Section 16.12.016.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."

- Section 16.12.016.H:

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

The application meets these standards by continuing Kamm Street from its existing dead end to Warner Milne. As noted in OCMC 16.12.015, the width of the connection has to be "considered in relation to. . . existing streets." This portion of the standard is achieved by keeping a narrow roadway section.

The Appeal correctly notes that there is a physical extension of Kamm Street to Warner Milne; however, because of the limited width of the property, there is not enough room for a full-width street,² so the connection is achieved through a public easement allowing public access to and through the property. As designed, the easement would provide for a public access from Kamm Street to Warner Milne Road that would be maintained by the property owner. This meets the requirements of

² A full width street would require the property-owner to dedicate significantly more of its property to the public, which has the potential to implicate a takings claim under the Fifth Amendment and such cases as *Dolan v. City of Tigard*, 512 US 374 (1994), which requires any exaction, such as road dedications or easements, to be "roughly proportional" to the impacts of the development.

the 16.12.015, 16.12.015.A, 16.12.016.G, and 16.12.016.H. In this situation, an easement, instead of a full street, due to takings concerns, as well as the proposed parking and narrower public access not meeting the standard road section provide sound justification.

The Appeal also raises the concern that the proposed connection will create safety concerns. The nature of the connection implicates the following code sections:

- Section 16.12.019:
"All new streets shall comply with the traffic sight obstructions in Chapter 10.32."
- Section 16.12.023:
"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 Appeal states that the narrower roadway will cause safety concerns; however, the application includes calming traffic measures, including a chicane.³ This approach meets the requirements of OCMC 16.12.023 by providing an alternative design to discourage the use of the connection by nonlocal traffic. Section 16.12.019 is also met as the site has been conditioned to ensure no traffic sight obstructions will exist.

Notwithstanding the above, the Commission could choose to require the connection, but not open it at this time. Under OCMC 12.04.005, the City exercises "jurisdiction and regulatory control over all streets within the City and the Commission could choose to keep this particular connection closed at this time by including a condition requiring the placement of a bollard or gate.

2. Parking Concerns (Appeal Document p 5-7)(Second Appeal p 2). The second issue identified in the Appeal is parking, and whether there is sufficient parking for the number of units on the site.

The amount of parking on site is controlled by OCMC 17.52.020, which sets the minimum and maximum number of parking spaces for any development. In this case, multi-family development requires a minimum of one space and a maximum of 2.5 spaces per unit. The subject development consists of 30 units, and the applicant has proposed 36 spaces, which complies with the code. OCMC 17.52.020(B) identifies additional options that would allow the parking calculation on site, including on-street parking credits, shared parking agreements, or a Transportation Demand Management Plan. The applicant has not requested any of these options and, instead, chosen to comply with the criterion by providing a number of parking spaces that is in-between the minimum and maximum allowed.

While not part of the current proposal or analyzed for compliance with the parking standards in OCMC 17.52.020, the applicant has indicated that they would look to retain the same number of units and potentially pursue a shared parking agreement with the apartments to the south that they also own, which appear to have excess parking spaces, if parking spaces are further limited onsite. This would be allowed as a Type II review in a revised proposal, if the standards can be met.

The appellants indicate that they do not believe that there is enough parking onsite to meet the needs of the residents and visitors and believe it will spill over to Kamm Street and impact existing residents.

³ A "chicane" is typically a serpentine curve in a road, added by design rather than dictated by geography. Chicanes are used to lower traffic speeds in appropriate locations.

The Type II process provides clear and objective standards for parking based on use and not specific development conditions. Additionally, State law requires cities to provide a clear and objective standard for residential development. In this case, the number of parking spaces complies with the clear and objective standard in the code.

3. Traffic Report Concerns (Appeal Document p 7). The Appeal identifies several issues in the traffic analysis letter ("TAL") submitted by the developer that it labels as "inaccurate and misleading." In particular, the Appeal states that traffic data is inaccurate and that the traffic estimates for a complex of this size are too low at 162 average daily trips. In addition, the Appeal states that the traffic estimates insufficient account for vehicles entering and exiting the north and south drive entrances. Accordingly, the Appeal states that the traffic report submitted should be disallowed.

Traffic analysis letters are reviewed based on the City's Guidelines for Transportation Impact Analyses. The Guidelines states in Section 3.1.A that a TAL should be used when the site is estimated to generate fewer than 250 daily trips. Trip Generation is determined by the ITE manual as stated in Section 7.7.

The City has had two traffic engineers review the letter, Mr. Replinger and DKS Associates, the City's new traffic consultant. The result of their analysis is the following:

- a. A TAL is appropriate and the trip generation estimate was conducted correctly.
- b. The data shows no history of safety concerns near the site.
- c. The level of potential cut-through traffic is minimal with little or no time savings.
- d. Widening Kamm Street would likely result in higher and faster traffic on the facility.

John Replinger, PE contract Transportation Engineer for the city found that *"The connection of Warner-Milne Road to Kamm Street through the site will provide connectivity to Warner-Milne Road for the neighborhood along Warner Street and for the apartment residents to Molalla Avenue. Some cut-through traffic might be expected, but this is likely to be limited because the major streets, Warner-Milne Road and Molalla Avenue, experience limited delays, operate well, and have higher posted speeds than the local residential streets. Mr. Replinger "recommend conditions of approval include implementing frontage improvements. There are no other transportation-related issues associated with this development proposal requiring mitigation."*

In general, neighborhood concerns about the existing street design and lack of sidewalks on Kamm Steet to the north of the site are not proportional to the impact of the proposal to allow the city to exact off site improvement. No city TSP projects have been adopted on this stretch of Kamm street, and staff is unable to indefinity any proportional project beyond the applicant's requirement to pay system development fees for their identified construction to the transportation system. While not required or proportional to this proposal, the applicant is encouraged to work with Development Services to add additional traffic calming features at the transition of Kamm Street and vehicle easement to address neighborhood speed concerns.

Based on the City's traffic engineer's assessment, the traffic data is correct, estimates for daily trips is correct, the estimates for entrances is correct and therefore, the traffic report meets the City's adopted Standards for traffic reports, such as the TAL in this case. Furthermore, the width of Kamm Street is appropriate to keep slower traffic speeds in this area.

B. Stormwater and NROD Issues.

1. NROD Location and Application (Appeal Document p 10-13). The appellant raises the issue that approximately 42% of the combined property is located within the Natural Resources Overlay District, or NROD.

The NROD area is based on the location of a watercourse that begins on the north end and then runs down the eastern side of the property.

The appellant is correct that a significant portion of the property is mapped with an NROD overlay, but that does not control the outcome of this review. The NROD adopted in the City's zoning map was based on a high-level review of natural resources areas throughout the City. The code recognized that, in attempting to map natural resources throughout the City, that high-level review would not properly account for the particulars of every property in the City. Accordingly, the code allows an applicant to demonstrate that, notwithstanding the location of the map on a property, if the owner can demonstrate that there are no regulated resources onsite, or if there has been a reduction in size of the resources as identified in the 1999 local wetland inventory, the requirements of the NROD will not be applied.

This process does not remove the NROD Overlay District from the site; rather, it is used to provide updated data on any resources identified in the 1999 survey to determine if the site still meets the criteria for regulation and, where the applicant can demonstrate that the resource on site does not match the high-level mapping, it is the on-site review of the property that controls.

In this case, the applicant was able to demonstrate that the resources identified in the high-level 1999 review as an intermittent stream, was in fact, not a regulated stream. The City reviewed the application as a noticed Type II exemption review as part of the Site Plan and Design Review process and utilized the city definitions of protected water features and streams along with the applicant's delineation report and public comments to determine if the applicant met the exemption criteria.

The code identifies the water features it protects in OCMC 17.04.970, which provides as follows:

"Protected water features" shall include:

- 1. Title 3 wetlands;*
- 2. Rivers and perennial and intermittent streams;*
- 3. Springs which feed stream and wetlands and have year-round flow; and*
- 4. Natural lakes.*

The Applicant, USACE, and DSL refer to portions of the water feature on site as an ephemeral stream which is not regulated by OCMC 17.49. The OCMC does not define "ephemeral stream." The OCMC does define an "intermittent stream" in OCMC 17.04.1205:

*"Stream" means areas where surface water produces a defined channel or bed, including bedrock channels, gravel beds, sand and silt beds, and defined-channel swales. The channel or bed does not have to contain water year-round. This definition is not meant to include irrigation ditches, canals, storm or surface water runoff structures, or other artificial watercourses unless used to convey naturally occurring streams prior to construction of such watercourses. **Streams are categorized into two classes: Perennial streams and intermittent streams. Perennial stream means a stream that flows year-round during years of normal precipitation. Intermittent stream means a stream that flows only part of the year, or seasonally, during years of normal precipitation.***

The Applicant, US Army Corp of Engineers, and Oregon Division of State Lands have identified this resource as an ephemeral stream, meaning a resource that is inundated only during storm events. While this determination is relevant to both entities' jurisdictional review, delineation of an ephemeral stream is not relevant to the Oregon City verification process, which determines if the resource meets or does not meet the definition of a "stream." In this instance, the burden is on the applicant to show that the resource is a man-made irrigation

ditch, canal, storm or surface water runoff structure, or other artificial watercourses not used to convey streams naturally occurring prior to the construction of such watercourse

The Technical Memorandum by Ivy Watson, a Natural Resources Scientist, indicates that the resource is an artificial watercourse, reflects the predominate grass species of the flat upland portion of the site, does not have evidence of macroinvertebrates, and any inundation is related to stormwater events and not naturally occurring flows.

Staff has used the following information found on page 4 of the wetland report to determine that the upstream Drainage A reach does not meet the definition of a "stream."

- *Drainage A is an excavated channel along the east edge of the study area.*
- *The channel is grass-lined with vegetation similar to the surrounding field (e.g. colonial bentgrass, tall fescue, bluegrasses [*Poa spp.*], rough cat's ear, common selfheal [*Prunella vulgaris*], common dandelion, and English plantain).*
- *Channel morphology appeared to be the result of excavation rather than flow. At the end of Kamm Street, where the channel bends sharply, and at the south end near the transition to the downstream reach, scour marks were observed on the bank. These were used to extend the OHWM into the rest of the channel.*
- *The channel was dry during the field investigation and no saturation or hyporheic flow was detected in an auger hole to a depth of 24 inches (located at SP2).*
- *Where present, scour marks in this reach are interpreted as the result of high flows in response to storm events. Conversations with neighbors confirmed that the channel fills quickly in response to storm events and has been known to flood (i.e., the flow regime is flashy).*
- *No aquatic macroinvertebrates were found in this reach.*

A letter dated August 24, 2021 from the Army Corps of Engineers supports the applicant's findings and indicates, *"The Corps has determined there are no waters of the U.S. within the review area. The enclosed drawings (Enclosure 1) identify the review area for this determination. The enclosed Approved Jurisdictional Determination Form (Interim) (Enclosure 2)"* Enclosure 2, an exhibit to the USACE determination letter, was not attached to the wetland report but generally provided a more detailed set of findings for the USACE determinations.

A letter dated July 15, 2021 from the Division of State Lands indicates that they only see the downstream portion of the ditch to be an intermittent stream and a Water of the State. *"Based upon the information presented in the report, we concur with the waterway boundaries as mapped in Figure 6 of the report"*

David Evans and Associates (DEA) was contracted by the City to provide a third-party review of the applicant's submittal. In a letter dated April 11, 2022, (Exhibit 8), DEA concurred that no wetlands are on the site. Furthermore, DEA agreed with the applicant regarding the water feature on the site and found that it did not meet the OCMC definitions of a perennial or intermittent stream and should not be viewed as a regulated water feature or NROD resource.

The appellants contend that the resource should be regulated as an intermittent stream as identified in the 1999 inventory. They have provided photographs showing an inundation of water in the resource; birds, frogs, rodents, and snakes are found on the site. Concerns relating to stormwater concerns and any high-water table in the area are addressed in the stormwater chapters of this report. These items, however, are not directly related to the wetlands report and stream definition/delineation, which is the focus of this Type II verification process, which does not review adjacent flora and fauna.

In this case, the applicant provided a thorough analysis from a trained natural resource scientist, whose conclusions have been verified by the US Army Corps of Engineers, the Oregon Division of State Lands, and a third-party consultant hired by the City. The appellants have provided anecdotal evidence that supports their understanding of the nature of the waterway but, in staff's view, that anecdotal evidence did not contradict the applicant's submittal and other material in the Record. For this proposal, staff found that the applicant provided sufficient information to show compliance with the exemption criteria.

2. WQRA & Metro Title 3 Application (Appeal Document p 13).

This Appeal issue is related to the previous one; the Appeal identifies the watercourse discussed above and argues that it should be protected as a Water Quality Resource Area (WQRA) and Title 3 stream. As discussed above, the site-specific examination of the designation of a NROD area has been a key component of the code since its adoption in 1999 to allow site-specific delineation at the time of a development application.

The appellants indicate that the exemption is not allowed or consistent with Title 3 or the intent of the Local Water Quality Regulatory review process. The applicant has applied for a Type II review for exemption for a resource under the administrative review criteria found in OCMC 17.49.260. If the applicant has submitted sufficient information to show compliance with the exemption criteria, the City is obligated to process the exemption as a Type II Administrative review.

3.Erosion/Sediment Control and Groundwater Infiltration (Appeal Document p 13-14). In this issue, the appellants argue that the erosion and sediment control requirements of Title 13 have not been properly addressed, nor has groundwater infiltration.

OCMC 17.47.060 of the Oregon City Municipal Code requires an erosion and sediment control permit prior to the approval of any building and OCMC 17.47.070 requires an erosion and sediment control plan. In addition, Section 2.2.2 (as well as Section 4.5) of the Stormwater and Grading Design Standards (as adopted by City Code 13.12.020) states that soil maps that are available can be used to determine hydrologic soil types. It also discusses Soils and Seasonal High Groundwater in section 2.2.2.B. When infiltration tests are not performed, the Standards allow the infiltration rate from an existing soil report (the NRCS Soil Survey).

In this case, City mapping indicates that the property resides in a high groundwater area; however, the applicant provided a stormwater report that addresses the soils onsite. The soils are based on the NRCS Soil Survey, which is consistent with the standards in the City's adopted Stormwater and Grading Design Standards. The approval is conditioned on erosion control plan and permits being submitted prior to any building occurring.

The Appeal is incorrect when it states that a soil survey without actual documentation 'does not validate the applicants' conclusions' concerning the soils. The City's code and the adopted Stormwater and Grading Design Standards explicitly allow a soil survey to make that conclusion.

The Appeal states that the area has high groundwater, which is correct. The high groundwater concerns are addressed in conditions 12 and 13,⁴ which requires meeting the Standards of the Stormwater and Grading

4 Those conditions provide as follows:

“12. The developer shall provide engineered drainage plan(s), drainage report(s), and design flow calculation report(s) stamped and signed by a licensed engineer which accurately addresses all items from Section 9.3 & 9.4 of the Public Works Stormwater and Grading Design Standards prior to receiving a permit and beginning construction. The development shall utilize only non-infiltration type facilities. (DS)

Design Standards. Groundwater will be addressed in the final stormwater report through meeting chapter 2.2.2.B. For purposes of the land use application, an applicant must show that it is possible to meet the City's Stormwater and Grading Design Standards and the applicant has done so in this case.

Section 2.2.4 of the Stormwater and Grading Design Standards requires applicants to follow a stormwater management strategy that focuses on onsite retention or "low impact development" (LID). Section 2.2.4.1 Section D specifically identifies how to address seasonal high groundwater. When infiltration cannot be used Section 2.2.4.2 points the designer to Chapter 4 which discusses water quality standards.

The Appeal further suggests that runoff will not be filtered naturally. The site will be required to follow the Stormwater and Grading Design Standards including chapter 2.2.4, 2.2.4.1.D. and 2.2.4.2 and chapter 4, which allow for filtering through means other than natural filtering. However, that is expressly allowed under the City's Stormwater and Grading Design Standards; therefore, this is addressed by condition 12 and 13 that requires meeting the Stormwater and Grading Design Standards.

The Appeal specifically identifies OCMC 17.04 and 13.08 as part of this issue, but those code sections are not discussed in any significant way and it is difficult to tell the specific concerns in the Appeal. OCMC 17.04 is the "definitions" section for the City's zoning code and OCMC 13.08 concerns sanitary sewers, neither of which are addressed in this Appeal.

4. Stormwater Drainage (Appeal Document p 14-15)

Before turning to the main thrust of this appeal issue, it is important to note the Appeal's assertion that the stormwater report submitted by the applicant is "inaccurate" because it states that a 24" pipe daylights onto the site and enters a ditch where it is ultimately conveyed to a 44" x 22" culvert and that no such "24" pipe" exists.

The City concurs that this is confusing and will be addressed during the building or erosion control permit phase of development. The City maps show an existing 24" culvert, rather than a pipe, lying north of the property line in the western ditch of existing Kamm Street, which then ultimately is conveyed to the culvert under Warner Milne. In any event, the method of conveyance above the property, whether it is a pipe or a ditch, does not change the requirements of the project. This is addressed by condition 12 and 13, which requires meeting the Stormwater and Grading Design Standards standards.

The main thrust of this appeal issue is the appellants' concern that "by changing of natural drainage and flood point for stormwater this increases the chance of flooding into Kamm." The Appeal is concerned that condition 12 does not go far enough in protecting the residents from flooding.

The City has addressed flooding with conditions 12 and 13. Chapter 4 of the Stormwater and Grading Design Standards require stormwater management that addresses flow control and water quality. The Standards also ensure that development does not cause or increase flooding of adjacent or downstream property. An upstream and downstream analysis of the drainage system is required by Chapter 5 of the Stormwater and Grading Design Standards. Those standards require that the stormwater conveyance system, whether an open channel or closed conduit system, will be designed to convey the design storms listed in Table 5-1. As noted previously, state law requires that the City can apply only "clear and objective standards," such as those found

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)

in the City's Stormwater and Grading Design Standards. The applicant has demonstrated that it can meet those standards and, therefore, the City is required to approve the application.

Finally, the Appeal states that the City should require a no-rise certification permit. No rise permits are part of the City's flood management program and are required in certain circumstances in a Flood Management Overlay District. This development is not located within a Flood Management Overlay District and, therefore, there is no basis for the City to require the applicant to provide a no-rise certification.

C. Tree Removal and Mitigation.

1. Placement of Street Trees (Appeal Document p 9). The Appeal expresses a concern that the plans do not show where street trees will be placed on the site. OCMC 12.08.015 requires that

"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."

Condition 17 requires the applicant to plant 5 street trees in accordance with OCMC 12.08 or accept fee-in-lieu of planting pursuant to OCMC 12.08 if the site or other constraints prevent meeting the required total number of tree plantings.⁵

The final siting of the street trees occurs during the right of way street improvement permit process with Development Services, which includes all utilities to determine if there is a conflict between the potential location of a tree and needed utilities. The appellants were concerned that the tree location was not specified in the application. Street tree locations, like other Development Service requirements, are further refined with the construction permit submittal that is required to show compliance with the conditions of approval and adopted city construction manuals.

2. Tree Replacement Concerns (Appeal Document p 9-10). The Appeal identifies a concern with the tree replacement requirements of OCMC 17.41 and 12.08. OCMC Chapter 17.41 regulates tree removal of commercially zoned properties and provide mitigation options based on the caliper of trees removed and development location.

The applicant has indicated that a total of five trees within the construction zone will be removed as part of the proposed development. Public comments by various neighbors indicate that numerous trees were removed from the site sometime between 2018-2019. Tree removal on commercial sites requires a Type I Site Plan and Design Review. The property owner did not follow that requirement and did not apply to the City for that tree removal, nor does the current application include the number and caliper size of those trees.

Condition 19 of the challenged decision requires that, prior to the release of Building Permits, for this project, the applicant must submit a Type I tree removal application for the trees removed prior to this development proposal based on the compliance options in 17.41.050.⁶ The trees removed in 2018/2019 are above and

⁵ Condition 17 provides as follows:

“17. Prior to issuance of construction plans of the right-of-way improvements, the applicant shall submit a street tree plan which includes 5 street trees planted spacing shall be evenly distributed throughout the total development in accordance with OCMC 12.08 or 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. (P)”

⁶ Condition 20 provides as follows:

beyond any tree proposed to be removed as part of the current application. If the caliper sizes of the trees that were removed cannot be verified, the challenged decision requires the applicant to use the middle category of 19" to 24" healthy tree located outside of the construction area category as a default category for all trees in their calculations unless further refined with additional documentation. The category was chosen as it appears that the removed trees vary in size between the identified mitigation categories, though the City Commission could choose a higher default mitigation table in a revised condition of approval if the applicant cannot provide a tree survey with documentation of the caliper of trees removed.

Mitigation trees required from the 2018 removal or as part of this project can be mitigated through replanting onsite, replanting on publicly owned sites, or by providing a fee in lieu. The applicant is allowed to choose one or a combination of options as part of their construction permit submittal pursuant to condition 20.

Additionally, If the City Commission finds that the applicant does not meet the criteria for an NROD exemption, the applicant will be required to resubmit a Type II NROD mitigation plan for disturbances within an NROD boundary as part of the revised submittal. Tree mitigation calculation is regulated by the tougher of the two standards, which is typically the Natural Resources Overlay District.

The appellants indicate that the applicant should be required to mitigate through the highest mitigation table for the 2018 tree removal without additional evidence, which the City could pursue with this Appeal.

If the City Commission approves the Appeal and denies the application, the City will pursue the Type I tree mitigation through the code enforcement process separate from this application

D. Other Issues.

1. Zoning of Site (Appeal Document p 7-8). In this issue, the Appeal suggests that, because Kamm Street is zoned R-3.5, "it would stand to reason [that the property with the Kamm Street address] also would have to be zoned R-3.5 not MUC-1." However, in June 2004, the entire site was rezoned by the City Commission from Limited Office Conditional to Mixed Use Corridor-1. OCMC 17.29 allows multi-family development as a by-right permitted use. (M. Multi-family residential, 3—4 plex residential.) The zoning of Kamm Street and its abutting R-3.5 and R 6 neighbors does not affect or influence the zoning on the subject site. The appellants have indicated the Zoning Districts on Kamm Street prohibit access to the abutting MUC-1 subject site. Consistency with the adjacent zoning is not an approval criterion for access to a public right of way.

2. Size of Yard/Greenspace (Appeal Document p 8-9). In this issue, the Appeal indicates that "the plan does not provide enough yard, greenspace, or play area for children," based on the location of nearby City parks. OCMC 17.62.057 sets the City's standards for required open space in developments in the City. 17.62.057(B)(2) provides the applicable standard in this case:

"In non-residential, commercial and mixed-use zones, each development shall provide a minimum of fifty square feet of open space per dwelling unit."

"Prior to the release of Building Permits, the applicant is responsible for submitting a Type I Site Plan and Design Review tree removal application for those trees removed in 2018/2019 based on the compliance options in 17.41.050. The trees removed in 2018/2019 are above and beyond any tree proposed to be removed as part of the current application. If the caliper sizes of the trees that were removed cannot be verified, the applicant shall use the 19" to 24" healthy tree located outside of the construction area category as a default category in their calculations unless further refined with additional documentation. (P)"

The subject property is in a mixed-use zone (MUC-2) and therefore is required to provide a minimum of 50 square feet of open space per dwelling unit. For the 30 dwelling units to be developed, a total of 1,500 sf of open space is required. A contiguous, common outdoor area of approximately 1,000 square feet in area is provided at the northeast corner of the site. This area includes a picnic table and pad, benches, and a grass area. In addition, each unit provides private usable space; the total amount of private open space of 1,692 sf, and the standard allows 750 of those square feet to be counted toward common space. Accordingly, the development provides more than the required 1,500 sf of open space. The appellant indicates that they do not believe there is adequate open space for the number of units proposed onsite. As this proposal is being reviewed as a by-right Type II administrative approval, the City is obligated to accept the proposal if it meets the clear and objective criterion for approval.

3. Archaeology Report (Appeal Document p 15). In this issue, the Appeal expresses concern with the documentation of an archaeological survey and concern with the potential historic significance of the site. This site is not within a conservation district or historic overlay district. In such a situation, OCMC 17.40 requires the City to provide notice of the application to the State Historic Preservation Office (SHPO) as well as tribal representatives per OCMC 17.62.040(G).

The record reflects that on July 30, 2021, City staff provided the requisite notice to tribal representatives and the SHPO within the required time frame, and it appears that Ms. Tidee, representative of the Confederated Tribes of Umatilla Indian Reservation, responded, indicating that PA 21-04, PA 21-14, and PA 21-15 was in their area of concern, and did not indicate that the tribe had any concerns with the subject site (PA 21-07). Shane P. James, with SHPO, also responded, commenting on a previous pre-application conference onsite, which is also included in the file. He indicates that 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." There are state and federal laws that govern the discovery of archaeological resources that will control when development occurs.

The appellants have indicated that the applicant is required to submit a historic survey of the site as suggested by Mr. James; however, the City cannot require the applicant to do so in the Type II development review as OCMC 17.62.040G is an application completeness criterion (verification that noticing occurred) and not an approval criterion.

4. Setback Requirements (Appeal Document p 15). This appeal issue expresses concern with whether the proposal meets the setbacks required by the underlying zone. In this case, setbacks are set in OCMC 17.27.050(D), which provides as follows:

Minimum required interior and rear yard setbacks if abutting a residential zone: Twenty feet, plus one-foot additional yard setback for every one foot of building height over thirty-five feet.

As the site has frontage on both Kamm Street and Warner Milne, the building has no side or rear yards that abut a residential zone. 17.04.495 – Frontage defines frontage as the following: "*Frontage*" means that portion of a parcel of property that abuts a dedicated public street or highway or an approved private way. Therefore, the City could not compel the applicant to consider the Kamm Street property line as a side yard setback.

Staff additionally found that the public access easement through the private parking lot was not a private way, such as a private street, as the City often required public access or crossover easement in commercial developments, which are not designed or constructed to be a private way. The appellants indicate that the Kamm

Street property line should be considered a side yard, which would require at least a 20-foot setback. If the public Kamm Street right-of-way were to continue to Warner Milne as part of a proposal, the City would consider the north property line a side yard and require a 20-foot setback from the abutting R3 and R6 properties. In this proposal, Kamm Street is not continued, and the north property line that abuts Kamm Street is designated per definition as a frontage/front property line.

5. Process Concerns (Appeal Document p 15-16). In this appeal issue, the Appeal identifies that the challenged decision did not address comments from a particular neighbor. In this case, public comment was accepted from January 5- to January 19. The comments were packaged and sent to city departments, as well as the City's transportation and natural resources consultants, for review and comment as part of the staff report review.

Brian Paulsen, a neighbor, submitted comments directed mainly to traffic, natural resources/stormwater concerns, and open space. His comments are part of the public comment exhibit of the staff report, he was sent a Notice of Decision, and his comments were responded to by David Evans and Associates (DEA), who commented in their April 11, 2022 Memo (Exhibit 8 of the staff report) that *"This commenter was concerned that the wetland delineation report did not document wildlife uses of the stream. The purpose of a wetland delineation and report is to define the boundaries of wetlands and other waters (e.g., streams, ponds) that are regulated by the U.S. Army Corps of Engineers (Corps) and the Oregon Department of State Lands (DSL) in accordance with Section 404 of the Clean Water Act and the Oregon Removal Fill Law, respectively. Documenting wildlife use of wetlands is not required or expected as part of a delineation report prepared for Corps and DSL."*

In addition, Mr Replinger refers to the comments by topic, including Mr. Paulsen concerns about the width of Kamm Street, lack of sidewalks, no safe space for pedestrians, and future traffic concerns.

A statement that directed the reader to Exhibits 5 and 8 for response to Mr Paulsen's comments was inadvertently left out of the public comment overview in the narrative. While unfortunate for the reader, it did not affect the review of the comments given to the City by Mr. Paulsen or his ability to have standing in the application, as he was included in the parties that were sent a Notice of the Decision.

The appellants contend that they do not believe that all comments were included in the review as part of the process. Exhibit 3 of the staff report was created on January 26, 2022 and included all people who provided comments for this application.

6. Impact on Property Values (Second Appeal p 2).

On page 2 of the second Appeal, the appellant expresses concern with the impact of this development, and in particular, the Kamm Street connection, on the property values of the existing homes. Although the impact on property values is an understandable concern of neighbors, it is not a concern that is identified in the City's code. Because this is an outright permitted use, the City may only use the clear and objective standards already in the code and those do not include property values. Thus, this concern provides no basis on which to reconsider staff's decision.

7. Headlight Impacts on Adjoining Property (Second Appeal p 3). The second Appeal also identifies a concern with the proposed parking resulting in headlights being directed into the existing dwellings. Again, there is not a criterion that addresses this concern and, because the proposed use is an outright permitted residential use, the City can only apply the existing clear and objective standards. Thus, this concern provides no basis on which to reconsider staff's decision.

V. OPTIONS.

As discussed above, the application sought approval for a residential development that is outright permitted under the zoning on the property. That limits the City's ability to address many of the issues identified in the Appeal. Most of the issues either clearly met the City's standards or were not part of the consideration. However, there were a few issues that provide the City with some options.

The first such issue is the Kamm Street connection. As discussed above, the City's code supports the creation of this connection; however, the code does not require that the connection be opened at this time. To the extent the Commission believes that allowing the connection would have adverse impacts on the development or the neighborhood, the Commission could require the placement of a bollard or gate to prevent use of the connection by vehicular traffic.

The second such issue involves the NROD. As discussed above, the applicant has provided a report prepared by a natural resources scientist and confirming letters from the Army Corps of Engineers and the Department of State Lands. However, the neighbors onsite have significant familiarity with the site and, to the extent the Commission believes that the applicant's materials are insufficient, and why the consultant's report is unreliable, the Commission could find that the standards for the NROD exemption have not been met. In such a circumstance, the Commission could remand the decision to staff to allow all parties to submit additional evidence, or the Commission could deny the application.

The final potential area is regarding the trees cut on the site in 2018-19. There is no question that significant trees were cut and that no permit was obtained to allow that cutting. The challenged decision addressed this tree-cutting by placing a condition requiring the applicant to retroactively obtain such a permit prior to the issuance of any building permit. Because the trees were cut prior to any measurement, the challenged decision required the permit to be based on the middle size column for mitigation. The Commission could require the use of a larger size column in determining mitigation for the unpermitted removal of the trees. In addition, should the Commission find that the NROD exemption criteria have not been met, the retroactive tree-cutting permit would also have to go through a Type II NROD review.

The motion options before the City Commission on this Appeal include:

1. Remand the application to staff to renote and reopen the record to allow additional information. This will require a 120-waiver extension from the applicant.
 - a. Topics could include:
 - Natural Resource Overlay District Exemption- additional information
 - Revised plans and Natural Resource Overlay District mitigation report
2. Deny the Appeal and affirm the Community Development Director's April 14, 2022 decision approving the application with Conditions.
3. Deny the Appeal and affirm the Community Development Director's April 14, 2022 decision approving the application with Conditions as modified by the City Commission.
 - b. Topics could include:
 - Kamm Street Connection- allow a bollard or gate
 - Type I Tree Mitigation Category – require a higher category
4. Approve the Appeal based on modified findings adopted by the City Commission.
 - c. Topics could include:
 - Natural Resource Overlay Exemption

APPEAL OF A LAND USE DECISION

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April 16, 2022

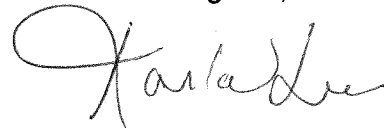
Oregon City Planning
Department PO Box 3040
Oregon City, OR 97045-0304

Notice: GLUA-21-00066: SP-21-00017, NROD 21-00018 Kamm Street Apartments

To: Whom It May Concern

As stated in our Elyville NA Minutes, our neighborhood association supports a land use appeal. We have a Comprehensive Land Use & Planning Committee and the Chair of it is representing Elyville NA name Troy Brummell. All documents are attached. There are many issues that are not addressed and Troy will comment on our behalf.

Kindest regards,

A handwritten signature in cursive script, appearing to read 'Karla Laws', written in dark ink.

Karla Laws
Chair, Elyville
NA

Ellyville / Barclay Hills Neighborhood Association Minutes February 8, 2022

In person at Saint John the Apostle Cemetery 451 Warner St, Oregon City

This meeting was announced as a steering/planning meeting announced by postcard delivered in November 2021. It was also shared one week prior 2/8/22 on social media Ellyville/Barclay Hills NA Facebook page.

Quorum Presented, Call to Order, & Introductions 7:02PM

Discussion for planning for the March 8 meeting 7:06PM: A land use presentation will be from Debbie Cleek R2, with Type III Variance. Zoning on proposed townhomes behind 700 Pleasant Ave. Wanting to propose an entrance driveway. Presented by Debbie Cleek Principal/Senior Planner The Bookin Group. We're considering working in a Farmers Market Presentation and update.

Quorum present 7:21PM on GLUA -21-00066, SP-21-00017, NROD 21-00018 Kamm Street Apartments by neighbors on Kamm and Warner, Troy Brummell initiated the discussion. Presentation on Kamm Street Apartments happened on September 14, 2021 at BHNA General Meeting from Todd Iselin, Selin Architects PC. Many issues were discussed: removal of NROD, fire exit/extension outlet to Kamm St, stormwater, sewage infrastructure, traffic, and parking.

Aaron Wolf motioned 7:32PM for a nomination to the Comprehensive Land Use and Planning Committee of new Chair Troy Brummell and co-Chair Brian Paulsen. 2nd by Jim Donnelly. All in favor, none opposed.

Motion made 7:51PM by Jim Donnelly stated: ' *move that Troy Brummell as Chair and Brian Paulsen as coChair of the Comprehensive Land Use and Planning Committee represents Ellyville Neighborhood Association on an appeal of land use decision GLUA -21-00066, SP-21-00017, NROD 21-00018 Kamm Street Apartments on our behalf and requesting waiver of fees* '. Troy Brummell 2nd. 1 abstained, the rest in favor, none opposed

Meeting Adjourn 8:09PM

Next Meetings (2nd Tuesdays), open to all:

General Meeting **March 8, 2022** 7:00 pm

Planning Meeting **April 12, 2022** 7:00 pm

Any questions, comments, etc.

contact Karla Laws, Ellyville NA Chair, 503.956.0634 or karla.laws+ellyville@gmail.com More details:
<https://www.orcity.org/community/barclay-hills-neighborhood-association>

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April 16, 2022

Christina Robertson-Gardiner, Senior Planner
City of Oregon City Planning Department
695 Warner Parrott Rd
Oregon City, OR 97045

RE: Land use appeal on project GLUA-21-00066: SP-21-00017, NROD 21-00018 at 1155 Kamm St & 279 Warner Milne Rd Oregon City OR

Dear Ms. Robertson-Gardiner,

Elyville Neighborhood Association (ENA) is writing this letter as a formal appeal against the granting of the conditional use permit issued on the above mentioned project. We the neighborhood believe the conditions set forth from planning do not go far enough to address concerns as listed in comment within our neighborhood. We ask the Oregon City planning department and the commissioners to reevaluate these concerns from citizens who live in the ENA and this area specifically surrounding the proposed project site, including neighbors living on Kamm, Warner, Bullard, Hughes, Prospect, and May streets who will be most impacted by this project as proposed by the developer and approved by city planning. We do this because we believe the conditions imposed do not adequately protect area residents from unreasonable detriment which, under the factual circumstances of this application, will cause unreasonable detriment to our neighborhood. Many neighbors have sent in comments opposing this project for cause. Simply put, the conditions imposed by the city do not go far enough to protect the neighborhood from the negative impact a project of this size will have in a residential area. We believe it is the responsibility of any city to consider community safety a top priority and believe the issues raised by this community should be addressed with that understating. Our concerns are these:

1. **Plans show an extension of Kamm Street connecting it to Warner Milne.** Planning is trying to convince the neighborhood this is a “public vehicular access easement” and no new streets are being proposed. This is stated throughout the report and specifically on pages 39 and 43 the word “driveway” is even used. In reality this extension of Kamm makes a new through street ultimately connecting Holmes Lane to Warner Milne Road without having to use the main arteries of Molalla Ave or Linn Ave. ENA believes that by changing the language and not calling this a street the developer is trying to avoid what is required by the city for new street designs. More importantly, ENA believes this creates a significant safety hazard for residents in the area and should not even be considered by the city unless the developer is required to make street improvements to Kamm Street which would include widening the road to city standards and putting in a sidewalk for pedestrians. This seems to be in order with chapter 12.04 and 16.12 of Oregon City Municipal Code (OCMC).

Kamm Street is currently what one would consider a single lane road that barely gives adequate spacing for (2) vehicles to pass. As a long-term resident on Kamm, I have observed for years the amount of foot traffic that utilizes our street. This ranges from children who ride

bicycles to people walking dogs, to residents living at Clipper Ridge Apartments walking to the line 33 bus stop. Kamm Street has significant usage from the surrounding neighbors and a through street would have a serious negative impact to the safety of those who use Kamm as they must walk in the street right-of-way. Children use this street as well as other neighborhood streets in the area to walk back and forth to Gardiner Middle School. Kamm and Warner Streets are the roads that even other children must use when walking to the school bus stop on Prospect Street all in the early darkened hours of the morning and in the afternoon at the beginning of the homebound commute. In addition, the city recently approved (60) units to be built on Holmes Lane just to the North of this development. Without a doubt, this will increase traffic in the area potentially allowing for a child to be struck by a motorist. Currently, those who use Holmes Lane who wish to connect to Warner Milne must go up to Molalla Ave or Linn Ave which are the two main arteries for the city. If Kamm is connected as a through street or as a “driveway” and with the addition of these already approved condos on Holmes Lane you will have an exponential increase in traffic using Kamm connecting through to Warner Milne which jeopardizes safety in the community. Furthermore, 16.12.035 subsection E of OCMC states:

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.*

As a neighborhood we believe that the above argument pointed out to the city would indeed prove without a doubt that a connection onto Kamm Street would cause a “significant traffic safety hazard” and should not even be considered. Moreover, ENA finds it unsettling that on page 13 of this report the planning department states that “Widening of Kamm would not be proportional to the size of the development proposed due to added costs”. At what point did safety of the community begin to have a price tag?

In addition to what has been stated, the city has already approved a single driveway ingress / egress for the Willow Springs Apartments at 290 Warner Milne Road (directly across the street from this proposed project) and there are (56) units within that living community. No logical reason exists to increase traffic and endanger residents on Kamm, Warner, or any other neighborhood streets when a safe option exists on the arterial road of Warner Milne.

- 2. Plans do not provide adequate parking for residents once the project is complete.** The developer is proposing (30) units and providing (36) parking spaces of which (2) are for ADA purposes only. Although we understand this meets minimum requirements per OCMC, it simply is not realistic for a project of this size. One resident researched the DMV and found in 2019 there were 375,262 passenger vehicles registered in Clackamas County. The US Census Bureau counted 170,724 housing units. That means the average housing unit in Clackamas County owns 2.20 cars per dwelling. Even the national average of vehicles

owned per household is considered to be 1.88 vehicles per home. Based on the lower of these numbers the builder should provide no less than (56) parking spaces. Even if you were to give the benefit of doubt and assume each household living in this development had one vehicle, it would still stand to reason that these residents would at some point have guest that will need a place to park. By providing only (1) parking stall per household you then are asking visitors to park either on Kamm Street or Warner Milne Road. **Both options are a significant safety hazard for residents in the area.**

With the sheer volume of traffic that uses Warner Milne Road, I believe the city for obvious reasons should never allow for on street parking. It would simply invite a pedestrian versus car fatality. So what about Kamm Street? ENA acknowledges condition 11 on page 3 of the report requires no parking signs on the West side of Kamm Street; however, this does not go far enough to address the issue. Oregon City code compliance officers will not be available to enforce illegally parked vehicles after hours in the evening when people will need parking the most. Additionally, this will force other visitors who will park legally to do so on Warner Street which once again forces more pedestrians to walk in the street right-of-way.

As stated before, Kamm Street is not particularly wide and is of insufficient width or repair to become the overflow parking lot for the proposed development. The East side of Kamm is driveway ingress / egress for residents. The West side is an open ditch that produces a seasonal stream during the rainy season. This ditch is owned by St John the Apostle Cemetery, maintained by the city, and holds a significant amount of water for much of the year. As residents living on Kamm back in and out of their duplexes' parking pads with anything larger than a compact car, it requires travelling nearly to the grassy edge of the drainage ditch to navigate. The constant presence of illegal overflow street parking from the proposed development will make the area unnavigable for residents, especially those with longer vehicles and will potentially block residents from being able to back out of their own driveways. In addition, the statistics above suggest that the parking deficit could be up to thirty extra vehicles. This means that residents or guests of the proposed development may have to park on adjoining streets (like Warner, Hughes, or Bullard) simply to walk home. These cars would then be parked against homeowners' properties without the buffer of a sidewalk increasing the potential for trampled garden spaces, tire marks in lawns, or trespass. Given the situation and the make-up of our community, a (30) unit dwelling should have significantly more parking spaces or risk adversely impacting the surrounding area by creating a street parking situation that does not fit with the current character and scale of the neighborhood. As such OCMC 17.52.015 subsection A states:

An adjustment to a minimum parking standard may be approved based on a determination by the planning commission that the adjustment is consistent with the purpose of this code, and the approval criteria can be met.

Which means the city planning department can at their discretion and considering the impact on public safety require more adequate parking. ENA has provided clear documentation on how safety is greatly impacted in the surrounding area and would expect city leadership to uphold what is stated under OCMC 17.52.015 subsection C number 5:

Safety. The proposal does not significantly impact the safety of adjacent properties and rights-of-way.

3. **The traffic report submitted by the developer is inaccurate and misleading.** The report uses numbers from a 2017 traffic study and states, “Warner Milne Road has an average daily traffic (ADT) of approximately 5,000 vehicles per day”. This is inaccurate information. The city recently published its findings from a November 4, 2021 traffic study and on pages 177 and 178 of that report you will find that Westbound traffic from Molalla Ave has an ADT of 6,194 vehicles and Eastbound from Beaver Creek Road has an ADT of 6,325 vehicles. **(Traffic Study)** The developers report also suggested that an apartment building of this scale will generate 162 average daily ins and outs from the property. These estimates seem very low for a complex of this size and therefore questionable with no supporting documentation. It also insufficiently estimates how many of these trips will come from the North or South drive entrances. Assuming that even half of the trips will leave the apartments by way of Kamm Street, that is an increase in traffic of over (80) car trips per day. These are cars that will travel to Molalla Ave or Holmes Lane by way of streets that are not meant to have this kind of traffic. As stated previously, much of the immediate area (Kamm, Warner, Hughes, Bullard, May, and Prospect streets) are barely wide enough for two cars to safely pass each other. These streets have no lane dividers, and are not well-maintained. The edges of the street butt up against gravel driveways, parking lots, lawns, gardens, and stormwater ditches. There is no safe place for pedestrians to walk except in the traffic right-of-way and the extra traffic will undoubtedly create a much greater potential for pedestrian versus car hazard.

In addition, if the city were to allow for this street or “driveway”, the report claims that the width connecting Kamm Street would be 24 feet wide. This doesn’t seem to fit with the dimensions of Kamm as the street itself is less than 24 feet in width. Unless there is a widening of Kamm Street, I don’t see the possibility of a 24 foot wide driveway to this connection.

It’s clear that this report submitted by the developer at minimum should be disallowed as it has understated the volume of traffic on Warner Milne Road and failed to address traffic on Kamm Street all together. We respectfully request that the city require a new traffic study that would take into account all roads affected by this project which would include Warner Milne, Kamm, and Warner Streets.

4. **Pursuant to 16.04, 17.02, 17.68, & 17.62 zoning concerns.** Kamm Street is zoned R-3.5 and it would stand to reason since the address property at 1155 Kamm Street is a residential address with easement access from Kamm, that it also would have to be zoned R-3.5 not MUC-1. By allowing a lot line adjustment combining 1155 Kamm Street to 279 Warner Milne Road (in essence creating one lot) the city has reclassified 1155 Kamm Street to MUC-1. City leadership is well within their jurisdiction to allow for this adjustment; however, OCMC 17.68.050 states:

In granting a change in zoning classification to any property, the commission may attach such conditions and requirements to the zone change as the commission deems

necessary in the public interest and such conditions and restrictions shall thereafter apply to the zone change or map amendment.

Additionally, the general provisions and administration of land divisions found in OCMC 16.04.010 says its purpose is for “*The protection of the health, safety and general welfare of the public.*” In other words, the commission can attach conditions considering what they deem necessary for the best interest to public safety.

If the city allows a lot line adjustment effectively making this entire property one parcel and designating it MUC-1, it then is suggesting that easement access to the property would come from Warner Milne Road (MUC-1) and not Kamm Street (R-3.5). Kamm Street is a residential area and should be isolated from commercial zoning. The city in its conditions should no longer allow easement access to 1155 Kamm Street from Kamm, but with the lots now combined, only allow access from Warner Milne. This would then separate residential from commercial and solve the issue of a through street or “driveway” that was addressed in Item 1 above. ENA would then request a privacy fence, having no gate access, be erected for noise abatement for the purpose of complete separation from the commercial development site. ENA believes this would also address other concerns mentioned above and be supported in OCMC 17.62.010 that states:

The purposes of site plan and design review are to: Encourage site planning in advance of construction; protect lives and property from potential adverse impacts of development; consider natural or man-made hazards which may impose limitations on development; conserve the city's natural beauty and visual character and minimize adverse impacts of development on the natural environment as much as is reasonably practicable; assure that development is supported with necessary public facilities and services; ensure that structures and other improvements are properly related to their sites and to surrounding sites and structure; and implement the city's comprehensive plan and land use regulations with respect to development standards and policies.

Additionally, as mentioned in Item 1 above, the city has approved a single driveway ingress / egress for the Willow Springs Apartments at 290 Warner Milne Road, directly across from this proposed development. There are (56) units within that living community making it much larger than the project being proposed here. It would then be reasonable what ENA is requesting as it has already been approved for a similar property in the direct vicinity of this property.

5. **Pursuant to 17.29, 17.32, & 17.62 for MUC-1, these plans do not provide enough yard, greenspace, or play area for children.** The nearest city park to the proposed development is Chapin Park 1.1 miles to the West. The nearest nature park is the Newell Creek Canyon Park 0.5 miles East. Both parks would require children to walk on the busy street of Warner Milne Road and in the case of Newell Creek, cross over Molalla Ave. This will become a significant safety hazard as these children would be forced to play in the parking lot or street creating the potential of a child being struck by a motorist. Furthermore, OCMC 17.62.057 subsection B number 2 states:

In nonresidential, commercial and mixed-use zones, each development shall provide a minimum of fifty square feet of open space per dwelling unit.

Further reading of 17.62 will clarify what is considered for open space requirements, but what is important to note from the above mentioned is that the developer at minimum is required to provide 1,500 square feet of open space. These plans do not seem to support that and only provide a small section of open space in the Northeast corner of the development estimated at roughly 500 - 700 square feet.

6. Pursuant to 12.08 current plans do not show the placement of public street trees required. OCMC 12.08.015 subsection A states:

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.

ENA understands the city will require (10) trees be replaced for the (5) trees being removed as stated on page 65 of this report. Nowhere on the plans submitted to the city does it show where said trees will be placed. The neighborhood is requesting that these be native trees replaced on site as agreed by the developer. If the developer chooses a different option per OCMC, we the neighborhood ask the city provide a letter stating what trees were planted and when and where this planting will take place.

7. Pursuant to 17.41 & 12.08 this development does not meet standards for tree replacement. According to public records the sight at 1155 Kamm Street was sold in September 2018 and 279 Warner Milne Road in October 2018. In or around November 2018 there were approximately 12 - 15 mature trees removed from this project sight that measured greater than 31" in diameter. An attempt via a public records request was made to obtain a copy of the permit that should have been issued by the city to determine the exact number of trees removed. This records request was completed September 22, 2021 and Jakob Wiley assistant city recorder for Oregon City confirmed no permit was ever issued. **(Email Jakob Wiley)** Therefore, a determination cannot be made on the exact number of mature trees removed; however, google maps clearly shows that between June 2018 and May 2019 a clear cutting occurred on the development property. **(Photo 1 & 2)** Additional aerial photographs can be found on the city's website or google maps. Both websites show this property having a significant tree canopy and vegetation prior to 2018. It is interesting to note that with all the technology of today that the developer in his stormwater report submitted a grainy ariel photo from the 1950's. The ENA believes this was done intentionally to be miss leading as to the number of trees removed.

As such, the ENA is upset that the developer did not follow city procedure to determine the environmental impact a clear cutting such as this would have on wildlife or endangered species that may have resided among these mature trees. While we recognize under provision 19 of these conditions the developer will be required to apply for a Type 1 tree removal application, this simply does not go far enough to discourage this kind of illegal

activity in our city. Allowing anyone to submit an application because they were caught is impermissible. A white oak or endangered animal could have resided inside this canopy.

Moreover, the city conditions outlined in provision 19 state that if the size of the tree cannot be verified, the applicant shall use the 19" to 24" healthy tree as a default category. Myself as well as other residents on Kamm Street will attest to the fact that these trees were much larger than 24" in diameter and therefore the guideline in provision 19 should be deemed unsatisfactory considering the circumstances. Just because trees were removed prior to submitting plans to the city does not negate the responsibility of the developer to follow OCMC and replace those trees with the appropriate number. It should also be mentioned, and taken into consideration, the fact that the developer did not follow city procedure in getting a permit. This unlawful act prevented a paper trail so we do not know the extent this action had on the environment or what wildlife were disrupted as a result of the decision to destroy old mature trees within the city. I would assume since no permit was filed that the developer did not consult an arborist or tree expert in this matter. The city should also take that into consideration when determining a recourse for this unlawful action.

Furthermore, Metro Code Title 3 section 3.07.340 letter b number 2 subsection B & D state:

- B. Water Quality Resource Areas shall be protected, maintained, enhanced or restored as specified in Section 3.07.340(b)(2).*
- D. Native vegetation shall be maintained, enhanced or restored, if disturbed, in the Water Quality Resource Area. Invasive nonnative or noxious vegetation may be removed from the Water Quality Resource Area. Use of native vegetation shall be encouraged to enhance or restore the Water Quality Resource Area.*

The question has been asked if this was an oversight on the part of the owner or if this was an intentional clearing to allow for future development? Regardless to the answer of this great question, ENA believes the tree canopy and its habitat should be restored for the sake of the environment and community. The Metro Code would seem to support that since approximately 42% of the combined two properties falls within the natural resource overlay district (NROD) of Oregon City.

- 8. Pursuant to 17.49 there is approximately 42% of the combined two properties that falls within NROD.** Chris Stevenson with the Department of State Lands PWS Coordinator for Clackamas County was consulted and she confirmed in an email dated March 29, 2022 that NROD does fall under city purview. OCMC 17.49.030 numbers 3 and 4 state:

- 3. The NROD boundary shall be shown on all development permit applications*
- 4. The official NROD map can only be amended by the city commission*

Therefore, documents provided by the developer do not take NROD into consideration on the design. The wetlands here feed into Newell Creek Canyon and this property has potential significance for flood protection, aquifer recharge, and wildlife habitat. The currently accessible version of the city's NROD map shows that much of Kamm Street and the

properties proposed for development are within the NROD boundary. **(Exhibit 1)** Brian Paulsen a reside at 1129 Kamm Street confirms that the immediate area surrounding this project is home to many species of animals including those typically found in a wetland environment. The frog in Photo 3 below was taken from his front garden in November of 2021. He has provided waterfowl photographs **(Photo 4 & 5)** taken from his front lawn on March 27, 2022 all just a few yards from the proposed project site. Other residents on Kamm Street, myself included, will confirm the presence of ducks and geese regularly in the rainy months as well as several species of birds, squirrels, and the occasional rodent that habitat the area year round utilizing this water source provided by nature. **(Photo 6-9)** There is concern that the Wetland and Waters Report performed by Harper Houf Peterson Righellis, Inc., is short sighted in that all the site visits, testing, photographs, and aerial views are dated April of 2021. The scope of this report did not take into consideration the decreases in precipitation over the last few years. This drought along with the removal of the tree canopy could possibly explain why the report was unable to document any fauna. When you look over the six weeks previous to their study there was just over 1" of accumulated precipitation and less than 1/10" over the two week period leading up to the date of the report. This would ultimately be setting Oregon City up for what became one of the driest summers with the hottest temperatures ever recorded.

Another resident, Catherine Pieslewicz, was able to research the National Weather Service website and put together a chart outlining Oregon City annual precipitation for the (3) prior years 2018, 2019, and 2020. She used 2010 as a base for comparison and concluded with the following numbers:

Base Year-2010	<i>Annual precipitation</i>	<i>48.18 inches</i>	<i>Percentage values</i>
1 Yr. prior-2020		32.44	67.4%
2Yr. prior-2019		26.67	55.4%
3Yr. prior-2018		27.30	56.7%

Because all the data collected on site was in April, a comparison for that month was also done. Again using 2010 as the base year the following precipitation rates for the month of April are as follows:

2010	2.91 inches	100.0% (Base year)
2020	0.79 inches	27.1%
2021	0.39 inches	13.4%

Based on the information above, ENA believes this major oversight in the scope of the report did not take into consideration the decreases in precipitation over the last few years and believes the report to be misleading and at best inclusive. Diligence would suggest that the study should have been postponed until adequate rain had returned to restore this habitat. You can see from photos taken in January 2022 **(Photo 10-13)** there is significant ground water that runs through this area.

Additionally, the overlay information for the tax lot at 1155 Kamm Street shows the property to be 47.1% in a constrained area. This is the same area that should be NROD protected and according to the plans for this development, will now be covered up with parking and a road.

OCMC 17.49.070 list many prohibited uses in the NROD area, but I want to point out subsection B that states:

New lots that would have their buildable areas for new development within the NROD are prohibited.

ENA acknowledges a letter dated July 15, 2021 from Oregon Department of State Lands approving the removal of wetlands on the project sight; however, we believe this decision from the state was made from a report that did not provide all the facts. The letter clearly states the decision was made based upon the information presented in the delineation report provided by the developer. As already stated, we believe the report to be inclusive as it suggests that no wetlands were identified within the study area with the exception of the drainage channel. What the report failed to introduce as evidence is the fact that a clear cutting of trees and vegetation occurred in or around November 2018. This was addressed in item 7 above so it will not be readdressed here, but it is important to note that Type 1 NROD verifications are addressed in OCMC 17.49.255. Subsection B of that chapter states:

An applicant may request a Type I Verification determination by the community development director. Such requests may be approved provided that there is evidence substantiating that all the requirements of this chapter relative to the proposed use are satisfied and demonstrates that the property also satisfies the following criteria, as applicable:

- 1. No soil, vegetation, hydrologic features have been disturbed;*
- 2. No hydrologic features have been changed;*

ENA believes that all the facts should have been provided to the state including these old mature trees that were the home of many creatures including raccoons, possums, and the occasional hawk. Had these facts been provided in the delineation report, we believe the state would have not allowed for the removal of the wetlands on this property. OCMC was violated when this clear cutting occurred by changings the scope of the area and thus should invalidate the application for NROD removal. The property owner should then be required to follow OCMC 17.49.265 for corrections on violations which ENA believes would follow OCMC 17.49.080 subsection L that states:

The replacement tree(s) shall be located in the general vicinity of the removed tree(s), somewhere within NROD on the property. The replacement tree(s) shall be identified on the Oregon City Native Plant List or other locally adopted plant list (e.g. Metro or Portland). The property owner shall ensure that the replacement tree(s) survives at least two years beyond the date of its planting.

Moreover, the city on page 80 in response to OCMC 17.49.265 suggest “The identified tree removal area in 2018 is not located within the revised NROD buffer for the downstream intermittent stream and therefore is not subject to this section of the application.” ENA believes this is not relevant to 2022. When the trees and vegetation were removed in 2018, this area was part of NROD which means OCMC was violated. ENA believes that by

illegally removing mature trees and vegetation in the NROD area the developer destroyed a natural habit and then pushed for a revised NROD buffer. We believe the developer should be held responsible for this unlawful violation of OCMC and subject to the standards outlined for violating OCMC as mentioned above. We believe that even the seasonal natural resources deserve to be protected and as already stated would like to see the tree canopy that was removed illegally restored for the protection of the natural ecosystem and this community.

- 9. Pursuant to 17.04 the Water Quality Resource area or Metro Title 3 has not been addressed.** The stormwater report submitted by the developer refers to a “dry ditch” on the property and wetlands that will not be impacted by the development. The city map clearly shows this is not valid. In fact, there is an intermittent seasonal stream that flows during years of normal precipitation above ground from North to South through this property beginning at the Northeast corner, and migrates farther downstream to the East ending at Newell Creek Canyon. It is clearly labeled a “Title 3 Stream.” Therefore, the associated wetlands fall into that same category. OCMC 17.04.1285 states:

"Title 3" means that part of the Metro urban growth management functional plan which requires local governments to comply with regional regulations. Title 3 is a part of those regional regulations.

Furthermore, OCMC 17.04.1205 defines a stream as “an area where surface water produces a defined channel or bed. The channel or bed does not have to contain water year-round.” With this in mind Metro Code Title 3 section 3.07.340 letter b number 2 subsection B & C state:

- B. Water Quality Resource Areas shall be protected, maintained, enhanced or restored as specified in Section 3.07.340(b)(2).*
- C. Prohibit development that will have a significant negative impact on the functions and values of the Water Quality Resource Area, which cannot be mitigated in accordance with subsection (2)(F).*

As stated above this seasonal stream flows South and eventually migrates to the East ending at Newell Creek. ENA believes that the development will not be conscientious about the natural environment and wildlife at this site and the scenic area will not be preserved once the structure and parking lot are in place. This will have a significant impact on the environment in the surrounding area.

- 10. Pursuant to 17.04, 17.47, & 13.08 the Erosion & Sediment Control as well as Groundwater Infiltration has not been completely addressed.** The stormwater report biased its conclusions on “familiarity with projects in the area” and “soil survey” without knowing if those projects in the area included an above ground seasonal stream. In addition, there is nothing that references how close to the proposed site these “projects” may have been and as such does not validate their conclusions. Referring to a “soil survey” without actual documentation of the survey used, also does not validate their conclusions. The documents and references attached to the report provide lessons on soils; however, give no

insight as to how the conclusions were reached. The fact that a seasonal above ground stream is present on the proposed site would lead to the conclusion that ground water is considerably closer to the surface than stated in the findings from the developer. Since no actual testing was done across the site to validate any relative conclusions it is safe to say the report submitted is at best incomplete.

This soil surrounding the development seems to be mostly clay. **(Photo 14)** When 2 - 3 feet of topsoil are removed during the building phase, where will the sediment go? The area historically has a higher water table and the drainage system barely can handle its current runoff levels. ENA is concerned as to whether the city is requiring adequate measures accounting for seasonal rainfall and runoff that will not be properly filtered naturally. Using a pipping system does not have the same effect in cleaning water sedimentation and current ditches do not sufficiently compensate for what cannot drain underground. You can see from the attached photographs taken January 7, 2022 the area is very soggy. **(Photo 15 & 16)**

In addition to what has been mentioned above, attached to this appeal you will find the public comment written by Dr. Leon H. Liegel a resident of Oregon City addressing this very issue. **(Leon Liegel)** His credentials as a PhD in Soil Science would seem to make him a resident expert on this matter and should be considered as part of the public record addressing ENA concerns. We respectfully request a more thorough study of the soil be performed that would include a study over the entirety of the property and not limited to certain areas.

- 11. Pursuant to 13.12 & 17.42 the development does not provide adequate drainage for stormwater.** Photos 10 - 16 of the attached photos were taken in January 2022. This shows the amount of stormwater that flows thru this seasonal stream during a normal rain season. When looking at the topography of the fields adjacent to this development, you notice that all water naturally slopes downward to the lowest point from both fields ending at the current ditch which was put into place to mitigate flooding. **(Photo 17)** A quick view of the city elevation profiler map shows the open field directly to the West of this development at the furthest point has an elevation of approximately 456 feet. The elevation of the open field to the East at the furthest point is approximately 452 feet. This intermittent stream has an elevation of approximately 448 feet. This is a change of approximately 8 feet from the West and 4 feet from the East. Where will all the rain water flow to if there is no longer an open natural space? By changing the natural drainage and flood point for stormwater this increases the chances of flooding onto Kamm specifically the property at 1147 Kamm Street.

Also, the report submitted by the developer is inaccurate. Page 2 states, "There is a 24" pipe that daylights onto the site on the north and follows a small ditch to the south end where it enters a 44" x 22" concrete culvert that runs under Warner Milne". No such pipe exists on the North end of this development site and in my experience with stormwater, replacing a natural ditch with a 24" pipe (as the developer is suggesting on page 2) will not provide adequate drainage. ENA believes the city conditions outlined in provision 12 will not go far enough in protecting the residents in this area from flooding. Planters will provide some containment, but they just simply are not sufficient to control all stormwater across the entire development site. When the natural vegetation is stripped to build and pave, stormwater will cause problems with flooding onto private property. In addition to these concerns, the city

should also require a no rise certification permit to protect existing properties that could potentially be harmed from flooding as a result of changing the natural topography.

- 12. Pursuant to 17.40 & 17.62 an Archeology Survey and Report was not provided in the document packet by the developer.** The area of the proposed site is located in what was historically Elyville and in reviewing history with Clackamas Historical Society, there may be historical significance within the building site. This could even include graves as the development is next to historic Elyville plots. ENA acknowledges an email from the Confederated Tribes of the Umatilla Reservations known as Exhibit 6 in the document packet; however, The Warm Springs and The Grand Ronde Tribes should be consulted as peoples from both groups were known to be present in this area. If a prior survey does not exist, then the archeologist from both Tribes should provide a recommendation prior to any ground disturbance. This would seem to be supported by OCMC 17.40.065 subsection C number 2 that states:

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.

It should be noted that ENA recognizes a letter from the State Historic Preservation Office (SHPO) known as Exhibit 7 in the document packet. The concern from the neighborhood is this letter mirrors a letter from project ID GLUA-21-00002. ENA is worried that one of the documents could have been falsified and in the best interest of all parties believes this letter should be confirmed in writing to mitigate any misinformation. I have attached both letters as a matter of public record to this appeal. **(Exhibit 2 & 3)**

- 13. Pursuant to 17.12, 17.29, 17.32 & 17.62 setbacks for the project sight do not meet city standards.** The property owned directly to the North of the project building sight is St John the Apostle Cemetery which is zoned R-6. On page 60 (D) of this report it states that the North side of the building has a setback of only 3 feet. The plan designs need to meet proper spacing when adjoining a residential area. OCMC 17.12.040 Note (1) states:

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.

- 14. Pursuant to 17.50 ENA has concerns over the Administrative Process.** Page 12 of the staff report and notice of decision packet list neighbors who made public comments and have standing during the appeal process. One neighbor, Brian Paulsen was not listed on this page nor where his comments addressed anywhere in the document packet. As part of the ENA leadership team, I informed him of this error and followed up with an email to Christina

Robertson-Gardiner in planning. She confirmed Brian submitted comments before the deadline, and added his comments to Exhibit 3 of the document packet; however, the decision packet was not rescinded and the error was not corrected in the official document. I have added his comments to this appeal as a matter of public record. **(Brian Paulsen)**

ENA is concerned there may be others who were overlooked that had standing. The city should consider an audit to confirm no additional errors were committed during this process. ENA also would ask that a review into the process of commenting be looked into. We the neighbors are held to a deadline of only 14 days to submit concerns and issues we see within our communities. Developers are given much more leniency. As it pertains to this development, the 50 day deadline for a response to comments was extended by a full 5 weeks. This is unacceptable and should not be allowed for future projects. Developers should be held to their timelines just as we the neighbors are held to ours. ENA believes all voices of the neighbors should be heard and that city staff should remain neutral during the process by supporting both the neighbors and the developers. Let us work in partnership together so we can better inform the community in which we serve.

In conclusion OCMC 17.50.130 states:

All city decision-makers have the authority to impose reasonable conditions of approval designed to ensure that all applicable approval standards, including standards set out in city overlay districts, the city's master plans, and city public works design standards, are, or can be met.

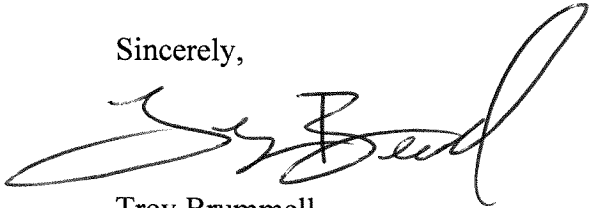
It should be considered that a (30) unit development is impractically big and drastically changes the culture of the area. This cultural shift will add dozens of new residents and their automobiles to an area which for decades has been a quiet, dead-end road. If this habitat must be developed, lower density homes with yards is a much closer replacement than a three story building with a tiny picnic area and a paved parking lot. A smaller project that mirrors the single family and duplex homes native to Kamm Street would be more practical and safer for this community. ENA recognizes growth is good for a community, but expedient growth without proper planning does not help the community. This proposed development cannot fit the form and function of the surrounding area without posing both nuisance and safety hazards to current residents and wildlife. I personally had a conversation on September 14, 2021 with Todd Iselin after the presentation meeting. He informed me the builder originally never wanted (30) units or a through road and the city rejected the original idea for a smaller project. It would seem that even the developer understands the broader scope of safety, but the planning department forced a larger project by requiring no less than (28) units. This is a great concern for the community when our city staff is pushing large developments without the infrastructure to support growth of this magnitude.

ENA calls on the city and its elected leaders to work in partnership with us. We do not wish to see our questions and concerns as something to work against, but rather an opportunity to work together in making sure the community voices are heard. We ask that our comments and concerns be considered for their intent and merit without efforts to dismiss them over whether we used every sort of proper language and reference. Also, we ask for transparent discussions

and avoiding topics being only in executive sessions. This would allow the citizens of Oregon City the ability to request public records on comments made. We are not professionals and have no legal support, but rely on city staff to help incorporate our expertise in knowing the places we live into the policy process. Wherever our concerns cannot be directly applied because of current policy, we would like help identifying how these policies could be improved for the future, especially when it involves environmental policy. This is so we as a community can better protect our tree canopies and the health of our water throughout the city.

ENA implores the commissioners to impose said conditions especially those that pertain to safety that we the neighborhood have outlined on this appeal. We also reserve the right to comment on any additional information or documents added to the proposed development file after the deadline of the comment period.

Sincerely,

A handwritten signature in black ink, appearing to read 'Troy Brummell', with a large, sweeping flourish at the end.

Troy Brummell,
Chair, Comprehensive Land Use & Planning Committee
Elyville Neighborhood Association

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Oregon City 2021
Volume Traffic Survey

Quality Counts
15615 SW 74th Ave #100
Tigard, OR 97224
www.qualitycounts.net

Page 1

Site Code: 155444153
Station ID: # 177
Warner Milne Rd W of Molalla Ave

Start Time	10-Nov-21 Wed	EB		Hour Totals		WB		Hour Totals		Combined Totals	
		Morning	Afternoon	Morning	Afternoon	Morning	Afternoon	Morning	Afternoon	Morning	Afternoon
12:00		3	55			3	56				
12:15		1	70			4	76				
12:30		1	77			1	47				
12:45		1	64	6	266	2	59	10	238	16	504
01:00		0	55			1	60				
01:15		1	51			0	64				
01:30		0	56			1	76				
01:45		0	64	1	226	2	73	4	273	5	499
02:00		0	65			1	73				
02:15		0	77			0	76				
02:30		0	67			1	68				
02:45		2	68	2	277	0	76	2	293	4	570
03:00		1	52			2	52				
03:15		1	67			1	71				
03:30		4	61			0	66				
03:45		3	65	9	245	2	61	5	250	14	495
04:00		2	71			3	63				
04:15		6	60			3	52				
04:30		2	47			2	70				
04:45		5	65	15	243	3	69	11	254	26	497
05:00		9	65			2	63				
05:15		6	57			7	78				
05:30		8	47			8	47				
05:45		16	58	39	227	9	61	26	249	65	476
06:00		17	41			12	51				
06:15		18	45			12	48				
06:30		30	39			29	36				
06:45		32	29	97	154	27	45	80	180	177	334
07:00		22	37			24	32				
07:15		47	30			30	29				
07:30		40	24			23	35				
07:45		58	20	167	111	43	27	120	123	287	234
08:00		46	18			50	32				
08:15		44	21			38	27				
08:30		38	17			41	28				
08:45		49	10	177	66	48	27	177	114	354	180
09:00		67	12			48	19				
09:15		39	19			49	13				
09:30		39	16			34	13				
09:45		58	14	203	61	54	12	185	57	388	118
10:00		57	12			32	10				
10:15		38	5			42	11				
10:30		44	6			56	10				
10:45		56	5	195	28	42	4	172	35	367	63
11:00		65	8			62	13				
11:15		67	2			57	9				
11:30		57	3			51	6				
11:45		58	4	247	17	54	5	224	33	471	50
Total		1158	1921			1016	2099			2174	4020
Percent		37.6%	62.4%			32.6%	67.4%			35.1%	64.9%
Grand Total		1158	1921			1016	2099			2174	4020
Percent		37.6%	62.4%			32.6%	67.4%			35.1%	64.9%
ADT		ADT 6,194		AADT 6,194							

(Traffic Study Page 177 dated Nov 10, 2021)

Oregon City 2021
Volume Traffic Survey

Quality Counts
15615 SW 7th Ave #100
Tigard, OR 97224
www.qualitycounts.net

Page 1

Site Code: 155444154
Station ID: # 178
Warner Milne Rd E of Beavercreek Rd

Start Time	4-Nov-21 Thurs	WB		Hour Totals		EB		Hour Totals		Combined Totals	
		Morning	Afternoon	Morning	Afternoon	Morning	Afternoon	Morning	Afternoon	Morning	Afternoon
12:00		8	47			5	65				
12:15		3	68			2	67				
12:30		1	75			2	54				
12:45		3	80	15	270	2	64	11	250	26	520
01:00		4	64			1	55				
01:15		0	58			1	52				
01:30		1	58			3	47				
01:45		3	61	8	241	0	50	5	204	13	445
02:00		4	70			1	55				
02:15		1	60			0	57				
02:30		1	67			0	60				
02:45		3	72	9	269	2	65	3	237	12	506
03:00		1	81			3	60				
03:15		0	60			1	62				
03:30		1	74			3	50				
03:45		0	73	2	288	3	77	10	249	12	537
04:00		1	79			3	70				
04:15		5	86			3	60				
04:30		1	91			4	77				
04:45		2	89	9	345	14	73	24	280	33	625
05:00		2	67			9	67				
05:15		3	81			8	61				
05:30		5	80			15	64				
05:45		9	88	19	316	17	54	49	246	68	562
06:00		12	74			16	48				
06:15		13	50			20	35				
06:30		9	65			24	44				
06:45		26	51	60	240	39	42	99	169	159	409
07:00		34	59			21	41				
07:15		23	48			44	39				
07:30		24	42			33	16				
07:45		38	41	119	190	57	21	155	117	274	307
08:00		39	28			59	16				
08:15		36	25			30	19				
08:30		1	31			3	13				
08:45		4	27	80	111	5	19	97	67	177	178
09:00		44	27			41	14				
09:15		45	25			57	6				
09:30		37	19			50	13				
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10:00		54	15			47	18				
10:15		48	9			47	4				
10:30		43	9			36	9				
10:45		55	12	200	45	65	1	195	32	395	77
11:00		45	12			52	8				
11:15		60	6			52	6				
11:30		66	7			39	3				
11:45		67	7	238	32	74	4	217	21	455	53
Total		927	2432			1056	1910			1983	4342
Percent		27.6%	72.4%			35.6%	64.4%			31.4%	68.6%
Grand Total		927	2432			1056	1910			1983	4342
Percent		27.6%	72.4%			35.6%	64.4%			31.4%	68.6%
ADT		ADT 6,325	AADT 6,325								

(Traffic Study Page 178 dated Nov 10, 2021)

Public Record Request - Troy Brummell - Tree Permit for 1155 Kamm St

Jakob Wiley <jwiley@orccity.org>

Wed 9/22/2021 4:48 PM

To: t_brummell@hotmail.com <t_brummell@hotmail.com>

Cc: recorderteam <recorderteam@orccity.org>

Dear Troy,

Thank you for submitting a public record request. Planning staff conducted a search and did not locate a tree removal permit that matched your request.

This completes your public records request. Please confirm that you have received this email.

Thank you,
Jakob

**Jakob Wiley, JD, MS****Assistant City Recorder**jwiley@orccity.org

City of Oregon City

PO Box 3040

625 Center Street

Oregon City, Oregon 97045

Office Hours: Mon – Fri, 8 am – 5 pm

503-496-1509 Direct phone

503-657-0891 City phone

503-657-7026 fax

The City of Oregon City continues to offer services and programs in-person and online - find facility hours of operation [here](#).

Website: www.orccity.org | [Recorder Page](#) | [Facebook!](#) | [Twitter](#)

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

EXHIBIT 1
Natural Resource Overlay District Boundaries

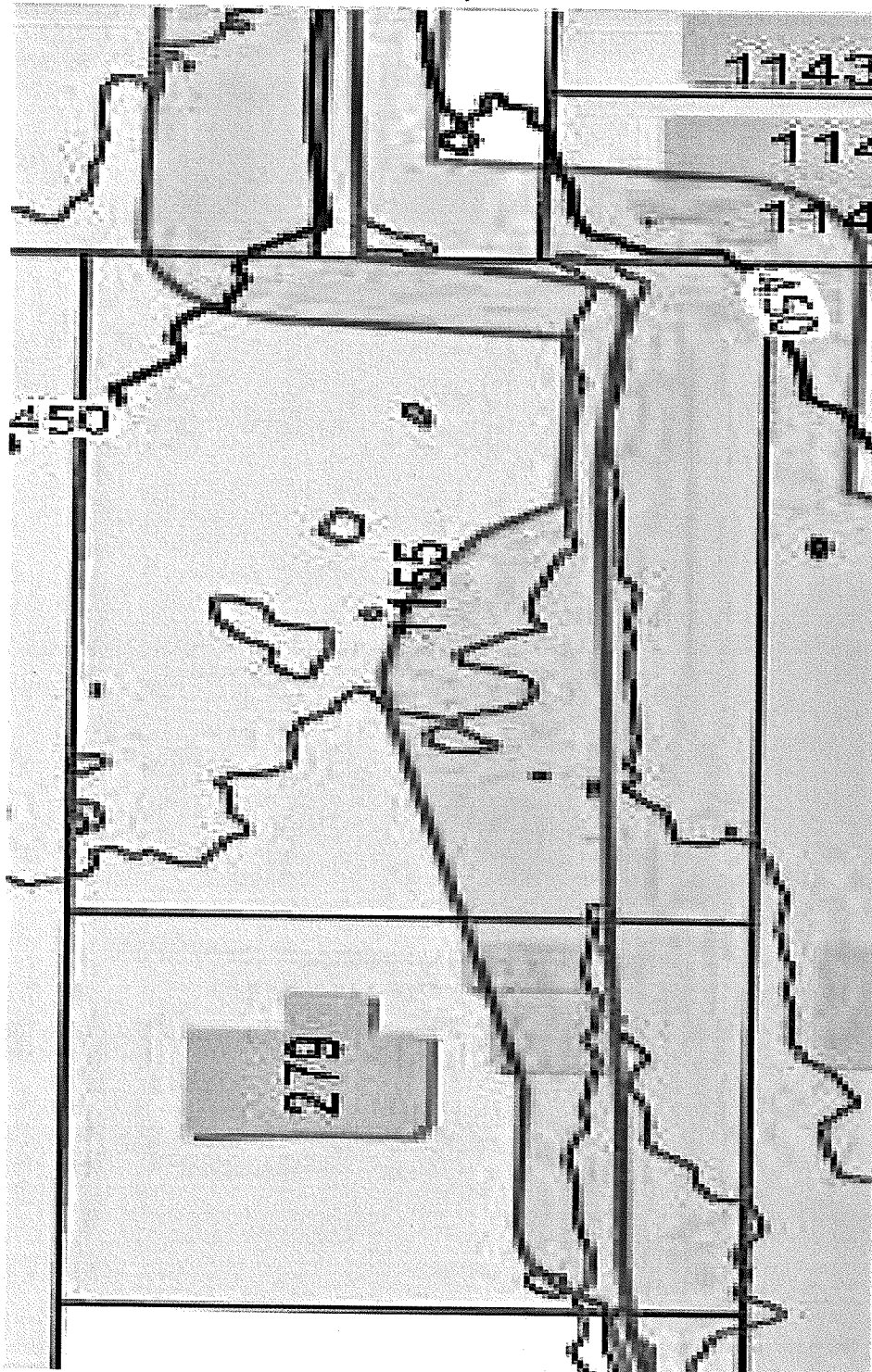


EXHIBIT 2



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

EXHIBIT 3



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. 19-1625
City of Oregon City Project PA19-47, 18 Unit Multi Family Development
Construction for apartment complex
3S 2E 5 TL1400, 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

Leon H. Liegel
710 Cedar Ln.
Oregon City, OR 97045

January 19, 2022

City of Oregon City
Community Development – Planning
695 Warner Parrott Rd
Oregon City, OR 97045

Subject: FILE NUMBERS PUBLIC COMMENT

- **GLUA-21-00066: SP-21-00017, NROD 21-00018 Kamm Street Apartments**
- **Review of Harper Houf Peterson Righellis Inc. report MSC-261 Stormwater Management Report PA-21-00007 dated September 3, 2021**

To: Christina Robertson-Gardiner

My comments and review of the Harper Houf Peterson Righellis Inc. report, 3 September 2021, are directed at statements, assumptions, and sources for soil properties plus prior, existing, and future water resources on and near a 0.91-acre site designated as 279 Warner Milne Road, Oregon City, Oregon. A 30-unit redevelopment apartment project [RDP hereafter] is proposed for this site. For convenience, the entire Stormwater Management Report PA-21-00007 of September 3, 2021, is hereafter called the Management Plan [MP].

Soil Resources:

1. The SoilWeb online Univ California Davis/Natural Resources Conservation Service [NRCS] database [<https://casoilresource.lawr.ucdavis.edu/gmap/>] confirms that Map Unit 8B, containing about 85% of the Bornstedt soil series, includes the RDP. (**Note: My spelling matches NRCS spelling; the MP incorrectly uses “Bornstedt.”**)
2. The MP incorrect assumption is that the RDP actually contains the Bornstedt series. No onsite soil sampling data confirm this assumption. Reputable soil science texts will also confirm that onsite soil sampling is needed when considering family/commercial construction.
3. Why is onsite soil sampling even more important for a multi-unit apartment complex? All soils have physical properties that limit or do not limit engineering ratings for dwellings, road construction, and stormwater containment or redirection to offsite areas.

4. The Bornstedt soil series has stated Engineering Ratings based on laboratory samples collected at several sites. Limitations are based on a water table located at ≤ 36 inches of the surface.

- Dwellings W/O Basements; Not limited
- Dwellings With Basements; Very limited
- Small Commercial Buildings; Somewhat limited
- Lined Retention Systems; Somewhat limited
- Shallow Infiltration Systems; Severely limited

These limitations will:

- a) Affect construction and maintenance of Stormwater Planters Type C (bioretention areas, bioswales) described in the MP
 - b) Parking lot construction
 - c) Construction for and depth of crawl/access space under the apartment complex for drinking water/sewerage pipes, electrical lines, and communication cables.
5. The MP does not address how Bornstedt soil series *Engineering Ratings* will affect construction and maintenance of the 30-unit apartment complex and its surroundings. The MP does not indicate what engineering methods will direct near-surface groundwater away from the apartment building crawl space area for 6-month or longer yearly rainy seasons over the apartment's life span.

Water Resources and Historical Land Use Changes:

1. Tables 2 and 2A in the MP Stormwater Management section present data that evidently comply with City of Oregon City design requirements for detention of water for 1-, 2-, 10-, and 25-yr storm events dumping, respectively, 1, 2, 3, and 4 inches of rain in 24 hours across the RDP. However, increasing rain-snow-tornado-hurricane storm frequency and intensity across the USA are harbingers of global climate changes in local/regional weather patterns observed for the past 100 years. How realistic, then, are current ditch, culvert, and specified Stormwater Planters Type C water removal methods from the RDP?
2. Up to certain thresholds, Nature has tremendous ability to renew itself from major natural- and human induced disturbances. For example, some but not all 1930s dustbowl soil degradation was remediated by the 1960s using new tillage techniques, improved soil management, and plant breeding. But it seems ludicrous to assume that water movement over the RDP 0.91-acre site showing grass cover 70 yrs ago will be the same as water movement over the site in 2022 even if grass vegetation is still present.

Uphill from the RDP is a cemetery and urbanized area. Roadways, driveways, and rooftops all accumulate water in ways not possible 70 yrs ago. And, via laws of physics, all this water moves downhill, combines with runoff from the new paved RDP site, and flows southward past it to Warner Milne Rd. Is existing culvert piping diverting water under Warner Milne Rd. sufficient to handle increased water stormflow from the RDP? The existing MP does not address or answer this question.

In Summary:

- Without onsite soil testing at the RDP, generalizations from an NRCS soil survey map about factual engineering ratings for the site are impossible. Stating the equivalent of “Everything is OK!” in the current MP is unacceptable.
- In similar fashion, grass vegetation at the RDP 70 yrs ago does not predict water movement into and away from the site now in 2022. Climatic conditions are different and overall stormwater flow into and away from the RDP is considerably more today than 70 yrs ago. The existing MP does not adequately address onsite RDP water excess, its removal, and increased long-term downstream flow consequences, particularly the stability of a necessary underground culvert at Warner Milne Rd.

Sincerely,

Leon H. Liegel
Co-Major PhD [Forestry/Soil Science]

To: City of Oregon City
c/o Christina Robertson-Gardiner
Crobertson@orccity.org

14 January, 2022

To whom it may concern:

My name is Brian J. Paulsen. I reside at 1129 Kamm Street in Oregon City and am a minority member of Kamm Street Properties, LLC, which owns and manages house numbers 1129, 1131, 1133, and 1135. As a member-occupant and neighborhood resident, it is my desire to express concerns about the proposed apartment development at 1155 Kamm Street, just a few lots down from where I live.

While I must admit that I have not been an active member of the Elyville (Barclay Hills) Neighborhood Association, I must compliment them on the awareness campaign that brought this proposed development to my attention. This being said, the fact that I didn't know about this proposal, just yards from my residence, speaks to a suspiciously clandestine effort to make this come to pass. Over the last months, I have seen workers along my street, sometimes even on our LLC's private property, who refused to identify the reasons for their presence. They spray-paint the road, place flags, and take photos. On one case, a worker even dug a small hole in our gravel parking area under the witness of my teenage child and informed our family that he was not obligated to let the residents know the purpose of the intrusion or to whom he reported. The workers may or may not have been related to this proposed development, but there is no way for us as residents to assess this because many of us only recently found out about this plan. Furthermore, the public notice stands as a small blue sign, unreadable at a distance, and placed at the very end of a dead-end road. This is in stark contrast to the last pair of neighborhood developments (the container homes at Warner & Prospect and the parking lot across from the vet's office) where, because of their visibility at the entrance to Warner Street, much more of the local populace had an understanding of what was being proposed. A 30-unit apartment structure constitutes a much larger change to the neighborhood; it deserved a more prominent display to residents.

For those who are not intimately familiar with the layout of the area, Kamm, Warner, Bullard, Hughes, Prospect, and May Streets are bordered and captive to Holmes Lane and Molalla Avenue. They are, by-and-large, narrow and without meaningful sidewalks and, with the exception of a large complex on May Street, house just one or two families per structure. There are no parks, but plenty of tree-cover, and the centerpiece is the Catholic cemetery. Understand that when I refer to "my neighborhood" in this letter, I am referring to this captive set of streets and not the larger city-defined neighborhood of Elyville.

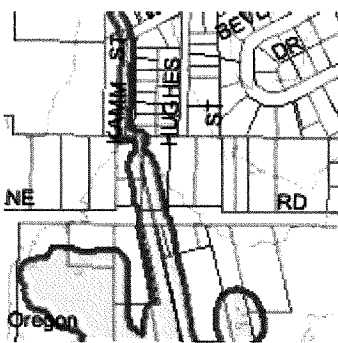
It is my understanding that the proposed Kamm Street Apartment development was first intended to have fewer units and a barrier to prevent traffic backflow into the existing Kamm Street neighborhood. Please correct the record if it was not at the insistence of the city that more dwelling units were mandated, and the barrier removed. A building of this nature constitutes a major cultural shift in how the residents of our community live and furthers the argument that better notice ought to have been communicated. It seems that there has been no consideration given to those that live on Kamm Street, or the connecting streets that will be affected. For this reason, I feel I must make these comments in

opposition on the proposed development in order to protect those, like myself, who feel blindsided and betrayed.

Arguments in opposition:

I – Preservation of natural resources and habitats

The currently accessible version of the city's NROD map shows that much of Kamm Street and the properties proposed for development are within the NROD boundary (see map insert). As a resident, I know that our immediate area is home to many species of animals, including those typically found in a wetland environment.



At my own residence, just yards from the proposed development, we have frogs (see photo from my front garden from November, 2021), ducks, and geese regularly in the rainy months. We are home to several species of birds, rodents, and even the occasional small snake. There is concern that the Wetland and Waters Report performed by Harper Houf Peterson Righellis, Inc., was unable to document any fauna, but one possible explanation is that over the six weeks previous to their study there was just over 1" of accumulated precipitation and less than one-tenth over the two-week period leading up to it; all of this leading up to a drought summer with the hottest temperatures ever recorded. Diligence would suggest that the study should have been postponed until adequate rain had returned to restore this habitat. Even seasonal natural resources deserve to be protected.



II – Traffic

A traffic study is part of the documents provided by the city. It is dated August 21, 2021. In it, it is suggested that an apartment building of this scale will generate 162 average daily ins and outs from the property. It insufficiently estimates, however, how many of these trips will come from the north or south drive entrances. If one is to assume that even half of the trips will leave the apartments by way of Kamm Street, that is an increase in traffic of over 80 car trips per day. These are cars that will travel to Molalla Ave. or Holmes Ln. by way of streets that are not meant to have this kind of traffic. Much of the immediate area (Kamm, Warner, Hughes, Bullard, May, and Prospect Streets) is barely wide enough for two cars to safely pass each other. Kamm Street itself is only about 20ft. wide. These streets have no lane dividers, and are not well-maintained. The edges of the street butt up against gravel driveways and parking lots, lawns, and gardens, and drainage ditches. There is no safe place for pedestrians to walk except in the traffic right-of-way and no place to introduce sidewalks without seizing property from homeowners and, in the case of Kamm Street specifically, disturbing the parking pads for the existing stretch of duplexes. The extra traffic will undoubtedly create a much greater potential for pedestrian versus car hazards or deter residents from walking or biking around the area altogether.

Additionally, there are no city parks or public green spaces in our immediate area and many homes have parking pads in lieu of driveways. For this reason, residents use the streets to walk their pets and

children use the streets and the grassy area around the drainage ditch to recreate. Soccer, basketball, hide & seek, radio-controlled cars, and bicycle races are common on Kamm and Warner Streets during good weather. It is also the route children must walk to get to the school bus stops in the early, darkened hours of the morning and afternoon at the beginning of the homebound commute. An increase in vehicle traffic like the one suggested by the cited traffic study would jeopardize the safety these activities.

III – Parking

The proposed 30-unit dwelling comes complete with about that many parking spaces. The DMV reports that in 2019 there were 375,262 passenger vehicle registrations in Clackamas County. The US Census Bureau counted 170,724 housing units. That means the average housing unit in Clackamas County will have an average of 2.20 cars per dwelling. While it may be true that the specific make-up of the residents chosen to live at the proposed apartment building may not each own two cars, the parking situation is gravely underserved. As stated before, Kamm Street is not particularly wide and is certainly of insufficient width or repair to become the overflow parking lot for the proposed development. As it stands, vehicles backing in and out of the duplexes' parking pads with anything larger than a compact car requires travelling nearly to the grassy edge of the drainage ditch to navigate. This area is also used on a temporary basis for event parking at St. John the Apostle Cemetery for memorial services and neighborhood events. Residents acknowledge the long-standing presence of the cemetery and adapt to the temporary use of this parking area; very rarely do we have vehicles left parked overnight.

The constant presence of overflow street parking from the proposed development will make the area unnavigable for residents, especially those with longer vehicles. In addition, the statistics above suggest that the parking deficit could be up to thirty extra vehicles. Kamm Street only has the west side to accommodate street parking of any kind as any cars parking on its east bank would impede access to private property. This means that residents of the 30-unit building may have to park on adjoining streets (like Warner, Hughes, or Bullard) simply to walk home. These cars would then be parked against homeowners' properties without the buffer of a sidewalk increasing the potential for trampled garden spaces, tire marks in lawns, or trespass.

Given the situation and the make-up of our community, a 30-unit dwelling ought to have 45-50 parking spaces or risk creating a street-parking situation that does not fit with the current character and scale of the surrounding neighborhood (Code 17.52.015). As a matter of opinion, there is a lot about more than tripling the number of households on Kamm Street that does not fit the current character or scale of the surrounding neighborhood.

Conclusion:

I must admit that I see some merit in developing the proposed properties. I recognize the need for additional housing, I like the idea of safe pathway to walk toward the Hilltop shopping center without walking along the busy Molalla Avenue. I even see a safety benefit from having a throughfare and additional hydrant to accommodate the needs of the fire department. However, all of these needs can be met with a much smaller development – one that mirrors the single-family and duplex homes that

are native to Kamm Street. It should be considered that a 30-family development is impractically big as it drastically changes the culture of the area adding dozens of new residents and their automobiles to an area which for decades has been a quiet, dead-end road in a manner that cannot preserve the habit provided by the current environment. Even if the drainage ditch is man-made, it has been there for a very long time and thus has become part of the natural environment and if I can receive visits from aquatic animals at my home at 1129 then they must exist at 1155. If one must develop this habitat, lower density homes with yards is a much closer replacement than a three-story building and a paved parking lot and a tiny picnic area.

In the case where the city approves this development at the current scope and size, I would implore them to reconsider the swing-gate barrier originally proposed and approved by Clackamas Fire for the well-being of the surrounding residents. Warner-Milne Road is well-developed. There are no children that use it for play and no residents that must back in or out to get to their homes. Warner-Milne Road features sidewalks with bike lanes on both sides of the road to safely separate cyclists and pedestrians from the increase in vehicle traffic. No logical reason exists to increase the traffic level, and thus the danger to residents, on Kamm Street, Warner Street, or any other neighborhood street when a safe option exists on the arterial road. In addition, I would suggest that the west side of Kamm Street that abuts the Church's property be designated to restrict overnight parking as a deterrent against the new residents filling the street with extra parked cars. This is a courtesy to the Church, who owns the property that includes the drainage ditch, so they can stage visitors for their daytime purposes, and a courtesy to the current residents of Kamm Street so they can safely navigate the street, entering and exiting their homes without the risk of collision.

I respectfully submit these facts and opinions to the committees responsible for final approval. It is my conclusion that, while the goal of further housing in Oregon City is noble, the proposed development cannot fit the form and function the surrounding area without posing both nuisance and safety hazard to its current residents and wildlife. Please consider drastically reducing the impact on the neighborhood at large with vast reductions to the project's scope or by denying the project outright.

Regards,

Brian J. Paulsen, resident

1129 Kamm St.

Oregon City, OR 97045

b.j.zytron@gmail.com

Member, Kamm Street Properties, LLC

PO Box 71

Oregon City, OR 97045

PHOTO 1

View from Warner Milne June 2018 (Google Maps)



PHOTO 2

View from Warner Milne May 2019 (Google Maps)



PHOTO 3



PHOTO 4



Photo Taken March 27, 2022

PHOTO 5



Photo Taken March 27, 2022

PHOTO 6



Photo Taken April 11, 2022

PHOTO 7

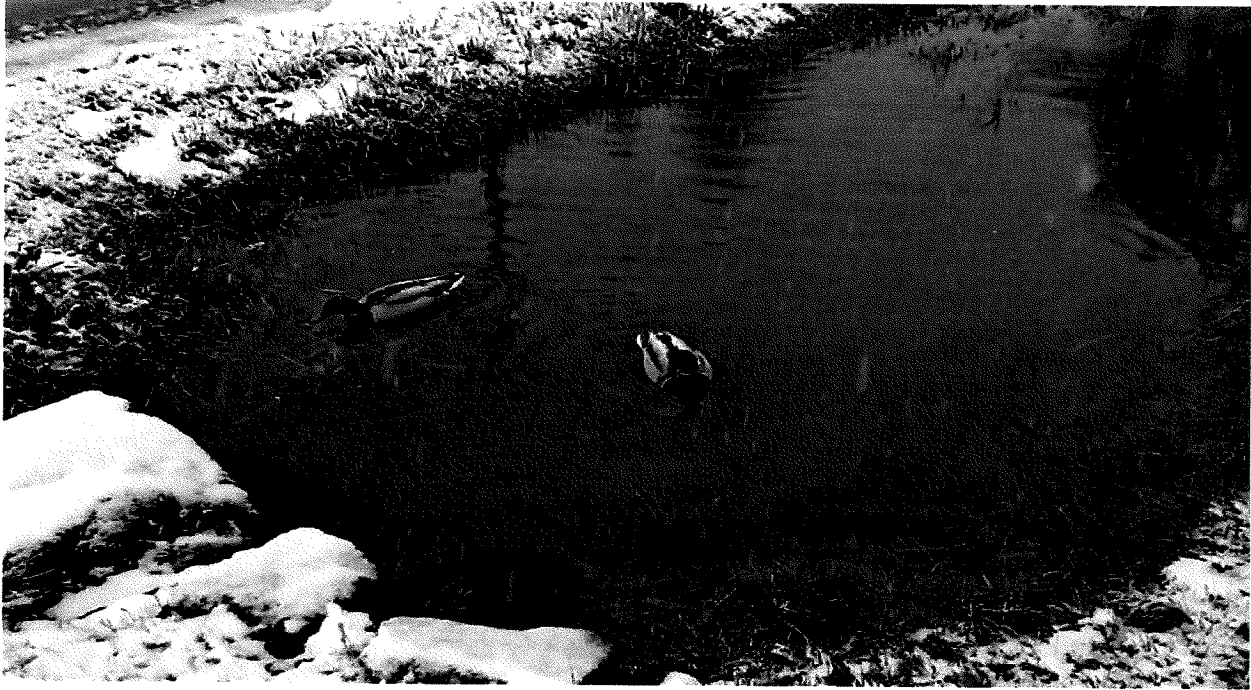


Photo Taken April 11, 2022

PHOTO 8



Photo Taken April 7, 2022

PHOTO 9



Photo Taken April 7, 2022

PHOTO 10



Photo Taken January 7, 2022

PHOTO 11

View looking North where Kamm ditch makes turn East



Photo taken January 7, 2022

PHOTO 12

View looking East where Kamm ditch makes turn from the North



Photo taken January 7, 2022

PHOTO 13

View looking South where Kamm ditch makes turn from the West



Photo taken January 7, 2022

PHOTO 14



PHOTO 15



PHOTO 16



PHOTO 17

View looking West at adjacent property to the project site



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

APR 27 12:59 PM

APPEAL OF A LAND USE DECISION

FILE # GLUA 21-00066; SP 21-00117; NROD 21-0018 DATE: 4-26-22

NAME: Dave Wakefield TELEPHONE #: 971-409-7005

ADDRESS: 1147/1149 Kamm Street Oregon City, OR 97045

ADDRESS OR PROPERTY DESCRIPTION (T/R/S) OF SUBJECT PROPERTY:

1155 Kamm Street, 279 Warner Milne Road Oregon City, OR 97045

SUBJECT OF APPEAL: NOTICE OF DECISION DATE: 4 / 14 / 22 For File #:

GLUA-21-00066; SP-21-00017, NROD 21-00018

The undersigned hereby appeal(s) the decision of the Oregon City Planning Department concerning the subject case. The decision to approve 0 deny all the application was made at the meeting held on 2-8-22.

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.

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See Attached Documents Consisting of 46 pages including this Page

FILING FEE PAID: \$250 DATE PAID: _____ RECEIPT NO.: _____


Property Owner Signature

12712 S Freeman Rd Mulino OR 97042
Address

Property Owner Signature

Address

****SIGNATURES REQUIRED IF APPLICABLE****

Signature

Address

____ Contract Purchaser

____ Lessee

____ Prospective Purchaser

April 26, 2022

Christina Robertson-Gardiner, Senior Planner
City of Oregon City Planning Department
695 Warner Parrott Rd.
Oregon City, OR 97045

RE: Request for an Appeal on project GLUA-21-00066: Kamm St Apartments

Dear Christina:

Thank you for all the work you have put into this staff report and responses that have been communicated so far with existing Kamm Street residents, property owners, and neighborhood associations.

As a matter of record, I am in agreement with the recommendations as proposed by the Elyville Neighborhood Association (ENA) and have attached them to this appeal, asserting that these concerns need to be addressed by the planning department.

Upon review of the approval documents, the only conclusion is that there is no upside, but only downside for the existing residences along Kamm Street. Their hardship has not been adequately addressed or remediated during the planning phase.

With that in mind, we respectfully request that you reconsider several aspects of the project due to the detrimental economic and human impacts it will cause. The harm done to the existing neighborhood by your proposed changes do not necessarily violate your narrow planning criteria. We can all agree that OC guidelines are not able to predict the negative effects of the increased development.

It seems your greatest concern is emergency access, which has been necessary only once in the last decade in my memory, and neighborhood connectivity, which is already happening for bikes and walkers using Kamm Street. It is an unnecessary change to endanger home values and human life by adding vehicular traffic. Additionally, there is no room on Kamm Street for overflow parking and the apartment complex does not have adequate parking for residents and visitors.

Market values for residences when they were purchased included a premium for the dead-end street. If the City of Oregon City moves forward with the proposed land use changes, the devaluation created by this could be labeled as an inverse condemnation and that would require the City to pay the property owners for the decrease in values attributed to making a low-traffic dead-end street into a through street. To maintain property values, the dead-end street must be maintained. Here are a couple of feasible options.

- The installation of a gate or bollards at the end of the existing street with access for emergency vehicles only. No parking/tow away warning signs added to existing Kamm residences that state no apartment overflow parking.
- Reducing the number of units built to 25 or fewer, which would not require the through access or any changes to Kamm Street, with a single point of access on Warner Milne only.

Existing Kamm Street residences lack driveways, sidewalks, and setbacks, forcing residents to park partially on the roadway or even utilize both sides of the street for adequate parking. Labeling one side of Kamm as a No Parking Zone will force residents and their visitors to park into the street on the opposite side. The overflow parking from the apartments will also create an issue if there is foot access to the apartments. Should you continue to plan for vehicular traffic for the apartment complex to utilize Kamm Street, the builder must perform one or both of the following.

- Improve current residences to have driveways and sidewalks.
- Widen the road to allow cars to pass residences safely.

If maintaining dead-end status is not feasible, one of these options must be considered as non-negotiable improvements.

Specifically, regarding the closest unit to the complex, the apartment parking lot as drawn will put headlights straight into the duplex. According to the drawing, the chain link fence is to remain in place, but that will not stop headlight glare. Is there a plan to have a sufficient barrier to eliminate this problem? Having a three-story complex with lighting will also be a major change for the existing neighborhood as the current lighting is appropriate for single story dwellings on a dead-end street.

Thank you for your consideration of these items. A prompt response is appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "Dave Wakefield", with a stylized, cursive script.

Dave Wakefield

April 16, 2022

Christina Robertson-Gardiner, Senior Planner
City of Oregon City Planning Department
695 Warner Parrott Rd
Oregon City, OR 97045

RE: Land use appeal on project GLUA-21-00066: SP-21-00017, NROD 21-00018 at 1155 Kamm St & 279 Warner Milne Rd Oregon City OR

Dear Ms. Robertson-Gardiner,

Elyville Neighborhood Association (ENA) is writing this letter as a formal appeal against the granting of the conditional use permit issued on the above mentioned project. We the neighborhood believe the conditions set forth from planning do not go far enough to address concerns as listed in comment within our neighborhood. We ask the Oregon City planning department and the commissioners to reevaluate these concerns from citizens who live in the ENA and this area specifically surrounding the proposed project site, including neighbors living on Kamm, Warner, Bullard, Hughes, Prospect, and May streets who will be most impacted by this project as proposed by the developer and approved by city planning. We do this because we believe the conditions imposed do not adequately protect area residents from unreasonable detriment which, under the factual circumstances of this application, will cause unreasonable detriment to our neighborhood. Many neighbors have sent in comments opposing this project for cause. Simply put, the conditions imposed by the city do not go far enough to protect the neighborhood from the negative impact a project of this size will have in a residential area. We believe it is the responsibility of any city to consider community safety a top priority and believe the issues raised by this community should be addressed with that understating. Our concerns are these:

1. **Plans show an extension of Kamm Street connecting it to Warner Milne.** Planning is trying to convince the neighborhood this is a “public vehicular access easement” and no new streets are being proposed. This is stated throughout the report and specifically on pages 39 and 43 the word “driveway” is even used. In reality this extension of Kamm makes a new through street ultimately connecting Holmes Lane to Warner Milne Road without having to use the main arteries of Molalla Ave or Linn Ave. ENA believes that by changing the language and not calling this a street the developer is trying to avoid what is required by the city for new street designs. More importantly, ENA believes this creates a significant safety hazard for residents in the area and should not even be considered by the city unless the developer is required to make street improvements to Kamm Street which would include widening the road to city standards and putting in a sidewalk for pedestrians. This seems to be in order with chapter 12.04 and 16.12 of Oregon City Municipal Code (OCMC).

Kamm Street is currently what one would consider a single lane road that barely gives adequate spacing for (2) vehicles to pass. As a long-term resident on Kamm, I have observed for years the amount of foot traffic that utilizes our street. This ranges from children who ride

bicycles to people walking dogs, to residents living at Clipper Ridge Apartments walking to the line 33 bus stop. Kamm Street has significant usage from the surrounding neighbors and a through street would have a serious negative impact to the safety of those who use Kamm as they must walk in the street right-of-way. Children use this street as well as other neighborhood streets in the area to walk back and forth to Gardiner Middle School. Kamm and Warner Streets are the roads that even other children must use when walking to the school bus stop on Prospect Street all in the early darkened hours of the morning and in the afternoon at the beginning of the homebound commute. In addition, the city recently approved (60) units to be built on Holmes Lane just to the North of this development. Without a doubt, this will increase traffic in the area potentially allowing for a child to be struck by a motorist. Currently, those who use Holmes Lane who wish to connect to Warner Milne must go up to Molalla Ave or Linn Ave which are the two main arteries for the city. If Kamm is connected as a through street or as a “driveway” and with the addition of these already approved condos on Holmes Lane you will have an exponential increase in traffic using Kamm connecting through to Warner Milne which jeopardizes safety in the community. Furthermore, 16.12.035 subsection E of OCMC states:

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.*

As a neighborhood we believe that the above argument pointed out to the city would indeed prove without a doubt that a connection onto Kamm Street would cause a “significant traffic safety hazard” and should not even be considered. Moreover, ENA finds it unsettling that on page 13 of this report the planning department states that “Widening of Kamm would not be proportional to the size of the development proposed due to added costs”. At what point did safety of the community begin to have a price tag?

In addition to what has been stated, the city has already approved a single driveway ingress / egress for the Willow Springs Apartments at 290 Warner Milne Road (directly across the street from this proposed project) and there are (56) units within that living community. No logical reason exists to increase traffic and endanger residents on Kamm, Warner, or any other neighborhood streets when a safe option exists on the arterial road of Warner Milne.

- 2. Plans do not provide adequate parking for residents once the project is complete.** The developer is proposing (30) units and providing (36) parking spaces of which (2) are for ADA purposes only. Although we understand this meets minimum requirements per OCMC, it simply is not realistic for a project of this size. One resident researched the DMV and found in 2019 there were 375,262 passenger vehicles registered in Clackamas County. The US Census Bureau counted 170,724 housing units. That means the average housing unit in Clackamas County owns 2.20 cars per dwelling. Even the national average of vehicles

owned per household is considered to be 1.88 vehicles per home. Based on the lower of these numbers the builder should provide no less than (56) parking spaces. Even if you were to give the benefit of doubt and assume each household living in this development had one vehicle, it would still stand to reason that these residents would at some point have guest that will need a place to park. By providing only (1) parking stall per household you then are asking visitors to park either on Kamm Street or Warner Milne Road. **Both options are a significant safety hazard for residents in the area.**

With the sheer volume of traffic that uses Warner Milne Road, I believe the city for obvious reasons should never allow for on street parking. It would simply invite a pedestrian versus car fatality. So what about Kamm Street? ENA acknowledges condition 11 on page 3 of the report requires no parking signs on the West side of Kamm Street; however, this does not go far enough to address the issue. Oregon City code compliance officers will not be available to enforce illegally parked vehicles after hours in the evening when people will need parking the most. Additionally, this will force other visitors who will park legally to do so on Warner Street which once again forces more pedestrians to walk in the street right-of-way.

As stated before, Kamm Street is not particularly wide and is of insufficient width or repair to become the overflow parking lot for the proposed development. The East side of Kamm is driveway ingress / egress for residents. The West side is an open ditch that produces a seasonal stream during the rainy season. This ditch is owned by St John the Apostle Cemetery, maintained by the city, and holds a significant amount of water for much of the year. As residents living on Kamm back in and out of their duplexes' parking pads with anything larger than a compact car, it requires travelling nearly to the grassy edge of the drainage ditch to navigate. The constant presence of illegal overflow street parking from the proposed development will make the area unnavigable for residents, especially those with longer vehicles and will potentially block residents from being able to back out of their own driveways. In addition, the statistics above suggest that the parking deficit could be up to thirty extra vehicles. This means that residents or guests of the proposed development may have to park on adjoining streets (like Warner, Hughes, or Bullard) simply to walk home. These cars would then be parked against homeowners' properties without the buffer of a sidewalk increasing the potential for trampled garden spaces, tire marks in lawns, or trespass. Given the situation and the make-up of our community, a (30) unit dwelling should have significantly more parking spaces or risk adversely impacting the surrounding area by creating a street parking situation that does not fit with the current character and scale of the neighborhood. As such OCMC 17.52.015 subsection A states:

An adjustment to a minimum parking standard may be approved based on a determination by the planning commission that the adjustment is consistent with the purpose of this code, and the approval criteria can be met.

Which means the city planning department can at their discretion and considering the impact on public safety require more adequate parking. ENA has provided clear documentation on how safety is greatly impacted in the surrounding area and would expect city leadership to uphold what is stated under OCMC 17.52.015 subsection C number 5:

Safety. The proposal does not significantly impact the safety of adjacent properties and rights-of-way.

- 3. The traffic report submitted by the developer is inaccurate and misleading.** The report uses numbers from a 2017 traffic study and states, “Warner Milne Road has an average daily traffic (ADT) of approximately 5,000 vehicles per day”. This is inaccurate information. The city recently published its findings from a November 4, 2021 traffic study and on pages 177 and 178 of that report you will find that Westbound traffic from Molalla Ave has an ADT of 6,194 vehicles and Eastbound from Beaver Creek Road has an ADT of 6,325 vehicles. **(Traffic Study)** The developers report also suggested that an apartment building of this scale will generate 162 average daily ins and outs from the property. These estimates seem very low for a complex of this size and therefore questionable with no supporting documentation. It also insufficiently estimates how many of these trips will come from the North or South drive entrances. Assuming that even half of the trips will leave the apartments by way of Kamm Street, that is an increase in traffic of over (80) car trips per day. These are cars that will travel to Molalla Ave or Holmes Lane by way of streets that are not meant to have this kind of traffic. As stated previously, much of the immediate area (Kamm, Warner, Hughes, Bullard, May, and Prospect streets) are barely wide enough for two cars to safely pass each other. These streets have no lane dividers, and are not well-maintained. The edges of the street butt up against gravel driveways, parking lots, lawns, gardens, and stormwater ditches. There is no safe place for pedestrians to walk except in the traffic right-of-way and the extra traffic will undoubtedly create a much greater potential for pedestrian versus car hazard.

In addition, if the city were to allow for this street or “driveway”, the report claims that the width connecting Kamm Street would be 24 feet wide. This doesn’t seem to fit with the dimensions of Kamm as the street itself is less than 24 feet in width. Unless there is a widening of Kamm Street, I don’t see the possibility of a 24 foot wide driveway to this connection.

It’s clear that this report submitted by the developer at minimum should be disallowed as it has understated the volume of traffic on Warner Milne Road and failed to address traffic on Kamm Street all together. We respectfully request that the city require a new traffic study that would take into account all roads affected by this project which would include Warner Milne, Kamm, and Warner Streets.

- 4. Pursuant to 16.04, 17.02, 17.68, & 17.62 zoning concerns.** Kamm Street is zoned R-3.5 and it would stand to reason since the address property at 1155 Kamm Street is a residential address with easement access from Kamm, that it also would have to be zoned R-3.5 not MUC-1. By allowing a lot line adjustment combining 1155 Kamm Street to 279 Warner Milne Road (in essence creating one lot) the city has reclassified 1155 Kamm Street to MUC-1. City leadership is well within their jurisdiction to allow for this adjustment; however, OCMC 17.68.050 states:

In granting a change in zoning classification to any property, the commission may attach such conditions and requirements to the zone change as the commission deems

necessary in the public interest and such conditions and restrictions shall thereafter apply to the zone change or map amendment.

Additionally, the general provisions and administration of land divisions found in OCMC 16.04.010 says its purpose is for “*The protection of the health, safety and general welfare of the public.*” In other words, the commission can attach conditions considering what they deem necessary for the best interest to public safety.

If the city allows a lot line adjustment effectively making this entire property one parcel and designating it MUC-1, it then is suggesting that easement access to the property would come from Warner Milne Road (MUC-1) and not Kamm Street (R-3.5). Kamm Street is a residential area and should be isolated from commercial zoning. The city in its conditions should no longer allow easement access to 1155 Kamm Street from Kamm, but with the lots now combined, only allow access from Warner Milne. This would then separate residential from commercial and solve the issue of a through street or “driveway” that was addressed in Item 1 above. ENA would then request a privacy fence, having no gate access, be erected for noise abatement for the purpose of complete separation from the commercial development site. ENA believes this would also address other concerns mentioned above and be supported in OCMC 17.62.010 that states:

The purposes of site plan and design review are to: Encourage site planning in advance of construction; protect lives and property from potential adverse impacts of development; consider natural or man-made hazards which may impose limitations on development; conserve the city's natural beauty and visual character and minimize adverse impacts of development on the natural environment as much as is reasonably practicable; assure that development is supported with necessary public facilities and services; ensure that structures and other improvements are properly related to their sites and to surrounding sites and structure; and implement the city's comprehensive plan and land use regulations with respect to development standards and policies.

Additionally, as mentioned in Item 1 above, the city has approved a single driveway ingress / egress for the Willow Springs Apartments at 290 Warner Milne Road, directly across from this proposed development. There are (56) units within that living community making it much larger than the project being proposed here. It would then be reasonable what ENA is requesting as it has already been approved for a similar property in the direct vicinity of this property.

5. **Pursuant to 17.29, 17.32, & 17.62 for MUC-1, these plans do not provide enough yard, greenspace, or play area for children.** The nearest city park to the proposed development is Chapin Park 1.1 miles to the West. The nearest nature park is the Newell Creek Canyon Park 0.5 miles East. Both parks would require children to walk on the busy street of Warner Milne Road and in the case of Newell Creek, cross over Molalla Ave. This will become a significant safety hazard as these children would be forced to play in the parking lot or street creating the potential of a child being struck by a motorist. Furthermore, OCMC 17.62.057 subsection B number 2 states:

In nonresidential, commercial and mixed-use zones, each development shall provide a minimum of fifty square feet of open space per dwelling unit.

Further reading of 17.62 will clarify what is considered for open space requirements, but what is important to note from the above mentioned is that the developer at minimum is required to provide 1,500 square feet of open space. These plans do not seem to support that and only provide a small section of open space in the Northeast corner of the development estimated at roughly 500 - 700 square feet.

6. Pursuant to 12.08 current plans do not show the placement of public street trees required. OCMC 12.08.015 subsection A states:

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.

ENA understands the city will require (10) trees be replaced for the (5) trees being removed as stated on page 65 of this report. Nowhere on the plans submitted to the city does it show where said trees will be placed. The neighborhood is requesting that these be native trees replaced on site as agreed by the developer. If the developer choses a different option per OCMC, we the neighborhood ask the city provide a letter stating what trees were planted and when and where this planting will take place.

7. Pursuant to 17.41 & 12.08 this development does not meet standards for tree replacement. According to public records the sight at 1155 Kamm Street was sold in September 2018 and 279 Warner Milne Road in October 2018. In or around November 2018 there were approximately 12 - 15 mature trees removed from this project sight that measured greater than 31" in diameter. An attempt via a public records request was made to obtain a copy of the permit that should have been issued by the city to determine the exact number of trees removed. This records request was completed September 22, 2021 and Jakob Wiley assistant city recorder for Oregon City confirmed no permit was ever issued. **(Email Jakob Wiley)** Therefore, a determination cannot be made on the exact number of mature trees removed; however, google maps clearly shows that between June 2018 and May 2019 a clear cutting occurred on the development property. **(Photo 1 & 2)** Additional aerial photographs can be found on the city's website or google maps. Both websites show this property having a significant tree canopy and vegetation prior to 2018. It is interesting to note that with all the technology of today that the developer in his stormwater report submitted a grainy ariel photo from the 1950's. The ENA believes this was done intentionally to be miss leading as to the number of trees removed.

As such, the ENA is upset that the developer did not follow city procedure to determine the environmental impact a clear cutting such as this would have on wildlife or endangered species that may have resided among these mature trees. While we recognize under provision 19 of these conditions the developer will be required to apply for a Type 1 tree removal application, this simply does not go far enough to discourage this kind of illegal

activity in our city. Allowing anyone to submit an application because they were caught is impermissible. A white oak or endangered animal could have resided inside this canopy.

Moreover, the city conditions outlined in provision 19 state that if the size of the tree cannot be verified, the applicant shall use the 19" to 24" healthy tree as a default category. Myself as well as other residents on Kamm Street will attest to the fact that these trees were much larger than 24" in diameter and therefore the guideline in provision 19 should be deemed unsatisfactory considering the circumstances. Just because trees were removed prior to submitting plans to the city does not negate the responsibility of the developer to follow OCMC and replace those trees with the appropriate number. It should also be mentioned, and taken into consideration, the fact that the developer did not follow city procedure in getting a permit. This unlawful act prevented a paper trail so we do not know the extent this action had on the environment or what wildlife were disrupted as a result of the decision to destroy old mature trees within the city. I would assume since no permit was filed that the developer did not consult an arborist or tree expert in this matter. The city should also take that into consideration when determining a recourse for this unlawful action.

Furthermore, Metro Code Title 3 section 3.07.340 letter b number 2 subsection B & D state:

- B. Water Quality Resource Areas shall be protected, maintained, enhanced or restored as specified in Section 3.07.340(b)(2).*
- D. Native vegetation shall be maintained, enhanced or restored, if disturbed, in the Water Quality Resource Area. Invasive nonnative or noxious vegetation may be removed from the Water Quality Resource Area. Use of native vegetation shall be encouraged to enhance or restore the Water Quality Resource Area.*

The question has been asked if this was an oversight on the part of the owner or if this was an intentional clearing to allow for future development? Regardless to the answer of this great question, ENA believes the tree canopy and its habit should be restored for the sake of the environment and community. The Metro Code would seem to support that since approximately 42% of the combined two properties falls within the natural resource overlay district (NROD) of Oregon City.

- 8. Pursuant to 17.49 there is approximately 42% of the combined two properties that falls within NROD.** Chris Stevenson with the Department of State Lands PWS Coordinator for Clackamas County was consulted and she confirmed in an email dated March 29, 2022 that NROD does fall under city purview. OCMC 17.49.030 numbers 3 and 4 state:

- 3. The NROD boundary shall be shown on all development permit applications*
- 4. The official NROD map can only be amended by the city commission*

Therefore, documents provided by the developer do not take NROD into consideration on the design. The wetlands here feed into Newell Creek Canyon and this property has potential significance for flood protection, aquifer recharge, and wildlife habitat. The currently accessible version of the city's NROD map shows that much of Kamm Street and the

properties proposed for development are within the NROD boundary. **(Exhibit 1)** Brian Paulsen a reside at 1129 Kamm Street confirms that the immediate area surrounding this project is home to many species of animals including those typically found in a wetland environment. The frog in Photo 3 below was taken from his front garden in November of 2021. He has provided waterfowl photographs **(Photo 4 & 5)** taken from his front lawn on March 27, 2022 all just a few yards from the proposed project site. Other residents on Kamm Street, myself included, will confirm the presence of ducks and geese regularly in the rainy months as well as several species of birds, squirrels, and the occasional rodent that habitat the area year round utilizing this water source provided by nature. **(Photo 6-9)** There is concern that the Wetland and Waters Report performed by Harper Houf Peterson Righellis, Inc., is short sighted in that all the site visits, testing, photographs, and aerial views are dated April of 2021. The scope of this report did not take into consideration the decreases in precipitation over the last few years. This drought along with the removal of the tree canopy could possibly explain why the report was unable to document any fauna. When you look over the six weeks previous to their study there was just over 1” of accumulated precipitation and less than 1/10” over the two week period leading up to the date of the report. This would ultimately be setting Oregon City up for what became one of the driest summers with the hottest temperatures ever recorded.

Another resident, Catherine Pieslewicz, was able to research the National Weather Service website and put together a chart outlining Oregon City annual precipitation for the (3) prior years 2018, 2019, and 2020. She used 2010 as a base for comparison and concluded with the following numbers:

Base Year-2010	<i>Annual precipitation</i>	<i>48.18 inches</i>	<i>Percentage values</i>
1 Yr. prior-2020		32.44	67.4%
2Yr. prior-2019		26.67	55.4%
3Yr. prior-2018		27.30	56.7%

Because all the data collected on site was in April, a comparison for that month was also done. Again using 2010 as the base year the following precipitation rates for the month of April are as follows:

2010	2.91 inches	100.0% (Base year)
2020	0.79 inches	27.1%
2021	0.39 inches	13.4%

Based on the information above, ENA believes this major oversight in the scope of the report did not take into consideration the decreases in precipitation over the last few years and believes the report to be misleading and at best inclusive. Diligence would suggest that the study should have been postponed until adequate rain had returned to restore this habitat. You can see from photos taken in January 2022 **(Photo 10-13)** there is significant ground water that runs through this area.

Additionally, the overlay information for the tax lot at 1155 Kamm Street shows the property to be 47.1% in a constrained area. This is the same area that should be NROD protected and according to the plans for this development, will now be covered up with parking and a road.

OCMC 17.49.070 list many prohibited uses in the NROD area, but I want to point out subsection B that states:

New lots that would have their buildable areas for new development within the NROD are prohibited.

ENA acknowledges a letter dated July 15, 2021 from Oregon Department of State Lands approving the removal of wetlands on the project sight; however, we believe this decision from the state was made from a report that did not provide all the facts. The letter clearly states the decision was made based upon the information presented in the delineation report provided by the developer. As already stated, we believe the report to be inclusive as it suggests that no wetlands were identified within the study area with the exception of the drainage channel. What the report failed to introduce as evidence is the fact that a clear cutting of trees and vegetation occurred in or around November 2018. This was addressed in item 7 above so it will not be readdressed here, but it is important to note that Type 1 NROD verifications are addressed in OCMC 17.49.255. Subsection B of that chapter states:

An applicant may request a Type I Verification determination by the community development director. Such requests may be approved provided that there is evidence substantiating that all the requirements of this chapter relative to the proposed use are satisfied and demonstrates that the property also satisfies the following criteria, as applicable:

- 1. No soil, vegetation, hydrologic features have been disturbed;*
- 2. No hydrologic features have been changed;*

ENA believes that all the facts should have been provided to the state including these old mature trees that were the home of many creatures including raccoons, possums, and the occasional hawk. Had these facts been provided in the delineation report, we believe the state would have not allowed for the removal of the wetlands on this property. OCMC was violated when this clear cutting occurred by changing the scope of the area and thus should invalidate the application for NROD removal. The property owner should then be required to follow OCMC 17.49.265 for corrections on violations which ENA believes would follow OCMC 17.49.080 subsection L that states:

The replacement tree(s) shall be located in the general vicinity of the removed tree(s), somewhere within NROD on the property. The replacement tree(s) shall be identified on the Oregon City Native Plant List or other locally adopted plant list (e.g. Metro or Portland). The property owner shall ensure that the replacement tree(s) survives at least two years beyond the date of its planting.

Moreover, the city on page 80 in response to OCMC 17.49.265 suggest “The identified tree removal area in 2018 is not located within the revised NROD buffer for the downstream intermittent stream and therefore is not subject to this section of the application.” ENA believes this is not relevant to 2022. When the trees and vegetation were removed in 2018, this area was part of NROD which means OCMC was violated. ENA believes that by

illegally removing mature trees and vegetation in the NROD area the developer destroyed a natural habit and then pushed for a revised NROD buffer. We believe the developer should be held responsible for this unlawful violation of OCMC and subject to the standards outlined for violating OCMC as mentioned above. We believe that even the seasonal natural resources deserve to be protected and as already stated would like to see the tree canopy that was removed illegally restored for the protection of the natural ecosystem and this community.

- 9. Pursuant to 17.04 the Water Quality Resource area or Metro Title 3 has not been addressed.** The stormwater report submitted by the developer refers to a “dry ditch” on the property and wetlands that will not be impacted by the development. The city map clearly shows this is not valid. In fact, there is an intermittent seasonal stream that flows during years of normal precipitation above ground from North to South through this property beginning at the Northeast corner, and migrates farther downstream to the East ending at Newell Creek Canyon. It is clearly labeled a “Title 3 Stream.” Therefore, the associated wetlands fall into that same category. OCMC 17.04.1285 states:

"Title 3" means that part of the Metro urban growth management functional plan which requires local governments to comply with regional regulations. Title 3 is a part of those regional regulations.

Furthermore, OCMC 17.04.1205 defines a stream as “an area where surface water produces a defined channel or bed. The channel or bed does not have to contain water year-round.” With this in mind Metro Code Title 3 section 3.07.340 letter b number 2 subsection B & C state:

- B. Water Quality Resource Areas shall be protected, maintained, enhanced or restored as specified in Section 3.07.340(b)(2).*
- C. Prohibit development that will have a significant negative impact on the functions and values of the Water Quality Resource Area, which cannot be mitigated in accordance with subsection (2)(F).*

As stated above this seasonal stream flows South and eventually migrates to the East ending at Newell Creek. ENA believes that the development will not be conscientious about the natural environment and wildlife at this site and the scenic area will not be preserved once the structure and parking lot are in place. This will have a significant impact on the environment in the surrounding area.

- 10. Pursuant to 17.04, 17.47, & 13.08 the Erosion & Sediment Control as well as Groundwater Infiltration has not been completely addressed.** The stormwater report biased its conclusions on “familiarity with projects in the area” and “soil survey” without knowing if those projects in the area included an above ground seasonal stream. In addition, there is nothing that references how close to the proposed site these “projects” may have been and as such does not validate their conclusions. Referring to a “soil survey” without actual documentation of the survey used, also does not validate their conclusions. The documents and references attached to the report provide lessons on soils; however, give no

insight as to how the conclusions were reached. The fact that a seasonal above ground stream is present on the proposed site would lead to the conclusion that ground water is considerably closer to the surface than stated in the findings from the developer. Since no actual testing was done across the site to validate any relative conclusions it is safe to say the report submitted is at best incomplete.

This soil surrounding the development seems to be mostly clay. **(Photo 14)** When 2 - 3 feet of topsoil are removed during the building phase, where will the sediment go? The area historically has a higher water table and the drainage system barely can handle its current runoff levels. ENA is concerned as to whether the city is requiring adequate measures accounting for seasonal rainfall and runoff that will not be properly filtered naturally. Using a pipping system does not have the same effect in cleaning water sedimentation and current ditches do not sufficiently compensate for what cannot drain underground. You can see from the attached photographs taken January 7, 2022 the area is very soggy. **(Photo 15 & 16)**

In addition to what has been mentioned above, attached to this appeal you will find the public comment written by Dr. Leon H. Liegel a resident of Oregon City addressing this very issue. **(Leon Liegel)** His credentials as a PhD in Soil Science would seem to make him a resident expert on this matter and should be considered as part of the public record addressing ENA concerns. We respectfully request a more thorough study of the soil be performed that would include a study over the entirety of the property and not limited to certain areas.

- 11. Pursuant to 13.12 & 17.42 the development does not provide adequate drainage for stormwater.** Photos 10 - 16 of the attached photos were taken in January 2022. This shows the amount of stormwater that flows thru this seasonal stream during a normal rain season. When looking at the topography of the fields adjacent to this development, you notice that all water naturally slops downward to the lowest point from both fields ending at the current ditch which was put into place to mitigate flooding. **(Photo 17)** A quick view of the city elevation profiler map shows the open field directly to the West of this development at the furthest point has an elevation of approximately 456 feet. The elevation of the open field to the East at the furthest point is approximately 442 feet. This intermittent stream has an elevation of approximately 448 feet. This is a change of approximately 8 feet from the West and 4 feet from the East. Where will all the rain water flow to if there is no longer an open natural space? By changing the natural drainage and flood point for stormwater this increases the chances of flooding onto Kamm specifically the property at 1147 Kamm Street.

Also, the report submitted by the developer is inaccurate. Page 2 states, "There is a 24" pipe that daylight onto the site on the north and follows a small ditch to the south end where it enters a 44" x 22" concrete culvert that runs under Warner Milne". No such pipe exists on the North end of this development site and in my experience with stormwater, replacing a natural ditch with a 24" pipe (as the developer is suggesting on page 2) will not provide adequate drainage. ENA believes the city conditions outlined in provision 12 will not go far enough in protecting the residents in this area from flooding. Planters will provide some containment, but they just simply are not sufficient to control all stormwater across the entire development site. When the natural vegetation is stripped to build and pave, stormwater will cause problems with flooding onto private property. In addition to these concerns, the city

should also require a no rise certification permit to protect existing properties that could potentially be harmed from flooding as a result of changing the natural topography.

- 12. Pursuant to 17.40 & 17.62 an Archeology Survey and Report was not provided in the document packet by the developer.** The area of the proposed site is located in what was historically Elyville and in reviewing history with Clackamas Historical Society, there may be historical significance within the building site. This could even include graves as the development is next to historic Elyville plots. ENA acknowledges an email from the Confederated Tribes of the Umatilla Reservations known as Exhibit 6 in the document packet; however, The Warm Springs and The Grand Ronde Tribes should be consulted as peoples from both groups were known to be present in this area. If a prior survey does not exist, then the archeologist from both Tribes should provide a recommendation prior to any ground disturbance. This would seem to be supported by OCMC 17.40.065 subsection C number 2 that states:

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.

It should be noted that ENA recognizes a letter from the State Historic Preservation Office (SHPO) known as Exhibit 7 in the document packet. The concern from the neighborhood is this letter mirrors a letter from project ID GLUA-21-00002. ENA is worried that one of the documents could have been falsified and in the best interest of all parties believes this letter should be confirmed in writing to mitigate any misinformation. I have attached both letters as a matter of public record to this appeal. **(Exhibit 2 & 3)**

- 13. Pursuant to 17.12, 17.29, 17.32 & 17.62 setbacks for the project sight do not meet city standards.** The property owned directly to the North of the project building sight is St John the Apostle Cemetery which is zoned R-6. On page 60 (D) of this report it states that the North side of the building has a setback of only 3 feet. The plan designs need to meet proper spacing when adjoining a residential area. OCMC 17.12.040 Note (1) states:

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.

- 14. Pursuant to 17.50 ENA has concerns over the Administrative Process.** Page 12 of the staff report and notice of decision packet list neighbors who made public comments and have standing during the appeal process. One neighbor, Brian Paulsen was not listed on this page nor where his comments addressed anywhere in the document packet. As part of the ENA leadership team, I informed him of this error and followed up with an email to Christina

Robertson-Gardiner in planning. She confirmed Brian submitted comments before the deadline, and added his comments to Exhibit 3 of the document packet; however, the decision packet was not rescinded and the error was not corrected in the official document. I have added his comments to this appeal as a matter of public record. **(Brian Paulsen)**

ENA is concerned there may be others who were overlooked that had standing. The city should consider an audit to confirm no additional errors were committed during this process. ENA also would ask that a review into the process of commenting be looked into. We the neighbors are held to a deadline of only 14 days to submit concerns and issues we see within our communities. Developers are given much more leniency. As it pertains to this development, the 50 day deadline for a response to comments was extended by a full 5 weeks. This is unacceptable and should not be allowed for future projects. Developers should be held to their timelines just as we the neighbors are held to ours. ENA believes all voices of the neighbors should be heard and that city staff should remain neutral during the process by supporting both the neighbors and the developers. Let us work in partnership together so we can better inform the community in which we serve.

In conclusion OCMC 17.50.130 states:

All city decision-makers have the authority to impose reasonable conditions of approval designed to ensure that all applicable approval standards, including standards set out in city overlay districts, the city's master plans, and city public works design standards, are, or can be met.

It should be considered that a (30) unit development is impractically big and drastically changes the culture of the area. This cultural shift will add dozens of new residents and their automobiles to an area which for decades has been a quiet, dead-end road. If this habitat must be developed, lower density homes with yards is a much closer replacement than a three story building with a tiny picnic area and a paved parking lot. A smaller project that mirrors the single family and duplex homes native to Kamm Street would be more practical and safer for this community. ENA recognizes growth is good for a community, but expedient growth without proper planning does not help the community. This proposed development cannot fit the form and function of the surrounding area without posing both nuisance and safety hazards to current residents and wildlife. I personally had a conversation on September 14, 2021 with Todd Iselin after the presentation meeting. He informed me the builder originally never wanted (30) units or a through road and the city rejected the original idea for a smaller project. It would seem that even the developer understands the broader scope of safety, but the planning department forced a larger project by requiring no less than (28) units. This is a great concern for the community when our city staff is pushing large developments without the infrastructure to support growth of this magnitude.

ENA calls on the city and its elected leaders to work in partnership with us. We do not wish to see our questions and concerns as something to work against, but rather an opportunity to work together in making sure the community voices are heard. We ask that our comments and concerns be considered for their intent and merit without efforts to dismiss them over whether we used every sort of proper language and reference. Also, we ask for transparent discussions

and avoiding topics being only in executive sessions. This would allow the citizens of Oregon City the ability to request public records on comments made. We are not professionals and have no legal support, but rely on city staff to help incorporate our expertise in knowing the places we live into the policy process. Wherever our concerns cannot be directly applied because of current policy, we would like help identifying how these policies could be improved for the future, especially when it involves environmental policy. This is so we as a community can better protect our tree canopies and the health of our water throughout the city.

ENA implores the commissioners to impose said conditions especially those that pertain to safety that we the neighborhood have outlined on this appeal. We also reserve the right to comment on any additional information or documents added to the proposed development file after the deadline of the comment period.

Sincerely,

Troy Brummell,
Chair, Comprehensive Land Use & Planning Committee
Elyville Neighborhood Association

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Oregon City 2021
Volume Traffic Survey

Quality Counts
15615 SW 74th Ave #100
Tigard, OR 97224
www.qualitycounts.net

Page 1

Site Code: 155444153
Station ID: # 177
Warner Milne Rd W of Molalla Ave

Start Time	10-Nov-21 Wed	EB		Hour Totals		WB		Hour Totals		Combined Totals	
		Morning	Afternoon	Morning	Afternoon	Morning	Afternoon	Morning	Afternoon	Morning	Afternoon
12:00		3	55			3	56				
12:15		1	70			4	76				
12:30		1	77			1	47				
12:45		1	64	6	266	2	59	10	238	16	504
01:00		0	55			1	60				
01:15		1	51			0	64				
01:30		0	56			1	76				
01:45		0	64	1	226	2	73	4	273	5	499
02:00		0	65			1	73				
02:15		0	77			0	76				
02:30		0	67			1	68				
02:45		2	68	2	277	0	76	2	293	4	570
03:00		1	52			2	52				
03:15		1	67			1	71				
03:30		4	61			0	66				
03:45		3	65	9	245	2	61	5	250	14	495
04:00		2	71			3	63				
04:15		6	60			3	52				
04:30		2	47			2	70				
04:45		5	65	15	243	3	69	11	254	26	497
05:00		9	65			2	63				
05:15		6	57			7	78				
05:30		8	47			8	47				
05:45		16	58	39	227	9	61	26	249	65	476
06:00		17	41			12	51				
06:15		18	45			12	48				
06:30		30	39			29	36				
06:45		32	29	97	154	27	45	80	180	177	334
07:00		22	37			24	32				
07:15		47	30			30	29				
07:30		40	24			23	35				
07:45		58	20	167	111	43	27	120	123	287	234
08:00		46	18			50	32				
08:15		44	21			38	27				
08:30		38	17			41	28				
08:45		49	10	177	66	48	27	177	114	354	180
09:00		67	12			48	19				
09:15		39	19			49	13				
09:30		39	16			34	13				
09:45		58	14	203	61	54	12	185	57	388	118
10:00		57	12			32	10				
10:15		38	5			42	11				
10:30		44	6			56	10				
10:45		56	5	195	28	42	4	172	35	367	63
11:00		65	8			62	13				
11:15		67	2			57	9				
11:30		57	3			51	6				
11:45		58	4	247	17	54	5	224	33	471	50
Total		1158	1921			1016	2099			2174	4020
Percent		37.6%	62.4%			32.6%	67.4%			35.1%	64.9%
Grand Total		1158	1921			1016	2099			2174	4020
Percent		37.6%	62.4%			32.6%	67.4%			35.1%	64.9%
ADT		ADT 6.194		ADT 6.194							

(Traffic Study Page 177 dated Nov 10, 2021)

Oregon City 2021
Volume Traffic Survey

Quality Counts
15615 SW 7th Ave #100
Tigard, OR 97224
www.qualitycounts.net

Page 1

Site Code: 155444154
Station ID: # 178
Warner Milne Rd E of Beavercreek Rd

Start Time	4-Nov-21 Thurs	WB		Hour Totals		EB		Hour Totals		Combined Totals	
		Morning	Afternoon	Morning	Afternoon	Morning	Afternoon	Morning	Afternoon	Morning	Afternoon
12:00		8	47			5	65				
12:15		3	68			2	67				
12:30		1	75			2	54				
12:45		3	80	15	270	2	64	11	250	26	520
01:00		4	64			1	55				
01:15		0	58			1	52				
01:30		1	58			3	47				
01:45		3	61	8	241	0	50	5	204	13	445
02:00		4	70			1	55				
02:15		1	60			0	57				
02:30		1	67			0	60				
02:45		3	72	9	269	2	65	3	237	12	506
03:00		1	81			3	60				
03:15		0	60			1	62				
03:30		1	74			3	50				
03:45		0	73	2	288	3	77	10	249	12	537
04:00		1	79			3	70				
04:15		5	86			3	60				
04:30		1	91			4	77				
04:45		2	89	9	345	14	73	24	280	33	625
05:00		2	67			9	67				
05:15		3	81			8	61				
05:30		5	80			15	64				
05:45		9	88	19	316	17	54	49	246	68	562
06:00		12	74			16	48				
06:15		13	50			20	35				
06:30		9	65			24	44				
06:45		26	51	60	240	39	42	99	169	159	409
07:00		34	59			21	41				
07:15		23	48			44	39				
07:30		24	42			33	16				
07:45		38	41	119	190	57	21	155	117	274	307
08:00		39	28			59	16				
08:15		36	25			30	19				
08:30		1	31			3	13				
08:45		4	27	80	111	5	19	97	67	177	178
09:00		44	27			41	14				
09:15		45	25			57	6				
09:30		37	19			50	13				
09:45		42	14	168	85	43	5	191	38	359	123
10:00		54	15			47	18				
10:15		48	9			47	4				
10:30		43	9			36	9				
10:45		55	12	200	45	65	1	195	32	395	77
11:00		45	12			52	8				
11:15		80	6			52	6				
11:30		66	7			39	3				
11:45		67	7	238	32	74	4	217	21	455	53
Total		927	2432			1056	1910			1983	4342
Percent		27.6%	72.4%			35.6%	64.4%			31.4%	68.6%
Grand Total		927	2432			1056	1910			1983	4342
Percent		27.6%	72.4%			35.6%	64.4%			31.4%	68.6%
ADT		ADT 6,325	AADT 6,325								

(Traffic Study Page 178 dated Nov 10, 2021)

Public Record Request - Troy Brummell - Tree Permit for 1155 Kamm St

Jakob Wiley <jwiley@orccity.org>

Wed 9/22/2021 4:48 PM

To: t_brummell@hotmail.com <t_brummell@hotmail.com>

Cc: recorderteam <recorderteam@orccity.org>

Dear Troy,

Thank you for submitting a public record request. Planning staff conducted a search and did not locate a tree removal permit that matched your request.

This completes your public records request. Please confirm that you have received this email.

Thank you,
Jakob

**Jakob Wiley, JD, MS****Assistant City Recorder**jwiley@orccity.org

City of Oregon City

PO Box 3040

625 Center Street

Oregon City, Oregon 97045

Office Hours: Mon – Fri, 8 am – 5 pm

503-496-1509 Direct phone

503-657-0891 City phone

503-657-7026 fax

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Website: www.orccity.org | [Recorder Page](#) | [Facebook!](#) | [Twitter](#)

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

EXHIBIT 1
Natural Resource Overlay District Boundaries

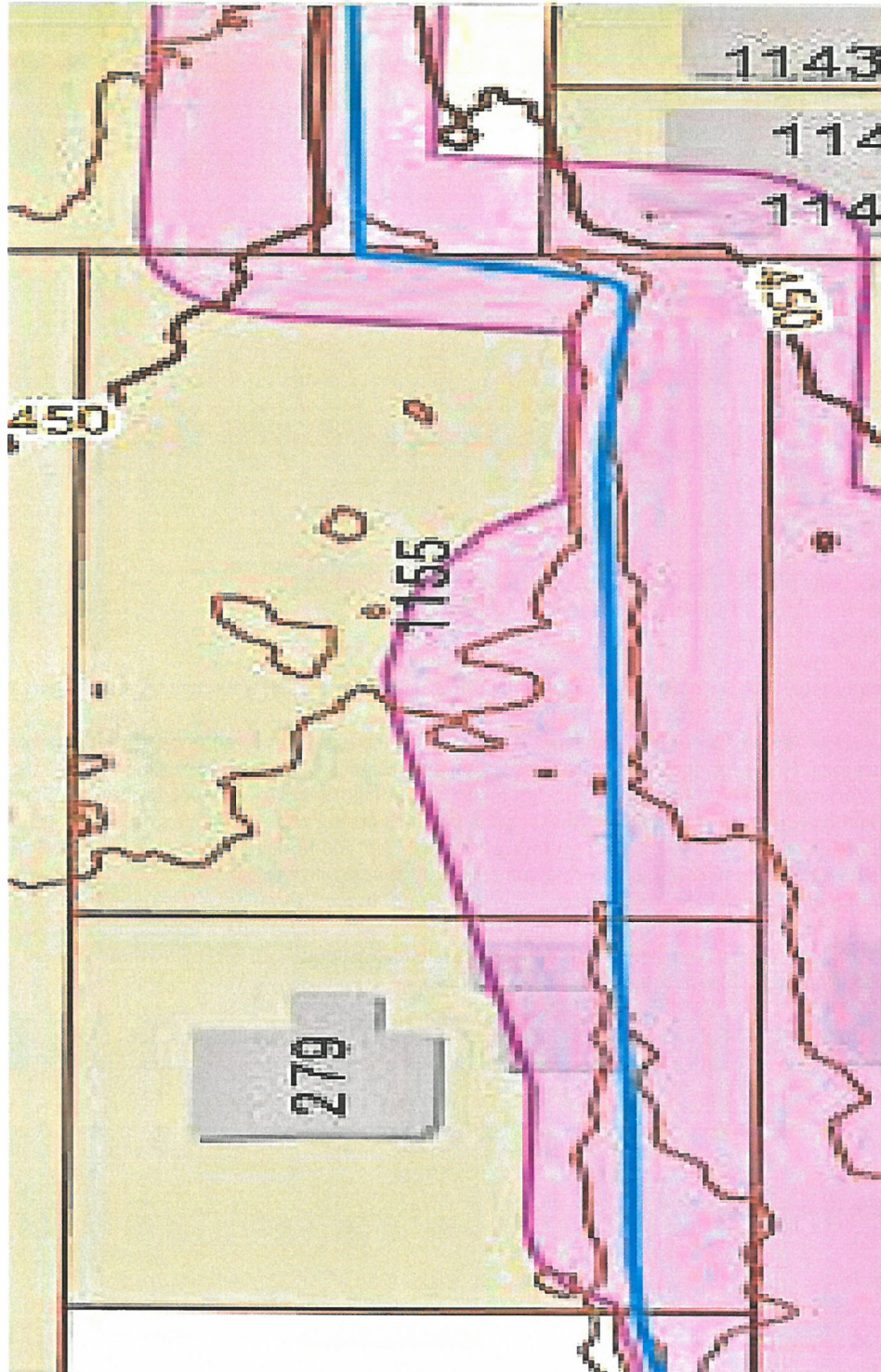


EXHIBIT 2



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



EXHIBIT 3



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. 19-1625
City of Oregon City Project PA19-47, 18 Unit Multi Family Development
Construction for apartment complex
3S 2E 5 TL1400, 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

Leon H. Liegel
710 Cedar Ln.
Oregon City, OR 97045

January 19, 2022

City of Oregon City
Community Development – Planning
695 Warner Parrott Rd
Oregon City, OR 97045

Subject: FILE NUMBERS PUBLIC COMMENT

- **GLUA-21-00066: SP-21-00017, NROD 21-00018 Kamm Street Apartments**
- **Review of Harper Houf Peterson Righellis Inc. report MSC-261 Stormwater Management Report PA-21-00007 dated September 3, 2021**

To: Christina Robertson-Gardiner

My comments and review of the Harper Houf Peterson Righellis Inc. report, 3 September 2021, are directed at statements, assumptions, and sources for soil properties plus prior, existing, and future water resources on and near a 0.91-acre site designated as 279 Warner Milne Road, Oregon City, Oregon. A 30-unit redevelopment apartment project [RDP hereafter] is proposed for this site. For convenience, the entire Stormwater Management Report PA-21-00007 of September 3, 2021, is hereafter called the Management Plan [MP].

Soil Resources:

1. The SoilWeb online Univ California Davis/Natural Resources Conservation Service [NRCS] database [<https://casoilresource.lawr.ucdavis.edu/gmap/>] confirms that Map Unit 8B, containing about 85% of the Bornstedt soil series, includes the RDP. (**Note: My spelling matches NRCS spelling; the MP incorrectly uses “Bornestedt.”**)
2. The MP incorrect assumption is that the RDP actually contains the Bornstedt series. No onsite soil sampling data confirm this assumption. Reputable soil science texts will also confirm that onsite soil sampling is needed when considering family/commercial construction.
3. Why is onsite soil sampling even more important for a multi-unit apartment complex? All soils have physical properties that limit or do not limit engineering ratings for dwellings, road construction, and stormwater containment or redirection to offsite areas.

4. The Bornstedt soil series has stated Engineering Ratings based on laboratory samples collected at several sites. Limitations are based on a water table located at ≤ 36 inches of the surface.

- Dwellings W/O Basements; Not limited
- Dwellings With Basements; Very limited
- Small Commercial Buildings; Somewhat limited
- Lined Retention Systems; Somewhat limited
- Shallow Infiltration Systems; Severely limited

These limitations will:

- a) Affect construction and maintenance of Stormwater Planters Type C (bioretention areas, bioswales) described in the MP
 - b) Parking lot construction
 - c) Construction for and depth of crawl/access space under the apartment complex for drinking water/sewerage pipes, electrical lines, and communication cables.
5. The MP does not address how Bornstedt soil series *Engineering Ratings* will affect construction and maintenance of the 30-unit apartment complex and its surroundings. The MP does not indicate what engineering methods will direct near-surface groundwater away from the apartment building crawl space area for 6-month or longer yearly rainy seasons over the apartment's life span.

Water Resources and Historical Land Use Changes:

1. Tables 2 and 2A in the MP Stormwater Management section present data that evidently comply with City of Oregon City design requirements for detention of water for 1-, 2-, 10-, and 25-yr storm events dumping, respectively, 1, 2, 3, and 4 inches of rain in 24 hours across the RDP. However, increasing rain-snow-tornado-hurricane storm frequency and intensity across the USA are harbingers of global climate changes in local/regional weather patterns observed for the past 100 years. How realistic, then, are current ditch, culvert, and specified Stormwater Planters Type C water removal methods from the RDP?
2. Up to certain thresholds, Nature has tremendous ability to renew itself from major natural- and human induced disturbances. For example, some but not all 1930s dustbowl soil degradation was remediated by the 1960s using new tillage techniques, improved soil management, and plant breeding. But it seems ludicrous to assume that water movement over the RDP 0.91-acre site showing grass cover 70 yrs ago will be the same as water movement over the site in 2022 even if grass vegetation is still present.

Uphill from the RDP is a cemetery and urbanized area. Roadways, driveways, and rooftops all accumulate water in ways not possible 70 yrs ago. And, via laws of physics, all this water moves downhill, combines with runoff from the new paved RDP site, and flows southward past it to Warner Milne Rd. Is existing culvert piping diverting water under Warner Milne Rd. sufficient to handle increased water stormflow from the RDP? The existing MP does not address or answer this question.

In Summary:

- Without onsite soil testing at the RDP, generalizations from an NRCS soil survey map about factual engineering ratings for the site are impossible. Stating the equivalent of “Everything is OK!” in the current MP is unacceptable.
- In similar fashion, grass vegetation at the RDP 70 yrs ago does not predict water movement into and away from the site now in 2022. Climatic conditions are different and overall stormwater flow into and away from the RDP is considerably more today than 70 yrs ago. The existing MP does not adequately address onsite RDP water excess, its removal, and increased long-term downstream flow consequences, particularly the stability of a necessary underground culvert at Warner Milne Rd.

Sincerely,

Leon H. Liegel
Co-Major PhD [Forestry/Soil Science]

To: City of Oregon City
c/o Christina Robertson-Gardiner
Crobertson@orccity.org

14 January, 2022

To whom it may concern:

My name is Brian J. Paulsen. I reside at 1129 Kamm Street in Oregon City and am a minority member of Kamm Street Properties, LLC, which owns and manages house numbers 1129, 1131, 1133, and 1135. As a member-occupant and neighborhood resident, it is my desire to express concerns about the proposed apartment development at 1155 Kamm Street, just a few lots down from where I live.

While I must admit that I have not been an active member of the Elyville (Barclay Hills) Neighborhood Association, I must compliment them on the awareness campaign that brought this proposed development to my attention. This being said, the fact that I didn't know about this proposal, just yards from my residence, speaks to a suspiciously clandestine effort to make this come to pass. Over the last months, I have seen workers along my street, sometimes even on our LLC's private property, who refused to identify the reasons for their presence. They spray-paint the road, place flags, and take photos. On one case, a worker even dug a small hole in our gravel parking area under the witness of my teenage child and informed our family that he was not obligated to let the residents know the purpose of the intrusion or to whom he reported. The workers may or may not have been related to this proposed development, but there is no way for us as residents to assess this because many of us only recently found out about this plan. Furthermore, the public notice stands as a small blue sign, unreadable at a distance, and placed at the very end of a dead-end road. This is in stark contrast to the last pair of neighborhood developments (the container homes at Warner & Prospect and the parking lot across from the vet's office) where, because of their visibility at the entrance to Warner Street, much more of the local populace had an understanding of what was being proposed. A 30-unit apartment structure constitutes a much larger change to the neighborhood; it deserved a more prominent display to residents.

For those who are not intimately familiar with the layout of the area, Kamm, Warner, Bullard, Hughes, Prospect, and May Streets are bordered and captive to Holmes Lane and Molalla Avenue. They are, by-and-large, narrow and without meaningful sidewalks and, with the exception of a large complex on May Street, house just one or two families per structure. There are no parks, but plenty of tree-cover, and the centerpiece is the Catholic cemetery. Understand that when I refer to "my neighborhood" in this letter, I am referring to this captive set of streets and not the larger city-defined neighborhood of Elyville.

It is my understanding that the proposed Kamm Street Apartment development was first intended to have fewer units and a barrier to prevent traffic backflow into the existing Kamm Street neighborhood. Please correct the record if it was not at the insistence of the city that more dwelling units were mandated, and the barrier removed. A building of this nature constitutes a major cultural shift in how the residents of our community live and furthers the argument that better notice ought to have been communicated. It seems that there has been no consideration given to those that live on Kamm Street, or the connecting streets that will be affected. For this reason, I feel I must make these comments in

opposition on the proposed development in order to protect those, like myself, who feel blindsided and betrayed.

Arguments in opposition:

I – Preservation of natural resources and habitats

The currently accessible version of the city's NROD map shows that much of Kamm Street and the properties proposed for development are within the NROD boundary (see map insert). As a resident, I know that our immediate area is home to many species of animals, including those typically found in a



wetland environment. At my own residence, just yards from the proposed development, we have frogs (see photo from my front garden from November, 2021), ducks, and geese regularly in the rainy months. We are home to several species of birds, rodents, and even the occasional small snake. There is concern that the Wetland and Waters Report performed by Harper Houf Peterson Righellis, Inc., was unable to document any fauna, but one possible explanation is that over the six weeks previous to their study there was just over 1" of accumulated precipitation and less than one-tenth over the two-week period leading up to it; all of this leading up to a drought summer with the hottest temperatures ever recorded. Diligence would suggest that the study should have been postponed until adequate rain had returned to restore this habitat. Even seasonal natural resources deserve to be protected.



II – Traffic

A traffic study is part of the documents provided by the city. It is dated August 21, 2021. In it, it is suggested that an apartment building of this scale will generate 162 average daily ins and outs from the property. It insufficiently estimates, however, how many of these trips will come from the north or south drive entrances. If one is to assume that even half of the trips will leave the apartments by way of Kamm Street, that is an increase in traffic of over 80 car trips per day. These are cars that will travel to Molalla Ave. or Holmes Ln. by way of streets that are not meant to have this kind of traffic. Much of the immediate area (Kamm, Warner, Hughes, Bullard, May, and Prospect Streets) is barely wide enough for two cars to safely pass each other. Kamm Street itself is only about 20ft. wide. These streets have no lane dividers, and are not well-maintained. The edges of the street butt up against gravel driveways and parking lots, lawns, and gardens, and drainage ditches. There is no safe place for pedestrians to walk except in the traffic right-of-way and no place to introduce sidewalks without seizing property from homeowners and, in the case of Kamm Street specifically, disturbing the parking pads for the existing stretch of duplexes. The extra traffic will undoubtedly create a much greater potential for pedestrian versus car hazards or deter residents from walking or biking around the area altogether.

Additionally, there are no city parks or public green spaces in our immediate area and many homes have parking pads in lieu of driveways. For this reason, residents use the streets to walk their pets and

children use the streets and the grassy area around the drainage ditch to recreate. Soccer, basketball, hide & seek, radio-controlled cars, and bicycle races are common on Kamm and Warner Streets during good weather. It is also the route children must walk to get to the school bus stops in the early, darkened hours of the morning and afternoon at the beginning of the homebound commute. An increase in vehicle traffic like the one suggested by the cited traffic study would jeopardize the safety these activities.

III – Parking

The proposed 30-unit dwelling comes complete with about that many parking spaces. The DMV reports that in 2019 there were 375,262 passenger vehicle registrations in Clackamas County. The US Census Bureau counted 170,724 housing units. That means the average housing unit in Clackamas County will have an average of 2.20 cars per dwelling. While it may be true that the specific make-up of the residents chosen to live at the proposed apartment building may not each own two cars, the parking situation is gravely underserved. As stated before, Kamm Street is not particularly wide and is certainly of insufficient width or repair to become the overflow parking lot for the proposed development. As it stands, vehicles backing in and out of the duplexes' parking pads with anything larger than a compact car requires travelling nearly to the grassy edge of the drainage ditch to navigate. This area is also used on a temporary basis for event parking at St. John the Apostle Cemetery for memorial services and neighborhood events. Residents acknowledge the long-standing presence of the cemetery and adapt to the temporary use of this parking area; very rarely do we have vehicles left parked overnight.

The constant presence of overflow street parking from the proposed development will make the area unnavigable for residents, especially those with longer vehicles. In addition, the statistics above suggest that the parking deficit could be up to thirty extra vehicles. Kamm Street only has the west side to accommodate street parking of any kind as any cars parking on its east bank would impede access to private property. This means that residents of the 30-unit building may have to park on adjoining streets (like Warner, Hughes, or Bullard) simply to walk home. These cars would then be parked against homeowners' properties without the buffer of a sidewalk increasing the potential for trampled garden spaces, tire marks in lawns, or trespass.

Given the situation and the make-up of our community, a 30-unit dwelling ought to have 45-50 parking spaces or risk creating a street-parking situation that does not fit with the current character and scale of the surrounding neighborhood (Code 17.52.015). As a matter of opinion, there is a lot about more than tripling the number of households on Kamm Street that does not fit the current character or scale of the surrounding neighborhood.

Conclusion:

I must admit that I see some merit in developing the proposed properties. I recognize the need for additional housing, I like the idea of safe pathway to walk toward the Hilltop shopping center without walking along the busy Molalla Avenue. I even see a safety benefit from having a throughfare and additional hydrant to accommodate the needs of the fire department. However, all of these needs can be met with a much smaller development – one that mirrors the single-family and duplex homes that

are native to Kamm Street. It should be considered that a 30-family development is impractically big as it drastically changes the culture of the area adding dozens of new residents and their automobiles to an area which for decades has been a quiet, dead-end road in a manner that cannot preserve the habit provided by the current environment. Even if the drainage ditch is man-made, it has been there for a very long time and thus has become part of the natural environment and if I can receive visits from aquatic animals at my home at 1129 then they must exist at 1155. If one must develop this habitat, lower density homes with yards is a much closer replacement than a three-story building and a paved parking lot and a tiny picnic area.

In the case where the city approves this development at the current scope and size, I would implore them to reconsider the swing-gate barrier originally proposed and approved by Clackamas Fire for the well-being of the surrounding residents. Warner-Milne Road is well-developed. There are no children that use it for play and no residents that must back in or out to get to their homes. Warner-Milne Road features sidewalks with bike lanes on both sides of the road to safely separate cyclists and pedestrians from the increase in vehicle traffic. No logical reason exists to increase the traffic level, and thus the danger to residents, on Kamm Street, Warner Street, or any other neighborhood street when a safe option exists on the arterial road. In addition, I would suggest that the west side of Kamm Street that abuts the Church's property be designated to restrict overnight parking as a deterrent against the new residents filling the street with extra parked cars. This is a courtesy to the Church, who owns the property that includes the drainage ditch, so they can stage visitors for their daytime purposes, and a courtesy to the current residents of Kamm Street so they can safely navigate the street, entering and exiting their homes without the risk of collision.

I respectfully submit these facts and opinions to the committees responsible for final approval. It is my conclusion that, while the goal of further housing in Oregon City is noble, the proposed development cannot fit the form and function the surrounding area without posing both nuisance and safety hazard to its current residents and wildlife. Please consider drastically reducing the impact on the neighborhood at large with vast reductions to the project's scope or by denying the project outright.

Regards,

Brian J. Paulsen, resident

1129 Kamm St.

Oregon City, OR 97045

b.j.zytron@gmail.com

Member, Kamm Street Properties, LLC

PO Box 71

Oregon City, OR 97045

PHOTO 1

View from Warner Milne June 2018 (Google Maps)



PHOTO 2

View from Warner Milne May 2019 (Google Maps)



PHOTO 3



PHOTO 4



Photo Taken March 27, 2022

PHOTO 5



Photo Taken March 27, 2022

PHOTO 6



Photo Taken April 11, 2022

PHOTO 7



Photo Taken April 11, 2022

PHOTO 8



Photo Taken April 7, 2022

PHOTO 9



Photo Taken April 7, 2022

PHOTO 10



Photo Taken January 7, 2022

PHOTO 11

View looking North where Kamm ditch makes turn East



Photo taken January 7, 2022

PHOTO 12

View looking East where Kamm ditch makes turn from the North



Photo taken January 7, 2022

PHOTO 13

View looking South where Kamm ditch makes turn from the West



Photo taken January 7, 2022

PHOTO 14



PHOTO 15



PHOTO 16



PHOTO 17

View looking West at adjacent property to the project site



Name	Does this person have standing to comment?	Comment Topics Are they addressed in the grounds for appeal?	Is there new information in this comment	Has this issue been addressed in the supplemental staff report
St Johns the Apostle Cemetery	Yes, provided comment during Type II review	Traffic, Kamm Street connection, MUC-1 zoning and setbacks, NROD/drainage	No	General topics are addressed in the supplemental staff memo and response to the commission's questions memo
Catherine Pieslewicz May 18, 2022 written public comment	Yes, provided comment during Type II review	NROD Exemption, transportation, parking, tree mitigation	No Yes- Commission is not allowed to utilize the March conversation from the State Land Jurisdiction coordinator in their deliberations or decision	General topics are addressed in the supplemental staff memo and response to the commission's questions memo
Brian J. Paulsen	Yes, provided comment during Type II review	NROD, tree mitigation, Kamm Street connection, Kamm Street no parking process concerns, proportional improvement	No	General topics are addressed in the supplemental staff memo and response to the commission's questions memo

Name	Does this person have standing to comment?	Comment Topics Are they addressed in the grounds for appeal?	Is there new information in this comment	Has this issue been addressed in the supplemental staff report
Leon Leigel May 18, 2022 written public comment	Yes, provided comment during Type II review	Wetland determination, soil sampling	Yes- Commission is not allowed to utilize the second page of the public comment - email from Decision of State Lands in their deliberations or decision	General topics are addressed in the supplemental staff memo and response to the commission's questions memo
Dave Wakefield May 18, 2022 written public comment	Yes, provided comment during Type II review, and is an appellant	Safety, NROD, devaluation. No rise Permit,	No	General topics are addressed in the supplemental staff memo and response to the commission's questions memo

**St. John The Apostle Cemetery
451 Warner Street
Oregon City, OR 97045
503-655-7148**

April 24, 2022

Christina Robertson-Gardiner
Community Development/Planning
695 Warner Parrot
Oregon City, OR 97045

RE: File No: GLUA-21-00017, NROD 21-00018 Kamm Street Apartments

APR 26 1:40 PM

Dear Ms. Robertson-Gardiner:

The Board of Directors of St. John The Apostle Cemetery still has issues with this land use concerning Kamm Street Apartments, especially with the outlet of this development opening on Kamm Street.

Here are our concerns of how access off Warner Milne might impact Kamm Street, the cemetery, and its operations. These are the concerns that have not been addressed:

1. Increased traffic and safety issues on Kamm Street.
2. Influence and impact of parking on Kamm Street.
3. Entrance and exit accessibility for the cemetery.
4. Traffic flow patterns and their impact on Kamm Street and SJA Cemetery; ie, no through traffic, no turnaround, private property, private parking only, Tow away zone.
5. Drainage issues particularly issues of current drainage ditches along Kamm Street.
There are numerous underground springs largely comprised of clay soil.

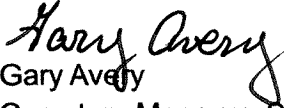
New issues:

1. NROD is not decided by the state but by the city and should not be ignored or disregarded especially for our neighborhood and the effects it will have on spring water feeding into Newell Creek Canyon in OAR 141-090. In addition, residents have advocated for more environmental protection as a priority referenced in the OC 2040 Plans.
2. MUC-2 applies to Warner Milne and not to Kamm St which is technically being opened with no barricade. MUC-2 does not apply to Kamm Steet. Open space requirements are not sufficient and the greenspace is planned too close to the property boundary of St John the Apostle Cemetery. Kamm Street has very different needs and requirements than Warner Milne if Kamm Street is opened.

3. With Saint John The Apostle Cemetery being zone R-6, a big issue is the setbacks. R-6 requires a 10ft buffer green space between according to 17.12.040. We would like this 10ft buffer enforced.

The only compromise of our recommendation was 'no parking signs' on the cemetery side of Kamm St & possibly resurfacing Kamm. We would like to see more compromises met especially for the neighborhood of Ely, our operations, and for our neighbors on Kamm and Warner.

Sincerely,



Gary Avery

Cemetery Manager, St John The Apostle Cemetery

From: [Brian](#)
To: [Christina Robertson-Gardiner](#)
Cc: [Troy Brummell](#); karla.laws+elyville@gmail.com
Subject: Re: Appeal Notice
Date: Tuesday, May 10, 2022 12:04:41 AM
Attachments: [Email 1.pdf](#)
[email 2.pdf](#)

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

Ms. Robertson-Gardiner:

Please include the following to the public comments made in response to the appeal to GULA 21-00066:

Dear citizens, planners, and esteemed leaders of Oregon City,

Despite the conditions set forth by the city planners in regard to the proposed Kamm Street Apartment development at 1155 Kamm St., I must let it be known that these conditions as approved do not go far enough to protect the interests of the surrounding neighborhood, its natural resources, or the City as a whole. I cordially ask that before a decision is made, Counselors consider the following:

1: The approval by planning is fraught with administrative irregularities and potential legal violations:

- a. Not all written public opinions were included in the final draft of the City's approval packet. My personal name and comments were omitted from the record. When this was brought to my attention by a neighbor and I addressed the matter with Ms. Robertson-Gardiner, which included a list of concerns and opinions not fully addressed by the City, I was dismissed. It had been my expectation that, as City Code required, the document could not be final without all citizen's comments included and the document would have to have been rescinded and reissued after revisions. Instead, I was told that my concerns had been included in the responses to others, implying in error that I had no unique concerns that were presented. It was used as evidence that a follow-up study commissioned by the city addressed a single concern of mine by name. Furthermore, if one citizen's comments were dropped or mishandled, there is the concern that there were no further investigations into the potential that I was not the only citizen who was accidentally disenfranchised. It is also concerning that, while I believe this error to be a mistake without malice, allowing such an error to stand on the record without investigation or correction may set a precedent to city staffers well into the future that they may purposefully omit comments if they conflict with the opinions or goals of city staffers.
- b. Planning is allowing flagrant NROD and tree-removal violations to stand by approving the proposal and allowing the property owner to make amends in retrospect. City Code is very clear about the proper procedure for handling situations where NROD has been tampered with. The city must void all environmental studies performed, require replanting, and allow a certain period of time to pass to allow the ecosystem to heal before new development can be approved. In this case, someone cheated and is being rewarded for their efforts. I understand that it may not have been the current property owner that committed this violation of City

Code and it may present a considerable financial burden to delay development until the NROD area is restored satisfactorily, but that matter is between the current owner and the seller of the properties in question. City mustn't set dangerous precedents on future development proposals by making unlawful exceptions to the laws that protect our natural resources.

c. Planning appears to be allowing violations of City Code by approving plans that do not meet the required setbacks for properties adjacent to R-6 parcels (in this case, the cemetery), do not meet the minimum requirements for open space, and attempts to circumvent Code definitions of "street" by using the term "public easement access" in order to join a section of right-of-way that cannot otherwise match the function of the existing stretch of Kamm St.

d. Planning exceeded the time allotted by City Code for their responses to public comments. No such extension has been provided to the citizens to whom they serve. Planning cannot be permitted to arbitrarily change the rules if they are to avoid giving unfair advantages, intentionally or by consequence, to any interested party. Citizens, developers, and city agencies must be held to the same standards under City Code to avoid the perception of favoritism or unfairness.

2. The structure of a large, multi-family dwelling does not fit the form and function of the surrounding Kamm St. neighborhood. It will lie in stark contrast to the single and dual family residences that are the standard on Kamm, Warner, Hughes, Prospect and Bullards Streets. One must travel clear to May St. to find anything similar. More similar matches can be found outside the immediate area in parcels up and down Warner-Milne (including at least one apartment complex that uses its lone exit onto Warner-Milne without problem). There is no reason that, if a development can be proposed that meets the standards set forth by City Code, it should not be addressed as belonging solely to Warner-Milne and entirely isolated from the Kamm St. neighborhood.

3. Initial plans showed a locked swing-gate that allowed for a thoroughfare for emergency services. Planning asserts the need for a public access easement to prevent risky turn-around maneuvers by fire trucks on the current dead-end. However, Clackamas Fire had already approved the gate as fulfilling this need. It is unclear (and as of yet unaddressed) why Planning feels that opening Kamm St to all vehicle traffic without a safe means to separate pedestrian traffic from the increase in motor vehicle traffic serves a greater public safety goal than allowing fire-truck access only.

a. Pedestrians and cyclists must use the current vehicle right-of-ways to transit the neighborhood, including children to their bus stops in the dark morning hours and afternoon commute periods, as there are no continuous sidewalks on Kamm St. or the surrounding area. Increasing traffic on these streets where no sidewalks are present by a potential of 162 daily trips will increase the likelihood of pedestrian vs. automobile collisions.

b. No city parks or public green spaces are present in this portion of Elyville nor are any publicly-accessible green spaces proposed. Children and pet owners must use the street areas for recreation and exercise. This again falls in direct conflict with the potential for increased motor vehicle traffic on Kamm St., both by new residents and the addition of a through-connection to Warner-Milne.

c. Planning seems to think that the addition of a No Parking Zone on the cemetery-side of the street plus the proposed chicane in the development's vehicle access easement is enough to eliminate the potential for unsafe encounters between existing usage of the street, the new traffic created by the proposed development, and those that will divert through the neighborhood to avoid traffic congestion on Molalla Ave. While this No Parking Zone will do much to allow the safe passage and parking of cars for existing residents on Kamm St. it does nothing to make those that are most vulnerable to physical injury (pedestrians and cyclists)

safer as they transit a street that is a mere 20ft. wide.

d. The No Parking Zone on Kamm St. does not prevent overflow parking for the proposed development to be redirected onto Warner, Bullard, or Hughes Streets. Planning failed to respond to concerns that, while the minimum number of parking spaces required by Code are present, when one compares Oregon DMV vehicle registrations and census data for number of households for Clackamas County, a parking deficit of up to 30 vehicles is suggested (our County averages just over two cars per household). These vehicles will need to park somewhere in the neighborhood.

d. Planning asserts that requiring safety improvements on existing Kamm St, such as altering the drainage channel to install a sidewalk or other barrier between pedestrians and vehicle, even if it could connect to the pedestrian easement they are otherwise requiring through the proposed development, would be a disproportionate burden on the developer. It is my contention that the following be considered:

- i. Kamm St currently has 14 households. The development seeks to add 30 new households. This would mean that Kamm St Apartments, when completed, will constitute housing for 68% of the families on the street.
- ii. Kamm St is currently about 400ft. long. The development is being required to provide public vehicle access across its roughly 300ft. length. In the end Kamm St Apartments will account for 43% of Kamm St.
- iii. It would seem patently proportionate to require safety improvements on 50% (one edge) of Kamm St. when the proposed development will account for the same proportion of said street once complete.

In the interest of the preservation of human life, City should amend the requirements to include installing safe pedestrian access along the length of Kamm St. to connect to the required pedestrian access across the proposed development in addition to the related No Parking Zone. Furthermore, they should either (1) maintain the dead-end street and isolate the proposed development to Warner-Milne or (2) install the gate already approved by Clackamas Fire to minimize the danger that additional motor vehicle traffic will pose to pedestrians and cyclists.

Moreover, City should deny the application outright until the proper, legal methods of restoring the natural habitat under NROD - including the restoration of removed trees and the proscribed passage of time - have been completed and the appropriate environmental surveys taken on the restored land. City must not set a precedent that allows future developers to ruin natural resources and then use that to gain an unfair advantage in the approval process by destroying habitats, wetlands, tree canopies, and waterways and having them redesignated in order to have plans approved that otherwise could not be if those resources still existed.

Submitted respectfully,

Brian J. Paulsen

Included for the record is the email conversation (attached) between Ms. Robertson-Gardiner and myself addressing the omission of my public comments.

On Thu, Apr 28, 2022 at 4:48 PM Christina Robertson-Gardiner <crobertson@orccity.org> wrote:

Good afternoon,

You are receiving this email and Appeal notice because you submitted a comment for the GLUA 21-00066. As required by code, a hard copy of the notice will also be mailed to those who provided their mailing address in their public comment.

Let me know if you have any questions.

Christina



[What's your Vision for Oregon City?](#)

Christina Robertson-Gardiner, AICP, Senior Planner (she/her)

695 Warner Parrott Rd, Oregon City, OR 97045

crobertson@orcity.org

503) 496-1564 Direct

(503) 722-3789 Main

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State Retention Schedule and may be made available to the public.



Brian Paulsen <b.j.zytron@gmail.com>

Notice of Decision GLUA 21-00066

Brian <b.j.zytron@gmail.com>

Fri, Apr 15, 2022 at 8:22 AM

To: Christina Robertson-Gardiner <crobertson@orcify.org>

Cc: Troy Brummell <T_Brummell@hotmail.com>, Karla Laws <karla.laws@gmail.com>

Good evening, Christina.

Mr. Brummell has misspelled my name. Please check for the email sent by Brian Paulsen. In any case, the comments that I submitted dated 01/18/2022 and confirmed by your office on 01/19/2022 were not included in the official response by the city as pointed out by Mr. Brummell.

In addition, several of the unique concerns that were brought up in my comments were not addressed in the responses to others. Namely:

1. The structure of a large, multi-family dwelling does not fit the form and function of the surrounding Kamm St. neighborhood. It will lie in stark contrast to the single and dual family residences that are the standard on Kamm, Warner, Hughes, Prospect and Bullards Streets. One must travel clear to May St. to find anything similar.
2. It was our understanding that Clackamas Fire had already approved a swing-gate as an approved method of mitigating the city's need for emergency vehicle access. It is unclear why this proposal was rejected from the first plans.
3. There is clear evidence of animals which reside in a wetland environment being present, even currently, in the surrounding area. It is unreasonable for any wetland analyst to claim that the pair of parcels cannot be home to macroorganisms when frogs, ducks, and snakes are commonplace in the surrounding area.
4. There are concerns that pedestrians and cyclists must use the current vehicle right-of-ways to transit the neighborhood, including children to their bus stops in the dark morning hours and afternoon commute periods, as there are no continuous sidewalks on Kamm St. or the surrounding area. Increasing traffic on these streets where no sidewalks are present by a potential of 162 daily trips will increase the likelihood of pedestrian vs. automobile collisions.
5. No city parks or public green spaces are present in this portion of Elyville. Children and pet owners must use the street areas for recreation and exercise. This again falls in direct conflict with the potential for increased motor vehicle traffic on Kamm St., both by new residents and the addition of a through-connection to Warner-Milne.
6. The city addressed the congestion that overflow parking would add on Kamm St. (concerns raised by others) by requiring the ditch-side of Kamm to be designated a no-parking zone. However, it did not address the potential for that overflow parking to be redirected onto Warner, Bullard, or Hughes Streets resulting in difficulty safely navigating those streets and the potential for accidental or intentional property damage by cars that park where no curbs or sidewalks exist.

It is my expectation that the current document be recinded by the city and it be updated in accordance with City Code to include comments from all interested parties who submitted those comments on time. Attached is a copy of the email sent to Ms. Robertson-Gardiner, time stamped for verification, as well as a copy of Ms. Robertson Gardiner's confirmation that those comments would be added to the record as proof of timely submission. In addition, I believe it is not unreasonable for a complete investigation be completed given the possibility that my comments may not be the only ones dropped from the records. If I had not copied my neighborhood association leadership, this matter would not have been brought to my attention before the appeal period had ended. There may be others who have been disenfranchised by this oversight. It is my further expectation that the 14-day appeal period not begin until all documents submitted in this matter have been recovered and properly addressed in a revised final city staff report and that this oversight (and any others which may be discovered by the investigation) and the resulting corrective measures be specifically addressed and admitted in that revised report to become a matter of public record.

Respectfully,

Brian J Paulsen
resident, 1129 Kamm Street
member, Kamm Street Properties, LLC

Sent from my iPhone

On Apr 14, 2022, at 7:25 PM, Christina Robertson-Gardiner <crobertson@orcity.org> wrote:

[Quoted text hidden]

[What's your Vision for Oregon City?](#)

[Quoted text hidden]

----- Forwarded message -----

From: Christina Robertson-Gardiner <crobertson@orcity.org>

To: Brian <b.j.zytron@gmail.com>

Cc:

Bcc:

Date: Wed, 19 Jan 2022 17:58:09 +0000

Subject: RE: Comments on Kamm Steet Apartments

Thank you- I have added your comment to the record. You will receive a copy of the Notice of Decision when it is released.



[What's your Vision for Oregon City?](#)

Christina Robertson-Gardiner, AICP, Senior Planner (she/her)

695 Warner Parrott Rd, Oregon City, OR 97045

crobertson@orcity.org

503) 496-1564 Direct

(503) 722-3789 Main

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PUBLIC RECORDS LAW DISCLOSURE: This e-mail is subject to the

From: Brian <b.j.zytron@gmail.com>
Sent: Tuesday, January 18, 2022 9:01 PM
To: Christina Robertson-Gardiner <crobertson@orccity.org>
Cc: Brenda Reeves <reeves3963@hotmail.com>; karla.laws+elyville@gmail.com
Subject: Comments on Kamm Steet Apartments

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

Ms Robertson-Gardiner:

Please see the attached file for my comments regarding the proposed apartment building project located at 1155 Kamm Street and confirm receipt.

Thank you,

Brian J Paulsen, resident

1129 Kamm St.

Oregon City, OR 97045

b.j.zytron@gmail.com

----- Forwarded message -----

From: Brian <b.j.zytron@gmail.com>
To: crobertson@orccity.org
Cc: Brenda Reeves <reeves3963@hotmail.com>, karla.laws+elyville@gmail.com
Bcc: Brian Paulsen <b.j.zytron@gmail.com>
Date: Tue, 18 Jan 2022 21:01:26 -0800
Subject: Comments on Kamm Steet Apartments
Ms Robertson-Gardiner:

Please see the attached file for my comments regarding the proposed apartment building project located at 1155 Kamm Street and confirm receipt.

Thank you,

Brian J Paulsen, resident

1129 Kamm St.

Oregon City, OR 97045

b.j.zytron@gmail.com

5 attachments



image001.jpg
8K



GLUA 21-00066 SP 21-00117 NROD 21-00018 Kamm St Apt Staff Report final.pdf
3338K



Comments on Kamm Steet Apartments.eml
31K



landuse_kamm_st.docx
72K



Comments on Kamm Steet Apartments (1).eml
100K



Brian Paulsen <b.j.zytron@gmail.com>

Notice of Decision GLUA 21-00066

Christina Robertson-Gardiner <croberson@orc.org>

Fri, Apr 15, 2022 at 10:05 AM

To: Brian <b.j.zytron@gmail.com>

Cc: Troy Brummell <T_Brummell@hotmail.com>, Karla Laws <karla.laws@gmail.com>

Brian,

Thanks for the clarification email on the spelling. Now that I am back in the office this morning. I checked in to verify, and your comments were in the public comment exhibit, which was shared with all departments and contract consultant reviewers, and you were mailed a copy of the notice of decision yesterday and were in the electronic batch notice of decision email I sent yesterday.

Your comments were reviewed by staff, and the consultant team and responses were incorporated in the findings for the report, though not specifically spelled out in the public comments review section as they were reviewed in the exhibits. I specifically highlighted your comments to the 3rd party review natural resource specialist team at David Evans and Associates and Transportation consultant John Replinger. Their response to your comments are in their memos that are attached as exhibits.

To allow all parties to review all the exhibits- I posted the staff report and exhibits on the project website- I hope this helps.

<https://www.orcity.org/planning/project/glua-21-00066-sp-21-00017-nrod-21-00018-kamm-street-apartments>

Let me know if you have any questions about the appeal process <https://www.orcity.org/planning/appeals>



What's your Vision for Oregon City?

Christina Robertson-Gardiner, AICP, Senior Planner (she/her)

695 Warner Parrott Rd, Oregon City, OR 97045

croberson@orc.org

503) 496-1564 Direct

(503) 722-3789 Main

Interactive Maps and Apps**Printable Maps**

Online Submittal of Land Use Applications

Item 8c.

The City of Oregon City continues to offer services and programs in-person and online - find facility hours of operation [here](#).

PUBLIC RECORDS LAW DISCLOSURE: This email is subject to the

State Retention Schedule and may be made available to the public.

From: Brian <b.j.zytron@gmail.com>

Sent: Friday, April 15, 2022 8:22 AM

To: Christina Robertson-Gardiner <croberson@orc.org>

Cc: Troy Brummell <T_Brummell@hotmail.com>; Karla Laws <karla.laws@gmail.com>

Subject: Re: Notice of Decision GLUA 21-00066

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

Good evening, Christina.

[Quoted text hidden]

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[Quoted text hidden]

Kamm Street Apartments-Appeal Presentation
OC City Commissioners
May 18, 2022

Title 3 Stream and Wetlands Delineation:

On March 3, 2022, I spoke with State Land Jurisdiction Coordinator for Clackamas County, Chris Stevenson, regarding Wetland Delineation Report dated July 15, 2021. She verified this decision was in reference to the wetland delineation only and had no bearing regarding the stream across the development site. Oregon City NROD map, Water Quality Area Map (2014) OC-web map designation of Metro Title 3 stream or Metro Title 13 Water Quality Area Map (2009) were local designations and were not changed by the State's decision. These maps are found on the OC mapping site and can only be amended in accordance with OCMC and Metro Codes. I found no evidence such amendments were ever applied for or made.

Ms. Stevenson stated the State's decision was based on information provided by Mr. Laughlin which she sent to me and I reviewed. They did not make a physical site visit. The documents submitted were: Vicinity Map, Tax Lot Map, and Figure 6 (Figure 10 on pg. 77 of the staff report) all from Harper, Houf, Peterson Righellis Inc. as well as the Wetland Delineation/Determination Report Cover Form.

I explained that the stream is a continuation of a stream that runs along the west side of Kamm St to the site and the web map shows it is a Title 3 stream. Ms. Stevenson said the entire stream fits the definition of an intermittent stream. Information from the United States Department of Interior's Water Research Division clarifies that the stream is correctly classified as *intermittent*. Also note that the report cover form under Wetland Delineation Information shows Ms. Ivy Watson as the Wetland Consultant; it is dated 05/11/2021. The question "Wetlands/Water Present?" is marked Yes.

The supplemental staff report dated 05/10/2022 and the letter from Dave Evens and Associates (DEA) dated 04/11/2022 references the "technical memorandum by Ivy Watson, a Natural Resource Scientist," (NRS). I did verify that Ms. Watson did earn a MA in Natural Resources. However, I found no additional information citing her specialization.

I have a rudimentary understanding in hydrology and soil science and do not understand how two test sites were used in determining the wetlands for a 0.86 study area. I asked Dr. Leon H. Liegel, PhD [Forestry/Soils Science] to review the Wetlands Deliration Report and provide clarification. Dr. Liegel has a double major PhD in Forestry Science and Soil Science and 28 yrs. experience working for the USDA Forest Service and US Environmental Protection Agency. As a

research scientist, he worked on and published across a broad spectrum of Natural Resource Science topics. Following retirement he wrote and worked on several grants for Oregon State University (OSU). One focused on establishing and maintaining riparian habitat along streams in OR and WA. He also partnered in developing an 18-credit graduate Sustainable Natural Resources Certificate Program for OSU's Ecampus Program; he taught a 2-credit, Non-timber Forest Products course module in the Program seven times from 2007 to 2016. He co-developed and teaches SOIL 511 for OSU's Crop and Soil Science Dept. It is a 3-credit, graduate-level, "basic soils" class for non-science majors. At my request, Dr. Liegel wrote a letter, dated 8 March 2022, to the Oregon Dept. of State Lands. The following is an excerpt from this letter.

- *Sample Plots SP-1 and SP-2, respectively next to and in a drainage channel (1, 2) will obviously have accelerated drainage and water movement away from their locations after any rainfall event. Finding "wetland conditions," especially wetland vegetation as defined in REF 3, is highly unlikely. Alternatively, placing sample plots in the two designated landscape positions almost guarantees changing a prior wetland to a non-wetland area.*
- *If wetland vs. non-wetland designation for a 0.86-acre property (1,2) is the ultimate goal, then the entire site must be sampled using standard statistical soil field sampling techniques. Restated, one soil pit dug to 16 inches and a soil auger penetration downward another 8 inches from the pit bottom do not represent "soil wetness" or wetland status for the defined property.*
- *The Univ California/NRCS SoilWeb Online database (4) shows that the predominant site soil series is Map Unit 8B; it contains about 85% of the Bornstedt soil series. The Official Series Description for the Bornstedt series describes it as "moderately well drained." Physical soil color determinations from 33 to 70 inches includes "pinkish gray," usually associated with year-long soil wetness.*

I have one additional observation with regards to the "Wetlands" documents. The Water Quality Area Map shows the Wetlands Area is located more than three-quarters of the total site upstream from the test sites at the Southeast end of the stream. Photograph #8 attached to the DEA letter shows this area and documents the presence of Aquatic Shale Shells. This begs the question as to why the wetlands test sites were not done at this location?

The staff report addressed the trees removed between 2018-2019 but not the additional trees cleared from 2010-2020 as show on arial maps. In addition it did not address the clearing of vegetation referenced in the Storm-report for the project. Google street maps show common native vegetation has been removed.

Metro Tite 3 and OCMC have outline specific requirement for protections of streams and Water Quality Areas designated by Metro Tile 13.

Metro Title 3.07.340(D) Native vegetation shall be enhanced or restored, if disturbed. OCMC 17.04.010(A,C,D) A. Protect and restore streams and riparian areas for their ecologic functions. C. Protect upland habitats, and enhance connections between upland and riparian habitat. D. Maintain and enhance water quality and control erosion and sedimentation through the revegetation of disturbed sites and by placing limits on construction, impervious surfaces, and pollutant discharges.

Both Metro Title 3 and OCMC do not allow any impervious surfaces or development that would have a negative impact on a stream. A 30-unit apartment with a paved parking lot close to the stream bed and a paved easement directly across the stream bed at the north edge of the site will clearly have a negative impact on the stream.

Zoning - (MUC-1)

The staff report on page 5 under the heading states "The site is zoned Mixed Use Corridor (MUC-1)." Oregon City web maps and the map included on page 6 confirm both 279 Warner Milne Rd. and 1155 Kamm St. are zoned as (MUC-1). The pre-application document also states the zoning of MUC-1. The staff report also correctly states, "Moderate density (MUC-1) residential is an option within the MCU zoning district." OCMC Chapter 17 under the subsection concerning zoning districts defines moderate residential density as 3- to 4-plex unit multi-family units.

The proposed Kamm St. project is for a 30-unit, 3-story, apartment complex. Any development of this size is considered high density and can only be built in district zoned R-2 or an option in MUC-2. A 30-unit, 3 story complex of attached units is not an option for MUC-1 zoning. The statement in the Supplemental Staff Memo that a multi-unit is allowed does not, in fact, apply to this project site.

A change in zoning has not been applied for or granted. As the proposed application for development does not comply with the zoning limitations on both lots, it must be denied.

I have great respect for the time and attention you give to this matter. Thank you for allowing me to present my information and thoughts.

Catherine Pieslewicz
Resident/property owner of Oregon City
Cell 503-459-2538

April 27, 2022

Oregon City Community Development Director
695 Warner Parrott Rd.
Oregon City, OR 97045

Re: GALUA-21-00066: SP-2100017, NROD 21-00018- Kamm Street Apartments

Dear Director,

I am writing to express concerns of the Type II Staff Report with Conditions of Approval for the Land Use application listed above. Although the report addresses parts of the concerns I outlined in my original comments it did not address all of them. It is my understanding that a Type II Staff Report and Notice of Decision With Conditions of Approval can only be amended through an appeal process, I strongly believe a Public Appeal Hearing before the City Commission should be held. Below, you will find some my specific concerns that were not fully addressed.

NROD and Metro Title 3

The letter dated July 15, 2021 from the Division of State Lands is in response to the property owner's request to remove the Oregon State Lands wetland delineation. This letter speaks to a review of the just the wetlands. In also states the stream has ephemeral and intermittent reaches. I spoke with the Oregon State Lands Jurisdiction Coordinator for Clackamas County, Chris Stevenson, PWS. I was confused: Did the wetland delineation decision affect or Oregon City's NROD, Water Quality Area designation on both lots? In addition to Metro's classification of the waterway as a Title 3 stream, Ms. Stevenson explained the state's decision was limited to only the wetlands delineation and did not affect designations by Oregon City or Metro Codes. When I questioned the description of the stream, she told me they did not visit the sight but based the description on the owner's summation. I explained a) that the stream is the south end of an intermittent stream that flows along Kamm St. until it crosses onto the north end on the site and b) Metro designates it Title 3 stream. Ms. Stevenson said this situation fits the definition of an intermittent stream!

The stream that flows across both project lots is a Title 3 stream and must comply with the standards determined by Metro and I spoke to this in my comments. Metro Title 3 outlines in detail what water quality standards and protections must be maintained for the stream. I outlined some of these in my comments. However, they were not addressed in spite of the fact that Oregon City's map shows the stream as a Title 3. This fact is outlined only in original comments I submitted. Metro's governing body is the only group that can change a stream classification. A records search found no evidence that such a change was made.

NROD and Water Quality Area are determined by Oregon City. The City map shows that about 40% of the project site falls into at least one these areas and thereby have specific limitations as to what/where development is allowed. The Kamm St. lot of the site has the widest area of designation; the remaining area is inside the eastern boundary of the site following the stream bed.

The staff report did address removal of trees without a permit between 2018 and 2019 and included a condition the trees be replaced. But tree size was understated according to residents who witnessed tree removals. It did not include additional trees removed between 2019 and 2020 nor the clearing of other, possibly native, vegetation. Metro Code Title 3 section 3.07.340(D) states "Native vegetation shall be maintained, enhanced or restored, if disturbed." The City's NROD has comparable requirements for the restoration of vegetation. Metro Title 3 also states that no development having a negative impact on the stream is allowed. OCMC has comparable standards for NROD and Water Quality Areas.

In spite of the letter from David Evans and Associates (DEA) dated April 11, 2022 statement regarding the “water feature on the site” not being a stream, Metro says it is, in fact, a stream; Oregon City’s map documents that the stream flows across both lots. Figure #6 on page 77 of the planning departments staff report shows the streams course. Picture #8 attached to DEA’s letter shows the presents of Aquatic Shale Shells. Pictures submitted with EVN comments confirm presence of a flowing stream. Residents currently living on Kamm St. attest to presence of ducks, frogs and other wildlife on the site. The DEA letter implication that any portion of the NROD, Water Quality Area, or Metro Title 3 does not apply is not valid nor does it change, in any way, these designations,

Additional Photographs # 7 (pg.78) #6, #2 (pg.79) of the staff report show the drainage ditch on the North end of the Kamm St. lot. This is where the proposed “vehicle easement” is proposed for access from the parking lot of the Kamm St. complex. The stream flows east across the lot then turns south and flows across the entire site. This area has a seasonal stream; it falls within the NROD. OCMC 17.49.080 requires any paved surface must be at least 10 ft. outside a NROD which this clearly is not and therefore not legal. The developer’s plan to pipe the stream underground would not be allowed under Metro Title 3.

OCMC 17.49.080 requires any development to be a minimum of 5 ft. and paved surfaces be a minimum of 10 ft. outside the NROD. This would apply to the paved easement, large section of the parking lot, and part of the structure shown in the proposed site plan. The site plan requires amending to meet the requirements of the City’s and Metro codes.

Table 17.49.110 on Page 71 of the staff report addresses the width of the vegetation corridor for the stream to be 15 ft. from edge of the bank-full flow is a condition added. Using this map and its scale of 1” [inch] = 50 ft in Figure 10 (Figure 6) on page 77 the following was determined.

Taking into account the small size of the map, variable widths of the bed, and streams do not flow in perfect straight lines, short of actual physical measurements, there will be acceptable margin of error. For reference, the north end of the site lot is 74 ft wide and the south end is a little wider at 79 ft. As the majority of the stream bed is closest to the eastern boundary of the site (boundary), the following reference two measurements: First is the distance from the west bank of the stream to the boundary of the site. Second is the distance plus a 15 ft vegetation corridor.

Starting at the downstream north end of the site at the border of 1155 Kamm St. the stream enters the site border 50 ft (65 ft) from the bounty flowing due east for 20 ft before changing its course to flow north 37.5 ft (52.5 ft) from the bounty. Halfway upstream on this lot the stream is 19 ft (34 ft) inside the bounty and where it crosses onto 279 Warner Milne it’s 14ft (29 ft) inside the bounty. Halfway up stream on this lot it’s 11 f. (26 ft) inside the boundary and 8 ft (23 ft) at the south end of the lot.

The east side of the site plan is a paved parking lot with two rows of parking spaces separated by a paved driveway/vehicle easement. The vehicle easement onto Kamm Street crosses almost all of the required vegetation corridor on the north end of the site! A major revision of the site plan must be made and approved prior to the existing development application continues.

Traffic Report and Response Letter

The Traffic Study dated Aug. 21, 2021 done by Greenlight Engineering by Rick Nys, PE Principal Traffic Engineer, is misleading and limited in its focus. The letter dated April 6, 2022 sent by John Replinger in response to public comments does not address all local resident concerns.

The City’s traffic count on Warner Milne Rd. in 2017 at more than 44% greater than Mr. Nys’s traffic study letter stated. I realize OCMC do not require a complete traffic study and that the 2020 count was not yet in the City’s public record. I am not an expert in this field but easily access and read the City’s traffic count report for 2017. It is reasonable that a professional Traffic Engineer would have used the count for 2017 as the 2020 count was not available at the time of his study. Mr. Replinger

states the count reported is “merely a general descriptor.” This generalizing would mean a reasonable margin of error like 5% less or greater plus not accounting for the 3.5 years between 2017 and the date of the study. Even not including the additional increase for the 3.5 year as I did in my comments. To state that a traffic count that is more than 44% off is “merely a general descriptor” is unbelievable and misleading.

The traffic study focus is on Warner Milne and little is said regarding Kamm St. Mr. Replinger, however states there will be some increase in traffic on Kamm St. He concludes that Kamm St. can accommodate the traffic as most traffic from the apartment will use the access to Warner Milne Rd. This is a 30 Unit apartment complex the majority of which are two bedrooms. There are 36 onsite parking spaces. Additional parking will be on Kamm St. and Warner St. It is not reasonable to assume that most of the traffic generated by the development will use the Warner Milne Rd. access. The proposed develop will cause a signific increase in traffic on Kamm St. and Warner St.

Mitigation and Restoration

The staff report recognizes that trees were illegally removed between 2018-2019 and includes the condition that they be replaced. The report a) does not account for additional trees removed between 2019 and 2020 nor b) does it require mitigation for other vegetation cleared from the NROD or the areas along the stream with reptile sightings by neighbors. A comparison of areal maps 2019-2020, via Google maps, and the Stormwater Report for this project mentions evidence of this clearing taking place after the current owner took title to the site.

Trees and vegetation in the NROD area and along the Metro Title 3 stream require restoration at or close to their prior location. As all clearing took place without legally required permits, the property owner must be held accountable and required to perform actual physical restoration to standards outlined in Metro codes and those of Oregon City. Additional fines and fees seem appropriate.

Had the property owner obtained proper permits, other mitigation choices would have been available to him. But the property owners did not apply for permits; minimal mitigation choices should not be allowed. Oregon City’s governing body must enforce all rules and regulations set forth by City codes if we can expect compliance now and in the future.

Zoning - (MUC-1)

The staff report on page 5 under the heading Background states “The site is zoned Mixed Use Corridor (MUC-1).” Oregon City web maps and the map included on page 6 confirm the zoning is (MUC-1). Also, Moderate density (MUC-1) residential is an option within the MCU zoning district. OCMC Chapter 17 under the subsection concerning zoning districts defines moderate residential density as 3- to 4-plex unit multi-family units.

The proposed Kamm St. project is for a 30-unit, three story, apartment complex. Any development of this size is considered high density; it does not qualify as an option for MUC-1 zoning.

Summary

The proposed Kamm St. apartment project fails to comply with standards set forth in the OCMC Chapter 17, subsection Zoning for a Mix Use Zoning district (MUC-1) and property within the NROD. It also fails to comply to the standards for property within the City’s Water Quality Area and the standards set by Metro Title 3 for the stream flowing across the site. Finally, traffic review letters imply that increased traffic and parking will create little direct effects for the neighborhood. This conclusion, at best, is misleading. It does not address stated concerns of Oregon City residents living near and around the proposed Kamm St. 30-unit apartment complex.

I request that this letter serve as an official appeal to the City Commission to the Title II Staff Report and Notice of Decision with Conductions of Approval for the Land Use dated April 14, 2022. Appropriate file names are shown at the top of page 1 in my appeal.

Respectfully,

Catherine Pieslewicz
Resident of Oregon City

clpies1950@gmail.com

(503) 459-2538

DATE 8 March 2022

FROM Dr. Leon H. Liegel, PhD [Forestry/Soil Science]
710 Cedar Ln.
Oregon City, OR 97045

TO To whom it may concern
Oregon Dept of State Lands
Salem, OR 97301-1279

REASON Relevant Reflections
Approved Wetland Delineation Report WD #2021-0272
Kamm Street Apartments
Clackamas County T35 R2E S5CB TLs 1400 and 1402

- Sample Plots SP-1 and SP-2, respectively next to and in a drainage channel (1, 2) will obviously have accelerated drainage and water movement away from their locations after any rainfall event. Finding "wetland conditions," especially wetland vegetation as defined in REF 3, is highly unlikely. Alternatively, placing sample plots in the two designated landscape positions almost guarantees changing a prior *wetland* to a *non-wetland* area.
- If wetland vs. non-wetland designation for a 0.86-acre property (1,2) is the ultimate goal, then the entire site must be sampled using standard statistical soil field sampling techniques. Restated, one soil pit dug to 16 inches and a soil auger penetration downward another 8 inches from the pit bottom do not represent "soil wetness" or wetland status for the defined property.
- The Univ California/NRCS *SoilWeb* Online database (4) shows that the predominant site soil series is Map Unit 8B; it contains about 85% of the Bornstedt soil series. The Official Series Description for the Bornstedt series describes it as "moderately well drained." Physical soil color determinations from 33 to 70 inches includes "pinkish gray," usually associated with year-long soil wetness.
- The Bornstedt soil series also has stated Engineering Ratings, based on laboratory samples. These ratings indicate construction limitations based on a water table located at ≤ 36 inches of the surface. Stated limitations are:
 - Dwellings Without Basements; Not limited
 - Dwellings With Basements; Very limited
 - Small Commercial Buildings; Somewhat limited
 - Lined Retention Systems; Somewhat limited
 - Shallow Infiltration Systems; Severely limited
- However, actual construction limitations for the 0.86-acre property cannot be determined without representative statistical sampling.

In Summary

- Methods to determine wetland or non-wetland status for the Kamm Street Apartments site in Oregon City, OR, by Harper Hough Peterson Righellis Inc., Portland, OR, seem questionable.
- The *SoilWeb* online database and map unit data for the Kamm Street Apartments site indicate potential soil wetness and construction limitations at ≤ 36 inches from the surface.
- But "map data are generalized" for large areas; thus, there might be 6% inclusions of wetter, non-Bornstedt soil series. Therefore, only more thorough soil sampling of the entire site will determine true wetland/non-wetland and soil moisture status.

Sincerely,
<< Dr. Leon H. Liegel, PhD >>

Good evening, ladies and gentlemen,

My name is Dave Wakefield. My wife and I own the property at 1147 Kamm Street. There are many issues and concerns that still need to be addressed by the city as pertains to this proposed project. The following issues must be addressed before a final decision is rendered from the city commissioners:

1. **Safety.** The local community has several safety concerns regarding the development of the adjacent property, especially in reference to the proposal of a through street. The city has suggested that a gate or bollards be used to prevent this continuation of Kamm Street through to Warner Milne. However, this suggestion does not suffice, as there is no guarantee that this gate will not be opened upon completion of the project.

To ensure continued safety within the area, no connection to Kamm Street should be allowed and/or a fence should be erected to separate this commercial site from the adjacent residential neighborhood. By requiring a fenced separation from Kamm Street, the city will also discourage illegal parking on Kamm Street (a parking deficit exists from a lack of parking available on the development site). The city could also require a turnaround on the proposed property and put the burden back on the builder rather than the neighbors in the surrounding area.

2. **NROD.** When all the mature trees and vegetation were clear-cut and the layout of the land was changed, it changed the status of my property, as well as others'. In failing to do his due diligence, it's obvious that the owner violated city code. The builder circumvented OCMC to bypass the NROD issue on his property site. The builder should be held responsible for the restoration of this NROD protected area and be required to follow municipal code for the clear violation.
3. **Devaluation.** The devaluation of adjacent properties was not adequately addressed. If the city is allowing the developer to put in apartment complexes, they must consider how it affects and impacts the neighborhood as a whole. The city should be held responsible for the devaluation of adjacent properties. I would like ask each commissioner, "If it were your property, would you also object?"

OCMC 17.62.010 states, "The purposes of site plan and design review are to protect lives and property from potential adverse impacts of development." This project has an adverse effect on my property as well as other neighborhood properties; the city is failing to provide its expressed duty to me and the neighborhood.

4. **No-Rise Permit.** Because of changes made on the project site, if the water rises to where the ditch drainage could no longer contain the water, it would then overflow onto my. **(See attached image taken in January).** This could cause extensive flooding damage to my property.

Why is the city not requiring a no-rise permit? Does the city wish to take the risk of legal action if flooding were to occur?

5. **LUBA.** If the decision rendered by the city commissioners does not seem adequate or fair to the neighborhood and owners of adjacent properties, what are the next steps for an additional appeal to LUBA?



Image: Ditch near capacity at 1147 Kamm Street (January 2022).



TYPE II STAFF REPORT AND NOTICE OF DECISION WITH CONDITIONS OF APPROVAL

GLUA 21-00066 SP 21-00117 NROD 21-0018 -Kamm Street Apartments

April 14, 2022

FILE NUMBER: GLUA 21-00066 SP 21-00117 NROD 21-0018 -Kamm Street Apartments

APPLICANT: Iselin Architects, P.C.
1307 Seventh Street
Oregon City, OR 97045

OWNER: Ron L. Laughlin, Jr.
Warner Milne Commercial LLC
401 6th Street
Oregon City, OR 97045

Application Submitted: 11/05/2021
Application Complete: 1/02/2022
120-Day Decision Deadline: 05/03/2022 extended
to May 18, 2022
NOD: April 14, 2022

REQUEST: Development of a new three-story 30-unit apartment building and associated site improvements, including parking lot, pedestrian pathway, garbage/recycling enclosure, and landscaping on 0.86 acres.

LOCATION: 1155 Kamm Street & 279 Warner Milne Road
3-2E-05CB-01400 & 3-2E-05CB-01402

REVIEWER: Christina Robertson-Gardiner, AICP Senior Planner
Sang Pau, Engineering Associate

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. The last day to submit an appeal is 4PM April 28, 2022. Only persons 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 21-00066 SP 21-00117 NROD 21-0018 -Kamm Street Apartments

(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 applicant shall fulfill the following conditions prior to issuance of a public improvement and/or Building permit associated with the proposed application.

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 improvements along the frontage of Warner Milne Road:
Behind the existing curb:
 - 0.5-foot-wide curb & 10-foot-wide sidewalk with 5 ft x 5 ft tree wells
 - Sidewalk may be narrowed to 7-foot-wide where it is adjacent an NROD or to preserve exiting tree(s). (DS)
4. The applicant shall submit a photometric plan to confirm existing street lighting levels along the property frontage is adequate as determined by the City and Portland General Electric (PGE) or provide streetlights along Warner Milne Road in conformance with all City standards, specifications, codes, and policies and as approved by Portland General Electric (PGE). (DS)
5. The driveway connecting to Warner Milne shall be designed to comply with the Traffic Sight Obstructions in Chapter 10.32. (DS)
6. The pedestrian accessway proposed through the development shall have a seven-foot-wide paved surface contained within a public access easement and have a minimum average four-foot landscaped area on one side. (DS)
7. The planter strip along the side of the pedestrian accessway shall be landscaped by the installation of the following:
 - a. Either an evergreen hedge screen of thirty to forty-two inches high or shrubs spaced no more than four feet apart on average; and
 - b. 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
 - c. Two-inch minimum caliper trees shall be provided for every thirty-five-feet on average along the accessway. Such trees may be located within a 3'X5' tree wells within the paved portion of the accessway.
 - d. 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.
8. The pedestrian accessway 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. Ownership and maintenance responsibilities shall remain with the property owner. (DS)

9. The pedestrian accessway shall be Americans with Disabilities Act (ADA) compliant.(DS)
10. The engineering plans shall provide a local benchmark, onsite, using the NAVD88 datum prior to receiving a permit and beginning construction. (DS)
11. To ensure there is proper clearance on existing Kamm Street, the developer shall provide “no parking” signs along the west side of existing Kamm Street. (DS)
12. The developer shall provide engineered drainage plan(s), drainage report(s), and design flow calculation report(s) stamped and signed by a licensed engineer which accurately addresses all items from Section 9.3 & 9.4 of the Public Works Stormwater and Grading Design Standards prior to receiving a permit and beginning construction. The development shall utilize only non-infiltration type facilities. (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. A 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)
17. Prior to issuance of construction plans of the right-of-way improvements, the applicant shall submit a street tree plan which includes 5 street trees planted spacing shall be evenly distributed throughout the total development in accordance with OCMC 12.08 or 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. (P)
18. The applicant shall display the tree protection fencing and notices associated per 17.41.130 on the grading and erosion control plan. (P)
19. Prior to the release of Building Permits, the applicant is responsible for submitting a [Type I Site Plan and Design Review](#) tree removal application for those trees removed in 2018/2019 based on the compliance options in 17.41.050. The trees removed in 2018/2019 are above and beyond any tree proposed to be removed as part of the current application. If the caliper sizes of the trees that were removed cannot be verified, the applicant shall use the 19” to 24” *healthy tree located outside of the construction area category* as a default category in their calculations unless further refined with additional documentation. (P)
20. Per OCMC 17.41, 4 trees proposed to be removed will be replaced based on the size of the tree and the location of the removed tree. The total number of mitigation trees required to be planted is 10. Prior to the release of Building Permits, the applicant shall demonstrate that all mitigation trees identified above are in excess of any required landscape plantings required by OCMC 17.62 and OCMC 17.52 or provide an alternate mitigation approach per 17.41 to account for the needed trees. (P)
21. In order for the open space to be accessible, a designated crossing area from the pedestrian sidewalk along the building frontage to the site shall be constructed. Prior to release of building permits, the applicant shall work with Planning and Development Services to design a safe and direct pedestrian crossing across the drive isles to the designated common space. (P)

22. No disturbance may be performed within the delineated 15 -foot buffer of Drainage A—Downstream Reach without additional Type I or Type II review beyond the planting of native grass submitted with the approved landscaping plan. (P)

The applicant shall fulfill the following conditions during construction.

23. Pavement cuts and pavement restoration associated with work within city streets or rights-of-way shall be in accordance with the City of Oregon City Public Works Pavement Cut Standards.(DS)
24. 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)
25. The applicant's project engineer shall inspect construction, and the cost shall be borne by the applicant. (DS)
26. 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 PUE. (DS)
27. The applicant shall comply with permitted hours of construction as set forth by the City Engineer. (DS)
28. Prior to Building Permit release, the applicant shall resubmit a revised landscape plan that indicates that the plantings will cover one hundred percent of the landscape area within three years. (P)

The applicant shall fulfill the following conditions prior to final occupancy.

29. 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)
30. The developer shall incorporate the pedestrian accessway into a recorded easement that specifically requires the property owner and future property owners to provide for the ownership, liability and maintenance of the accessway. (DS)
31. The development shall provide 15-foot-wide public utility easements for water and storm mains proposed through the development. (DS)
32. The development shall provide a public utility easement (PUE) along all the Warner Milne Road right-of-way which is a minimum of 5 feet in width. (DS)
33. 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)
34. All new franchise utilities shall be placed underground unless deemed infeasible by the City and the franchise utility provider(s) prior to occupancy. (DS)
35. Improvements shall be completed and accepted by the City prior to occupancy. The applicant shall complete all items from a city-provided punch list prior to occupancy. (DS)
36. The applicant shall provide a 24-foot-wide vehicular access easement that allows for public access through the property from Warner Milne Road to Kamm Street. The vehicular access easement shall specifically require the property owner and future property owners to provide for the ownership and maintenance of the area. The agreement shall be reviewed and accepted by the City prior to occupancy. Though not required, the applicant is encouraged to work with Development Services to

add additional traffic calming features at the transition of Kamm Street and vehicle easement to address neighborhood speed concerns (DS)

37. Maintenance Guarantee equal to fifteen percent of the estimated cost for construction of public. The 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)
38. Prior to obtaining a Certificate of Occupancy, the applicant shall confirm the final tree count onsite includes the required minimum trees and two required mitigation trees as part of the alternate landscape plan. Any trees planted onsite to meet OCMC 17.41 Tree Protection, Preservation, Removal, and Replanting Standards are above and beyond these requirements (P)
39. The applicant shall ensure that, prior to obtaining a Certificate of Occupancy, a pedestrian cross over easement is recorded allowing pedestrian access across the site from Tax Lot 1300 (currently owned by PGE) to Kamm Street. The easement shall be a minimum of 7-feet wide and be located near the north property line of the subject property. The easement shall allow the construction of a connecting approximately 25 foot long 5-foot wide ADA accessible pedestrian path from the property line of Tax Lot 1300 to the proposed pedestrian path onsite. The cost of this shall be born by the developer of Tax Lot 1300 if a pedestrian connection to Kamm Street is required as part of a future application on Tax lot 1300. (P)

I. BACKGROUND:

1. Existing Conditions

The existing development site currently consists of two tax lots, one of which fronts Warner Milne Road and contains a small residential-style office building, and one lot that is accessed off Kamm Street and contains no structures. The two lots will be combined as part of this development, and the existing structure will be demolished. Kamm Street will be connected to Warner Milne Road by way of a vehicular and pedestrian access easement to be provided on the combined property.

The site is zoned Mixed Use Corridor (MUC-1). Multifamily is a permitted use in the Zoning District.

The mixed-use corridor (MUC) district is designed to apply along selected sections of transportation corridors such as Molalla Avenue, 7th Street, Beaver Creek Road, and along Warner-Milne Road. Land uses are characterized by high-volume establishments such as retail, service, office, multi-family residential, lodging, recreation and meeting facilities, or a similar use as defined by the community development director. A mix of high-density residential, office, and small-scale retail uses are encouraged in this district. Moderate density (MUC-1) and high density (MUC-2) options are available within the MUC zoning district. The area along 7th Street is an example of MUC-1, and the area along Warner-Milne Road is an example of MUC-2.

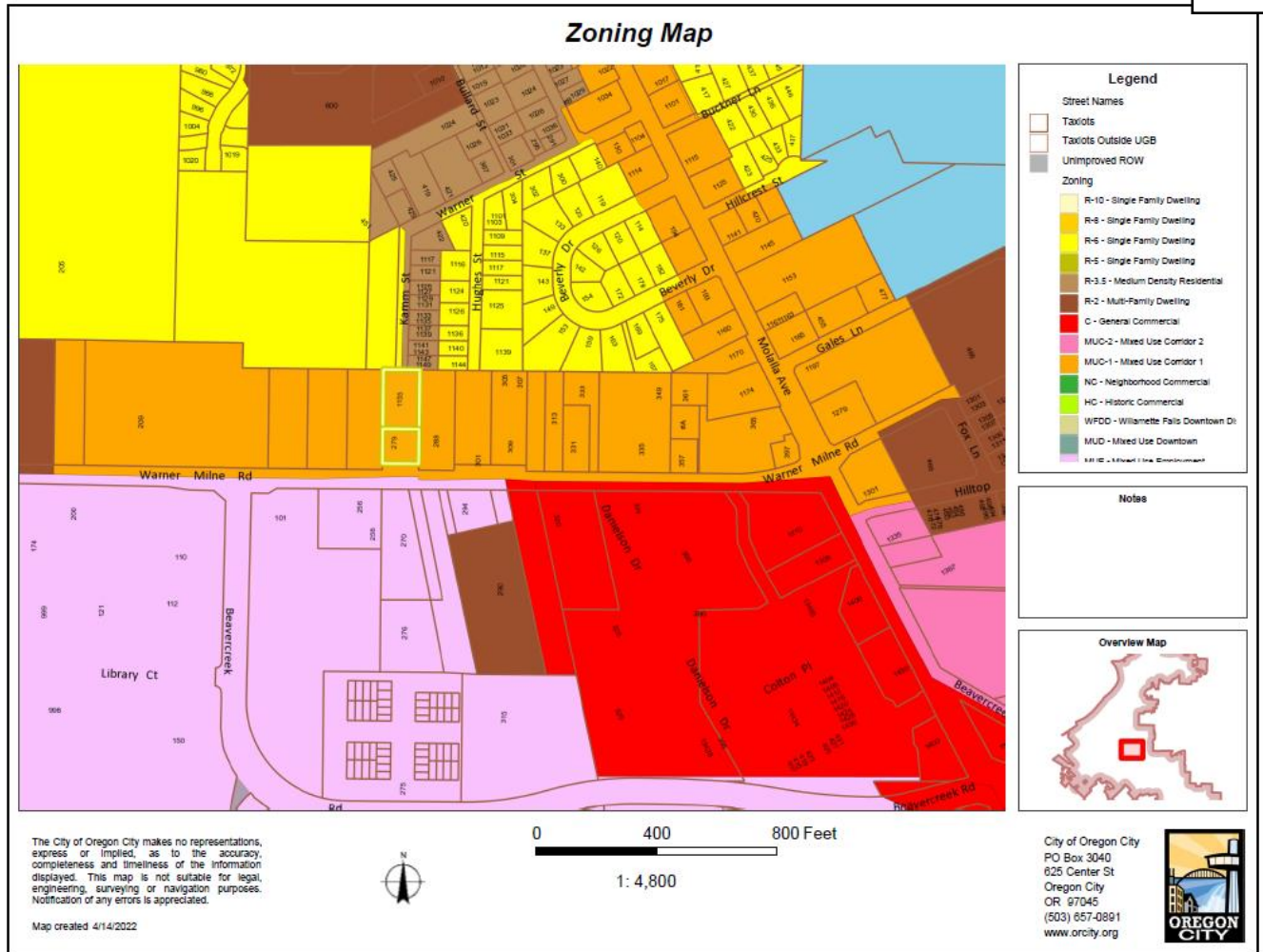


Figure 1. Zoning Map

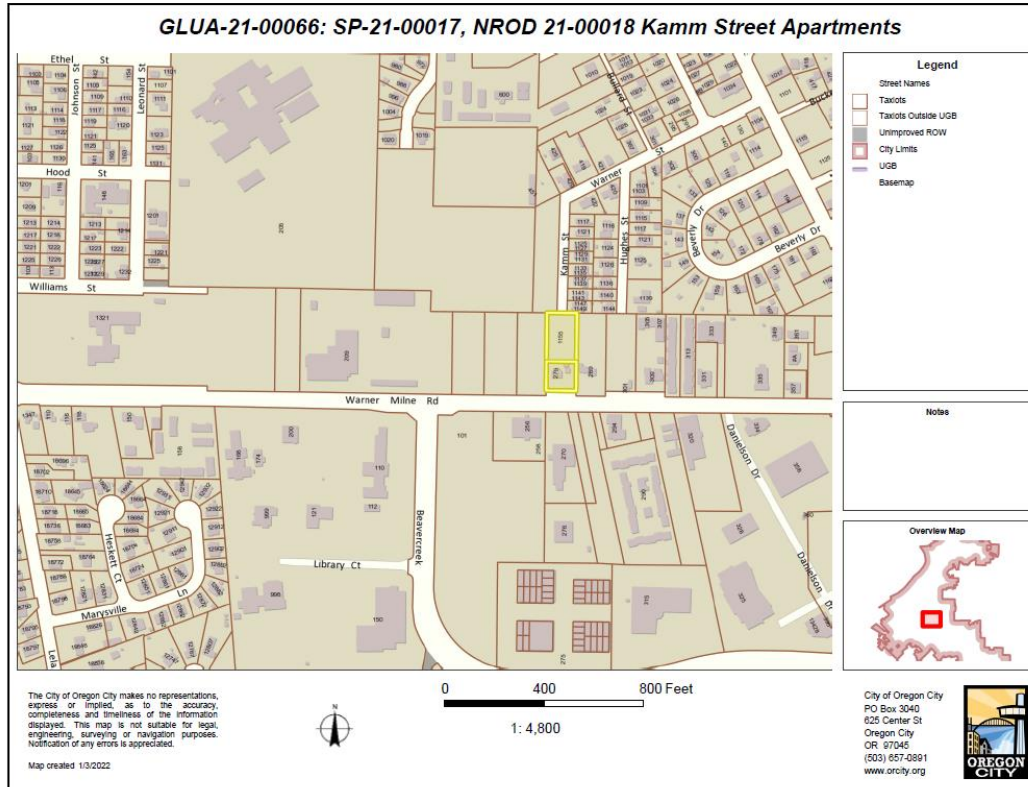


Figure 2. Vicinity Map



Figure 3: Existing Conditions – Warner Milne Frontage 2021 Google Street View

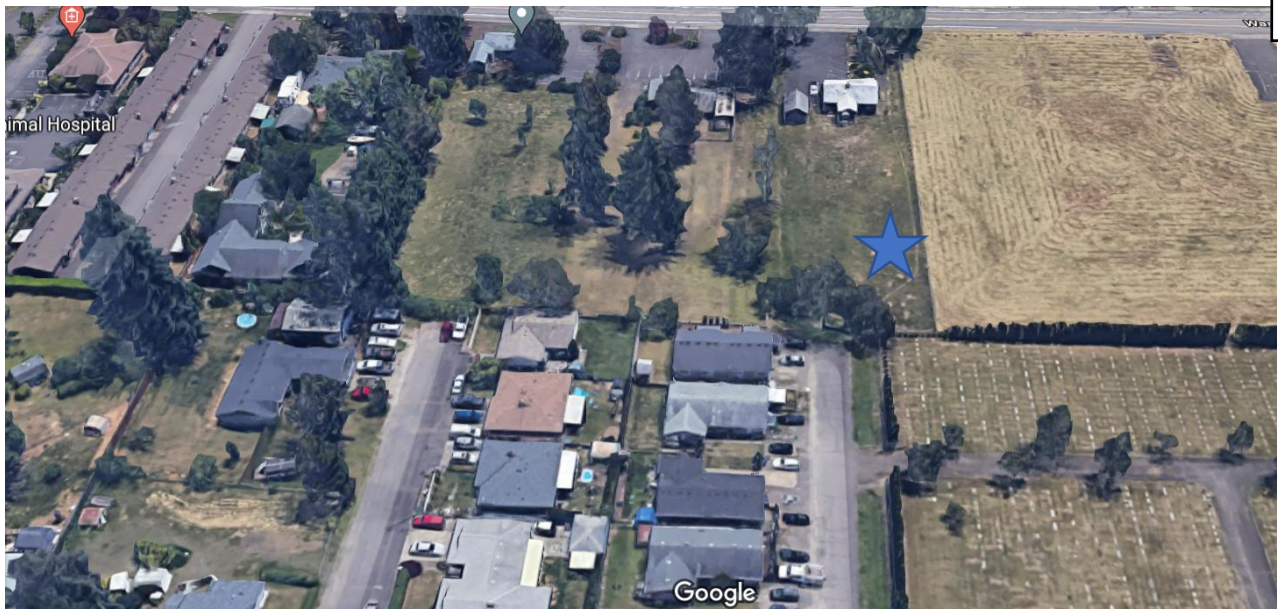


Figure 4: Existing Conditions- Google Maps



Figure 5: 2018 Aerial – OC Webmaps (showing previous tree canopy)



Figure 6: 2019 Aerial – OC Webmaps- showing trees removed onsite

2. Project Description

Description

The project includes the development of a new three-story 30-unit apartment building and associated site improvements including parking lot, pedestrian pathway, garbage/recycling enclosure and landscaping on 0.86 acres. The apartments will consist of one three-story building, containing a total of 12 one-bedroom and 18 two-bedroom units. All main level units will be ADA accessible. One of the units will be utilized as the manager's apartment/rental office. A total of 36 parking spaces will be created on the site.

The buildings will be residential in style, wood framed and sided with a combination of lap, shingle and board and batt siding and trim. Roofs will be gabled trusses finished with composition roof shingles. Upper-level units will be accessed via exterior stairways located in covered alcoves.

Type II decisions are technical reviews based on the code approval criteria and require limited discretion by Community Development and Development Services staff. Staff is not authorized to waive any requirements of the code except for modifications through Chapters 12.04 and 17.62

Proposed Building Area:

Main Level:	8,624 sf
Second Level:	8,591 sf
Third Level:	8,591 sf
Total Building Area:	25,806 sf

Unit Composition:

(12) One Bedroom	700 sf	48 sf Deck/Patio *
(18) Two Bedroom	955 sf	62 sf Deck/Patio **
(30) Total Units		
	<i>*End Unit</i>	<i>760 sf 60 sf Patio</i>
	<i>** End Unit</i>	<i>988 sf 93 sf Patio</i>

Site Coverage:

Building:	11,012 sf	30%
Parking	14,528 sf	39%
Paving:	16,490 sf	45%
Landscape:	9,426 sf	25%

Density:

Required: minimum net density of 17.4 units per acre
Proposed: 30 units @ 0.848 acres = 35.4 units per acre

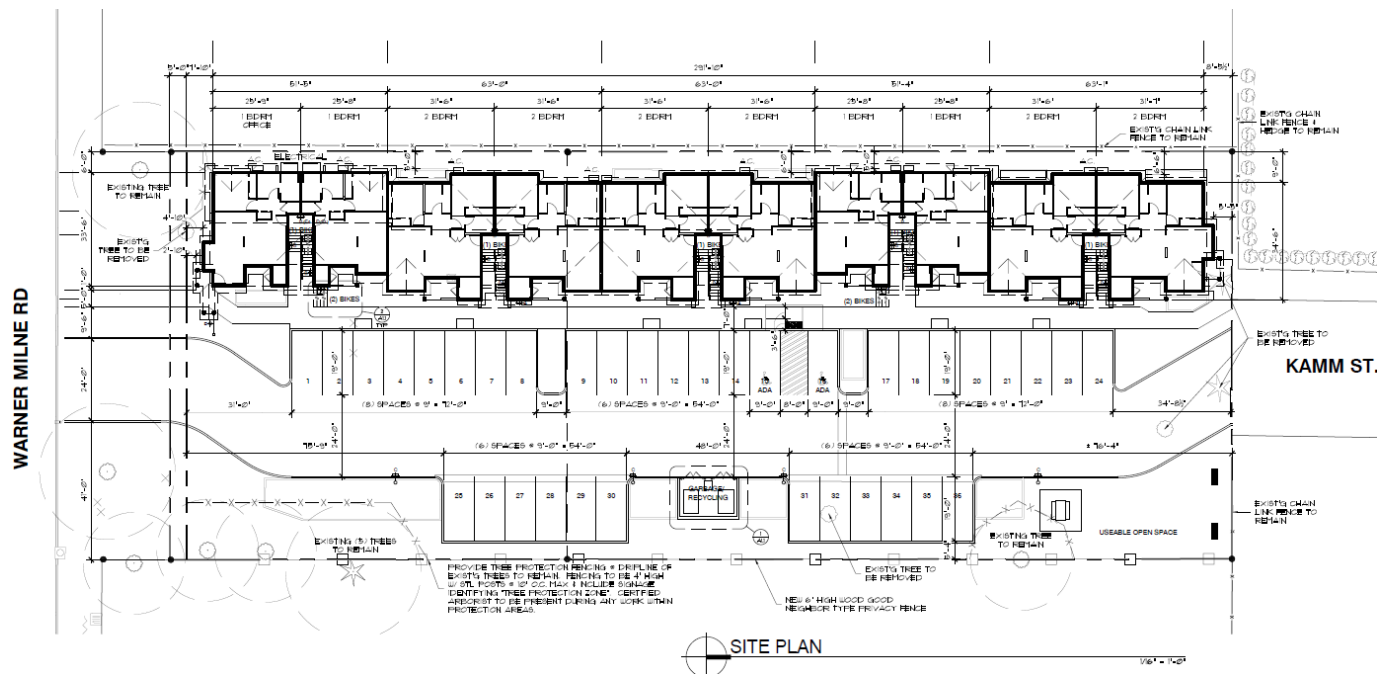
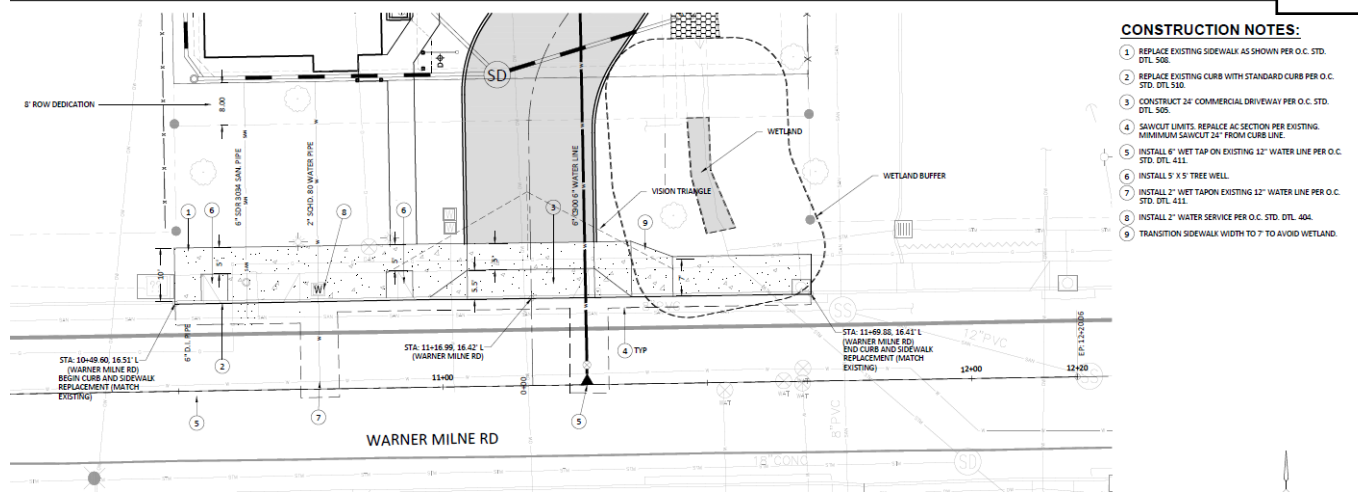
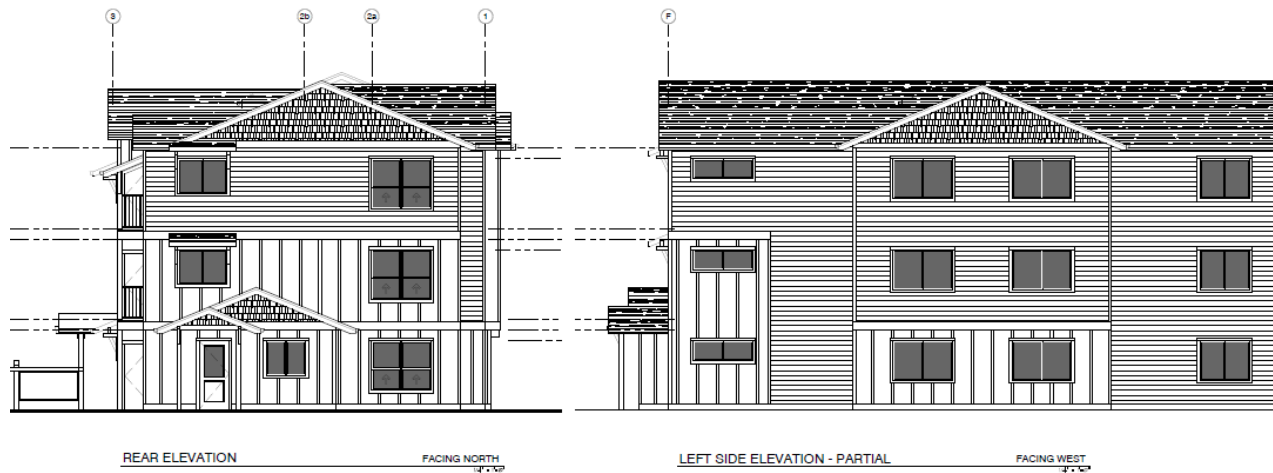


Figure 7: Proposed Site Plan





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.

Public comments submitted include (Exhibit 3):

This technical review is for a use that is permitted in the zone and the applicant has submit a Type II Site Plan and Design Review. Type II decisions are based on the code approval criteria and entail limited discretion by Community Development staff. The Community Development Directors decision can be appealed to the City Commission by anybody who has submitted public comments.

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subject project or C. The project's impact is not large enough to legally trigger any off-site improvements.

1. **Aaron Wolf- Trees removal in 2018-2019** – Public comments by various neighbors indicate that numerous trees were removed from the site sometime between 2018-2019 as indicated in the figures below at the beginning of the staff report. Tree removal on commercial sites requires a Type I Site Plan and Design Review. It appears the previous property owner failed to submit for Type I approval for the removed trees, nor did the current applicant include the number and caliper size in the current submittal. Prior to the release of Building Permits, the applicant is responsible for submitting a [Type I Site Plan and Design Review](#) tree removal application for those trees removed in 2018/2019 based on the compliance options in 17.41.050. The trees removed in 2018/2019 are above and beyond any tree proposed to be removed as part of the current application. If the caliper sizes of the trees that were removed cannot be verified, the applicant shall use the 19" to 24" *healthy tree located outside of the construction area category* as a default category in their calculations unless further refined with additional documentation
2. **Aaron Wolf- "Request some proactive assurance or design specifications that clarify this as a public right-of-way rather than an issue of trespassing on private property."**
The development will be required to provide a public vehicular access easement through the property extending from the south end of Kamm Street to Warner Milne Road. This is required to satisfy City Code 16.12.030 which limits maximum block spacing between streets to five hundred thirty feet. There is more than five hundred and thirty feet from the east or west sides of Kamm Street (distance to Warner Milne Road and Linn Avenue). The development is also required to provide a separate pedestrian accessway so that pedestrians do not have to use the vehicular path.
3. **Aaron Wolf- traffic calming needs** The plans show a vehicular access through the development property which has traffic calming measures identified as a "chicane" and "choker" by the Institute of transportation Engineers (ITE). A "chicane" is described by the ITE as, "A series alternating curves or lane shifts force a motorist to steer back and forth instead of traveling a straight path." The width of existing Kamm Street is also narrower than a typical road and acts as "choker" which the ITE says "Encourages lower speeds by funneling it through the pinch point."
4. **Troy Brummell– A connection to Kamm should not even be considered without improvements on KamStreet including sidewalks.**
See answer 2. Creating connectivity also addresses the existing condition of Kamm Street (a dead-end road which is approximately 20' to 22' wide) which makes it difficult for use by emergency vehicles. A through connection from Kamm Street to Warner Milne Road will allow emergency vehicles travel between Warner Street (on the north) to Warner Milne Road (to the south) without the difficulty of having to turnaround or back out of Kamm Street. Widening of Kamm Street would not be proportional to the size of the development proposed due to added costs associated with replacing the existing drainage ditch along the west side of Kamm Street with a pipe. To ensure proper clearance of the roadway, the developer will be required to provide "no parking" signs along the west side of Kamm Street.
5. **Troy Brummell– Traffic** Mr Replinger found that the TAL meets city requirements and provides an adequate basis on which impacts of the development can be assessed. He also found that off-site improvement were not proportionally triggered in this analysis.
6. **Troy Brummell– inadequate parking spaces.** The applicant has provided a proposal (36 spaces) that meets the minimum requirements for off-street parking (30 spaces). The city cannot compel the applicant to provide more than what I required for a TYPE II by right development proposal.

7. **Troy Brummell– green space.** The applicant has provided a proposal that meets the minimum requirements for shared/private open space. The city cannot compel the applicant to provide more than what I required for a TYPE II by right development proposal.
8. **Troy Brummell– 30” culvert will not provide adequate drainage for stormwater**
The applicant’s preliminary drainage plan and report contained enough information for the land use application to be deemed complete. The applicant will be required to provide conveyance calculations to determine if the 30” pipe is large enough to support stormwater flows originally conveyed by the drainage ditch. The calculations shall be per the Oregon City Stormwater Design Standards. The Oregon City Stormwater Design Standards states that, “The rainfall distribution to be used within the city is the design storm of 24-hour duration based on the standard NRCS Type 1A rainfall distribution using the 24-hour precipitation isopluvials in the National Oceanic and Atmospheric Administration Atlas 2, Volume 10, Precipitation-Frequency Atlas of the Western United States. The depth of rainfall for the 2 through 100-year 24-hour storm events is shown Table 5-2.” The development will be required to provide an adequately sized stormwater system based on the Oregon City Stormwater Design Standards.
9. **Troy Brummell– Historic-** The site is not located in the OCMC 17.40 Historic Overlay districts. See answers 1, 26
10. **St. John The Apostle Cemetery – Increased traffic and safety issues on Kamm Street.**
See answers 2 & 3.
11. **St. John The Apostle Cemetery – Influence/impact of parking on Kamm Street**
See answer 4.
12. **St. John The Apostle Cemetery – Entrance and exit accessibility for the cemetery.**
Entrance and exit for the cemetery are not part of the scope of the project, and were not found to require offsite improvement by the application.
13. **St. John The Apostle Cemetery – Traffic flow patterns and their impact on Kamm Street and SJA Cemetery; i.e., no through traffic, no turn around, private property, private parking only, tow-away zone.**
See answers 2, 3, 4 & 11.
14. **St. John The Apostle Cemetery – Drainage issues, particularly disruption of current drainage ditches along Kamm Street. This area supports numerous underground springs and is largely comprised of a clay soil.”**
The existing drainage ditches along Kamm Street will not be impacted by the development. The flow that is conveyed by the ditch along existing Kamm Street will be directed to a properly sized stormwater pipe. The application currently sizes this pipe as 24” in diameter. A condition of approval has been provided to require the applicant to meet the conveyance standards within the Stormwater and Grading Design Standards. The onsite stormwater will be collected in a number of stormwater planters meeting the requirements of the Stormwater and Grading Design Standards that will ensure no water backs up to existing Kamm Street and that the stormwater does not contribute to any future additional flooding problem downstream. While the development is not responsible to correct and current flooding issues upstream or downstream, they may not contribute to any additional flooding and that will be analyzed with the stormwater calculations following the Stormwater and Grading Design Standards. The current application can meet this standard and shows general compliance. Full compliance will be realized through the permit submittal.
15. **St. John The Apostle Cemetery – Placement of an “emergency services only” barricade at the current end of Kamm Street.**
See answer 2.
16. **St. John The Apostle Cemetery – No parking at any time signage on the cemetery side of Kamm Street, and at the area of the barricade.**
See answer 4.

17. **St. John The Apostle Cemetery – Installation of signage at the end of Warner Street; i.e., No through traffic, no turnaround, private property, private parking only, tow-away zone.**

See answer 2.

18. **St. John The Apostle Cemetery– Complete resurface of Kamm Street at the completion of construction.**

The city has a road maintenance schedule and resurfacing of Kamm Street is the responsibility of the city and is currently planned for summer of 2025.

19. **St. John The Apostle Cemetery – Ensure that proper lighting is in place to assure pedestrian traffic safety.**

The development is required to provide lighting for parking and driveway areas which will result in a lighted vehicular path from Kamm Street to Warner Milne Road. The development is also required to provide a lighted pedestrian path that runs through the development property. Offsite installation of lighting is not proportional to the size of the project not is it required as part of a by right Type II Development process.

20. **Catherine Pieslewicz– Natural Resources Overlay District** The Technical Memorandum by Ivy Watson, a Natural Resources Scientist, indicates that the resource is an artificial watercourse, reflects the predominate grass species of the flat upland portion of the site, does not have evidence of macroinvertebrates, and any inundation is related to stormwater events and not naturally occurring flows. A letter date July 15, 2021 from the Division of State Lands indicates that they only see the downstream portion of the ditch to be an intermittent stream and a Water of the State. “Based upon the information presented in the report, we concur with the waterway boundaries as mapped in Figure 6 of the report”. David Evans and Associates (DEA) was contracted by the city to provide a third-party review of the applicant’s submittal. In a letter dated April 11, 2022, (Exhibit 8), DEA concurred that no wetlands are on the site. Furthermore, DEA agreed with the applicant regarding the water feature on the site and found that it did not meet the OCMC definitions of perennial or intermittent stream and should not be viewed as a regulated water feature or NROD resource.

21. **Catherine Pieslewicz– Infiltration and Groundwater**

The stormwater report provided by the developer acknowledged the lack of infiltration by saying, “The proposed stormwater planters will be impermeable lined due to lack of soil infiltration, proximity to groundwater, and their location adjacent to building foundations.”

The Oregon City Stormwater Design Standards provide two options for determining infiltration rates on a property, one of which is use of the Natural Resource Conservation Service (NRCS) report. The applicant opted to use the NRCS to determine infiltration rates. The development will be required to utilize only non-infiltration type facilities as indicated by the applicant’s stormwater report. The stormwater report and design for the development is preliminary and the city will review the final design to ensure it complies with the Oregon City Stormwater Design Standards.

22. **Catherine Pieslewicz– The use of planters in front of the buildings on the west side of the development are not sufficient to control all stormwater across the entire development.**

The development is required to adhere to the Oregon City Stormwater Design Standards, which require developments to maintain stormwater drainage to pre-development levels. The Oregon City Stormwater Design Standards allow use of LID (Low Impact Development) stormwater facilities to the maximum extent practicable to mimic the natural stormwater runoff conditions of the pre-developed site. Stormwater planters is among the city-approved LID facility types. To size LID facilities, the Oregon City Stormwater Design Standards require the “BMP Sizing Tool” – A computer program approved by the City, for use in calculating the required size of LID stormwater management facilities. The Oregon City Stormwater Design Standards consider use of the BMP Sizing Tool to control stormwater flows to pre-development levels.

23. **Catherine Pieslewicz -The current storm drain located at the southeast end of Kamm St. is insufficient to control the current volume of stormwater during the late fall, winter and spring. Not only is the drain insufficient, its location relative to the land topography would prevent the majority of stormwater from the proposed development from entering the drain.**

The preliminary design for the site shows a grading plan with slopes directed to a new on-site stormwater system which connects to the city's public system downstream (the culvert within Warner Milne Road). The development will be required to provide a finalized grading and drainage plan for review. The city will review these plans to ensure it is designed to have flows directed to the appropriate downstream infrastructure (there is an existing 52" x 30" elliptical culvert within Warner Milne Road). All flow calculations for on-site and downstream infrastructure shall be per the Oregon City Stormwater Design Standards. The development is not required to fix all existing insufficient drainage systems but is required to provide additional stormwater management if flow calculations show lack of capacity in the existing downstream system. The amount of additional stormwater management will be proportional to the size of the development relative to the overall drainage basin. The development site is approximately 0.66 acres and the overall basin is approximately 83 acres.

24. **Catherine Pieslewicz– “Misleading traffic Report”** Oregon City's contract Transportation Engineer John Replinger, provided the following comments in his letter dated April 11, 2022 (Exhibit E). Among the specific comments were criticism of the Transportation Analysis Letter (TAL) for an incorrect estimate of traffic volumes on Warner-Milne Road and the use of an “old” edition of the Trip Generation Manual for estimating traffic generated by the development. The TAL prepared by the applicant's engineer met the standards specified in the city's Guidelines for Transportation Impact Analysis. For small developments (this development meets the definition), traffic counts and traffic operations analysis are not required. The traffic volume for Warner-Milne Road referenced in the TAL was merely a general descriptor of the traffic volume and did not factor into any analysis or conclusions about the development. The engineer used the 10th Edition of the Institute of Transportation Engineers' Trip Generation Manual. This edition was, in fact, the current version when he prepared his report in August 2021. The 11th Edition was released in September 2021. Interestingly, using the 11th Edition results in slightly fewer trips for the proposed development.
25. **Catherine Pieslewicz– No Geotechnical Engineering Report is found in the current files for this proposed development. One should be done by a third-party engineer.**
City code does not require a geotechnical report for the type of land use application. However, the Building department guidelines may require that the applicant provide a geotechnical report during review to obtain Building permits.
26. **Catherine Pieslewicz– Archeological Resources.** In response to the 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 response from the Confederated Tribes of the Umatilla Reservations (CTUIR) indicating they did not have any specific comments for this location. These letters are attached as exhibits to the staff report. *OCMC 17.62.040.G Archeological monitoring recommendations* does not give the city authority to apply any archeological conditions to the approval, rather it is intended to ensure communication between applicants, identified tribes and the State Historic Preservation Office (SHPO) occurs as early on in the process as possible and reminds applicants about applicable state and federal archeological regulations.
27. **Leon H. Liegel- Stormwater**
See answers 8, 21-24.

Putting the applicant's typographical errors aside, the use of the NRCS is only for stormwater design purposes. Building permit application (not land use) is when specifics regarding

foundation design (including drains for foundation) are required to be provided and reviewed. The applicant has provided a preliminary stormwater report with flow calculations showing that the existing culvert under Warner Milne Rd has adequate capacity. Land use conditions will require that the developer provide a finalized stormwater report to evaluate the capacity of downstream stormwater infrastructure to confirm findings from the preliminary report. The Oregon City Stormwater Design Standards require modeling of the site using pre-development conditions which were determined to be grass vegetation. The applicant provided historic aerial photos to show this.

28. Elyville Neighborhood Association (ENA)- On the West side of Kamm there is a large ditch to drain water since it is prone to flooding.

The development will be required to provide a downstream analysis to evaluate existing conditions. The development is only required to provide improvements that are proportional to the development. Any enlargement of existing conveyance capacities would be relative to the development's impact to the overall drainage basin. The development site is approximately 0.66 acres and the overall basin is approximately 83 acres. Offsite improvements to the stormwater system was not identified in this review process.

29. Elyville Neighborhood Association (ENA)– How can a regular-sized truck or emergency vehicle navigate safely and turn around on the street?

See answer 4 & 16.

30. Elyville Neighborhood Association (ENA)– How will residents navigate out of Warner Milne safely when the speed limit on Warner Milne is 35MPH?

The development plans will be reviewed to comply with the vision requirements in OCMC 10.32.

31. Elyville Neighborhood Association (ENA)– Kamm does not have a speed limit posted for safety, but the speed limit ought to be no more than 20MPH. Pedestrians are hard to see on Kamm, especially with low visibility turning on Warner to Kamm. Long wait for turning on Molalla
See answer 2-4.

32. Elyville Neighborhood Association (ENA)– existing stormwater infrastructure is in the wrong location and does not currently function

The manhole referenced is a sewer manhole. The existing ditch is the only stormwater conveyance system along Kamm St. The ditch directs flows south until it enters a culvert at Warner Milne Rd. The development will convert the portion of the existing drainage on the development property to a 30" pipe except for the portion of the existing ditch identified as a wetland.

33. Elyville Neighborhood Association (ENA)–erosion control, highwater table, soil conditions, downstream effect of development.

The development will be required to control and convey runoff from the area in a manner that mimics the existing conditions as required by the Oregon City Stormwater Design Standards. The Oregon City Stormwater Design Standards requires that the drainage design not adversely impact neighboring properties. The development is required to provide Erosion and Sediment Control per 17.47 of the Oregon City Code. The applicant will be required to provide an Erosion Control permit and obtain an Erosion Control permit prior to construction. During construction the applicant will be required to implement Erosion and Sediment Control per 17.47 of the Oregon City Code.

34. Elyville Neighborhood Association (ENA) Street Tree Plantings – the applicant is required to plant one tree every 35 feet of site frontage. As condition in this application *Prior to issuance of construction plans of the right-of-way improvements, the applicant shall submit a street tree plan which includes 5 street trees planted spacing shall be evenly distributed throughout the total*

development in accordance with OCMC 12.08 or 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.

35. **Elyville Neighborhood Association (ENA) –Newell Creek**
See answer 20
36. **Elyville Neighborhood Association (ENA) Open Space and parking requirements.** The applicant has provided a proposal that meets the minimum requirements for off-street parking and shared/private open space. The city cannot compel the applicant to provide more than what is required for a TYPE II by right development proposal.
37. **Elyville Neighborhood Association (ENA)– Off Street Parking and Loading**
Street parking along Warner Milne is not required or proposed. See answer to 4 regarding parking on Kamm St.
38. **Elyville Neighborhood Association (ENA)– overflow parking onto Kamm. How is a hearse supposed to safely park with more parked cars and traffic? How will this financially impact St John the Apostle Cemetery?**
See answers 10-14 for concerns related to St John the Apostle Cemetery. See answer to 4 regarding parking on Kamm St.
39. **Dave Wakefield– Comments are same as Tory Brummel**
See answers 4-9.
40. **(Lewis comment) –**
All of these comments are addressed by response to comments by others.

Additional general response to public comment topics

Connectivity concerns and use of Kamm St by traveling public.

City code (16.12.030 - Blocks—Width) specifies street spacing to be a maximum of five hundred and thirty feet. There are currently no street or pedestrian connects north of Warner Milne Road from Linn Avenue to Molalla Avenue. This distance is approximately 3,550 feet. Kamm Street currently dead-ends to the north side of the development property. Parking needs and location of the existing Kamm Street right-of-way make it prohibitive to construct a straight extension of Kamm Street as a full local street. The applicant is utilizing the provision of 16.12.030 which states, “If the maximum block size is exceeded, pedestrian accessways shall be provided every three hundred thirty feet.” The applicant will be providing a pedestrian path to create connectivity from Kamm Street to Warner Milne Road. The existing condition of Kamm Street (being a narrow long dead-end road) makes it difficult for access by emergency vehicles. A thru connection from Kamm Street will allow emergency vehicles to go through to Warner Milne Road without the difficulty of having to turn around or back out of Kamm Street. Major improvements to Kamm Street to widen the road would not be proportional due to the existing drainage ditch on one side of the road and the size of the development proposed. To ensure proper clearance of the roadway, the developer will be required to provide “no parking” signs along the west side of Kamm Street. The development is required to provide lighting for parking and driveway areas which will result in a lighted vehicular path from Kamm Street to Warner Milne Road. The development is required to provide a lighted pedestrian path.

Stormwater design.

The development has proposed stormwater mitigation measures to control stormwater flows from added impervious areas as required by the city’s Stormwater Design Standards. The stormwater management facilities have been sized using the “BMP Sizing Tool” – A computer program, approved by the City, for use in calculating the required size of stormwater management facilities. This tool is limited

to a set list of pre-defined stormwater management facilities. The stormwater report provided with the land use application is preliminary but showed compliance by utilizing the BMP Sizing Tool. The applicant will be required to provide a finalized report which must have conveyance calculations to show that there is capacity in the existing and proposed stormwater conveyance systems.

Concerns of added traffic to Kamm Street.

John Replinger, PE contract Transportation Engineer for the city found that *“The connection of Warner-Milne Road to Kamm Street through the site will provide connectivity to Warner-Milne Road for the neighborhood along Warner Street and for the apartment residents to Molalla Avenue. Some cut-through traffic might be expected, but this is likely to be limited because the major streets, Warner-Milne Road and Molalla Avenue, experience limited delays, operate well, and have higher posted speeds than the local residential streets.* Mr. Replinger “recommend conditions of approval include implementing frontage improvements. There are no other transportation-related issues associated with this development proposal requiring mitigation.”

In general, neighborhood concerns about the existing street design and lack of sidewalks on Kamm Street to the north of the site are not proportional to the impact of the proposal to allow the city to exact off site improvement. No city TSP projects have been adopted on this stretch of Kamm street and staff is unable to indefinitely any proportional project beyond the applicant’ requirement to pay system development fees for their identified construction to the transportation system.

While not required or proportional to this proposal, the applicant is encouraged to work with Development Services to add additional traffic calming features at the transition of Kamm Street and vehicle easement to address neighborhood speed concerns.

Concerns about soil type being able to support the type of construction proposed.

Building foundation and plan review on a given plot of land is not under the purview of Development Services. The Building Department will review the foundation plans and provides foundation inspections in areas of high-water table.

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

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 16.12 MINIMUM PUBLIC IMPROVEMENTS AND DESIGN STANDARDS FOR DEVELOPMENT	
CHAPTER 17.29 MUC MIXED USE CORRIDOR DISTRICT	
CHAPTER 17.41 TREE PROTECTION, PRESERVATION, REMOVAL AND REPLANTING STANDARDS.....	
CHAPTER 17.49 NATURAL RESOURCES OVERLAY DISTRICT	

CHAPTER 17.50 ADMINISTRATION AND PROCEDURES	
CHAPTER 17.52 OFF-STREET PARKING AND LOADING	
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CHAPTER 17.62 SITE PLAN AND DESIGN REVIEW	
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CHAPTER 12.04 – STREETS, SIDEWALKS AND PUBLIC PLACES

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 City of Oregon City has jurisdiction over Warner Milne Road and Kamm Street.

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. 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. The existing sidewalk of the street abutting the development property is proposed to be replaced to meet frontage improvement requirements per section 16.12.

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. The existing sidewalk of the street abutting the development property is proposed to be replaced to meet frontage improvement requirements per section 16.12.

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 Warner Milne Road due to proposed utility service installations and required frontage improvements. Pavement cuts and pavement restoration associated with work within city streets or rights-of-way shall be 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.**

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. 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 sf of impervious area.

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. The proposed development does not meet the criteria for exemption to the flow control requirements of this chapter.

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. 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 shows general compliance with the current version of the Oregon City Stormwater and Grading Design Standards. However, the applicant did not fully address all requirements from the Public Works Stormwater and Grading Design Standards. 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 development proposed the following:

The Stormwater and Grading Design Standards require certain stormwater management be provided for any new and redeveloped impervious surfaces. Impervious surfaces are hard surfaces including, but not limited to, asphalt, building structures, and concrete. The new and redeveloped impervious surfaces on the development site are proposed to be managed, retained, and treated with LID vegetated planter facilities. The planters act as a storage area. Treatment will occur via biofiltration (the act of stormwater filtering through vegetation and engineered soils). The amount of treatment is determined through the use of the WES BMP Calculator which the submittal has provided. The proposed LID planter facilities will consist of an overflow set 12 inches above the topsoil growing media elevation and allow for 12 inches of ponding depth and filtration through the soil media prior to overflow, both of which meet the Standards. Treated stormwater will be collected in the underdrain system and routed to site conveyance (onsite storm sewer pipes). Following treatment and detention, stormwater will ultimately discharge to the public storm system at the west side of the site.

The applicant's preliminary drainage plan and report contained enough information for their land use application to be deemed complete. The applicant states that "stormwater will ultimately discharge to the public storm system at the west side of the site", but there is no public storm system on the west side of the site. It is likely that the applicant's narrative was written with an error because the plans provided with the application shows a stormwater discharge location which connects to the public storm system on the south end of the site. The stormwater plan proposed a 30" culvert to replace the existing drainage ditch along the east side of the development property. The downstream analysis provided rainfall data intended for use in basin areas Less than 40 acres (10-year, 24-hour storm) but the drainage area is more than 40 acres. The applicant must provide conveyance calculations to determine if a 30" culvert is large enough to support drainage for existing drainage and the basin area (Item K of Section 9.4 of the Public Works Stormwater and Grading Design Standards). The development proposed use of the "BMP Sizing Tool" – A computer program, approved by the City, for use in calculating the required size of LID stormwater management facilities. The Oregon City Stormwater Design Standards considers use of the BMP Sizing Tool to control stormwater flows to pre-development levels. The stormwater report provided by the developer acknowledged the lack of infiltration by saying, "The proposed stormwater planters will be impermeable lined due to lack of soil infiltration, proximity to groundwater, and their location adjacent to building foundations.", but the applicant used infiltration for BMP sizing tool. The developer shall provide engineered drainage plan(s), drainage report(s), and design flow calculation report(s) stamped and signed by a licensed engineer which accurately addresses all items from Section 9.3 & 9.4 of the Public Works Stormwater and Grading Design Standards prior to receiving a permit and beginning construction. The development shall utilize only non-infiltration type facilities. **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: See section 16.12.014. The developer is 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 applicant has not proposed any public stormwater facilities. All stormwater facilities are private.

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 applicant has not proposed any public stormwater facilities. All stormwater facilities are private.

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 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: Not applicable. The development proposes less than 1.0 acre in disturbed area.

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: Complies as proposed. A wetland delineation was performed by Ivy Watson at Harper Houf Peterson Righellis Inc. in May 2021. The report found that only a very small section of the ditch on the south end of the site where the drainage enters the culvert could be classified as a wetland. The report was subsequently submitted to the Oregon Department of State Lands and the US Army Corp of Engineers for review and concurrence. Both agencies agreed with the determination and confirmed that the existing ditch is not waters of the state or of the US. Therefore, no permit or additional steps are required. **See findings from 17.49 for potential additional requirements of Oregon State Division of State Lands (DSL) and/or United States Army Corps of Engineers (USACE) permits.**

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: Complies as proposed. A wetland delineation was performed by Ivy Watson at Harper Houf Peterson Righellis Inc. in May 2021. The report found that only a very small section of the ditch on the south end of the site where the drainage enters the culvert could be classified as an intermittent stream. The report was subsequently submitted to the Oregon Department of State Lands and the US Army Corp of Engineers for review and concurrence. Both agencies agreed with the determination and confirmed that the existing ditch is not Waters of the State or under federal jurisdiction. Therefore, no permit or additional steps are required. See findings from 17.49 for potential additional requirements of Oregon State Division of State Lands (DSL) and/or United States Army Corps of Engineers (USACE) permits.

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. 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.

The purpose of this chapter is to identify the standards for development in and adjacent to spaces which benefit the public including right-of-way, access to the right-of-way, public off-street pedestrian and bicycle accessways, and easements. All development shall be in conformance with the policies and design standards established by this chapter and with applicable standards in the City's public facility master plans and City design standards and specifications. In reviewing applications for development, the City Engineer shall take into consideration any approved development and the remaining development potential of adjacent properties. All street, water, sanitary sewer, storm drainage and utility plans associated with any development shall be reviewed and approved by the City Engineer prior to construction. All streets, driveways or storm drainage connections to another jurisdiction's facility or right-of-way shall be reviewed by the appropriate jurisdiction as a condition of the preliminary plat and when required by law or intergovernmental agreement shall be approved by the appropriate jurisdiction.

Finding: Complies with Condition. 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 that are required in conjunction with a land use decision.*
- B. *Compliance with this chapter is also required for new construction or additions which exceed fifty percent of the existing square footage of all 3-4 plexes, single and two-family dwellings living space. Garages, carports, sheds, and porches may not be included in the calculation if these spaces are not living spaces. Accessory dwelling units are not subject to compliance with this chapter. All applicable 3-4 plexes, single and two -family dwellings shall provide any necessary dedications, easements or agreements as identified in the transportation system plan and this chapter, subject to constitutional limitations. In addition, the street frontage shall be improved to include the following priorities for improvements:*

- 1. *Improve street pavement, construct curbs, gutters, sidewalks and planter strips; and*
- 2. *Plant street trees.*

The cost of compliance with the standards identified in 16.12.011.B.1 and 16.12.011.B.2 is calculated based on the square footage valuation from the State of Oregon Building Codes Division and limited to ten percent of the total construction costs. The value of the alterations and improvements is based on the total construction costs for a complete project rather than costs of various project component parts subject to individual building permits. The entire proposed construction project cost includes engineering and consulting fees and construction costs. It does not include permit fees, recording fees, or any work associated with drafting or recording dedications or easements.

- C. *Exemptions. The following are exempt from review by this chapter unless public improvements, driveways, PUEs, or other items regulated by this chapter are proposed.*
 - 1. *Minor Site Plan and Design Review applications*
 - 2. *Work within the right-of-way*
 - 3. *Lot Line Adjustments and Abandonments*
 - 4. *Public capital improvement projects*

Finding: Applicable. The application is a site plan and design review; 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.

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. Compliance with the following criteria is required:

1. The modification meets the intent of the standard;
2. The modification provides safe and efficient movement of pedestrians, motor vehicles, bicyclists and freight;
3. The modification is consistent with an adopted transportation or utility plan; and
4. The modification is complementary with a surrounding street design; or, in the alternative;
5. If a modification is requested for constitutional reasons, the applicant shall demonstrate the constitutional provision or provisions to be avoided by the modification and propose a modification that complies with the state or federal constitution. The City shall be under no obligation to grant a modification in excess of that which is necessary to meet its constitutional obligations.

Finding: Complies as conditioned. A modification to the planter strip requirement on the sides of the accessway (16.12.032.B & 16.12.032.F) has been deemed necessary due to site space constraints.

The pedestrian accessway proposed through the development shall have a seven-foot-wide paved surface contained within a public access easement and have a minimum average four-foot planter strip on one side. The planter strip along the side of the pedestrian accessway shall be landscaped along adjacent property by installation of the following:

- a. Either an evergreen hedge screen of thirty to forty-two inches high or shrubs spaced no more than four feet apart on average; and
- b. 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
- c. Two-inch minimum caliper trees shall be provided for every thirty-five-feet along the accessway. Such trees may be located within a 3'X5' tree wells within the paved portion of the accessway.
- d. 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.

The modification meets the following criteria:

1. The modification meets the intent of the standards as it provides a vegetated buffer for the pedestrian path by providing trees one side and other vegetation on the opposite side.
2. The modification provides safe and efficient movement of pedestrian (the purpose of the path is for pedestrian movement from Kamm St). The design of the path as conditioned will satisfy ADA PROWAG which states, "Where the clear width of pedestrian access routes is less than 1.5 m (5.0 ft), passing spaces shall be provided at intervals of 61 m (200.0 ft) maximum. Passing spaces shall be 1.5 m (5.0 ft) minimum by 1.5 m (5.0 ft) minimum. Passing spaces are permitted to overlap pedestrian access routes."
3. There are no adopted transportation or utility plan that the modification must satisfy.
4. There is complementary surrounding street design which has sidewalk with tree wells.
5. The modification is not requested for constitutional reasons.

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

B. The following modifications shall be processed as a Type I modification by the City Engineer using the criteria in 16.12.13.A.

1. Modifications to driveway location, size, and sharing standards in 16.12.035
2. Modifications to sidewalk and planter strips widths and location in 16.12.016 that preserve existing street trees or trees on private property to ensure compliance with ADA standards.

Finding: Not applicable. Modifications to driveways or sidewalk and planter strip widths for 16.12.016 are not requested.

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. The development fronts Warner Milne Road which is a fully improved street. Warner Milne Road has width, and grades that provides for the continuation or appropriate projection of existing principal streets in the surrounding area and gives access for future development of adjoining land. However, the sidewalk along the frontage of the development is not fully Americans With Disabilities Act compliant and its dimensions do not meet current city code standards. The continuation of existing Kamm Street will be provided as directed by 16.12.015.A. with a vehicular access easement through the property as allowed by 16.12.016.G. The development proposes a continuation of TSP project FF26 by providing a pedestrian path from existing Kamm Street to Warner Milne Street. **See findings from 16.12.016 for require street 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.
	Industrial	120 ft.	88 ft.	0.5 ft.	5 ft.	10.5 ft.	6 ft.	N/A	(5) 14 ft. Lanes	6 ft.
	Residential	126 ft.	94 ft.	0.5 ft.	5 ft.	10.5 ft.	6 ft.	8 ft.	(5) 12 ft. Lanes	6 ft.

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

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

<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>Local</i>	<i>Mixed Use, Commercial or Public/Quasi Public</i>	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
	<i>Industrial</i>	60 ft.	38 ft.	0.5 ft.	5 ft.	5.5 ft.	(2) 19 ft. Shared Space			N/A
	<i>Residential</i>	54 ft.	32 ft.	0.5 ft.	5 ft.	5.5 ft.	(2) 16 ft. Shared Space			N/A

1. Pavement width includes, bike lane, street parking, travel lanes and median.
2. Public access, sidewalks, landscape strips, bike lanes and on-street parking are required on both sides of the street in all designations. The right-of-way width and pavement widths identified above include the total street section.
3. A 0.5 foot curb is included in landscape strip or sidewalk width.
4. Travel lanes may be through lanes or turn lanes.
5. The 0.5 foot public access provides access to adjacent public improvements.
6. Alleys shall have a minimum right-of-way width of twenty feet and a minimum pavement width of sixteen feet. If alleys are provided, garage access shall be provided from the alley.
7. A raised concrete median or landscape median shall be utilized for roads identified to have access restrictions.
8. A public utility easement (PUE) shall be provided on both sides of the right-of-way or public access easement on private property as identified in 16.12.85.

A. Sidewalks. The applicant shall provide for sidewalks on both sides of all public streets, on any private street if so required by the decision-maker, and in any special pedestrian way within the development. Both sidewalks and curbs are to be constructed to City standards and at widths set forth above, and according to plans and specifications provided by the City Engineer. Exceptions to this requirement may be allowed in order to accommodate topography, trees or some similar site constraint. In the case of major or minor arterials, the decision-maker may approve a development without sidewalks where sidewalks are found to be dangerous or otherwise impractical to construct or are not reasonably related to the applicant's development. The decision-maker may require the applicant to provide sidewalks concurrent with the issuance of the initial building permit within the area that is the subject of the development application. Applicants for partitions may be allowed to meet this requirement by providing the City with a financial guarantee per OCMC 16.12.110.

Finding: Complies with Condition. The applicant responded by saying the following:

The project site has frontage on Warner Milne Road, a designated minor arterial in Oregon City's TSP, and has existing five-foot sidewalk that will be preserved with this project. North of the project site there are no existing sidewalks, and south of the site there are five-foot-wide sidewalks – therefore, constructing a 10.5 foot sidewalk with tree wells would impede sidewalk and pedestrian access continuity along Warner Milne Road. Additionally, a 10.5-foot-wide sidewalk would impede the protected wetland and buffer in the southeast corner of the project site. Instead, the applicant is proposing to preserve and repair the existing sidewalk and plant trees and shrubs behind the sidewalk.

Staff does not concur with the applicant's response. Warner Milne Road is functionally classified as a "Minor Arterial" road and the development property is zoned "Mixed-Use" and there is 50 feet of ROW

along the development's half of the street frontage. The section of Warner Milne Road east of Beaver Creek Road does not have on-street parking; therefore, on-street parking is not required for this frontage and the existing ROW width satisfies requirements of Table 16.12.016. The east end of Warner Milne Road was improved in 2009 (CI 08-012) to have 7-foot-wide sidewalks. There is ample space within the right-of-way and in areas outside of the delineated wetland to construct sidewalk as prescribed by 16.12.016. The development shall provide the following improvements along the frontage of Warner Milne Road:

Behind the existing curb:

- 0.5-foot-wide curb & 10-foot-wide sidewalk with 5 ft x 5 ft tree wells
- Sidewalk may be narrowed to 7-foot-wide where it is adjacent an NROD or to preserve existing tree(s).

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

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: See findings in 16.12.032 for extension of pedestrian and bicycle routes.

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: Not applicable. No street signs or traffic control devices are required with this development.

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 applicant shall submit a photometric plan to confirm existing street lighting levels along the property frontage is adequate as determined by the City and Portland General Electric (PGE) or provide streetlights along Warner Milne Road in conformance with all City standards, specifications, codes, and policies and as approved by Portland General Electric (PGE). **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 new street with a pavement width of less than thirty-two feet has not been proposed.

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 with Condition. See section 16.12.016 regarding requirements for vegetated planter strips located between the sidewalk and curb for the placement of street trees. **See section 12.08 regarding placement of street trees. Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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: Complies as conditioned. The decision maker has approved a vehicle access easement in lieu of streets. A vehicle and pedestrian access easement is approved by the decision maker so the development can meet block length requirements per code 16.12.030. The development has proposed a vehicular and pedestrian path through the development property to connect Kamm Street to Warner Milne Road. See findings from 16.12.030.

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

Finding: Complies as conditioned. The development has proposed a vehicular and pedestrian access through the development property to connect existing Kamm Street to Warner Milne Road, but no easements have been proposed. Existing Kamm Street is a narrow long dead-end road without an approved emergency vehicle turnaround. A thru connection from existing Kamm Street will allow emergency vehicles to go through to Warner Milne Road without the difficulty of having to utilize reverse maneuvers to exit existing Kamm Street or the driveway at the south end of the development site. The applicant shall provide a 24-foot-wide vehicular access easement which allows for public access through the property from Warner Milne Road to Kamm Street. The vehicular access easement shall specifically require the property owner and future property owners to provide for ownership, liability and maintenance. The agreement shall be reviewed and accepted by the City prior to occupancy. **See findings in section 16.12.032 for requirements of a pedestrian easement. Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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. Access to Warner Milne Road by adjoining properties will be regulated by code section 16.12.035. Access through the development property is required for connectivity from Kamm Street to Warner Milne Road.

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. Access to Warner Milne Road by adjoining properties will be regulated by code section 16.12.035.

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. Access to Warner Milne Road by adjoining properties will be regulated by code section 16.12.035.

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. Access to Warner Milne Road and Kamm Street by adjoining properties will be regulated by code section 16.12.035.

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. There are no new streets proposed with the development. The driveway proposed for this development is twenty-four feet wide.

16.12.019 - Traffic sight obstructions.

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

Finding: Complies as conditioned. Applicant acknowledges streets will be designed per this standard. Although there is no new street proposed with the development there will be a new vehicular connection from Kamm Street to Warner Milne Road in lieu of a new street. The driveway connecting to Warner Milne shall be designed to comply with the Traffic Sight Obstructions in Chapter 10.32. **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: Not applicable. Existing intersections are not impacted by the street design of the development. No new intersection is created by the development.

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.

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: Not Applicable. The development abuts an arterial street, but access control is not required by the decision maker.

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: Complies as proposed. The development plans show a vehicular access through the development property which has traffic calming measures identified as a “chicane” and “choker” by the Institute of transportation Engineers (ITE). A “chicane” is described by the ITE as, “A series alternating curves or lane shifts force a motorist to steer back and forth instead of traveling a straight path.” The width of Kamm Street is also narrower than a typical road and acts as “choker” which the ITE says “Encourages lower speeds by funneling it through the pinch point.”

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. There are no cul-de-sacs or dead-end streets proposed with this project.

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. No cul-de-sacs or dead-end streets are proposed or required for this 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: Complies as proposed. No cul-de-sacs or dead-end streets are proposed or required for this development. Kamm Street is an existing dead end that the project site has proposed for emergency or fire access. Existing Kamm Street is a narrow long dead-end road without an approved emergency vehicle turnaround. A thru connection from existing Kamm Street will allow emergency vehicles to go through to Warner Milne Road without the difficulty of having to utilize reverse maneuvers to exit existing Kamm Street. The design as proposed meets this standard.

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. Alleys are not proposed or required for this development.

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: Complies as proposed. A thru connection from existing Kamm Street to Warner Mline Road is needed to ensure emergency vehicle access through the site without reverse maneuvers onto Warner Milne Road. The pavement of existing Kamm Street is not wide enough to accommodate both street parking and emergency vehicle access at the same time. To ensure there is proper clearance on existing Kamm Street the developer shall provide “no parking” signs along the west side of existing Kamm Street.

The applicant provided a Traffic Analysis Letter; in it, it concludes that, “the proposed development is expected to generate eight new weekday AM peak hour trips and 10 new weekday PM peak hour trips above the previously operating use.” The number of new trips generated would not warrant widening of Kamm Street. Furthermore, the Institute of Transportation Engineers has identified roadway narrowing as a traffic calming measure which can “reduce speed and enhance the street environment for non-motorists.” Increased vehicular speeds on Kamm Street was a stated concern during the public comment period. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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. The existing streets adjacent to the development is not a transit street. However, it near a transit corridor. The applicant has provided a pedestrian path through the development in a manner that promotes pedestrian and bicycle circulation.

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 Warner Milne Road due to proposed utility service installations and required frontage improvements. Pavement cuts and pavement restoration associated with work within city streets or rights-of-way shall be 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. There is lack of connectivity from existing Kamm Street to Warner Milne Road. Block Spacing along Warner Milne Road exceeds 530 feet. The layout of the proposed development shows a pedestrian and bicycle accessway which is located to minimize out-of-direction travel from Kamm Street to Warner Milne Road to meet this standard. Kamm Street ROW abuts the property. In lieu of a street, or constrained street, the applicant has proposed pedestrian a vehicular connection though

the site via the drive isle and the proposed share use path. This approach meets the block length standards. **See findings from 16.12.032.**

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: Not applicable. No new street is required or proposed.

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. The layout of the proposed development shows a pedestrian and bicycle accessway which connects existing Kamm Street to Warner Milne Road to minimize out-of-direction travel which meets the standards.

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

Finding: Complies as proposed. The development plan shows an accessway extending from the end of existing Kamm Street and connects to Warner Milne Road which meets the standards.

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: Complies as conditioned. The proposed accessway is not intended, or required, to function as secondary fire access. The proposed accessway is less than seven-feet-wide and does not have four-foot planter strips on either side. Due to site constraints, it is not possible for the applicant to provide four-foot-wide planters trips on both sides of the accessway. Therefore, the city has accepted a modification to the planter strips requirement on the sides of the accessway. **See findings per 16.12.013 for the modification.**

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: Complies as Proposed. The layout of the proposed development shows an accessway with at least one end point visible from any point along the accessway which meets the standards.

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: Complies as conditioned. The development has not shown a lighting plan for the accessway. The pedestrian accessway 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. Ownership and maintenance responsibilities shall remain with the property owner. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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

Finding: Complies with Condition. A detailed design of the accessway has not been provided so ADA compliance could not be verified. The pedestrian accessway shall be Americans with Disabilities Act (ADA) compliant. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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: Complies as conditioned. A planting plan for planter strips on either side of the accessway have not been provided. Due to site constraints, it is not possible for the applicant to provide the prescribed vegetation requirement. Therefore, the city has accepted a modification to the planter strips requirement on the sides of the accessway. **See findings per 16.12.013 for the modification.**

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

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

Finding: Complies as proposed. The proposed pedestrian accessway is separated by landscaping and curbing and would prohibit unauthorized motorized traffic.

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: Complies as Proposed. The layout of the proposed development shows pedestrian and bicycle accessways which is paved with concrete.

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 layout of the proposed development shows an accessway with no impact to parks, greenways, or 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: Complies with Condition. Ownership, liability and maintenance of the accessway has not been specified by the applicant. The developer shall incorporate the pedestrian accessway into a recorded easement that specifically requires the property owner and future property owners to provide for the ownership, liability and maintenance of the accessway. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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 Thoroughway Network, as defined in the Regional Transportation Plan, the following mobility standards apply:

- 1. During the first hour, a maximum v/c ratio of 0.99 shall be maintained. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.*
- 2. During the second hour, a maximum v/c ratio of 0.99 shall be maintained at signalized intersections. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.*

C. For intersections outside the boundaries of the Regional Center and not designated on the Arterial and Thoroughway Network, as defined in the Regional Transportation Plan, the following mobility standards apply:

- 1. For signalized intersections:*
 - a. During the first hour, LOS "D" or better will be required for the intersection as a whole and no approach operating at worse than LOS "E" and a v/c ratio not higher than 1.0 for the sum of the critical movements.*

b. During the second hour, LOS "D" or better will be required for the intersection as a whole and no approach operating at worse than LOS "E" and a v/c ratio not higher than 1.0 for the sum of the critical movements.

2. For unsignalized intersections outside of the boundaries of the Regional Center:

a. For unsignalized intersections, during the peak hour, all movements serving more than twenty vehicles shall be maintained at LOS "E" or better. LOS "F" will be tolerated at movements serving no more than twenty vehicles during the peak hour.

D. For the intersection of OR 213 & Beaver Creek 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: John Replinger, the City's contract transportation engineer, reviewed the applicant's TIA and provided the following findings and conditions of approval in his letter dated February 8 (Exhibit 4) reviewed the Transportation Analysis Letter (TAL) submitted in support of the development of an apartment complex at 279 Warner-Milne Road. The TAL, dated August 21, 2021, was prepared under the direction of Rick Nys, PE of Greenlight Engineering.

There is an existing driveway utilized by the prior office use. According to the TAL, the exiting driveway will be relocated to the east and will be reduced in width from approximately 36 feet to 24 feet. The new driveway will be approximately 80 feet west of the centerline of the nearest existing driveway to the abutting property to the east, which serves an accounting office. There is not a nearby driveway on the abutting property to the west. The proposal also includes a connection to Kamm Street, a public street that currently terminates at the property's north boundary. The connection is designed to enhance neighborhood connectivity.

Mr Replinger found that the TAL meets city requirements and provides an adequate basis on which impacts of the development can be assessed. He also found that off-site improvement were not proportionally triggered in this analysis.

"The TAL does not provide any estimates of the impact of providing a connection though the site between Warner-Milne Road and Kamm Street. A "trail connection" is identified in the TSP and increasing connectivity throughout the city is a key objective in the TSP to reduce reliance on single-occupant automobile use.

The connection of Warner-Milne Road to Kamm Street through the site will provide connectivity to Warner-Milne Road for the neighborhood along Warner Street and for the apartment residents to Molalla Avenue. Some cut-through traffic might be expected, but this is likely to be limited because the major streets, Warner-Milne Road and Molalla Avenue, experience limited delays, operate well, and have higher posted speeds than the local residential streets.

I recommend conditions of approval include implementing frontage improvements. There are no other transportation-related issues associated with this development proposal requiring mitigation. “

16.12.035 - Driveways.

A. All new development, redevelopment, and capital improvement projects shall meet the minimum driveway spacing standards identified in Table 16.12.035.A. Minor Site Plan and Design Review do not follow these standards unless a request is made to modify the driveway.

Table 16.12.035.A Minimum Driveway Spacing Standards		
Street Functional Classification	Minimum Driveway Spacing Standards	Distance
Major Arterial Streets	Minimum distance from a street corner to a driveway and between driveways 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 and between driveways for all uses other than detached single and two-family dwellings	175 ft.
Collector Streets	Minimum distance from a street corner to a driveway and between driveways for all uses other than detached single and two-family dwellings	100 ft.
Local Streets	Minimum distance from a street corner to a driveway and between driveways	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. Warner Milne Road is classified as a minor arterial road. The development frontage on Warner Milne Road is 120 feet wide and the nearest driveway from an adjacent property is 20 feet away. The development is not able to meet driveway spacing requirements of 16.12.035. The development has located the driveway at Warner Milne Road to provide continuity with the driveway connection from existing Kamm Street.

B. All detached single and two family dwellings shall have driveways which meet the minimum distance standards except when the lot size is smaller than the minimum distance required. When minimum distance cannot be met due to lot size or due to the location of an overlay district, the driveway shall be located as far away from the intersection as possible as approved by the City Engineer.

Finding: Not applicable. The development is not a detached single and two-family dwelling.

C. Nonresidential or multi-family residential use driveways that generate high traffic volumes as determined by a traffic analysis shall be treated as intersections and shall adhere to requirements of OCMC 16.12.020.

Finding: Complies as Proposed. The applicant provided a Traffic Analysis Letter; in it, it concludes that, “the proposed development is expected to generate eight new weekday AM peak hour trips and 10 new

weekday PM peak hour trips above the previously operating use.” The projected traffic volumes generated by the development do not warrant treatment of the driveway as an intersection.

D. Only one driveway is allowed per street frontage classified as a local street and in no case shall more than two driveways (one per frontage) be allowed for any single family attached or detached residential property, duplex, 3- 4 plex, or property developed with an ADU or internal conversion with multiple frontages, unless otherwise approved by the City Engineer.

Finding: Complies as Proposed. The proposed development shows one driveway per lot frontage.

E. When a property fronts multiple roads, access shall be provided from and limited to the road with the lowest classification in the Transportation System Plan whenever possible to minimize points of access to arterials and collectors. Access shall not be provided on Arterial or Collector roads unless there is no other alternative. At the discretion of the City Engineer, properties fronting a collector or arterial road may be allowed a second driveway, for the creation of a circulation pattern that eliminates reverse maneuvers for vehicles exiting a property if applied for and granted through procedures in OCMC 16.12.013. All lots proposed with a driveway and lot orientation on a collector or minor arterial shall combine driveways into one joint access per two or more lots unless the City Engineer determines that:

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

Finding: Complies as Proposed. The development fronts existing Kamm Street and Warner Milne Road. Existing Kamm Street is the road with the lower classification in the TSP. However, the existing condition of existing Kamm Street (being a narrow long dead-end road) make it difficult for access by emergency vehicles. The thru connection from existing Kamm Street to Warner Mline Road will eliminate the difficulty of emergency vehicles having to reverse to exit existing Kamm Street.

F. All driveway approaches shall be limited to the dimensions identified in Table 16.12.035.D.

Table 16.12.035.D Driveway Approach Size Standards			
Property Use	Minimum Driveway Approach Width		Maximum Driveway Approach Width
Single-Family	10 feet		24 feet
Duplexes	12 feet		24 feet
3-4 Plexes	12 feet		36 feet
Multi-Family	18 feet		30 feet
Commercial, Industrial, Office, Institutional, Mixed Use, and/or Nonresidential	One-Way 12 feet	Two-Way 20 feet	40 feet

Driveway widths shall match the width of the driveway approach where the driveway meets sidewalk or property line but may be widened onsite (for example between the property line and the entrance to a garage). Groups of more than four parking spaces shall be so located and served by driveways so that their use will not require backing movements or other maneuvering within a street right-of-way other than an alley.

Finding: Complies as proposed. The development has proposed driveways 24-feet-wide and the development is for a multi-family complex.

G. The City Engineer reserves the right to require a reduction in the number and size of driveway approaches as far as practicable for any of the following purposes:

- 1. To provide adequate space for on-street parking;*

2. To facilitate street tree planting requirements;
 3. To assure pedestrian and vehicular safety by limiting vehicular access points; and
 4. To assure that adequate sight distance requirements are met.
- a. Where the decision maker determines any of these situations exist or may occur due to the approval of a proposed development for non-residential uses or attached or multi-family housing, a shared driveway shall be required and limited to twenty-four feet in width adjacent to the sidewalk or property line.

Finding: Not Applicable. No restrictions are required by the City Engineer. The proposed driveway meets requirements of Table 16.12.035.D Driveway Approach Size Standards.

H. For all driveways, the following standards apply.

1. Each new or redeveloped curb cut shall have an approved concrete approach or asphalted street connection where there is no concrete curb and a minimum hard surface for at least ten feet back into the property as measured from the current edge of sidewalk or street pavement to provide for controlling gravel tracking onto the public street. The hard surface may be concrete, asphalt, or other surface approved by the City Engineer.
2. Any driveway approach built within public right-of-way shall be built and permitted per City requirements as approved by the City Engineer.
3. No driveway with a slope of greater than fifteen percent shall be permitted without approval of the City Engineer.

Finding: Complies as proposed. The development has proposed a concrete approach and a minimum hard surface for at least ten feet back into the property for the driveway. The driveway proposed has slopes less than 15% which meets the standard.

I. Exceptions. The City Engineer reserves the right to waive these standards or not allow driveway access, if the driveway(s) would cause a significant traffic safety hazard. Narrower or wider driveway widths may be considered where field conditions preclude use of recommended widths. When larger vehicles and trucks will be the predominant users of a particular driveway, turning templates may be utilized to develop a driveway width that can safely and expeditiously accommodate the prevalent type of ingress and egress traffic.

Finding: Not Applicable. No exemptions are proposed.

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.

1. Specific public utility easements for water, sanitary or storm drainage shall be provided based on approved final engineering plans conforming to the requirements found within the applicable Design Standards.
2. Conveyance of public utility easements for gas, electric, telecommunication, and fiberoptic shall be required where necessary as determined by the City Engineer. The City Engineer will require the easement unless it is found that the utility can be placed in a different location or can be placed in a smaller easement than what is required. The easement shall be located adjacent to all

public right of ways or public access easements within private property. In the event that the provision of a public utility easement would create a conflict with achieving compliance with another part of the code, the location and width may be adjusted by the City Engineer.

a. The easement shall be 10 feet in the R-10, R-8, R-6, R-5, R-3.5, R-2, GI, and CI zones

b. The easement shall be a minimum of 5 feet in the NC, HC, I, C, MUC-1, MUC-2, MUE, MUD, and WFDD zones.

i. The applicant shall obtain a written determination from all utilities that the minimum 5 foot PUE coupled with use of a minimum of a 5 foot area under the public sidewalk or parkway area is sufficient to serve the development. Where the minimum width is deemed inadequate, a modification shall be required.

c. An applicant may seek a modification to the public utility easement dedication requirement using 16.12.013.

Finding: Complies with Condition. The development has proposed new public water and storm mains through the development. The development shall provide 15-foot-wide public utility easements for water and storm mains proposed through the development. The development did not propose a 5-foot-wide PUE adjacent the ROW of Warner Milne Road. The development property is zoned MUC-1. There is more than 10 feet between the sidewalk and the ROW line that a minimum of 5-foot-wide PUE would be adequate. Also, the maximum front yard setback in MUC-1 is 5 feet per zoning code. The development shall provide a public utility easement (PUE) along all the Warner Milne Road right-of-way which is a minimum of 5 feet in width. **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 are not required.

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: Complies as conditioned. See findings from 17.49 for easements required for the protection of natural resource overlay district contained within the development site.

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 an easement to provide vehicular access to lots within the development; therefore, no access easements are 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: Complies as conditioned. A Natural Resource Overlay District is on the property. See findings from 17.49 regarding significant natural features.

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. The City Engineer has required that all improvements be primarily inspected by the applicant's project engineer, but city inspection is also required for city approval. An inspection fee is required to be paid by the applicant per requirements from 16.12.014. Also, a Project Engineer's Certificate of Completion is required per requirements from 16.12.014. The applicant's project engineer shall inspect construction and the cost shall be borne by the applicant. **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 public utility easement within private property as defined in OCMC 16.12.85.A.2.

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 PUE. **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. The applicant shall comply with permitted hours of construction as set forth by the City Engineer. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

16.12.095 - 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 plan 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. The applicant has submitted a plan showing storm drainage facilities connecting to off-site natural and man-made drainageways.

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. The development's drainage system connects to the appropriate downstream storm drainage system which provides service to the applicant's development. There is an existing 18-inch storm sewer main within Warner Milne Road which provides for the connection of upgradient properties to the existing downstream system. See section 13.12 for requirements to comply with 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.

Finding: Complies as proposed. The applicant has proposed to install a sanitary sewer service to serve the development in accordance with the City's sanitary sewer design standards. There is an existing 8-inch sewer main within Warner Milne Road which allows for the future connection of neighboring undeveloped properties that are suitably zoned for future development.

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 as proposed. The applicant has proposed to install a water service line to serve the development in accordance with the City public works water system design standards. The development has proposed to install a new 6" water main to connect the existing 4-inch ductile iron water main at the end of Kamm Street to the 16-inch main within Warner Milne Road to create a loop in the water system. The existing 16-inch water main within Warner Milne Road will provide for future connection of neighboring undeveloped properties that are suitably zoned for future development.

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. All new utilities shall be placed underground unless the respective franchise agreements allow otherwise or unless it is physically or technically impossible to comply with applicable standards. Existing electrical lines and other wires, including but not limited to telecommunication, street lighting and fiberoptic shall be relocated underground.

1. *Exemptions to relocation of existing overhead utilities to underground for property development as follows (Only one exemption criteria is required to be exempt from this requirement):*
 - a. *No transmission or feeder lines shall be relocated underground unless approved by the City Engineer.*
 - b. *Properties with less than 1.0 acre of ownership and area shall not be required to relocate existing overhead utilities unless required by the franchise utility.*
 - c. *Properties with less than 200 feet of frontage on any individual roadway shall not be required to relocate existing overhead utilities unless required by the franchise utility.*
 - d. *Land divisions Properties which propose with 5 or less fewer subdivided lots shall not be required to relocate existing overhead utilities unless required by the franchise utility.*
2. *The exemptions in G.1. do not apply if properties within the same block were required to relocate the overhead utilities within the past 10 years. In those cases, the existing overhead utilities shall be relocated underground.*

3. *When any franchise utility (electric, gas, telecommunication, fiberoptic, street lighting or similar utility) is installed along an existing or new roadway, the utility shall be installed within the existing or proposed public utility easement unless it is physically or technically impossible.*
4. *These requirements do not apply to work by a franchise utility for improvement, repair, alteration or addition to their existing systems.*

Finding: Complies with Condition. Existing overhead utilities are on the opposite side of Warner Milne Road. All new franchise utilities shall be placed underground unless deemed infeasible by the City and the franchise utility provider(s) 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.**

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: Not Applicable. The creation of a new public street is not proposed or required.

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: Not Applicable. The applicant has not proposed the creation of a public street to be established by deed without full compliance with the regulations applicable to subdivisions or partitions.

C. The design and construction of public streets shall be per the standards found in this chapter and the most recent version of any City Design and Construction Standards.

Finding: Not Applicable. The creation of a new public street is not proposed or required.

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. There is no plat associated with this development so requirements will be applicable to issuance of final occupancy. The development is required to construct certain public improvements as set forth in previous sections of this staff report. Supervision of construction by the city, as required by the City Engineer, may result in creation of punch list prior to final acceptance of construction. Improvements shall be completed and accepted by the City prior to occupancy. The applicant shall complete all items from a city provided punch list 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 as proposed. The previous property owner has executed a Covenant Non-Remonstrance Agreement which is still valid and applicable to subsequent property owners.

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 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 street trees along approximately 160 feet of frontage (40 feet +120 feet) , requiring 5 street trees ($160 \div 35 = 4.5$). The location of the street trees are subject to change with the placement of street lights, utility meters, etc. Prior to issuance of construction plans of the right-of-way improvements, the applicant shall submit a street tree plan which includes 5 street trees planted spacing shall be evenly distributed throughout the total development in accordance with OCMC 12.08 or 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. **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: Complies. Any street tree removal proposed is reviewed in accordance with OCMC 17.41.

CHAPTER 17.29 MUC MIXED USE CORRIDOR DISTRICT

17.29.020 - Permitted uses—MUC-1 and MUC-2.

- A. *Banquet, conference facilities and meeting rooms;*
- B. *Bed and breakfast/boarding houses, hotels, motels, and other lodging facilities;*
- C. *Child care centers and/or nursery schools;*
- D. *Indoor entertainment centers and arcades;*
- E. *Health and fitness clubs;*
- F. *Medical and dental clinics, outpatient; infirmity services;*
- G. *Museums, libraries and cultural facilities;*
- H. *Offices, including finance, insurance, real estate and government;*
- I. *Outdoor markets, such as produce stands, craft markets and farmers markets that are operated on the weekends and after six p.m. during the weekday;*
- J. *Postal services;*
- K. *Parks, playgrounds, playfields and community or neighborhood centers;*
- L. *Repair shops, for radio and television, office equipment, bicycles, electronic equipment, shoes and small appliances and equipment;*
- M. *Multifamily residential, 3-4 plex residential;*
- N. *One or two dwelling units in conjunction with a nonresidential use, provided that the residential use occupies no more than 50% of the total square footage of the development;*
- O. *Restaurants, eating and drinking establishments without a drive-through;*
- P. *Services, including personal, professional, educational and financial services; laundry and dry-cleaning;*
- Q. *Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores, marijuana, and similar, provided the maximum footprint for a stand-alone building with a single store or multiple buildings with the same business does not exceed sixty thousand square feet;*
- R. *Seasonal sales;*
- S. *Residential care facilities, assisted living facilities; nursing homes and group homes for over fifteen patients licensed by the state;*
- T. *Studios and galleries, including dance, art, photography, music and other arts;*
- U. *Utilities: Basic and linear facilities, such as water, sewer, power, telephone, cable, electrical and natural gas lines, not including major facilities such as sewage and water treatment plants, pump stations, water tanks, telephone exchanges and cell towers;*
- V. *Veterinary clinics or pet hospitals, pet day care;*
- W. *Home occupations;*
- X. *Research and development activities;*
- Y. *Temporary real estate offices in model dwellings located on and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed;*
- Z. *Transportation facilities;*
- AA. *Live/work dwellings;*
- BB. *After-hours public parking.*

Finding: Permitted. The applicant proposed to construct multi-family residential units, allowed in OCMC 17.29.020.M.

17.29.050 - Dimensional standards—MUC-1.

B. Maximum building height: Forty feet or three stories, whichever is less.

Finding: Complies as Proposed. Building is 3 stories and 34'-0" tall at highest roof peak.

C. Minimum required setbacks if not abutting a residential zone:

Finding: Complies as Proposed. Building setbacks at non-residential property lines are 5' (west), 2'-10" (south) and 76'-6" (east).

D. Minimum required interior and rear yard setbacks if abutting a residential zone: Twenty feet, plus one foot additional yard setback for every one foot of building height over thirty-five feet.

Finding: Complies as Proposed. The building has no side or rear yards facing residential zones. The north side of the building has a front yard facing the residential zones along Kamm Street and has a setback of 3'.

E. Maximum allowed setbacks.

1. Front yard: Five feet. Front yard setback is 2'-10" at the south and 3'-0" at the north.

Finding: Complies as Proposed. Largest setback proposed:

3. Corner side setback abutting street: Thirty feet.

Finding: Not applicable Not a corner lot

F. Maximum lot coverage of the building and parking lot: Eighty percent.

Finding: Complies as Proposed. Building (30%) + Parking Lot (39%) = 25,540 sq.ft. = 69%.

G. Minimum required landscaping (including landscaping within a parking lot): Twenty percent.

Finding: Complies as Proposed.

Lot size: 36,928 sq.ft

Square Feet of Landscaping: 9,426 sq.ft.

Percentage: Landscaping = 9,426 sq.ft. = 25%.

H. Residential minimum net density of 17.4 units per acre, except that no minimum net density shall apply to residential uses proposed above nonresidential uses in a mixed-use configuration or to live/work dwellings.

Finding: Complies as Proposed.

Density proposed: 30 units @ 0.848 acres = 35.4 units per acre

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: Complies as Condition. The applicant has indicated that a total of five trees within the construction zone will be removed as part of this development. See sections below for mitigation details. Public comments by various neighbors indicate that numerous trees were removed from the site sometime between 2018-2019 as indicated in the figures below at the beginning of the staff report. Tree removal on commercial sites requires a Type I Site Plan and Design Review. It appears the property owner failed to submit for Type I approval for the removed trees, nor did the current applicant include the number and caliper size in the current submittal. Prior to the release of Building Permits, the applicant is responsible for submitting a Type I tree removal application for those trees based on the compliance options in 17.41.050. The trees removed in 2018/2019 are above and beyond any tree proposed to be removed as part of the current application. If the caliper sizes of the trees that were removed cannot be verified, the applicant shall use the 19" to 24" healthy tree located outside of the construction area category as a default category in their calculations unless further refined with additional documentation.



The 2018 Google Maps street view looks to have a cluster of Cedar, and Douglas Fir trees of various sizes.



The 2018 Google Maps street view shows much of the cluster removed from the site.

As part of the current land use submittal, the applicant has indicated that a total of five trees within the construction zone will be removed as part of this development. See sections below for mitigation details. The remainder of the findings for this chapter are for the proposed trees to be removed as part of this submittal. The conditioned future Type I review will be reviewed separately and is above and beyond whatever is conditions/required to be mitigated as part of this application.

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: Complies. No conflict has been identified.

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: Complies. The applicant has not indicated that the site was a *designated farm or forest use, tree farm, Christmas tree plantation, or other approved timber use within one year prior to development application*

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 Condition The total number of mitigation trees required to be planted is 10. Prior to the release of Building Permits, the applicant shall demonstrate that all mitigation trees identified above are in excess of any required landscape plantings required by OCMC 17.62 and OCMC 17.52 or provide an alternate mitigation approach per 17.41 to account for the needed trees.

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 Mitigation is proposed for trees to be removed.

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:

Table 17.41.060-1
Tree Replacement Requirements

	Column 1	Column 2
Size of tree removed (DBH)	Number of trees to be planted. (If removed Outside of construction area)	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 Condition The total number of mitigation trees required to be planted is 10.

Prior to the release of Building Permits, the applicant shall demonstrate that all mitigation trees identified above are in excess of any required landscape plantings required by OCMC 17.62 and OCMC 17.52 or provide an alternate mitigation approach per 17.41 to account for the needed trees.

Applicant's Response:

Requirements in Table 17.41.060-1 <i>Size of tree removed (DBH)</i>	<i>Number of Trees Removed Within the Construction area</i>	<i>Number of Mitigation Trees Required (See Table 17.41.060-1)</i>
6 to 12"	1	1
13 to 18"	3	6
19 to 24"	1	3
25 to 30"	0	0
31 and over"	0	0

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. The applicant intends to plant the required trees onsite for the current proposal.

D. Replacement tree planting standards.

1. All replacement trees shall be either two-inch caliper deciduous or six-foot high conifer.

Finding: Complies All replacement trees will be at least 2 inches in caliper.

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.

Finding: Complies All replacement trees will 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.

Finding: Not applicable. No white oaks are found onsite.

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: Not applicable. No trees are proposed to be in a tract.

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. No alternative mitigation plan is being proposed at this time.

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 Condition. The total number of mitigation trees required to be planted is 10. Prior to the release of Building Permits, the applicant shall demonstrate that all mitigation trees identified above are in excess of any required landscape plantings required by OCMC 17.62 and OCMC 17.52 or provide an alternate mitigation approach per 17.41 to account for the needed trees.

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 shall display the tree protection fencing and notices per 17.41.130 on the grading and erosion control plan. (P)

CHAPTER 17.49 – NATURAL RESOURCES OVERLAY DISTRICT

17.49.035 - Addition of wetlands to map following adoption.

The NROD boundary shall be expanded to include a wetland identified during the course of a development permit review if it is within or partially within the mapped NROD boundary and meets the State of Oregon's definition of a "Locally Significant Wetland". In such cases, the entire wetland and its required vegetated corridor as defined in Table 17.49.110 shall be regulated pursuant to the standards of this chapter. The amended NROD boundary may be relied upon by the Community Development Director for the purposes of subsequent development review.

Finding: Not applicable. No additional wetland were found on the site as part of this review.

17.49.040 - NROD permit and review process.

An NROD permit is required for those uses regulated under OCMC 17.49.090, Uses Allowed under Prescribed Conditions. An NROD permit shall be processed under the Type II development permit procedure, unless an adjustment of standards pursuant to OCMC 17.49.200 is requested or the application is being processed in conjunction with a concurrent application or action requiring a Type III or Type IV development permit.

Finding: Complies. The applicant has submitted for a type II review of this proposal.

17.49.050 - Emergencies.

The provisions of this ordinance do not apply to work necessary to protect, repair, maintain, or replace existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements in response to emergencies. After the emergency has passed, any disturbed native vegetation areas shall be replanted with similar vegetation found in the Oregon City Native Plant List pursuant to the mitigation standards of OCMC 17.49.180. For purposes of this section emergency shall mean any man-made or natural event or circumstance causing or threatening loss of life, injury to person or property, and includes, but is not limited to fire, explosion, flood, severe weather, drought, earthquake, volcanic activity, spills or releases of oil or hazardous material, contamination, utility or transportation disruptions, and disease.

Finding: Not applicable. The applicant is not requesting an emergency review.

17.49.060 - Consistency and relationship to other regulations.

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

Finding: No conflict has been indentified as part of this review.

B. Compliance with Federal and State Requirements.

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

Finding: Complies. The applicant submitted verification to the Army Corp of Engineers and the Division of State Lands.

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

Finding: Complies No additional wetland were found on the site as part of this review.

17.49.070 - Prohibited uses.

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

A. Any new gardens, lawns, structures, development, other than those allowed outright (exempted) by the NROD or that is part of a regulated use that is approved under prescribed conditions. Note: Gardens and lawns within the NROD that existed prior to the time the overlay district was applied to a subject property are allowed to continue but cannot expand further into the overlay district.

- B. New lots that would have their buildable areas for new development within the NROD are prohibited.
- C. The dumping of materials of any kind is prohibited except for placement of fill as provided in subsection D. below. The outside storage of materials of any kind is prohibited unless they existed before the overlay district was applied to a subject property. Uncontained areas of hazardous materials as defined by the Oregon Department of Environmental Quality (ORS 466.005) are also prohibited.
- D. Grading, the placement of fill in amounts greater than ten cubic yards, or any other activity that results in the removal of more than ten percent of the existing native vegetation on any lot within the NROD is prohibited, unless part of an approved development activity.

Finding: Complies. None of the above-prohibited activities is proposed within the significant natural resource mapped on the Warner Milne right-of-way or within the buffer

17.49.080 - Uses allowed outright (exempted).

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

- A. Stream, wetland, riparian, and upland restoration or enhancement projects as authorized by the City.
- B. Farming practices as defined in ORS 215.203 and farm uses, excluding buildings and structures, as defined in ORS 215.203.
- C. Utility service using a single utility pole.
- D. Boundary and topographic surveys leaving no cut scars greater than three inches in diameter on live parts of native plants listed in the Oregon City Native Plant List.
- E. Soil tests, borings, test pits, monitor well installations, and other minor excavations necessary for geotechnical, geological or environmental investigation, provided that disturbed areas are restored to pre-existing conditions as approved by the Community Development Director.
- F. Trails meeting all of the following:
 - 1. Construction shall take place between May 1 and October 30 with hand held equipment;
 - 2. Widths shall not exceed forty-eight inches and trail grade shall not exceed twenty percent;
 - 3. Construction shall leave no scars greater than three inches in diameter on live parts of native plants;
 - 4. Located no closer than twenty-five feet to a wetland or the top of banks of a perennial stream, or no closer than ten feet of an intermittent stream;
 - 5. No impervious surfaces; and
 - 6. No native trees greater than one-inch in diameter may be removed or cut, unless replaced with an equal number of native trees of at least two-inch diameter and planted within ten feet of the trail.
- G. Land divisions provided they meet the following standards, and indicate the following on the final plat:
 - 1. Lots shall have their building sites (or buildable areas) entirely located at least five feet from the NROD boundary shown on the City's adopted NROD map. For the purpose of this subparagraph, "building site" means an area of at least 3,500 square feet with minimum dimensions of forty feet wide by forty feet deep;
 - 2. All public and private utilities (including water lines, sewer lines or drain fields, and stormwater disposal facilities) are located outside the NROD;
 - 3. Impervious streets, driveways and parking areas shall be located at least ten feet from the NROD; and
 - 4. The NROD portions of all lots are protected by:
 - a. A conservation easement; or
 - b. A lot or tract created and dedicated solely for unimproved open space or conservation purposes.
- H. Site Plan and Design Review applications where all new construction is located outside of the NROD boundary shown on the City's adopted NROD map, and the NROD area is protected by a conservation easement approved in form by the City.
- I. Routine repair and maintenance of existing structures, roadways, driveways and utilities.
- J. Replacement, additions, alterations and rehabilitation of existing structures, roadways, utilities, etc., where the ground level impervious surface area is not increased.
- K. Measures approved by the City of Oregon City to remove or abate nuisances or hazardous conditions.

~~1-~~ L. *Tree Removal.* The Community Development Director may permit the removal of any tree determined to be a dead, hazardous, or diseased tree as defined in OCMC 17.04. Any tree that is removed in accordance with this Section (L) shall be replaced with a new tree of at least ½-inch caliper or at least six foot overall height. An exception to this requirement may be granted if the applicant demonstrates that a replacement tree has already been planted in anticipation of tree removal, or if the existing site conditions otherwise preclude tree replacement (due to existing dense canopy coverage or other ecological reasons).

~~2-~~ The replacement tree(s) shall be located in the general vicinity of the removed tree(s), somewhere within NROD on the property. The replacement tree(s) shall be identified on the Oregon City Native Plant List or other locally adopted plant list (e.g. Metro or Portland). The property owner shall ensure that the replacement tree(s) survives at least two years beyond the date of its planting.

M. *Planting of native vegetation and the removal of non-native, invasive vegetation* (as identified on the Oregon City Native Plant List or other locally adopted plant list (e.g. Metro or Portland), or as recommended by an environmental professional with experience and academic credentials in one or more natural resource areas such as ecology, arboriculture, horticulture, wildlife biology, botany, hydrology or forestry), and removal of refuse and fill, provided that:

1. All work is done using hand-held equipment;
2. No existing native vegetation is disturbed or removed; and
3. All work occurs outside of wetlands and the top-of-bank of streams.

N. *Activities in which no more than one hundred square feet of ground surface is disturbed outside of the bankfull stage of water bodies and where the disturbed area is restored to the pre-construction conditions, notwithstanding that disturbed areas that are predominantly covered with invasive species shall be required to remove the invasive species from the disturbance area and plant trees and native plants pursuant to this Chapter.*

O. *New fences meeting all of the following:*

1. No taller than three and a half feet and of split rail or similar open design.;
2. Two feet width on both sides of fence shall be planted or seeded with native grasses, shrubs, herbs, or trees to cover any bare ground;
3. Six inches of clearance from ground level;
4. Fence posts shall be placed outside the top-of-bank of streams and outside of delineated wetlands.

P. *Gardens, fences and lawns within the NROD that existed prior to the time the overlay district was applied to a subject property are allowed to be maintained but cannot expand further into the overlay district.*

Finding: Complies With the approved NROD Verification, all proposed development on the project site will be happening outside of the NROD boundary and vegetated buffer. See the Type II Verification findings later in this document for additional background.

17.49.090 - Uses allowed under prescribed conditions.

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

- A. *Alteration to existing structures within the NROD when not exempted by OCMC 17.49.080, subject to OCMC 17.49.130.*
- B. *A residence on a highly constrained vacant lot of record that has less than three thousand square feet of buildable area, with minimum dimensions of fifty feet by fifty feet, remaining outside the NROD portion of the property, subject to the maximum disturbance allowance prescribed in OCMC 17.49.120.A.*
- C. *A land division that would create a new lot for an existing residence currently within the NROD, subject to OCMC 17.49.160.*

- D. Land divisions when not exempted by OCMC 17.49.080, subject to the applicable standards of OCMC 17.49.160.
- E. Trails/pedestrian paths when not exempted by OCMC 17.49.080, subject to OCMC 17.49.170 (for trails) or OCMC 17.49.150 (for paved pedestrian paths).
- F. New roadways, bridges/creek crossings, utilities or alterations to such facilities when not exempted by OCMC 17.49.080.
- G. Roads, bridges/creek crossings Subject to OCMC 17.49.150.
- H. Utility lines subject to OCMC 17.49.140.
- I. Stormwater detention or pre-treatment facilities subject to OCMC 17.49.155.
- J. Institutional, industrial or commercial development on a vacant lot of record situated in an area designated for such use that has more than seventy-five percent of its area covered by the NROD, subject to OCMC 17.49.120.B.
- K. City, county and state capital improvement projects, including sanitary sewer, water and storm water facilities, water stations, and parks and recreation projects.
- L. Non-hazardous tree removal that is not exempted pursuant to OCMC 17.49.080.K.
- M. Fences that do not meet the standards for exemption pursuant to OCMC 17.49.080.O.4.

Finding: Complies With the approved NROD Verification, all proposed development on the project site will be happening outside of the NROD boundary and vegetated buffer. See the Type II Verification findings later in this document for additional background.

17.49.100 - General development standards.

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

- A. *Native trees shall be preserved unless they are located within ten feet of any proposed structures or within five feet of new driveways, or if deemed not wind-safe by a certified arborist. Trees listed on the Oregon City Nuisance Plant List or Prohibited Plant List are exempt from this standard and may be removed. A protective covenant shall be required for any native trees that remain;*
- B. *The Community Development Director may allow the landscaping requirements of the base zone, other than landscaping required for parking lots, to be met by preserving, restoring and permanently protecting habitat on development sites in the Natural Resource Overlay District.*
- C. *All vegetation planted in the NROD shall be native and listed on the Oregon City Native Plant List or other locally adopted plant list (e.g. Metro or Portland), or as recommended by an environmental professional with experience and academic credentials in one or more natural resource areas such as ecology, arboriculture, horticulture, wildlife biology, botany, hydrology or forestry);*
- D. *Grading is subject to installation of erosion control measures required by the City;*
- E. *The minimum front, street, or garage setbacks of the base zone may be reduced to any distance between the base zone minimum and zero in order to minimize the disturbance area within the NROD portion of the lot;*
- F. *Any maximum required setback in any zone, such as for multi-family, commercial or institutional development, may be increased to any distance between the maximum and the distance necessary to minimize the disturbance area within the NROD portion of the lot;*
- G. *Fences in compliance with OCMC 17.49.080.N;*
- H. *Exterior lighting shall be placed or shielded so that they do not shine directly into resource areas;*
- I. *If development will occur within the one hundred-year floodplain, the standards of OCMC 17.42 shall be met; and*
- J. *Mitigation of impacts to the regulated buffer is required, subject to OCMC 17.49.180 or 17.49.190.*

Finding: Complies. The applicant is not proposing prescribed conditions. With the approved NROD Verification, all proposed development on the project site will be happening outside of the NROD boundary and vegetated buffer. See the Type II Verification findings later in this document for additional background.

17.49.110 - Width of vegetated corridor.

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

Table 17.49.110

<i>Protected Water Feature Type (see definitions)</i>	<i>Slope Adjacent to Protected Water Feature</i>	<i>Starting Point for Measurements from Water Feature</i>	<i>Width of Vegetated Corridor (see Note 1)</i>
<i>Anadromous fish-bearing streams</i>	<i>Any slope</i>	• <i>Edge of bankfull flow</i>	<i>200 feet</i>
<i>Intermittent streams with slopes less than 25 percent and which drain less than 100 acres</i>	<i>< 25 percent</i>	• <i>Edge of bankfull flow</i>	<i>15 feet</i>
<i>All other protected water features</i>	<i>< 25 percent</i>	• <i>Edge of bankfull flow</i> • <i>Delineated edge of Title 3 wetland</i>	<i>50 feet</i>
	<i>≥25 percent for 150 feet or more (see Note 2)</i>		<i>200 feet</i>
	<i>≥25 percent for less than 150 feet (see Note 2)</i>		<i>Distance from starting point of measurement to top of ravine (break in ≥25 percent slope) (See Note 3) plus 50 feet.</i>

Notes:

- 1. Required width (measured horizontally) of vegetated corridor unless reduced pursuant to the provisions of OCMC 17.49.120.*
- 2. Vegetated corridors in excess of fifty feet apply on steep slopes only in the uphill direction from the protected water feature.*
- 3. Where the protected water feature is confined by a ravine or gully, the top of the ravine is the break in the ≥25 percent slope.*

Finding: Complies with Condition. The project complies with this standard. The designated vegetated corridor width is 15 feet based on stream type, drainage basin area, slopes, and fish-bearing. No disturbance may be performed within the delineated 15-foot buffer without additional Type I or Type II review beyond the native grass submitted with the approved landscaping plan.

17.49.120 - Maximum disturbance allowance for highly constrained lots of record.

In addition to the General Development Standards of OCMC 17.49.100, the following standards apply to a vacant lot of record that is highly constrained by the NROD, per OCMC 17.49.090.B and 17.49.090.F:

A. *Standard for Residential Development. In the NROD where the underlying zone district is zoned Residential (R-10, R-8, R-6, R-5, R-3.5): the maximum disturbance area allowed for new residential development within the NROD area of the lot is three thousand square feet.*

Finding: Not Applicable. This is not a highly constrained lot of record

17.49.130 - Existing development standards.

In addition to the General Development Standards of OCMC 17.49.100, the following standards apply to alterations and additions to existing development within the NROD, except for trails, rights of way, utility lines, land divisions and mitigation projects. As of June 1, 2010, applicants for alterations and additions to existing development that are not exempt pursuant to OCMC 17.49.080.J. shall submit a Type II or Type III application pursuant to this section.

Mitigation is required, subject to OCMC 17.49.180 or 17.49.190.

Finding: Not Applicable This proposal is for a new development.

17.49.140 - Standards for utility lines.

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

Finding: Not Applicable This proposal is not a utility line

17.49.150 - Standards for vehicular or pedestrian paths and roads.

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

A. *Stream crossings shall be limited to the minimum number and width necessary to ensure safe and convenient pedestrian, bicycle and vehicle connectivity, and shall cross the stream at an angle as close to perpendicular to the stream channel as practicable. Bridges shall be used instead of culverts wherever practicable.*

Finding: Not Applicable This proposal is not a pedestrian path or road.

17.49.155 - Standards for stormwater facilities.

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

Finding: Not Applicable This proposal is not placing the Stormwater facility in the regulated NROD buffer

17.49.160 - Standards for land divisions.

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

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

Finding: Not Applicable This proposal is not a land division

17.49.170 - Standards for trails.

All trails that are not exempt pursuant to OCMC 17.49.80.F shall be processed through a Type II or Type III process pursuant to this chapter; and shall provide mitigation, subject to OCMC 17.49.180 or 17.49.190.

Finding: Not Applicable This proposal is not a trail

17.49.180 - Mitigation standards.

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

A. *Mitigation shall occur at a two-to-one ratio of mitigation area to proposed NROD disturbance area. Mitigation of the removal or encroachment of a wetland or stream shall not be part of this chapter and will be reviewed by the Division of State Lands or the Army Corp of Engineers during a separate review process;*

Finding: Not Applicable The applicant has requested a Type II verification for this site. all proposed development on the project site will be happening outside of the NROD boundary and vegetated buffer

17.49.250 - Verification of NROD boundary.

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

Finding: Complies. Based on the findings in the NROD Delineation Technical Memorandum by Ivy Watson, a Natural Resources Scientist, and reviewed by DSL and USACE, HHPR has determined that no protected water features are present on either tax lot (1400 or 1402) on the project site. One protected water feature, an intermittent stream (seen as Drainage A on the map), was delineated within the Warner Milne Road right-of-way adjoining tax lot 1402. The determined vegetated corridor for Drainage A downstream reach is 15 feet and is located partially within the Warner Milne ROW and tax lot 1402. Therefore, the applicant is requesting a verification of the NROD boundary on the project site to remove all areas that do not include significant features. This boundary and buffer is shown on the attached NROD site plan in the Delineation Memo.

17.49.255 - Type I verification.

A. *Applicants for a determination under this section shall submit a site plan meeting the requirements of OCMC 17.49.220, as applicable.*

B. *An applicant may request a Type I Verification determination by the Community Development Director. Such requests may be approved provided that there is evidence substantiating that all the requirements of this chapter relative to the proposed use are satisfied and demonstrates that the property also satisfies the following criteria, as applicable:*

- 1. No soil, vegetation, hydrologic features have been disturbed;*
- 2. No hydrologic features have been changed;*
- 3. There are no man-made drainage features, water marks, swash lines, drift lines present on trees or shrubs, sediment deposits on plants, or any other evidence of sustained inundation.*
- 4. The property does not contain a wetland as identified by the City's Local Wetland Inventory or Water Quality and Flood Management Areas map.*
- 5. There is no evidence of a perennial or intermittent stream system or other protected water feature. This does not include established irrigation ditches currently under active farm use, canals or manmade storm or surface water runoff structures or artificial water collection devices.*
- 6. Evidence of prior land use approvals that conform to the Natural Resource Overlay District, or which conformed to the Water Quality Resources Area Overlay District that was in effect prior to the current adopted NROD (Ord. 99-1013).*
- 7. There is an existing physical barrier between the site and a protected water feature, including:*
 - a. Streets, driveways, alleys, parking lots or other approved impervious areas wider than fifteen feet and which includes drainage improvements that are connected to the City storm sewer system, as approved by the City.*
 - b. Walls, buildings, drainages, culverts, topographic features or other structures which form a physical barrier between the site and the protected water features, as approved by the City.*

C. *If the City is not able to clearly determine, through the Type I verification process that the applicable criteria subsection B.1.—B.7 above are met, the verification application shall be denied. An applicant may then opt to apply for a verification through the Type II process defined below.*

Finding: Not applicable. This proposal is being reviewed as Type II review as there is some evidence of intermittent stream at the Warner Milne frontage.

17.49.260. - Type II verification.

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

A. *Applicants for a determination under this section shall submit a site plan meeting the requirements of OCMC 17.49.220 as applicable.*

B. *Such requests may be approved provided that there is evidence that demonstrates in an environmental report prepared by one or more qualified professionals with experience and credentials in natural resource areas, including wildlife biology, ecology, hydrology and forestry, that a resource function(s) and/or land feature(s) does not exist on a site-specific area.*

C. *Verification to remove a recently developed area from the NROD shall show that all of the following have been met:*

1. *All approved development in the NROD has been completed;*
2. *All mitigation required for the approved development, located within the NROD, has been successful; and*
3. *The previously identified resources and functional values on the developed site no longer exist or have been subject to a significant detrimental impact.*

Finding: Complies. The study area is located within the City of Oregon City Local Wetland Inventory (LWI) (Shapiro Inc. 1999). The City of Oregon City Local Wetland Inventory shows a stream feature along the eastern edge of the study area that corresponds to Drainage A. The Local Wetland Inventory does not specify the flow regime of the stream feature as to whether it is a stream or an intermittent stream. The LWI does not show any wetlands or waters within the study area. The submitted wetland report further refines the Local Wetland Inventory through the Type II Verification process.

Based on the findings in the NROD Delineation Technical Memorandum by Ivy Watson, a Natural Resources Scientist, and reviewed by the Division of State Lands (DSL) and the United State Army Corp of Engineers (USACE), she determined that there are two distinct features onsite; an artificial watercourse (Drainage A upstream) and an intermittent stream (Drainage A downstream)

The applicant is requesting a verification of the NROD boundary on the project site to remove all areas that do not include protected features. This boundary and buffer are shown on the attached NROD site plan in the Delineation Memo and adopted by the USACE and DSL.

The report found that the small section near the Warner Milne frontage (Drainage A intermittent) presented some channelization over time and evidence of macroinvertebrates in the section, which may have traveled upstream south Warner Milne and were stranded in this location. While the applicant believes this section is also an artificial watercourse, they have chosen to accept the buffer for this section with the presence of additional channelization and macroinvertebrates in the small stretch.

Staff finds that there is adequate evidence in the record to demonstrate that the (Drainage A upstream) resource is not an intermittent stream and rather is an artificial watercourses that was not used to convey streams naturally occurring prior to the construction of such watercourses. The Drainage A downstream portion of the site was not contested and will remain a protected intermittent stream.

17.04.970 - Protected water features.

"Protected water features" shall include:

1. [Title 3](#) wetlands;
2. Rivers and perennial and intermittent streams;
3. Springs which feed stream and wetlands and have year-round flow; and
4. Natural lakes.

The applicant, USACE, and DSL refer to portions of the water feature on site as an ephemeral stream which is not regulated by OCMC 17.49. The OCMC does not define "ephemeral stream." The OCMC definition of an intermittent stream is in:

17.04.1205 - Stream.

"Stream" means areas where surface water produces a defined channel or bed, including bedrock channels, gravel beds, sand and silt beds, and defined-channel swales. The channel or bed does not have to contain water year-round. This definition is not meant to include irrigation ditches, canals, storm or surface water runoff structures, or other artificial watercourses unless they are used to convey streams naturally occurring prior to construction of such watercourses. Streams are categorized into two classes: Perennial streams and intermittent streams. Perennial stream means a stream that flows year-round during years of normal precipitation. Intermittent stream means a stream that flows only part of the year, or seasonally, during years of normal precipitation.

The delineation of an ephemeral stream is not relevant to the Oregon City verification process, which determines if the resource meets or does not meet the definition of a stream. In this instance, the burden is on the applicant to show that the resource is an irrigation ditch, canal, storm or surface water runoff structure, or other artificial watercourses not used to convey streams naturally occurring prior to the construction of such watercourse

The Technical Memorandum by Ivy Watson, a Natural Resources Scientist, indicates that the resource is an artificial watercourse, reflects the predominate grass species of the flat upland portion of the site, does not have evidence of macroinvertebrates, and any inundation is related to stormwater events and not naturally occurring flows.

Staff has used the following information found in page 4 of the wetland report to determine that the upstream Drainage A reach does not meet the definition of a stream.

- *Drainage A is an excavated channel along the east edge of the study area.*
- *The channel is grass-lined with vegetation similar to the surrounding field (e.g. colonial bentgrass, tall fescue, bluegrasses [Poa spp.], rough cat's ear, common selfheal [Prunella vulgaris], common dandelion, and English plantain).*
- *Channel morphology appeared to be the result of excavation rather than flow. At the end of Kamm Street, where the channel bends sharply, and at the south end near the transition to the downstream reach, scour marks were observed on the bank. These were used to extend the OHWM into the rest of the channel.*
- *The channel was dry during the field investigation and no saturation or hyporheic flow was detected in an auger hole to a depth of 24 inches (located at SP2).*
- *Where present, scour marks in this reach are interpreted as the result of high flows in response to storm events. Conversations with neighbors confirmed that the channel fills quickly in response to storm events and has been known to flood (i.e., the flow regime is flashy).*
- *No aquatic macroinvertebrates were found in this reach.*

A letter dated August 24, 2021 from the Army Corps of Engineers supports the applicant's findings and indicates *"The Corps has determined there are no waters of the U.S. within the review area. The enclosed drawings (Enclosure 1) identify the review area for this determination. The enclosed Approved Jurisdictional Determination Form (Interim) (Enclosure 2)"* Enclosure 2, an exhibit to the USACE determination letter was not attached to the wetland report, but generally provides a more detailed set of findings for the USACE determinations.

A letter date July 15, 2021 from the Division of State Lands indicates that they only see the downstream portion of the ditch to be an intermittent stream and a Water of the State. *"Based upon the information presented in the report, we concur with the waterway boundaries as mapped in Figure 6 of the report"*

David Evans and Associates (DEA) was contracted by the city to provide a third-party review of the applicant's submittal. In a letter dated April 11, 2022, (Exhibit 8), DEA concurred that no wetlands are on the site. Furthermore, DEA agreed with the applicant regarding the water feature on the site and found that it did not meet the OCMC definitions of a perennial or intermittent stream and should not be viewed as a regulated water feature or NROD resource.

Neighborhood comments relating to stormwater concerns and any high-water table in the area are addressed in the stormwater chapters of this report. They are not directly related to the wetlands report and stream definition/delineation, which is the focus of this Type II verification process. Neighborhood public comments have not provided specific evidence that contradicts the findings found in the applicant's wetlands report and concurrence letter from USACE and DSL or the letter from DEA..

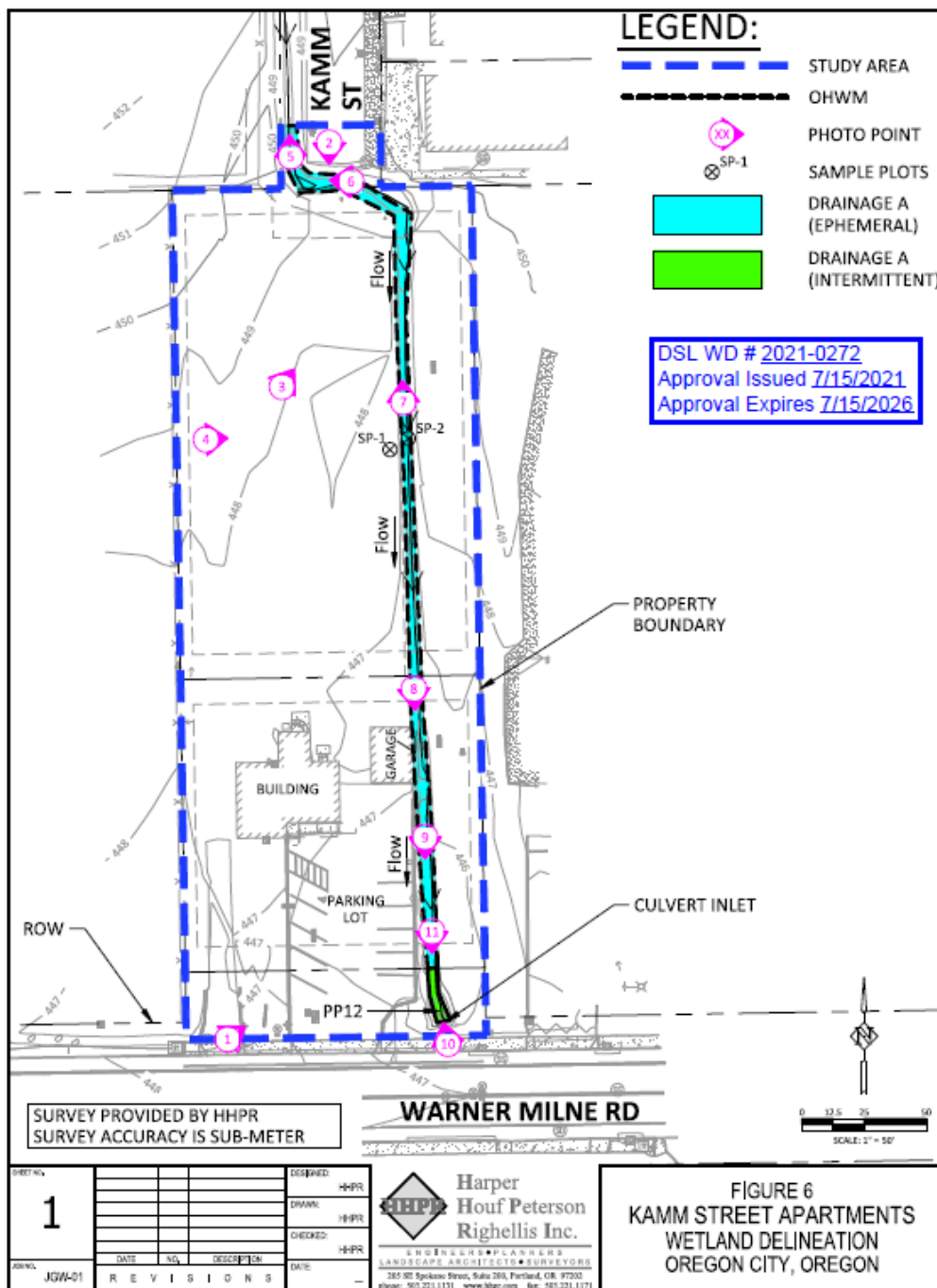


Figure 10- wetland delineation



Photograph 10: View looking north, along Drainage A from the Warner Milne Road culvert. The downstream reach, with bare bed and riprap, can be seen in the foreground. The yellow dashes indicate the reach boundary. Photograph taken April 12, 2021.



Photograph 7: View looking north towards Kamm Street showing the channel of Drainage A. Vegetation and morphology within the channel is typical of the upstream reach: vegetation similar to the surrounding field and a u-shaped cross section. Photograph taken April 12, 2021.



Photograph 6: View looking west showing the Drainage A channel at the end of Kamm Street. Kamm Street is on the right. The field is to the left. Photograph taken April 12, 2021.



Photograph 2: View to the south from Kamm Street, showing the open field and building in the study area. Blue dashes indicate the approximate location of Drainage A. Photograph taken April 12, 2021.

17.49.265 - Corrections to violations.

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

- A. No permanent loss of any type of resource or functional value listed in OCMC 17.49.10, as determined by a qualified environmental professional;*
- B. A significant improvement of at least one functional value listed in OCMC 17.49.10, as determined by a qualified environmental professional; and*
- C. There will be minimal loss of resources and functional values during the remediation action until it is fully established.*

Finding: The identified tree removal area in 2018 is not located within the revised NROD buffer for the downstream intermittent stream and therefore is not subject to this section of the application.

CHAPTER 17.50 – ADMINISTRATION AND PROCEDURES

17.50.050 – Pre-application conference.

A Pre-application Conference. Prior to a Type II – IV or Legislative application, excluding Historic Review, being deemed complete, the applicant shall schedule and attend a pre-application conference with City staff to discuss the proposal, unless waived by the Community Development Director. The purpose of the pre-application conference is to provide an opportunity for staff to provide the applicant with information on the likely impacts, limitations, requirements, approval standards, fees and other information that may affect the proposal.

- 1. To schedule a pre-application conference, the applicant shall contact the Planning Division, submit the required materials, and pay the appropriate conference fee.*
- 2. At a minimum, an applicant should submit a short narrative describing the proposal and a proposed site plan, drawn to a scale acceptable to the City, which identifies the proposed land uses, traffic circulation, and public rights-of-way and all other required plans.*

3. The Planning Division shall provide the applicant(s) with the identity and contact persons for all affected neighborhood associations as well as a written summary of the pre-application conference.

B. A pre-application conference shall be valid for a period of six months from the date it is held. If no application is filed within six months of the conference or meeting, the applicant shall schedule and attend another conference before the City will accept a permit application. The Community Development Director may waive the pre-application requirement if, in the Director's opinion, the development has not changed significantly and the applicable municipal code or standards have not been significantly amended. In no case shall a pre-application conference be valid for more than one year.

Finding: Complies Pre-app conference meeting was held on March 24, 2021. A thirty extension was granted by the city on September 24, 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 The project was presented to the neighborhood association at a meeting on September 14, 2021. Meeting notification, sign-in sheet, and summary are included in the applicant's submittal.

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.

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 Applicant turned in the Application on November 5, 2021. It was deemed complete on January 2, 2022. The 120-day deadline is May 3, 2022, with an additional extension given to May 20, 2022. The Public Notice was posted and mailed to residents for a two week public comment period ending January 19, 2022

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. A 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. The City engineer has not allowed the permittee to provide a fee-in-lieu of actual construction of public improvements. **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

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 includes a new or expansion to an existing parking lot.

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
<i>Multifamily Residential</i>	<i>1.00 per unit</i>	<i>2.5 per unit</i>
<i>3-4 Plex Residential</i>	<i>2.00</i>	<i>4</i>
<i>Hotel, Motel</i>	<i>1.0 per guest room</i>	<i>1.25 per guest room</i>
<i>Correctional Institution</i>	<i>1 per 7 beds</i>	<i>1 per 5 beds</i>
<i>Senior housing, including congregate care, residential care and assisted living facilities; nursing homes and other types of group homes</i>	<i>1 per 7 beds</i>	<i>1 per 5 beds</i>
<i>Hospital</i>	<i>2.00</i>	<i>4.00</i>
<i>Preschool Nursery/Kindergarten</i>	<i>2.00</i>	<i>3.00</i>
<i>Elementary/Middle School</i>	<i>1 per classroom</i>	<i>1 per classroom + 1 per administrative employee + 0.25 per seat in auditorium/assembly room/stadium</i>
<i>High School, College, Commercial School for Adults</i>	<i>0.20 per # staff and students</i>	<i>0.30 per # staff and students</i>
<i>Auditorium, Meeting Room, Stadium, Religious Assembly Building, movie theater,</i>	<i>.25 per seat</i>	<i>0.5 per seat</i>
<i>Retail Store, Shopping Center, Restaurants</i>	<i>4.10</i>	<i>5.00</i>
<i>Office</i>	<i>2.70</i>	<i>3.33</i>
<i>Medical or Dental Clinic</i>	<i>2.70</i>	<i>3.33</i>

<i>Sports Club, Recreation Facilities</i>	<i>Case Specific</i>	<i>5.40</i>
<i>Storage Warehouse, Freight Terminal</i>	<i>0.30</i>	<i>0.40</i>
<i>Manufacturing, Wholesale Establishment</i>	<i>1.60</i>	<i>1.67</i>
<i>Light Industrial, Industrial Park</i>	<i>1.3</i>	<i>1.60</i>

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 as Proposed.

Applicant's Response:

Parking Required:	30 Units @ 1.0 per unit	= 30 spaces Minimum
	<u>30 Units @ 2.5 per unit</u>	<u>= 75 spaces Maximum</u>

Parking Provided:	34 Standard spaces
	<u>2 ADA space w/ access aisle</u>
	36 Total spaces @ 9' x 19' each

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: Complies as Proposed—housing use specified in the table.

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: Complies as Proposed. The proposal does not include fleet vehicles in the calculation.

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 includes a change in use within an existing habitable building located in the MUD Design District, and thus no additional parking requirements apply.

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: Complies as Proposed. The applicant has not proposed to reduce the number of stalls onsite based on decreased peak demands due to the mix of uses onsite.

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: Complies as Proposed. Shared parking is not requested.

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 use any on-street parking in their calculations.

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.

Finding: Complies as Proposed Parking reductions are not requested.

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: Complies as Proposed. Parking reductions are not requested.

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. The Transportation Analysis Letter (TAL) dated August 21, 2021, was prepared under the direction of Rick Nys, PE of Greenlight Engineering.

There is an existing driveway utilized by the prior office use. According to the TAL, the exiting driveway will be relocated to the east and will be reduced in width from approximately 36 feet to 24 feet. The new driveway will be approximately 80 feet west of the centerline of the nearest existing driveway to the abutting property to the east, which serves an accounting office. There is not a nearby driveway on the abutting property to the west. The proposal also includes a connection to Kamm Street, a public street that currently terminates at the property's north boundary. The connection is designed to enhance neighborhood connectivity. The engineer indicates driveways will be constructed to a width of 24 feet to meet city standards.

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.

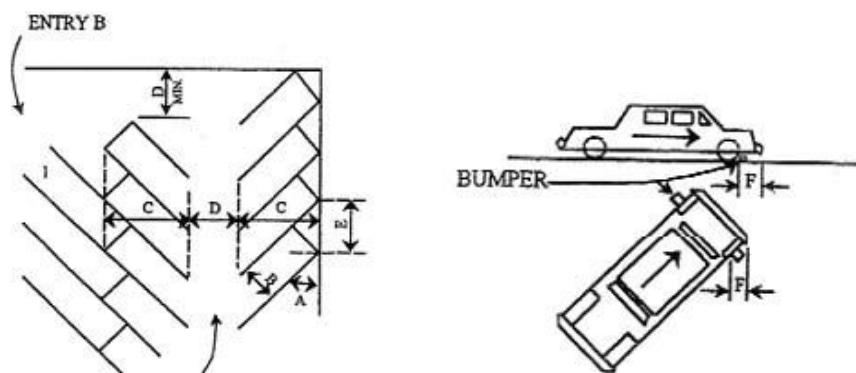
1. Requirements for parking developed at varying angles are according to the table included in this section. A parking space shall not be less than seven feet in height when within a building or structure, and shall have access by an all-weather surface to a street or alley. Parking stalls in compliance 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. A single 24 ft. wide access driveway will be utilized for ingress and egress. The required clearances for backing up and maneuvering is provided within the parking area onsite. The Parking lot design meets all dimensional standards with all standard size spaces and no compact. Refer to Site Plan.

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: Not Applicable.** The applicant did request an alternative parking plan.

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. The proposed project does not have more than 75 parking spaces.

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)
Correctional institution	1 per 15 auto spaces (minimum of 2)	30% (minimum of 1)
Nursing home or care facility	1 per 30 auto spaces (minimum of 2)	30% (minimum of 1)
Hospital	1 per 20 auto spaces (minimum of 2)	30% (minimum of 1)
Park-and-ride lot	1 per 5 auto spaces (minimum of 2)	50% (minimum of 1)
Transit center	1 per 5 auto spaces (minimum of 2)	50% (minimum of 1)

<i>Parks and open space</i>	<i>1 per 10 auto spaces (minimum of 2)</i>	<i>0%</i>
<i>Public parking lots</i>	<i>1 per 10 auto spaces (minimum of 2)</i>	<i>50% (minimum of 1)</i>
<i>Automobile parking structures</i>	<i>1 per 10 auto spaces (minimum of 4)</i>	<i>80% (minimum of 2)</i>
<i>Religious institutions, movie theater, auditorium or meeting room</i>	<i>1 per 10 auto spaces (minimum of 2)</i>	<i>30% (minimum of 1)</i>
<i>Libraries, museums</i>	<i>1 per 5 auto spaces (minimum of 2)</i>	<i>30% (minimum of 1)</i>
<i>Preschool, nursery, kindergarten</i>	<i>2 per classroom (minimum of 2)</i>	<i>50% (minimum of 1)</i>
<i>Elementary</i>	<i>4 per classroom (minimum of 2)</i>	<i>50% (minimum of 1)</i>
<i>Junior high and High school</i>	<i>2 per classroom (minimum of 2)</i>	<i>50% (minimum of 2)</i>
<i>College, business/commercial schools</i>	<i>2 per classroom (minimum of 2)</i>	<i>50% (minimum of 1)</i>
<i>Swimming pools, gymnasiums, ball courts</i>	<i>1 per 10 auto spaces (minimum of 2)</i>	<i>30% (minimum of 1)</i>
<i>Retail stores and shopping centers</i>	<i>1 per 20 auto spaces (minimum of 2)</i>	<i>50% (minimum of 2)</i>
<i>Retail stores handling exclusively bulky merchandise such as automobile, boat or trailer sales or rental</i>	<i>1 per 40 auto spaces (minimum of 2)</i>	<i>0%</i>
<i>Bank, office</i>	<i>1 per 20 auto spaces (minimum of 2)</i>	<i>50% (minimum of 1)</i>
<i>Medical and dental clinic</i>	<i>1 per 20 auto spaces (minimum of 2)</i>	<i>50% (minimum of 1)</i>
<i>Eating and drinking establishment</i>	<i>1 per 20 auto spaces (minimum of 2)</i>	<i>0%</i>
<i>Gasoline service station</i>	<i>1 per 10 auto spaces (minimum of 2)</i>	<i>0%</i>

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

Finding: Complies as Proposed. Required bicycle parking spaces for multi-family = 1 per 10 units @ 30 units = 3 required Covered spaces @ 50% = 1.5 required. The Proposed bicycle parking spaces = 4 uncovered + 5 covered = 9 total

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.*

Finding: Complies as Proposed. The applicant's narrative identified that the proposed bicycle parking rack will be covered and anchored to the concrete to which bicycles may be secured to.

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.*

Finding: Complies as Proposed. The bicycle parking is proposed to be located in front of the building near the entranceway, visible from the street.

3. *All bicycle racks shall be designed so that:*

a. *The bicycle frame is supported horizontally at two or more places.*

Finding: Complies as Proposed. The bicycle parking is a standard ribbon design.

b. *The frame and at least one wheel of the bicycle can be locked to the rack with a standard U-type lock.*

Finding: Complies as Proposed. The bicycle parking is a staple "U" design which allows one wheel to be safely locked.

c. *The user is not required to lift the bicycle onto the bicycle rack.*

Finding: Complies as Proposed. The bicycle parking does not require the bicycle to be lifted.

d. *Each bicycle parking space is accessible without moving another bicycle.*

Finding: Complies as Proposed. The bicycle parking spaces are side by side, allowing access to each bicycle independent of the other bicycles on the rack.

e. *It is a minimum of thirty inches tall and eighteen inches wide between the two points of contact.*

Finding: Complies as Proposed. Each bike rack is approximately 34" tall and 19" wide.

f. *Provides an area of six feet by two feet per bicycle.*

Finding: Complies as Proposed. The bicycle parking

g. *All bicycle racks and lockers shall be securely anchored to the ground or to a structure.*

Finding: Complies as Proposed. The bicycle rack is proposed to be anchored to the ground.

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.*

Finding: Applicable. The applicant proposed parking lot landscaping.

B. *Development Standards.*

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

Finding: Complies as Proposed. The proposed landscaping throughout the parking lot is uniformly distributed.

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

Finding: Complies as Proposed. There is no area that is not required for parking space or maneuvering that is not 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.*

Finding: Complies as Proposed. The landscape plan includes a mix of deciduous and coniferous trees spread throughout the interior and perimeter parking lot 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;*

Finding: Complies as Proposed. The landscape plan identifies that all parking lot trees will be a minimum of two inches in caliper, planted according to American Nurseryman standards, and were approved by an arborist, Jerney Kreel at HHPR

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.*

Finding: Complies with as Proposed. The landscaping plan includes landscaped areas planted with ground cover, and that mulch is 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;*

Finding: Complies as Proposed. The applicant submitted an irrigation plan demonstrating compliance with this criterion.

7. *All landscaping shall be installed according to accepted planting procedures, according to American Nurseryman Standards.*

Finding: Complies as Proposed. The landscaping plan indicates that 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;

Finding: Complies as Proposed. The perimeter parking lot landscaping includes trees spaced a maximum of 35 feet apart throughout the parking lot, and a tree on either side of the parking lot entryway.

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.

Finding: Complies as Proposed. The landscaping plan includes shrubs spaced no more than 4 feet on center on average. The hedge/shrubs are parallel to and not nearer than two feet from the right-of-way line. The required screening allows for free access to the site and sidewalk by pedestrians. Visual breaks, no more than five feet in width, are provided every thirty feet within evergreen hedges abutting public right-of-ways. A perimeter landscape buffer of at least 5' is provided between the parking area and adjacent properties and the right of way. This buffer is completely landscaped with a variety of trees, shrubs, and groundcover.

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.*

Finding: Complies as Proposed. Screening is provided through a combination of new and existing trees, shrubs, ground cover, grass and a stormwater planter filled with a variety of shrubs and ground cover. The parking area is separated from the building with a 7' wide pedestrian pathway with 3' x 5' tree wells at 30' on center. In addition, a small landscape strip of varying width exists between the 7' pathway and the building.

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.*

Finding: Complies as Conditioned. 36 parking spaces = 1,620 sf of interior landscaping required. Proposed interior landscaping = 1,684 sf within four planting islands on the west side of the parking lot and the single, large planting island at the east side of the parking area surrounding the garbage/recycling enclosure. Nine trees are required to be planted within the interior of the lot based on a total of 36 parking spaces. Eight trees are planted within the interior landscape planting islands, with an additional six trees planted immediately adjacent to the parking spaces on the west side of the lot. Approval under the Alternative Landscaping Plan allowance is requested for trees within the parking lot interior. Refer to the alternate Landscaping section of this chapter for the analysis and mitigation condition of approval.

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: Complies Contiguous parking spaces are limited to eight on the west side of the parking area and six on the east side

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 Condition: The applicant indicates that the landscape plan as proposed satisfies all requirements of the Oregon City Municipal Code with the exception of the number of trees within the interior of the parking area.

Eight of the nine trees required by code are provided within interior islands. An additional six trees are planted in tree wells along the west side of the parking area immediately adjacent to the paved parking surface. A cluster of four additional trees are located within approximately 10' of the paving at the northeast corner of the site. All of these trees are close enough to the parking area to shade the lot and are evenly distributed throughout the parking area such that the distance between the mature canopy between trees will be less than 30'. Low impact stormwater planters are utilized throughout the site, with the largest planters located adjacent to the parking area to accept surface drainage from the pavement. The use and location of these planters makes the provision of trees within the "interior" of the parking area slightly more difficult; however, we believe that the incorporation of these stormwater systems in conjunction with the overall site and parking area trees and other plantings provides the best and most functional site design. "

Staff agrees that the applicant has proposed an interior landscaping plan that achieves the intent of the code; however, as part of the alternative landscape analysis, the city aims to look to see if the alternate proposal meets or exceeds the code to be modified. In this case, the interior trees provide benefits that range from stormwater filtration, drive isles to speed calming, pedestrian buffering, and general aesthetics. In order to ensure that the final landscaping plan can achieve these benefits, the applicant shall ensure that two additional 2-inch caliper-sized trees are planted onsite above the minimum requirements for the site. Therefore, prior to obtaining a Certificate of Occupancy, the applicant shall confirm the final tree count onsite includes the required minimum trees and two required mitigation

trees as part of the alternate landscape plan. Trees planted onsite to meet OCMC 17.41 Tree Tree Protection, Preservation, Removal And Replanting Standards are above and beyond these requirements.

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 No pervious hardscaping is proposed

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 as Proposed. The applicant's narrative identified that the landscaped areas will be maintained by the owner in accordance with this section.

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 Though not required, the applicant has indicated that they will build a 6-foot wood fence at the property lines.

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. There are no proposed fences in the ROW to be used on the project site.

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. There are no electric fences or barbed wire material proposed to be used on the project site.

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.J. Parking Lot Landscaping in OCMC 17.52.060.*

h. **Finding: Complies as Proposed.** The Applicant has not request a modification to the Vehicular Connections to Adjoining Properties in OCMC 17.62.050.B.2; however staff has provided additional information to show compliance with this section. The applicant, through the conditions of approval is connecting the site to Kamm and Warner Milne Streets. However, staff has additionally provided findings to support not requiring an East/west connection to Tax Lots

The subject site is comprised of two tax lot that together provides a vertical connection to Warner Milne Road. The east-west connection options are problematic. Portland General Electric (PGE) recently purchased the tax lots to the west, which will allow them to expand their yard area and build a new office building (PA 21-16). Providing a connection to Kamm Street from the intersection of Warner Milne and Beaver Creek (blue star) would be helpful in limiting non signalized turns on Warner Milne. However, the yard expansion precludes the ability to connect Kamm Street to a signalized intersection. Therefore, an East/West connection to the PGE site or to TAX Lot 1500 and its neighbor does not provide an overarching city benefit and could greatly reduce the development size of the parcel.



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.*

Findings: Complies with Condition. The proposal provides both vehicle and pedestrian connections to and from the site in a location that provides a public benefit and reduces the need for out of the way travel which can have an adverse effect on the city's transportation and pedestrian network.

17.62.040 – Items required.

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. All required items were submitted. 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 response from the Confederated Tribes of the Umatilla Reservations (CTUIR) indicating they did not have any specific comments for this location. These letters are attached as exhibits to the staff report. The above code section does not give the city authority to apply any archeological conditions to the approval, it is intended to ensure communication between applicants, identified tribes and the State Historic Preservation Office (SHPO) occurs as early on in the process as possible and reminds applicants about applicable state and federal archeological regulations.

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 a 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 as Proposed. The MUC-1 zone requires 20% landscape coverage. The proposed design includes approximately 9,476 sf of landscape area, for in excess of 25%.

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: Complies with Conditions. : A Wetland Delineation report was completed by HHPR, Inc which clarified the classification and extent of the onsite drainage channel. Based on this report, a buffer area around the drainage channel at the south end of the site was identified and is shown on the site and civil drawings. No work is being performed within this buffer. Further findings can be found in OCMC 17.49 Natural Resources Overlay District section of this report.

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 applicant submitted a landscaping plan prepared by, Jeffery Creel, Landscape architect at HHPR, which identifies a visual variety of plants, shrubs, and trees, including a mix of vertical and horizontal elements. The proposal indicates that no bark mulch shall be allowed except under the canopy of shrubs and within two feet of the base of trees. The applicant, however, failed to provide to indicate that t within three years, the planting will cover one hundred percent of the landscape area. Therefore, prior to the Building Permit release, the applicant shall resubmit the landscape plan with the associated revisions. **The staff has determined that it is possible, likely, and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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

Finding: Complies as Proposed. Landscaping is highly visible from the public thoroughfares (Kamm sTreet/Warner Milne. The visible landscape includes shrubs, ground covering, and both large shade trees and evergreen and deciduous trees.

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 as Proposed. The applicant's transportation engineer indicated that the landscaping proposed would comply with the vision requirements in OCMC 10.32.

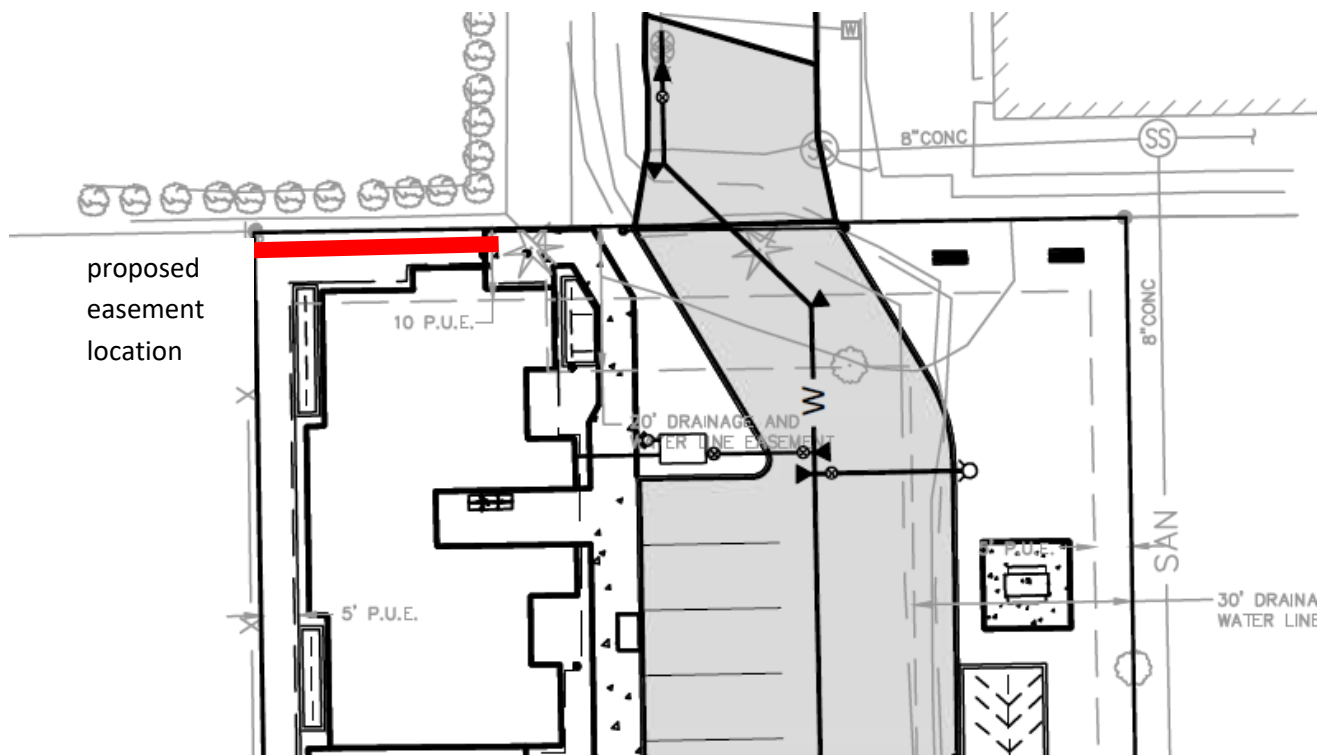
B. Vehicular Access and Connectivity.

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. Parking is proposed behind the building. No new parking areas have been proposed in front of building.

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 the condition. The applicant has provided north/south pedestrian and vehicular connections as conditioned through the site. However, pedestrian access to the newly purchased PGE property to the west will allow pedestrians on Kamm Street. Therefore, the applicant shall ensure that, prior to obtaining a Certificate of Occupancy, a pedestrian cross-over easement is recorded, allowing pedestrian access across the site from Tax Lot 1300 (currently owned by PGE) to Kamm Street. The easement shall be a minimum of 7-feet wide and be located near the north property line of the subject property. The easement shall allow the construction of a connecting an approximately 25-foot long 5-foot wide ADA accessible pedestrian path from the property line of Tax Lot 1300 to the proposed pedestrian path onsite. The cost of this shall be borne by the developer of Tax Lot 1300 if a pedestrian connection to Kamm Street is required as part of a future application on Tax lot 1300.



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

Finding: Applies. Please refer to the analysis in 16.12.

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

Finding: Not Applicable. A parking garage has not been proposed as part of this development.

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. A continuous pathway connects all building entrances to the public sidewalk in Warner Milne Road and extends to Kamm Street for a potential future sidewalk.

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.*

Finding: Complies as Proposed. The proposal includes a direct pedestrian connection from the main building entrance of each proposed building to the bicycle parking, parking lot, and sidewalk. On-site pedestrian paths run continuously on-site between public entry points, all building entrances, and bike and car parking. The paths are five feet wide, paved, and even, and allow for pedestrians easy and safe access around the site. Stormwater facilities allow for drainage and prevent flooding of pedestrian walkways.

3. *The pedestrian circulation system shall connect the principal building entrance to those of buildings on adjacent sites, except within industrial zoning designations.*

Finding: Complies as Proposed. The pedestrian path connects to the public sidewalk on Warner Milne Road, which provides access to entrances of buildings on adjacent properties

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.*

Finding: Not Applicable. No elevated external stairways or walkways are proposed.

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. The pedestrian walkway will be concrete and raised 6" above the vehicular driving surface typically. The walkway is 7' wide with tree wells where it abuts parking spaces and 5' wide where there is no adjacent parking

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: Complies with Condition. Please see OCMC 16.12 for additional findings.

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 formally 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 as Proposed. The applicant acknowledges that all rooftop mechanical equipment will be screened on all four sides from view. Final compliance will occur during Building Permit Review.

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 as Proposed. The applicant acknowledges that all wall-mounted mechanical equipment will be screened on all four sides from view. Final compliance will occur during Building Permit Review.

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 as Proposed. The applicant acknowledges that all ground-mounted mechanical equipment will be screened on all four sides from view. Final compliance will occur during Building Permit Review.

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: Not Applicable. No solar energy panels, photovoltaic equipment, wind power generating equipment, dishes/antennas, pipes, vents, and chimneys are proposed.

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: Not Applicable. The application does not propose any special materials.

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: Applies. The proposed building is multi-family development; therefore, these standards apply.

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.

Finding: Complies. As a multi-family development, structures need to be placed within 20 feet of the front property line. When deducting the 38' width of the wetland buffer to the east property line, the frontage width is only 82'. For this modified frontage width, 50% coverage = 41'. The building frontage, including the entry pergola, is 42'-6". The furthest south building façade sits 2'-10" from the south property line as modified by the 5' dedication.

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: Not Applicable. The applicant has not requested additional setback provisions beyond the 20 feet allowed for multi-family development.

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 The most architecturally significant frontage of each residential building will face the street that each building fronts. Each building includes distinct recessed entrances 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.*

Finding: Complies. Both the south and north end units have primary entrances facing the street. The south and north unit entrances are recessed from the adjacent walls and incorporate covered porches. The south pedestrian entrance to the site and other units is defined by a covered pergola near the public sidewalk.

G. Corner Lots.

For buildings located at the corner of intersections, the primary entrance of the building shall be located at the corner of the building or within twenty-five feet of the corner of the building. Additionally, one of the following treatments shall be required:

1. *Incorporate prominent architectural elements, such as increased building height or massing, cupola, turrets, or pitched roof, at the corner of the building or within twenty-five feet of the corner of the building.*
2. *Chamfer the corner of the building (i.e. cut the corner at a forty-five degree angle and a minimum of ten feet from the corner) and incorporate extended weather protection (arcade or awning), special paving materials, street furnishings, or plantings in the chamfered area.*
3. *Standards 1 and 2 above do not apply to vertically attached 3-4 plexes, multi-family buildings or multi-family portions of residential mixed-use buildings.*

Finding: Not Applicable. The site is not a corner lot.

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 front facades are less than 120 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 All facades incorporate building offsets, roofline changes, material changes, and windows. The west side façade contains the least variation, but still provides building wall offsets at a maximum of 37', roofline variations at a maximum of 34', window separation of 15' maximum and numerous material changes occurring both horizontally and vertically. The south, east and north elevations also include recessed stair alcoves and decks.

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 The south and north street facing facades include the following design elements:

- Material variations of lap siding, board and batt siding and shingle siding, where the highest percentage of coverage of any material is less than 50%.
- At least three different roof gables
- Recessed entries
- Covered porches
- Pent roofs above windows
- Balconies visible from the façade
- Porch posts
- Repeating variations of building materials
- Four building wall plane changes

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: not applicable. The proposal consist of only one building.

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>Use</i>	<i>Ground Floor: Front and street Facing Facades</i>	<i>Upper Floors: Front and Street Facing Facades</i>	<i>Ground Floor: Side Facades</i>	<i>Upper Floors: Side Facades</i>
<i>Multi- Family</i>	15%	15%	10%	10%

Finding: Complies.

South Façade:

Ground floor: 48 sf / 289 sf = 17% (15% required)

Upper floors: 96 sf / 654 sf = 15% (15% required)
East Façade:

Ground floor: 847 sf / 2,362 sf = 36% (10% required)
Upper floors: 1,756 sf / 5,466 sf = 32% (10% required)
North Façade:

Ground floor: 44 sf / 289 sf = 15% (15% required)
Upper floor: 96 sf / 622 sf = 15% (15% required)
West Façade:

Ground floor: 356 sf / 2,362 sf = 15% (10% required)
Upper floors: 712 sf / 5,607 sf = 13% (10% required)

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. No reflective, glazed, mirrored, or tinted glass is proposed with this project.

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: Complies. No false windows are proposed for this project.

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

Finding: Complies. The project meets this standard. All window trim is four inches of fiber cement boards that will be smooth and painted

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. None of the buildings proposed have a continuous roofline of more than 75 feet. The maximum continuous ridgeline on the south and north street-facing facades is 19'.

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: No applicable. The applicant is not proposing a drive-thru.

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.*

a. *Heavy equipment sales;*

b. *Motor vehicle service stations, including convenience stores associated therewith; or*

c. *Solid waste transfer stations.*

Finding: Not Applicable. The proposed project is a multi-family residential development, not a retail, office, or institutional building. Therefore, this section does not apply to this project, and the remaining code language has been omitted.

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.*

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: Complies. The subject property is in a mixed-use zone (MUC-2) and therefore is required to provide a minimum of 50 square feet of open space per dwelling unit. For the 30 dwelling units to be developed, a total of 1,500 sf of open space is required. A contiguous, common outdoor area approximately 1,000 sf in area is provided at the northeast corner of the site. This area includes a picnic table and pad, benches and a grass area. This area, in conjunction with the private useable space (1,692 sf total provided, of which 750 sf may be counted toward common space), provides more than 1,500 sf of total open space.

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 required setbacks are not included in the open space calculation in section (B)(2) above.

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 landscaped areas within the open space have been included in the landscape percentage calculation. All requirements in OCMC 17.62.050 are being met.

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. The primary common space includes an outdoor recreation area, including landscaping, a grass area, a picnic table, and benches, and meets the minimum requirements of this section.

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.

Finding: Complies The project meets this standard. The shared common space interior to the is approximately 1,000 sf in area with a minimum width of 24'.

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. The common open space meets the minimum requirements for this section and includes:

- Perimeter landscape plantings and core grass area
- Large trees
- Two benches
- Paved pad and picnic table

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. The common space is across the driveway from the building and approximately 70' from the garbage/recycling enclosure. The area is bordered on three sides by low shrub plantings and is open to the driveway to provide a visual and physical connection to the apartment 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.

Finding: Complies. The common open space area is easily accessible from all dwelling units via a paved pedestrian walkway. The applicant indicates that access to the open space will be across the driveway at the north end of the parking area. In order for the open space to be accessible, a designated crossing area from the pedestrian sidewalk along the building frontage to the site shall be constructed. Prior to the

release of building permits, the applicant shall work with Planning and Development Services to design a safe and direct pedestrian crossing across the drive isles to the designated common space.

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.*

Finding: Not applicable. Each unit includes a patio/ balcony. The one-bedroom unit patios will be 6'-0" x 7'-10" = 48 sf, and the two-bedroom unit patios will be 6'-6" x 9'-6" = 62 sf. The total area of private open space for the development will be 1,692 sf.

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: Not applicable. Indoor recreation space is not proposed.

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 is not proposing 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: Complies. As a multi-family development, this project is subject to 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. As a multi-family development, an exterior lighting plan is required. Lighting Plans have been prepared and are provided as sheets 1 of 2 and 2 of 2 at the end of the plan set.

3. *Exempted Lighting. The following types of lighting are exempted 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: Complies None of the above exempted lighting types are proposed with this project.

B. 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.*

Finding: Complies Outdoor lighting is proposed interior to the site for the security and convenience of the future residents. Pedestrian scaled light poles are provided along the walking paths and the pedestrian access points to the site. Exterior lighting is provided through the use of exterior pole lighting in the parking area and wall-mounted fixtures along the front side of the building and within the stairwells. All light fixtures are shielded and provide a distribution that ensures light levels cast onto adjacent properties do not exceed 0.5 footcandles. Refer to Exterior Lighting Plan with photometric and light fixture cutsheets.

Lighting shall be provided in parking lots and vehicular circulation areas.

Finding: Complies: Lighting is proposed around the perimeter of the interior parking area, with several vehicular scaled light poles proposed. Lighting will be provided via public streetlights for the parking area along Maple Lane Court.

Lighting shall be provided in pedestrian walkways, pedestrian plazas, and pedestrian circulation areas.

Finding: Complies The project meets this standard. As mentioned previously, lighting is provided to light all interior pedestrian walkways. Please see the attached landscape plan for exact details on light pole placement.

Lighting shall be provided at all building entrances.

Finding: Complies The project meets this standard. All building entrances have a light pole adjacent to the entrance. Please see the attached site plan and landscape plan for exact details on light pole placement.

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.

Finding: Complies Acknowledged by the applicant. All lighting proposed on the site that is not pedestrian scale will be concealed with a full cut-off style fixture to minimize flare and diffusion on adjacent properties.

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.

Finding: Complies As a multi-family residential development, the maximum height of lighting poles is twenty feet. The proposed height of light poles on the project site is 12-feet for pedestrian-oriented poles and 20 feet for vehicular poles.

Floodlights shall not be utilized to light all or any portion of a building facade between 10 p.m. and 6 a.m.

Finding: Complies There are no floodlights proposed with this project.

Lighting on outdoor canopies shall be fully recessed into the canopy and shall not protrude downward beyond the ceiling of the canopy.

Finding: Complies Noted by the applicant. The primary location of a canopy is over the mail facilities. Lighting will be recessed and directed down as required.

All outdoor light not necessary for security purposes shall be reduced, activated by motion sensor detectors, or turned off during non-operating hours.

Finding: Complies Acknowledged by the applicant. Any non-essential lighting will be reduced or turned off during non-operating hours.

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.

Finding: Complies There is no lighting proposed to illuminate flags, statues, or other objects with this project.

For upward-directed architectural, landscape, and decorative lighting, direct light emissions shall not be visible above the building roofline.

Finding: Complies There is no upward-directed lighting proposed with this project.

No flickering or flashing lights shall be permitted, except for temporary decorative seasonal lighting.

Finding: Complies The project complies with this standard. No flickering or flashing lighting is proposed with this project.

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.

Finding: Complies There are no outdoor recreational uses proposed with this project, and the open space on the project site will be lit with a standard pedestrian scale light pole.

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 The project complies with this standard. All buildings that front Maple Lane Road have walkway connections to the public sidewalk that are well lit and visible from the street.

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 a new development, the proposed project is subject to this standard A 12'-6" x 18'-0" sf garbage and recycling enclosure will be provided on site. The enclosure will be constructed of 6' high concrete masonry units with steel-framed, wood-sided access doors for complete visual screening. The enclosure is sized to accommodate a 3 cubic yard garbage bin and a 3 cubic yard recycling bin, both of which will be collected multiple times each week. The enclosure will be located contiguous to the parking area in an area that will allow ease of access by both tenants and collection vehicles.

CONCLUSION AND DECISION:

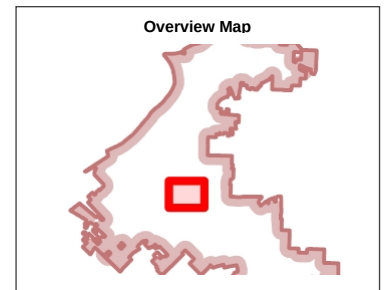
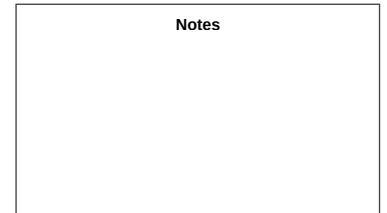
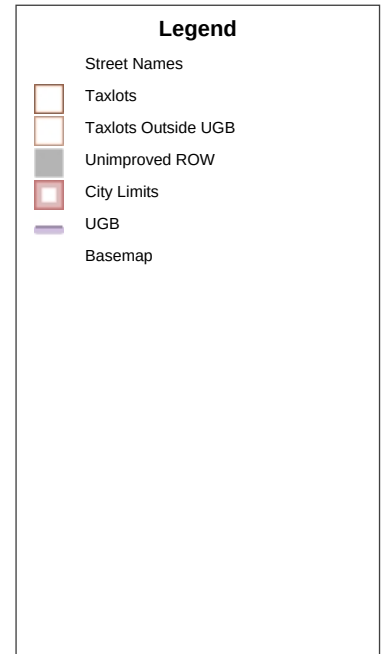
Based on the analysis and findings as described above, Staff concludes that the Site plan and Design Review at 1155 Kamm Street & 279 Warner Milne Road, Oregon City, and identified as 3-2E-05CB-01400 & 3-2E-05CB-01402 can meet the requirements as described in the Oregon City Municipal Code by complying with the Conditions of Approval provided in this report. Therefore, the Community Development Director approves files GLUA 21-00066 SP 21-00117 NROD 21-0018 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 (On File)
4. April 6, 2022 Letter from John Replinger, PE (On File)
5. April 6, 2022 Public Comment Response Letter from John Replinger, PE (On File)
6. PA 21-07 SHPO Letter and CTUIR response (On File)
7. SHPO Response Letter Case for previous PA 19-47 onsite (On File)
8. April 11, 2022 Memo from David Evans and Associates, DEA (On File)

GLUA-21-00066: SP-21-00017, NROD 21-00018 Kamm Street Apartments

Item 8c.



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.

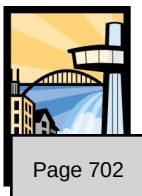


0 400 800 Feet

1: 4,800

Map created 1/3/2022

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





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
- ☐ Extension of Approval

Type II (OCMC 17.50.030.B)

- ☐ 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): PA 21-07

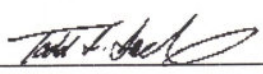
Proposed Land Use or Activity: Construction of new 30 unit apartment complex. Application includes delineation/ review of NROD area and consolidation of properties

Project Name: Kamm St Apartments Number of Lots Proposed (If Applicable): 1

Physical Address of Site: 279 Warner Milne Rd / 1115 Kamm St

Clackamas County Map and Tax Lot Number(s): 3-2E 05CB 01400, 01402

Applicant(s):

Applicant(s) Signature: 

Applicant(s) Name Printed: Todd Iselin/ Iselin Architects PC Date: 10/26/21

Mailing Address: 1307 7th St, Oregon City, OR 97045

Phone: 503-656-1942 Fax: _____ Email: todd@iselinarch.com

Property Owner(s):

Property Owner(s) Signature: 

Property Owner(s) Name Printed: Warner Milne Commercial LLC Date: 10/26/2021

Mailing Address: 401 6th Street, Oregon City, Oregon 97045

Phone: 503-257-8105 Fax: _____ Email: ronald.laughlin.law@gmail.com

Representative(s):

Representative(s) Signature: 

Representative (s) Name Printed: Ronald L. Laughlin, Jr. Date: 10/26/2021

Mailing Address: 401 6th Street, Oregon City, Oregon 97045

Phone: 503-257-8105 Fax: _____ Email: ronald.laughlin.law@gmail.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.

Application for Type II

Site Plan and Design Review

Kamm Street Apartments

1155 Kamm Street
(279 Warner Milne Road)
Oregon City, Oregon 97045

November 1, 2021

Planning Department
City of Oregon City
221 Molalla Avenue Suite 200
Oregon City, OR 97045

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2. Required Code Responses

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 - Chapter 17.29 - Muc Mixed Use Corridor District
 - Chapter 17.41 - Tree Protection, Preservation, Removal And Replanting Standards
 - Chapter 17.47 – Erosion and Sediment Control
 - Chapter 17.49 - Natural Resource Overlay District
 - Chapter 17.50 - Administration And Procedures
 - Chapter 17.52 - Off-Street Parking And Loading
 - Chapter 17.54 - Supplemental Zoning Regulations And Exceptions
 - Chapter 17.62 - Site Plan And Design Review
 - 17.62.050 Site Plan and Design Review Standards
 - 17.62.057 Multi-Family Standards
 - 17.62.065 Outdoor Lighting
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 - Project Description
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 - Chapter 12.08 - Public And Street Trees
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 - Chapter 15.48 - Grading, Filling And Excavating
 - Chapter 16.12 - Minimum public improvements and design standards for development
 - Chapter 17.47 – Erosion and Sediment Control
 - Chapter 17.49 - Natural Resource Overlay District
 - Conclusion

B. Appendix

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6. Neighborhood Meeting Notification, Sign-in Sheet and Summary
7. Traffic Analysis Letter
8. Exterior Lighting Plan with Photometrics and Fixture Cutsheets
9. Preliminary Storm Drain Detention Calculations
10. Wetland and Waters of the U.S. and State Delineation Report
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12. U.S. Army Corps of Engineers Approved Jurisdictional Determination Letter
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- C9.5 STANDARD DETAILS
- C9.6 STANDARD DETAILS
- C9.7 STANDARD DETAILS

- L1.0 PLANTING PLAN
- L1.1 PLANTING DETAILS

Project Information:

Property Owner: Ron L. Laughlin, Jr.
 401 6th Street
 Oregon City, OR 97045
 503-257-8105
ronald.laughlin.law@gmail.com

Architect/Applicant: Iselin Architects, P.C.
 1307 Seventh Street
 Oregon City, OR 97045

Todd Iselin, Project Architect
 503-656-1942 phone / 503-656-0658 fax
todd@iselinarch.com

Civil Engineer: Ken Valentine
 Harper, Houf, Peterson, Righellis
 1220 Main Street, Suite 150
 Vancouver, WA 98660
 503-908-4968
ken@hhpr.com

Landscape Architect: Jeffery Creel
 Harper, Houf, Peterson, Righellis
 1220 Main Street, Suite 150
 Vancouver, WA 98660
 503-908-4968
ken@hhpr.com

Site Address: 1155 Kamm Street, TL 32E05CB01400 (23,519 sf /0.54 acre)
 279 Warner Milne Road, TL 32E05CB01402 (14,009 sf /0.32 acre)
 Oregon City, OR 97045

Site Area: 37,528 sf / 0.86 acres total
 (- 600 sf ROW Dedication = 36,928 sf)

Zone: MUC-1

Project Summary:

The project includes the development of a new three-story 30-unit apartment building and associated site improvements including parking lot, pedestrian pathway, garbage/recycling enclosure and landscaping on 0.86 acres. The apartments will consist of one three-story building, containing a total of 12 one-bedroom and 18 two-bedroom units. All main level units will be ADA accessible. One of the units will be utilized as the manager's apartment/rental office. A total of 36 parking spaces will be created on the site.

The buildings will be residential in style, wood framed and sided with a combination of lap, shingle and board and batt siding and trim. Roofs will be gabled trusses finished with composition roof shingles. Upper-level units will be accessed via exterior stairways located in covered alcoves.

The existing development site currently consists of two tax lots, one of which fronts Warner Milne Road and contains a small residential style office building, and one lot that is accessed off Kamm Street and contains no structures. The two lots will be combined as part of this development and the existing structure will be demolished. Kamm Street will be connected to Warner Milne Road by way of a vehicular and pedestrian access easement to be provided on the combined property.

Proposed Building Area:

Main Level:	8,624 sf
Second Level:	8,591 sf
Third Level:	8,591 sf
Total Building Area:	25,806 sf

Unit Composition:

(12) One Bedroom	700 sf	48 sf Deck/Patio *
(18) Two Bedroom	955 sf	62 sf Deck/Patio **
(30) Total Units		
	<i>*End Unit</i>	<i>760 sf 60 sf Patio</i>
	<i>** End Unit</i>	<i>988 sf 93 sf Patio</i>

Site Coverage:

Building:	11,012 sf	30%
Parking	14,528 sf	39%
Paving:	16,490 sf	45%
Landscape:	9,426 sf	25%

Density:

Required: minimum net density of 17.4 units per acre
Proposed: 30 units @ 0.848 acres = 35.4 units per acre

REQUIRED CODE RESPONSES:**CHAPTER 17.29 MUC MIXED USE CORRIDOR DISTRICT***17.29.020 - Permitted uses—MUC-1 and MUC-2.*

- A. Banquet, conference facilities and meeting rooms;*
- B. Bed and breakfast/boarding houses, hotels, motels, and other lodging facilities;*
- C. Child care centers and/or nursery schools;*
- D. Indoor entertainment centers and arcades;*
- E. Health and fitness clubs;*
- F. Medical and dental clinics, outpatient; infirmary services;*
- G. Museums, libraries and cultural facilities;*
- H. Offices, including finance, insurance, real estate and government;*
- I. Outdoor markets, such as produce stands, craft markets and farmers markets that are operated on the weekends and after six p.m. during the weekday;*
- J. Postal services;*
- K. Parks, playgrounds, playfields and community or neighborhood centers;*
- L. Repair shops, for radio and television, office equipment, bicycles, electronic equipment, shoes and small appliances and equipment;*
- M. Multifamily residential, 3-4 plex residential;*
- N. One or two dwelling units in conjunction with a nonresidential use, provided that the residential use occupies no more than 50% of the total square footage of the development;*
- O. Restaurants, eating and drinking establishments without a drive-through;*
- P. Services, including personal, professional, educational and financial services; laundry and dry-cleaning;*
- Q. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores, marijuana, and similar, provided the maximum footprint for a stand-alone building with a single store or multiple buildings with the same business does not exceed sixty thousand square feet;*
- R. Seasonal sales;*
- S. Residential care facilities, assisted living facilities; nursing homes and group homes for over fifteen patients licensed by the state;*
- T. Studios and galleries, including dance, art, photography, music and other arts;*
- U. Utilities: Basic and linear facilities, such as water, sewer, power, telephone, cable, electrical and natural gas lines, not including major facilities such as sewage and water treatment plants, pump stations, water tanks, telephone exchanges and cell towers;*
- V. Veterinary clinics or pet hospitals, pet day care;*
- W. Home occupations;*
- X. Research and development activities;*
- Y. Temporary real estate offices in model dwellings located on and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed;*
- Z. Transportation facilities;*
- AA. Live/work dwellings;*
- BB. After-hours public parking.*

Applicant's Response: Multi-family dwellings are an approved use in the MUC-1 zone.

17.29.030 - Conditional uses—MUC-1 and MUC-2 zones.

The following uses are permitted in this district when authorized and in accordance with the process and standards contained in OCMC 17.56:

- A. *Drive-through facilities;*
- B. *Emergency service facilities (police and fire), excluding correctional facilities;*
- C. *Gas stations;*
- D. *Outdoor markets that do not meet the criteria of OCMC 17.29.020.I;*
- E. *Public utilities and services including sub-stations (such as buildings, plants and other structures);*
- F. *Public and/or private educational or training facilities;*
- G. *Religious institutions;*
- H. *Retail trade, including gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores and any other use permitted in the neighborhood, historic or limited commercial districts that have a footprint for a stand-alone building with a single store in excess of sixty thousand square feet in the MUC-1 or MUC-2 zone;*
- I. *Hospitals;*
- J. *Parking not in conjunction with a primary use on private property, excluding after-hours public parking;*
- K. *Passenger terminals, excluding bus stops;*
- L. *Shelters.*

Applicant's Response: No conditional uses are proposed.

17.29.040 - Prohibited uses in the MUC-1 and MUC-2 zones.

The following uses are prohibited in the MUC district:

- A. *Distributing, wholesaling and warehousing;*
- B. *Outdoor storage;*
- C. *Outdoor sales that are not ancillary to a permitted use on the same or abutting property under the same ownership;*
- D. *Correctional facilities;*
- E. *Heavy equipment service, repair, sales, storage or rentals (including but not limited to construction equipment and machinery and farming equipment);*
- F. *Kennels;*
- G. *Motor vehicle and recreational vehicle sales and incidental service;*
- H. *Motor vehicle and recreational vehicle repair/service;*
- I. *Self-service storage facilities;*
- J. *Marijuana production, processing, wholesaling, research, testing, and laboratories;*
- K. *Mobile Food Units, except with a special event permit.*

Applicant's Response: None of the prohibited uses listed are proposed.

17.29.050 - Dimensional standards—MUC-1.

- A. *Minimum lot areas: None.*

Applicant's Response: Lot area = 36,928 sq.ft.

- B. *Maximum building height: Forty feet or three stories, whichever is less.*

Applicant's Response: Building is 3 stories and 34'-0" tall at highest roof peak.

- C. *Minimum required setbacks if not abutting a residential zone: None.*

Applicant's Response: Building setbacks at non-residential property lines are 5' (west), 2'-10" (south) and 76'-6" (east).

- D. *Minimum required interior and rear yard setbacks if abutting a residential zone: Twenty feet, plus one foot additional yard setback for every one foot of building height over thirty-five feet.*

Applicant's Response: The building has no side or rear yards facing residential zones. The north side of the building has a front yard facing the residential zones along Kamm Street and has a setback of 3'.

E. Maximum allowed setbacks.

1. Front yard: Five feet.

Applicant's Response: Front yard setback is 2'-10" at the south and 3'-0" at the north.

2. Interior side yard: None.

Applicant's Response: Side yard setbacks are 5' to the west and 76'-6" to the east.

3. Corner side setback abutting street: Thirty feet.

Applicant's Response: Not applicable. Not a corner lot.

4. Rear yard: None.

Applicant's Response: There are no rear yards. Both the south and north sides of the buildings are considered front yards as they are facing Warner Milne Road and Kamm Street.

F. Maximum lot coverage of the building and parking lot: Eighty percent.

Applicant's Response: Building (30%) + Parking Lot (39%) = 25,540 sq.ft. = 69%.

G. Minimum required landscaping (including landscaping within a parking lot): Twenty percent.

Applicant's Response: Landscaping = 9,426 sq.ft. = 25%.

H. Residential minimum net density of 17.4 units per acre, except that no minimum net density shall apply to residential uses proposed above nonresidential uses in a mixed-use configuration or to live/work dwellings.

Applicant's Response: 30 units @ 0.848 acres = 35.4 units per acre.

17.29.060 - Dimensional standards—MUC-2.

Applicant's Response: Zoning is MUC-1.

17.29.070 - Floor area ratio (FAR).

Floor area ratios are a tool for regulating the intensity of development. Minimum FARs help to achieve more intensive forms of building development in areas appropriate for larger-scale buildings and higher residential densities.

A. The minimum floor area ratios contained in OCMC 17.29.050 and 17.29.060 apply to all nonresidential and mixed-use building development, except stand-alone commercial buildings less than ten thousand square feet in floor area.

Applicant's Response: Proposed development is residential, minimum FAR does not apply.

B. Required minimum FARs shall be calculated on a project-by-project basis and may include multiple contiguous blocks. In mixed-use developments, residential floor space will be included in the calculations of floor area ratio to determine conformance with minimum FARs.

Applicant's Response: Proposed development is residential, minimum FAR does not apply.

C. An individual phase of a project shall be permitted to develop below the required minimum floor area ratio provided the applicant demonstrates, through covenants applied to the remainder of

the site or project or through other binding legal mechanism, that the required density for the project will be achieved at project build out.

Applicant's Response: Proposed development is residential, minimum FAR does not apply.

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.*

Applicant's Response: A total of five trees within the construction zone will be removed as part of this development. See sections below for mitigation details.

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.

Applicant's Response: Four trees on or near the east property line and two trees within the ROW will be retained and protected. See sections below for details.

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.

Applicant's Response: No exemptions are requested.

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.*

Applicant's Response: Mitigation is proposed for trees to be removed.

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.*

Applicant's Response: All trees onsite and not within the construction zone will be retained and protected. No Heritage trees or groves exist onsite.

- 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.*

Applicant's Response: See calculations in section below.

*Table 17.41.060-1
Tree Replacement Requirements*

<i>Size of tree removed (DBH)</i>	<i>Column 1</i>	<i>Column 2</i>
	<i>Number of trees to be planted. (If removed Outside of construction area)</i>	<i>Number of trees to be planted. (If removed Within the construction</i>

		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.

Applicant's Response:

Please complete the Table below for trees being removed based on the Tree Replacement Requirements in Table 17.41.060-1

Size of tree removed (DBH)	Number of Trees Removed Outside of Construction Area	Number of Trees Removed Within the Construction area	Number of Mitigation Trees Required (See Table 17.41.060-1)
6 to 12"		1	1
13 to 18"		3	6
19 to 24"		1	3
25 to 30"		0	0
31 and over"		0	0

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.*

Applicant's Response: A total of eighteen new trees will be planted onsite and an additional two new trees will be planted within the ROW.

D. Replacement tree planting standards.

- 1. All replacement trees shall be either two-inch caliper deciduous or six-foot high conifer.*

Applicant's Response: All new trees will be a minimum of 2" caliper as noted on the Planting Plan.

- 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.*

Applicant's Response: Proposed trees have been selected and approved by a Landscape Architect and are noted on the Planting Plan.

- 3. Due to their diminishing range in the region, Oregon white oak (Quercus garryana) trees, if removed, shall be replaced by the same species.*

Applicant's Response: No Oregon white oak trees are scheduled for removal.

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

Applicant's Response: No heritage trees, significant groups or dedicated tracts of trees exist on the site.

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.

Applicant's Response: No alternate mitigation is requested.

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

- A. An applicant for a new subdivision and partition may delineate and show the regulated trees or groves as either a separate tract or part of a larger tract that meets the requirements of subsection D. of this section. All existing tree(s) in the tract shall be protected by a permanent restrictive covenant or easement approved in form by the City*
- B. The standards for land divisions subject to this section shall apply in addition to the requirements of the City land division ordinance and zoning ordinance, provided that the minimum lot area, minimum average lot width, and minimum average lot depth standards of the base zone may be superseded in order to allow for a reduction of dimensional standards pursuant to OCMC 17.41.080.F below.*

- C. Prior to preliminary plat approval, the regulated tree or grove area shall be shown either as a separate tract or part of a larger tract that meets the requirements of subsection D. of this section, which shall not be a part of any parcel used for construction of a dwelling. The size of the tract shall be the minimum necessary as recommended by a consulting arborist to adequately encompass the dripline of the tree, protect the critical root zone and ensure long term survival of the tree or grove.
- D. Prior to final plat approval, ownership of the regulated tree or grove tract shall be identified to distinguish it from lots intended for sale. The tract may be identified as any one of the following:
1. Private open space held by the owner or a homeowner's association; or
 2. For residential land divisions, private open space subject to an easement conveying stormwater and surface water management rights to the city and preventing the owner of the tract from activities and uses inconsistent with the purpose of this document; or
 3. Public open space where the tract has been dedicated to the City or other governmental unit; or
 4. Any other ownership proposed by the owner and approved by the Community Development Director.
- E. Density transfers incentive for tree protection tracts.
1. The purpose of this section is to allow dimensional adjustments within a regulated tree protection tract to be transferred outside said tract to the remainder of the site. Density shall not be transferred beyond the boundaries of the development site.
 2. Development applications for subdivisions and minor partitions that request a density transfer shall:
 - a. Provide a map showing the net buildable area of the tree protection tract;
 - b. Provide calculations justifying the requested dimensional adjustments;
 - c. Demonstrate that the minimum lot size requirements can be met based on an average of all lots created, including the tree protection tract created pursuant to this section;
 - d. Demonstrate that, with the exception of the tree protection tract, no parcels have been created which would be unbuildable in terms of minimum yard setbacks;
 - e. Meet all other standards of the base zone except as modified in this section.
 3. The area of land contained in a tree protection tract may be excluded from the calculations for determining compliance with minimum density requirements of the zoning code.
- F. Permitted modifications to dimensional standards.
1. An applicant proposing to protect trees in a dedicated tract may request, and the Community Development Director, pursuant to a Type II procedure, may grant a reduction to, the lot size, width, depth, and setbacks of the underlying zone district in approving a subdivision or partition if necessary to retain a regulated tree or grove in a tract, as long as the calculation of average lot size, including tree protection tracts, meet the minimum lot size for the zone. The applicant may choose to make the adjustments over as many lots as required. For example, the lot reduction could be spread across all the remaining lots in the proposed subdivision or partition or could be applied to only those needed to incorporate the area of the tree tract.

Table 17.41.080.A
Lot Size Reduction

ZONE	Min. Lot Size [sq. feet]	Min. Lot Width	Min. Lot Depth
R-10	5,000 sq. feet	50'	65'

R-8	4,000 sq. feet	45'	60'
R-6	3,500 sq. feet	35'	55'
R-5	3,000 sq. feet	30'	50'
R-3.5	1,800 sq. feet	20'	45'

Table 17.41.080.B*Reduced Dimensional Standards for Detached Single-Family Residential Units*

<i>Size of Reduced Lot</i>	<i>Front Yard Setback</i>	<i>Rear Yard Setback</i>	<i>Side yard Setback</i>	<i>Corner Side</i>	<i>Lot Coverage</i>
8,000—9,999 square feet	15 feet	20 feet	7/9 feet	15 feet	40%
6,000—7,999 square feet	10 feet	15 feet	5/7 feet	15 feet	40%
4,000—5,999 square feet	10 feet	15 feet	5/5 feet	10 feet	40%
1,800—3,999 square feet	5 feet	15 feet	5/5 feet	10 feet	55%

Table 17.41.080.C*Reduced Dimensional Standards for Single-Family Attached or Two-Family Residential Units*

<i>Size of Reduced Lot</i>	<i>Front Yard Setback</i>	<i>Rear Yard Setback</i>	<i>Side yard Setback</i>	<i>Corner Side</i>	<i>Lot Coverage</i>
3,500—7,000 square feet	10 feet	15 feet	5/0* feet	10 feet	40%
1,800—3,499 square feet	5 feet	15 feet	5/0* feet	10 feet	55%

**0 foot setback is only allowed on single-family attached units*

Applicant's Response: Not applicable. Mitigation Option 1 is proposed.

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

Any regulated tree or grove which cannot be protected in a tract pursuant to Section 17.41.080 above shall be protected with a restrictive covenant in a format to be approved by the Community Development Director. Such covenant shall be recorded against the property deed and shall contain provisions to permanently protect the regulated tree or grove unless such tree or grove, as determined by a certified arborist and approved by the Community Development Director, are determined to be diseased or hazardous.

Applicant's Response: Not applicable. Mitigation Option 1 is proposed.

A. Permitted adjustments.

- 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.*

Applicant's Response: Not applicable. No adjustments are requested.

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.

Applicant's Response: Not applicable. Mitigation Option 1 is proposed.

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.*

Applicant's Response: Tree protection fencing and signage is noted on the site plan and will be installed around existing trees to remain. A certified arborist is noted to be onsite during any work within the tree protection zones.

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.*

Applicant's Response: Pre-app conference meeting was held on March 24, 2021. A thirty extension was granted by the city on September 24, 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.*

Applicant's Response: The project was presented to the neighborhood association at a meeting on September 14, 2021. Meeting notification, sign-in sheet and summary are attached.

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.*

Applicant's Response: The required notice will be posted onsite by the Owner once it is received by the city.

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.*

Applicant's Response: Required guarantees will be provide by the Owner as directed by the city.

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.*

Applicant's Response: Required warranties will be provide by the Owner as directed by the city.

CHAPTER 17.52 OFF-STREET PARKING AND LOADING

17.52.010 - Applicability.

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

Applicant's Response: Proposed development is multi-family residential and contains a surface parking lot complying with city standards.

17.52.015 - Planning commission adjustment of parking standards.

- A. Purpose: The purpose of permitting a Planning Commission adjustment to parking standards is to provide for flexibility in modifying parking standards in all zoning districts, without permitting an adjustment that would adversely impact the surrounding or planned neighborhood. Adjustments provide flexibility to those uses which may be extraordinary, unique, or provide greater flexibility for areas that can accommodate a denser development pattern based on existing infrastructure and ability to access the site by means of walking, biking or transit. An adjustment to a minimum parking standard may be approved based on a determination by the Planning Commission that the adjustment is consistent with the purpose of this Code, and the approval criteria can be met.*
- B. Procedure: A request for a Planning Commission parking adjustment shall be initiated by a property owner or authorized agent by filing a land use application. The application shall be accompanied by a site plan, drawn to scale, showing the dimensions and arrangement of the proposed development and parking plan, the extent of the adjustment requested along with findings for each applicable approval criteria. A request for a parking adjustment shall be processed as a Type III application as set forth in Chapter 17.50.*
- C. Approval criteria for the adjustment are as follows:*
 - 1. Documentation: The applicant shall document that the individual project will require an amount of parking that is different from that required after all applicable reductions have been taken.*

Applicant's Response: No adjustment is requested.

- 2. Parking analysis for surrounding uses and on-street parking availability: The applicant shall show that there is a continued fifteen percent parking vacancy in the area adjacent to the use during peak parking periods and that the applicant has permission to occupy this area to serve the use pursuant to the procedures set forth by the Community Development Director.*
 - a. For the purposes of demonstrating the availability of on street parking as defined in OCMC 17.52.020.B.3., the applicant shall undertake a parking study during time periods specified by the Community Development Director. The time periods shall include those during which the highest parking demand is anticipated by the proposed use. Multiple observations during multiple days shall be required. Distances are to be calculated as traversed by a pedestrian that utilizes sidewalks and legal crosswalks or an alternative manner as accepted by the Community Development Director.*

Applicant's Response: No adjustment is requested.

- b. *The onsite parking requirements may be reduced based on the parking vacancy identified in the parking study. The amount of the reduction in onsite parking shall be calculated as follows:*
- i. *Vacant on-street parking spaces within three hundred feet of the site will reduce onsite parking requirements by 0.5 parking spaces; and*
 - ii. *Vacant on-street parking spaces between three hundred and six hundred feet of the site will reduce onsite parking requirements by 0.2 parking spaces.*

Applicant's Response: No adjustment is requested.

3. *Function and Use of Site: The applicant shall demonstrate that modifying the amount of required parking spaces will not significantly impact the use or function of the site and/or adjacent sites.*

Applicant's Response: No adjustment is requested.

4. *Compatibility: The proposal is compatible with the character, scale and existing or planned uses of the surrounding neighborhood.*

Applicant's Response: No adjustment is requested.

5. *Safety: The proposal does not significantly impact the safety of adjacent properties and rights-of-way.*

Applicant's Response: No adjustment is requested.

6. *Services: The proposal will not create a significant impact to public services, including fire and emergency services.*

Applicant's Response: No adjustment is requested.

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
<i>Multifamily Residential</i>	<i>1.00 per unit</i>	<i>2.5 per unit</i>
<i>3-4 Plex Residential</i>	<i>2.00</i>	<i>4</i>
<i>Hotel, Motel</i>	<i>1.0 per guest room</i>	<i>1.25 per guest room</i>
<i>Correctional Institution</i>	<i>1 per 7 beds</i>	<i>1 per 5 beds</i>
<i>Senior housing, including congregate care, residential care and assisted living facilities; nursing homes and other types of group homes</i>	<i>1 per 7 beds</i>	<i>1 per 5 beds</i>
<i>Hospital</i>	<i>2.00</i>	<i>4.00</i>
<i>Preschool Nursery/Kindergarten</i>	<i>2.00</i>	<i>3.00</i>

<i>Elementary/Middle School</i>	<i>1 per classroom</i>	<i>1 per classroom + 1 per administrative employee + 0.25 per seat in auditorium/assembly room/stadium</i>
<i>High School, College, Commercial School for Adults</i>	<i>0.20 per # staff and students</i>	<i>0.30 per # staff and students</i>
<i>Auditorium, Meeting Room, Stadium, Religious Assembly Building, movie theater,</i>	<i>.25 per seat</i>	<i>0.5 per seat</i>
<i>Retail Store, Shopping Center, Restaurants</i>	<i>4.10</i>	<i>5.00</i>
<i>Office</i>	<i>2.70</i>	<i>3.33</i>
<i>Medical or Dental Clinic</i>	<i>2.70</i>	<i>3.33</i>
<i>Sports Club, Recreation Facilities</i>	<i>Case Specific</i>	<i>5.40</i>
<i>Storage Warehouse, Freight Terminal</i>	<i>0.30</i>	<i>0.40</i>
<i>Manufacturing, Wholesale Establishment</i>	<i>1.60</i>	<i>1.67</i>
<i>Light Industrial, Industrial Park</i>	<i>1.3</i>	<i>1.60</i>

Applicant's Response:

Parking Required: 30 Units @ 1.0 per unit = 30 spaces Minimum
 30 Units @ 2.5 per unit = 75 spaces Maximum

Parking Provided: 34 Standard spaces
 2 ADA space w/ access aisle
 36 Total spaces @ 9' x 19' each

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.*

Applicant's Response: Multiple uses are not proposed.

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.*

Applicant's Response: Not applicable. Parking for multi-family residential is listed.

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.*

Applicant's Response: Not applicable. Requirements do not result in a fractional number of spaces.

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.*

Applicant's Response: Not applicable. There will be no 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.*

Applicant's Response: Not applicable. Proposed development is new construction and zoned MUC-1.

- 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.*

Applicant's Response: All required parking is located on the same site.

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.*

Applicant's Response: The proposed sole use is multi-family residential.

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.*

Applicant's Response: Shared parking is not requested.

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.*

Applicant's Response: On-street parking is not required or utilized.

- 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.

Applicant's Response: Parking reductions are not requested.

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.*

Applicant's Response: Parking reductions are not requested.

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.*

Applicant's Response: A single 24 ft. wide access driveway will be utilized for ingress and egress. The required clearances for backing up and maneuvering is provided within the parking area onsite.

- 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.*

Applicant's Response: All parking lot areas will be asphalt paving.

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.

Applicant's Response: The site will be graded to accommodate onsite drainage including stormwater planters. Refer to Civil drawings.

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.*

Applicant's Response: Parking lot design meets all dimensional standards with all standard size spaces and no compact. Refer to Site Plan.

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.*

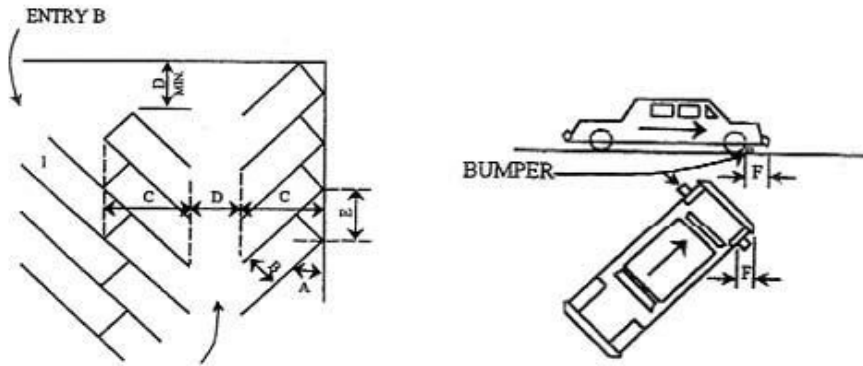
Applicant's Response: Alternative parking plan is not requested.

PARKING STANDARD

PARKING ANGLE SPACE DIMENSIONS

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

All dimensions are to the nearest tenth of a foot.



Applicant's Response: Parking lot design meets all dimensional standards with all spaces 9' x 19'. Refer to Site Plan.

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."

Applicant's Response: Not applicable.

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)
Correctional institution	1 per 15 auto spaces (minimum of 2)	30% (minimum of 1)

<i>Nursing home or care facility</i>	<i>1 per 30 auto spaces (minimum of 2)</i>	<i>30% (minimum of 1)</i>
<i>Hospital</i>	<i>1 per 20 auto spaces (minimum of 2)</i>	<i>30% (minimum of 1)</i>
<i>Park-and-ride lot</i>	<i>1 per 5 auto spaces (minimum of 2)</i>	<i>50% (minimum of 1)</i>
<i>Transit center</i>	<i>1 per 5 auto spaces (minimum of 2)</i>	<i>50% (minimum of 1)</i>
<i>Parks and open space</i>	<i>1 per 10 auto spaces (minimum of 2)</i>	<i>0%</i>
<i>Public parking lots</i>	<i>1 per 10 auto spaces (minimum of 2)</i>	<i>50% (minimum of 1)</i>
<i>Automobile parking structures</i>	<i>1 per 10 auto spaces (minimum of 4)</i>	<i>80% (minimum of 2)</i>
<i>Religious institutions, movie theater, auditorium or meeting room</i>	<i>1 per 10 auto spaces (minimum of 2)</i>	<i>30% (minimum of 1)</i>
<i>Libraries, museums</i>	<i>1 per 5 auto spaces (minimum of 2)</i>	<i>30% (minimum of 1)</i>
<i>Preschool, nursery, kindergarten</i>	<i>2 per classroom (minimum of 2)</i>	<i>50% (minimum of 1)</i>
<i>Elementary</i>	<i>4 per classroom (minimum of 2)</i>	<i>50% (minimum of 1)</i>
<i>Junior high and High school</i>	<i>2 per classroom (minimum of 2)</i>	<i>50% (minimum of 2)</i>
<i>College, business/commercial schools</i>	<i>2 per classroom (minimum of 2)</i>	<i>50% (minimum of 1)</i>
<i>Swimming pools, gymnasiums, ball courts</i>	<i>1 per 10 auto spaces (minimum of 2)</i>	<i>30% (minimum of 1)</i>
<i>Retail stores and shopping centers</i>	<i>1 per 20 auto spaces (minimum of 2)</i>	<i>50% (minimum of 2)</i>
<i>Retail stores handling exclusively bulky merchandise such as automobile, boat or trailer sales or rental</i>	<i>1 per 40 auto spaces (minimum of 2)</i>	<i>0%</i>
<i>Bank, office</i>	<i>1 per 20 auto spaces (minimum of 2)</i>	<i>50% (minimum of 1)</i>
<i>Medical and dental clinic</i>	<i>1 per 20 auto spaces (minimum of 2)</i>	<i>50% (minimum of 1)</i>
<i>Eating and drinking establishment</i>	<i>1 per 20 auto spaces (minimum of 2)</i>	<i>0%</i>

<i>Gasoline service station</i>	<i>1 per 10 auto spaces (minimum of 2)</i>	<i>0%</i>
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* *Covered bicycle parking is not required for developments with two or fewer parking stalls.*

Applicant's Response: Required bicycle parking spaces = 1 per 10 units @ 30 units = 3 required
 Covered spaces @ 50% = 1.5 required
 Proposed bicycle parking spaces = 4 uncovered + 5 covered = 9 total

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.*

Applicant's Response: Bicycle racks will be provided that will accommodate bike locks. Refer to detail on Site Plan.

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.*

Applicant's Response: Four bike parking spaces are located at the front of the building, clearly visible and accessible from the parking area, public sidewalk and pedestrian path. The additional five spaces are located within the stair alcoves, covered and accessible to the units that utilize the stairwell.

3. *All bicycle racks shall be designed so that:*

- a. *The bicycle frame is supported horizontally at two or more places.*

Applicant's Response: The bike racks will be standard ribbon type that will allow attachment of the bike at two locations.

- b. *The frame and at least one wheel of the bicycle can be locked to the rack with a standard U-type lock.*

Applicant's Response: The bike racks will be standard ribbon type that will allow attachment of the bike at one wheel and the frame with a standard U-type lock.

- c. *The user is not required to lift the bicycle onto the bicycle rack.*

Applicant's Response: The bike racks accommodate bicycles at grade level.

- d. *Each bicycle parking space is accessible without moving another bicycle.*

Applicant's Response: The two bike racks allow access to bicycles from both sides.

- e. *It is a minimum of thirty inches tall and eighteen inches wide between the two points of contact.*

Applicant's Response: Each bike rack is approximately 34" tall and 19" wide.

- f. *Provides an area of six feet by two feet per bicycle.*

Applicant's Response: The required 6' x 2' clearance is provided for each bike and is shown on the Site Plan.

- g. *All bicycle racks and lockers shall be securely anchored to the ground or to a structure.*

Applicant's Response: The bike racks will be permanently bolted to the concrete.

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.

Applicant's Response: The overall site and parking area landscaping has been designed by a Landscape Architect to comply with all development standards and provide the most appropriate plantings for this site. Refer to Landscape Plan for specific plant materials.

B. Development Standards.

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

Applicant's Response: The parking lot landscaping provides required landscape areas and are evenly distributed around and within the parking area.

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

Applicant's Response: There is no area that is not required for parking space or maneuvering that is not 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.

Applicant's Response: Trees planted within and around the parking area include evergreen and deciduous trees of various sizes, colors and characteristics. The trees are spaced evenly throughout the parking area such that there is 30' or less separation between the mature tree canopies.

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;

Applicant's Response: All trees will be a minimum of 2" caliper at the time of planting and will be planted per American Nurseryman Standards. All plant materials have been selected for appropriateness by a landscape architect.

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.

Applicant's Response: All landscaped areas are fully covered with plant material, with bark mulch installed only within a small area at trees and shrubs as detailed in the Planting Details.

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;

Applicant's Response: All landscaped areas will be provided with an automatic irrigation system as noted on the Planting Plan.

7. *All landscaping shall be installed according to accepted planting procedures, according to American Nurseryman Standards.*

Applicant's Response: All plant materials will be installed according to American Nurseryman Standards as shown on the Planting Details.

- 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;*

Applicant's Response: A perimeter landscape buffer of at least 5' is provided between the parking area and adjacent properties and the right of way. This buffer is completely landscaped with a variety of trees, shrubs and groundcover. Refer to Landscape Plan for specific plantings.

- 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.*

Applicant's Response: The parking area is located in excess of 75' back of the front property line. Screening is provided through a combination of new and existing trees, shrubs, ground cover, grass and a stormwater planter filled with a variety of shrubs and ground cover.

- 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:*

Applicant's Response: The parking area is separated from the building per item 2 below.

2. *Minimum seven foot sidewalks with shade trees spaced a maximum of thirty feet apart in three-foot by five-foot tree wells.*

Applicant's Response: The parking area is separated from the building with a 7' wide pedestrian pathway with 3' x 5' tree wells at 30' on center. In addition, a small landscape strip of varying width exists between the 7' pathway and the building.

- 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.

Applicant's Response: 36 parking spaces = 1,620 sf of interior landscaping required. Proposed interior landscaping = 1,684 sf within four planting islands on the west side of the parking lot and the single, large planting island at the east side of the parking area surrounding the garbage/recycling enclosure.

Nine trees are required to be planted within the interior of the lot based on a total of 36 parking spaces. Eight trees are planted within the interior landscape planting islands, with an additional six trees planted immediately adjacent to the parking spaces on the west side of the lot.

Approval under the Alternative Landscaping Plan allowance is requested for trees within the parking lot interior.

b. A minimum of 1.5 shrubs per parking space.

Applicant's Response: 54 shrubs required. 54 shrubs proposed. 55 shrubs are planted in the interior landscape islands, not including the shrubs that will be part of the stormwater planters.

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.

Applicant's Response: Contiguous parking spaces are limited to eight on the west side of the parking area and six on the east side.

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.

Applicant's Response: The landscape plan as proposed satisfies all requirements of the Oregon City Municipal Code with the exception of the number of trees within the interior of the parking area. Eight of the nine trees required by code are provided within interior islands. An additional six trees are planted in tree wells along the west side of the parking area immediately adjacent to the paved parking surface. A cluster of four additional trees are located within approximately 10' of the paving at the northeast corner of the site. All of these trees are close enough to the parking area to shade the lot and are evenly distributed throughout the parking area such that the distance between the mature canopy between trees will be less than 30'.

Low impact stormwater planters are utilized throughout the site, with the largest planters located adjacent to the parking area to accept surface drainage from the pavement. The use and location of these planters makes the provision of trees within the "interior" of the parking area slightly more difficult; however, we believe that the incorporation of these stormwater systems in conjunction with the overall site and parking area trees and other plantings provides the best and most functional site design.

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.).*

Applicant's Response: No pervious hardscaping is proposed.

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.*

Applicant's Response: The Owner will be responsible for the ongoing care and maintenance of the site. The Owner owns other apartment complexes within the city, including the Willow Springs Apartments across Warner-Milne Road and understands this responsibility.

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.

Applicant's Response:

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.*

Applicant's Response: Not applicable. No loading spaces are required or provided.

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

Applicant's Response: Not applicable. No loading spaces are required or provided.

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.*

Applicant's Response: Not applicable. No loading spaces are required or provided.

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.*

Applicant's Response: The only new fencing proposed will be located on the east property line and will be a 6' high wood good neighbor type fence.

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.*

Applicant's Response: Not applicable. No fencing within the ROW is proposed.

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.

Applicant's Response: No barbed wire fencing is proposed.

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.J Parking Lot Landscaping in OCMC 17.52.060.*

COMPLETE 17.62.015 FOR EACH MODIFICATION PROPOSED

Applicant's Response: Not applicable. No modifications are requested.

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*

Applicant's Response: Not applicable. No modifications are requested.

- 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.*

Applicant's Response: Not applicable. No modifications are requested.

17.62.030 - When required.

Site plan and design review shall be required for all development of real property in all zones except the low and medium density residential districts, unless otherwise provided for by this title or as a condition of approval of a permit. Site plan and design review shall also apply to all conditional uses, cluster housing developments, multi-family uses, manufactured home parks, and non-residential uses in all zones. Site Plan and Design Review does not apply to activities occurring within the right-of-way except for communication facilities pursuant to OCMC 17.80.

Site plan and design review is required for a change in use between the uses in Table 17.62.030:

Table 17.62.030

<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.

Applicant's Response: Type II Site Plan and Design Review approval is requested.

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.*

Applicant's Response: Not applicable. Minor SPDR is not being requested.

B. Type II Minor Site Plan and Design Review.

- 1. Type II Minor Site Plan and Design Review applies to the following uses and activities unless those uses and activities qualify for Type I review per OCMC 17.62.035.A.:*
 - a. Modification of an office, commercial, industrial, institutional, public or multi-family structure that does not increase the interior usable space (for example covered walkways or entryways, addition of unoccupied features such as clock tower, etc.).*
 - b. Modification to parking lot layout and landscaping, or the addition of up to five parking spaces.*
 - c. A maximum addition of up to one thousand square feet to a commercial, office, institutional, public, multi-family, or industrial building provided that the addition is not more than thirty-five percent of the original building square footage.*
 - d. Mobile food units in OCMC 17.54.115.*
 - e. Other land uses and activities may be added if the Community Development Director makes written findings that the activity/use will not increase off-site impacts and is consistent with the type and/or scale of activities/uses listed above.*

Applicant's Response: Not applicable. Minor SPDR is not being requested.

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.*

Applicant's Response: Existing vegetation onsite is limited to seven mature trees, grass and a mix of small shrubs and annual plantings near the front signage. All trees that are not within the construction zone will be retained.

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.*

Applicant's Response: The MUC-1 zone requires 20% landscape coverage. The proposed design includes approximately 9,476 sf of landscape area, for in excess of 25%.

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.*

Applicant's Response: A Wetland Delineation report was completed by HHPR, Inc which clarified the classification and extent of the onsite drainage channel. Based on this report, a buffer area around the drainage channel at the south end of the site was identified and is shown on the site and civil drawings. No work is being performed within this buffer.

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.*

Applicant's Response: The Planting Plan was prepared by a licensed landscape architect. The design includes a variety of plant materials with heights, sizes, colors and characteristics that are appropriate for the site. Bark mulch is utilized only in areas immediately surrounding tree and shrub plantings. Refer to Planting Plan.

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

Applicant's Response: The linear configuration of the site will allow for almost all landscaping to be visible from the ROW.

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.*

Applicant's Response: The only plantings that occur within the clear vision area are small ornamental shrubs that will not exceed 3' in height.

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.*

Applicant's Response: Due to the linear configuration of the site and the need to provide a connection to both Warner Milne Road and Kamm Street, the parking area is located along the east side of the building.

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.*

Applicant's Response: A connection to Kamm Street is being provided.

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

Applicant's Response: Not applicable. The parcel is less than three acres in size.

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

Applicant's Response: Not applicable. No parking garage is proposed.

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.*

Applicant's Response: A continuous pathway connects all building entrances to the public sidewalk in Warner Milne Road and extends to Kamm Street for a potential future sidewalk.

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.*

Applicant's Response: The pedestrian pathway connects all unit entrances to the public sidewalk, vehicular parking area and bike parking. The garbage/recycling enclosure and common outdoor area are accessed from the parking area.

3. *The pedestrian circulation system shall connect the principal building entrance to those of buildings on adjacent sites, except within industrial zoning designations.*

Applicant's Response: The pedestrian path connects to the public sidewalk on Warner Milne Road, which provides access to entrances of buildings on adjacent properties.

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.*

Applicant's Response: The external unit stairways are located within covered alcoves and do not extend beyond the building façade.

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.

Applicant's Response: The pedestrian walkway will be concrete and raised 6" above the vehicular driving surface typically. The walkway is 7' wide with tree wells where it abuts parking spaces and 5' wide where there is no adjacent parking.

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

Applicant's Response: The development will maintain compliance with all applicable standards, rules and laws.

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.

Applicant's Response: Public utilities, including power, water, sanitary sewer and storm sewer exist that are adequate to serve the site. Refer to civil drawings for locations, connections and sizing.

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.

Applicant's Response: Not applicable. This development is not industrial, institutional, retail or office.

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.

Applicant's Response: No rooftop units are proposed.

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.*

Applicant's Response: Electric meters will be clustered on the west side of the building. The meters will be mounted on the building wall. The meters will be screened from view from Warner Milne Road by a shallow screen wall on either side of the meters as well as by plantings located along the public sidewalk.

No wall mounted HVAC units are proposed.

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.*

Applicant's Response: The mini-split heating and cooling equipment for each unit will be mounted on the ground at the west side of the building. These units are approximately 24" in height and will be screened from view from Warner Milne Road by plantings located adjacent to the public sidewalk as well as by building offsets in some locations.

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.*

Applicant's Response: No solar panels or photovoltaic or wind generation equipment is proposed.

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.

Applicant's Response: No prohibited materials are proposed anywhere on the building or site.

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.*

Applicant's Response: No special material standards or allowances are proposed.

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.

Applicant's Response: This multi-family residential building will comply with all building standards.

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.

Applicant's Response: There are no conflicts between building and zoning standards for this project.

- 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.*

Applicant's Response: Deducting the 38' width of the wetland buffer to the east property line, the frontage width is only 82'. For this modified frontage width, 50% coverage = 41'. The building frontage, including the entry pergola, is 42'-6". The furthest south building façade sits 2'-10" from the south property line as modified by the 5' dedication.

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.*

Applicant's Response: No setback modification is requested.

- 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.*

Applicant's Response: Both the south and north end units have primary entrances facing the street. The south and north unit entrances are recessed from the adjacent walls and incorporate covered porches. The south pedestrian entrance to the site and other units is defined by a covered pergola near the public sidewalk.

- 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.

Applicant's Response: The south and north unit entrances include a roof gable, a 5' deep covered porch, a change in building materials and ornamental brackets.

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.*

Applicant's Response: Not applicable. This is not a corner lot.

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.*

Applicant's Response: Not applicable. The front facades are less than 120 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*

Applicant's Response: All facades incorporate building offsets, roofline changes, material changes, and windows. The west side façade contains the least variation, but still provides building wall offsets at a maximum of 37', roofline variations at a maximum of 34', window separation of 15' maximum and numerous material changes occurring both horizontally and vertically. The south, east and north elevations also include recessed stair alcoves and decks.

- 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

Applicant's Response: The south and north street facing facades include the following design elements:

- Material variations of lap siding, board and batt siding and shingle siding, where the highest percentage of coverage of any material is less than 50%.
- At least three different roof gables
- Recessed entries
- Covered porches
- Pent roofs above windows
- Balconies visible from the façade
- Porch posts
- Repeating variations of building materials
- Four building wall plane changes

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.

Applicant's Response: Not applicable. There is only one building in this development.

J. Windows.

- 1. The minimum windows requirements are set forth in Table 17.62.055.J. Windows are measured in lineal fashion between 3.5 feet and six feet from the ground. For example, a one hundred foot long building elevation would be required to have at least sixty feet (sixty percent of one hundred feet) of windows in length between the height of 3.5 feet and six feet from the ground.*

<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>Non-Multi-Family (or Portions of Buildings Thereof)</i>	60%	10%	30%	10%
<i>Multi-Family (or Portions of Buildings Thereof)</i>	15%	15%	10%	10%

Applicant's Response:

South Façade:

Ground floor: 48 sf / 289 sf = 17% (15% required)

Upper floors:	96 sf / 654 sf = 15%	(15% required)
East Façade:		
Ground floor:	847 sf / 2,362 sf = 36%	(10% required)
Upper floors:	1,756 sf / 5,466 sf = 32%	(10% required)
North Façade:		
Ground floor:	44 sf / 289 sf = 15%	(15% required)
Upper floor:	96 sf / 622 sf = 15%	(15% required)
West Façade:		
Ground floor:	356 sf / 2,362 sf = 15%	(10% required)
Upper floors:	712 sf / 5,607 sf = 13%	(10% required)

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.

Applicant's Response: No reflective, mirrored or tinted glazing is proposed.

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.

Applicant's Response: No false windows or doors are proposed.

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

Applicant's Response: All windows will have trim that is a minimum of 4" nominal width.

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.

Applicant's Response: The maximum continuous ridgeline on the south and north street facing facades is 19'.

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.*

Applicant's Response: No drive-through facilities are proposed.

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.*

Applicant's Response: Not applicable. This development is not retail, office or institutional.

17.62.056 - Additional standards for large retail establishments.

Retail building(s) occupying more than ten thousand gross square feet of floor area shall contribute to the establishment or enhancement of community and public spaces by providing at least two of the following:

- A. Patio/seating area;*
- B. Pedestrian plaza with benches;*
- C. Transportation center;*
- D. Window shopping walkway;*
- E. Outdoor playground area;*
- F. Kiosk area, water feature;*
- G. Clock tower; or*
- H. Other such deliberately shaped area and/or a focal feature or amenity that, in the judgment of the appropriate decision maker, adequately enhances such community and public spaces. Any such areas shall have direct access to the public sidewalk network and such features shall not be constructed of materials that are inferior to the principle materials of the building and landscape.*

Applicant's Response: Not applicable. This development is not large retail.

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.*

Applicant's Response: Not applicable. This development is not within a residential zone.

- 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.*

Applicant's Response: For the 30 dwelling units to be developed, a total of 1,500 sf of open space is required. A contiguous, common outdoor area approximately 1,000 sf in area is provided at the northeast corner of the site. This area includes a picnic table and pad, benches and a grass area. This

area, in conjunction with the private useable space (1,692 sf total provided, of which 750 sf may be counted toward common space), provides more than 1,500 sf of total open space.

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.*

Applicant's Response: The setback is included in the open space calculation as this area is landscaped and contiguous to the area that includes the common picnic table and benches.

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.*

Applicant's Response: The landscaped areas within the open space have been included in the landscape percentage calculation.

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.*

Applicant's Response: The primary common space includes an outdoor recreation area, including landscaping, a grass area, a picnic table and benches.

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.*

Applicant's Response: The common space is approximately 1,000 sf in area with a minimum width of 24'.

- 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.*

Applicant's Response: The common open space includes:

- Perimeter landscape plantings and core grass area
- Large trees
- Two benches
- Paved pad and picnic table

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.

Applicant's Response: The common space is across the driveway from the building and approximately 70' from the garbage/recycling enclosure. The area is bordered on three sides by low shrub plantings and is open to the driveway to provide a visual and physical connection to the apartment 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.

Applicant's Response: Access to the open space will be across the driveway at the north end of the parking area. This section of the driveway will see little vehicular traffic as bollards will prevent vehicles, other than emergency service vehicles, from connecting to Kamm Street.

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.

Applicant's Response: Each unit includes a patio/ balcony. The one-bedroom unit patios will be 6'-0" x 7'-10" = 48 sf, and the two-bedroom unit patios will be 6'-6" x 9'-6" = 62 sf. The total area of private open space for the development will be 1,692 sf.

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.).*

Applicant's Response: Indoor recreation space is not proposed.

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.

Applicant's Response: Not applicable. Cluster housing is not proposed.

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.*

Applicant's Response: All proposed lighting complies with city of Oregon City standards.

- 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.*

Applicant's Response: A Site Lighting Plan, including photometrics and fixture cutsheets is included in this application.

- 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.*

Applicant's Response: No excepted lighting is proposed.

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.*

Applicant's Response: Exterior lighting is provided through the use of exterior pole lighting in the parking area and wall mounted fixtures along the front side of the building and within the stairwells. All light fixtures are shielded and provide distribution that ensures light levels cast onto adjacent properties does not exceed 0.5 footcandles. Refer to Exterior Lighting Plan with photometrics and light fixture cutsheets.

- 2. Lighting shall be provided in parking lots and vehicular circulation areas.*

Applicant's Response: Four light poles will provide lighting for the parking area and garbage/recycling enclosure.

- 3. Lighting shall be provided in pedestrian walkways, pedestrian plazas, and pedestrian circulation areas.*

Applicant's Response: Lighting along the pedestrian circulation system will be provided by building mounted wall sconces.

4. Lighting shall be provided at all building entrances.

Applicant's Response: Wall mounted fixtures will illuminate the entrance to each stair alcove and additional wall sconces will be provided to illuminate the area within the alcoves and unit entries.

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.

Applicant's Response: All light sources, including pedestrian walkway lighting will be shielded to direct light downward as needed and minimize throw onto adjacent properties.

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.

Applicant's Response: The proposed light poles serving the parking area will be 16' in height.

7. Floodlights shall not be utilized to light all or any portion of a building facade between 10 p.m. and 6 a.m.

Applicant's Response: The only flood type lighting incorporated into the development will be a low-level sign light that will not project measurable light beyond the face of the property sign.

8. Lighting on outdoor canopies shall be fully recessed into the canopy and shall not protrude downward beyond the ceiling of the canopy.

Applicant's Response: No canopies or canopy lighting is proposed.

9. All outdoor light not necessary for security purposes shall be reduced, activated by motion sensor detectors, or turned off during non-operating hours.

Applicant's Response: All exterior lighting is desirable for some level of security in a multi-family residential development. The exterior fixtures that will illuminate the site and pedestrian walkways (pole lights and primary building sconces) will be set on a photocell and timer. These fixtures will also be programmable to enable the light output to be significantly reduced during the middle of the night, typically between the hours of midnight and six am. Light fixtures within the exterior stair alcoves will also be set on a photocell and timer and programmable, but will also include motion sensor activation.

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.

Applicant's Response: No light fixtures are proposed for illuminating flags, statues or other pole mounted items.

11. For upward-directed architectural, landscape, and decorative lighting, direct light emissions shall not be visible above the building roofline.

Applicant's Response: A low level, upward projecting sign light will be utilized for the property sign. This fixture will illuminate the sign face only and will not project above the building roofline.

12. No flickering or flashing lights shall be permitted, except for temporary decorative seasonal lighting.

Applicant's Response: No flickering or flashing lights are proposed.

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.

Applicant's Response: No lighting for outdoor recreational uses is proposed.

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.

Applicant's Response: Each stair alcove for the unit entries is visible from the street and easily accessed by the sidewalk that runs along the front of the building. The alcove entries are illuminated to levels of between 4-6 footcandles.

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).

Applicant's Response: A 12'-6" x 18'-0" sf garbage and recycling enclosure will be provided on site. The enclosure will be constructed of 6' high concrete masonry units with steel framed, wood sided access doors for complete visual screening. The enclosure is sized to accommodate a 3 cubic yard garbage bin and a 3 cubic yard recycling bin, both of which will be collected multiple times each week. The enclosure will be located contiguous to the parking area in an area that will allow ease of access by both tenants and collection vehicles.

Kamm Street Multi-Family Apartments
Land Use Application Narrative & Findings Document
Type II Site Plan & Design Review

APPLICANT: Ron Laughlin
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TAX LOT: 032E05CB01402 and 032E05CB01400

SITE ADDRESS: 279 Warner Milne Road
Oregon City, OR 97045

PROPERTY SIZE: ~0.9 acres

ZONING: MUC-01

PROPOSAL SUMMARY: The applicant is proposing to construct a 30-unit apartment building, as well as minor sidewalk and driveway reconstruction and the extension of utilities.

DATE: October 12, 2021

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I. PROJECT SUMMARY & BACKGROUND

Existing Conditions

The project site is located at 279 Warner Milne Road and 1155 NE Kamm Street in Oregon City, and includes Tax Lots 032E05CB01402 and 032E05CB01400. The site is zoned MUC-1 (Mixed Use Corridor 1) and is approximately 0.9 acres in area. The project area is relatively flat, with a existing single-family residences that has been converted for commercial use on the south portion of the project site and undeveloped and grassy field on the north portion of the project site.

Site Map



Project Description

The applicant is proposing to construct a 30-unit multi-family development, which will take access off of both Warner Milne Road and Kamm Street. In addition to the residential units, the site will include off-street parking, landscaping, and preservation of the existing swale near Warner Milne Road.

Utilities, including water, stormwater, and sewer, will all be extended and connected to serve the site from either Warner Milne Road or Kamm Street. Additionally, a new sidewalk curb will be constructed at the property line along Warner Milne Road.

II. APPLICABLE FINDINGS TO REQUIRED CODE SECTIONS

Chapter 12.04: Streets, Sidewalks, and Public Spaces

12.04.05 : Jurisdiction and Management of the Public Rights-of-Way

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

Response: The applicant acknowledges this standard. Any work in the public right of way in association with this project will happen after the applicant has acquired all proper permits from the City of Oregon City.

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: Acknowledged by the applicant. Two vehicular driveways are proposed into the development: one from Warner Milne Road to the south and one from Kamm Street to the north. Both driveways meet the standards in Chapter 16.12.035 of the Oregon City Municipal Code. Please see the response later in this narrative for details on compliance.

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.

Response: Acknowledged by the applicant. The sidewalks along Warner Milne Road are proposed to be repaired and replaced with this application and will be maintained along with the abutting curb in good repair. Additionally, a concrete pedestrian path will be extended from the sidewalk along Warner Milne Road, through the project site, and provide connection to Kamm Street.

12.04.32 : 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: Acknowledged by the applicant. Any required sidewalk repair determined necessary by the public works director will be completed within 90 days by the property owner.

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: All retaining walls proposed are part of the on-site stormwater facilities and are located entirely within the property line. The proposed walls are engineered and will be kept in good repair by the property owner as required.

12.04.100: 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: Acknowledged by the applicant. All pavement impacted by the construction or development of this project will be restored in accordance with Oregon City Public Works Pavement Cut Standards.

12.04.120 : 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.*
- B. Temporary Obstructions.*
- 1. A "temporary obstruction" is defined as an object placed in a public street, road or alley for a period of not more than sixty consecutive days. A "temporary obstruction" includes, but is not limited to, moving containers and debris dumpsters.*
 - 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. *Alternative routes if necessary;*
 - e. *Minimizing obstruction area; and*
 - f. *Hold harmless/maintenance agreement.*
- 5. *In determining whether to issue a right-of-way permit to allow a temporary obstruction, the City Engineer may issue such a permit only after finding that the following criteria have been satisfied:*
 - a. *The obstruction will not unreasonably impair the safety of people using the right-of-way and nearby residents;*
 - b. *The obstruction will not unreasonably hinder the efficiency of traffic affected by the obstruction;*
 - c. *No alternative locations are available that would not require use of the public right-of-way; and*
 - d. *Any other factor that the City Engineer deems relevant.*
- 6. *The permittee shall post a weatherproof copy of the temporary obstruction permit in plain view from the right-of-way.*
- 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.*

Response: Acknowledged by the applicant. All right-of-way permitting standards will be followed for permanent and temporary obstructions, and the applicable fees will be paid.

12.04.150: Street and Alley Vacations

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: Acknowledged by the applicant. This project does not propose the vacation of any street or alley. Therefore, this standard does not apply.

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: Acknowledged by the applicant. There are no proposed changes to any street design on Warner Milne Road or Kamm Street. Any sidewalk removed or damaged during construction will be repaired in compliance with the City's master plan, standards, and policies.



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.

Response: All standards within the Oregon Standard Specifications for Construction will be complied with by the applicant during construction, including workmanship and materials. Please see the attached civil plan set and detail sheets for information on construction specifications.

Chapter 12.08: Public and Street Trees

12.08.15 : 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.

Response: The project is proposing street trees along Warner Milne Road. These species will include a variety of large shade trees, all of which will be from the Oregon City Street Tree List. The street trees will be placed behind the existing curb tight sidewalk. Please see the attached Landscape Plan, L1.0 to L1.1, for details on street tree planting.

- 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.*

Response: The project meets this standard. Along Warner Milne Road there are two existing deciduous trees to be preserved and two proposed to be planted along the property frontage, for a total of four trees. The total street frontage for the project site along Warner Milne Road is approximately 120 feet, and therefore four trees satisfy the above standard of one tree for every 35 feet of property frontage. Please see Sheets L1.0 to L1.1 for details on street tree location.



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.)*

Responses: Acknowledged by the applicant. All street trees to be planted with the proposed development will meet the above clearance distance standards. The trees are over 15 feet from streetlights and over five feet from any fire hydrant or public utility. The closest intersection to the project site is Warner Milne Road and Beavercreek, approximately 400 feet to the west.

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.

Response: The proposed tree species to be planted along Warner Milne Road include Katsura Trees, which will be two inches in caliper at six inches above the root crown and installed to city specifications. Please see the attached landscape plan, Sheet L1.0 and Sheet L1.1, for more details.

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

Response: Acknowledged by the applicant. All the proposed street trees will be maintained and pruned to a height that provides adequate clearance for vehicles and street cleaning equipment, as well as pedestrian clearance and ADA requirements.

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.

Response: The proposed street trees within the right-of-way meet this standard. The root barriers of the large shade trees will have at least 18 inches of depth.

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.

Response: The project meets this standard. Any street tree planted under existing or proposed powerlines will 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.

Response: Acknowledged by the applicant. All standards in Chapter 13.12 are complied with and more details can be found in the narrative response of that section.

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: Acknowledged by the applicant. The Natural Resources Overlay District (NROD) is located on the project site and a wetland delineation was performed by HHPR. There are no proposed trees to be planted within the wetland or wetland buffer. Please see additional details in Chapter 17.49 of this narrative.

12.08.045: Gifts, Fee-in-Lieu of Planting, and Funding

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

Response: The applicant is not requesting a fee-in-lieu of planting.

Chapter 13.12: Stormwater Management

13.12.50 : 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.*

Response: This project does not meet any of the exceptions under standard (A) above. Therefore, stormwater conveyance requirements apply to this 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: This project is creating more than 5,000 square feet of impervious surface and does not meet any of the exceptions under standard (C) below. Therefore, water quality and flow control requirements apply to this project.

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 man-made 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.*

Response: As mentioned, this project does not fall under any exceptions. Therefore, this standard does not apply.

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 located 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.*

Response: This project includes a multi-family residential development, and none of the above uses are proposed as part of this project.

13.12.80 : 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 applicant acknowledges the submittal requirements for stormwater management. An application, drainage plans, drainage reports, and design flow calculations are being submitted as part of this application. Please see Sheet C4.0 and C4.1 for the stormwater and utility plans, as well as the attached stormwater report for additional details.

13.12.90 : 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: The new and redeveloped impervious surfaces on the development site will be treated with LID vegetated planter facilities. Treatment will occur via biofiltration and is met through the use of the WES BMP Calculator. The proposed LID planter facilities will consist of an overflow set 12 inches above the topsoil growing media elevation and allow for 12 inches of ponding depth and filtration through the soil media prior to overflow. Treated stormwater will be collected in the underdrain system and routed to site conveyance. Following treatment and detention, stormwater will ultimately discharge to the public storm system at the west side of the site. Please see attached Stormwater Report completed by HHPR for more details on the project drainage plan.

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: Acknowledged by the applicant.

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.

Response: Acknowledged by the applicant. The project will always have a project engineer overseeing the drainage plans.

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.

Response: Acknowledged by the applicant. All applicable standards in the Standard Specifications for Public Works Construction and other adopted city code are complied with by the applicant.

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.*

Response: Acknowledged by the applicant. All stormwater facilities will be constructed and maintained in accordance with all applicable City code and standards, and the property owner will be responsible for any maintenance to the stormwater facilities on site. Please see the attached Stormwater and Utility Plan, Sheets C4.0 to C4.1 for details on construction and maintenance of stormwater facilities on the project site.

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: Acknowledged by the applicant.

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.*

Response: The project site is approximately 0.91 acres and therefore does not require a DEQ NPDES 1200-C permit.

- 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: A wetland delineation was performed by Ivy Watson at Harper Houf Peterson Righellis Inc. in May 2021. The report found that only a very small section of the ditch on the south end of the site where the drainage enters the culvert could be classified as a wetland. The report was subsequently submitted to the Oregon Department of State Lands and the US Army Corp of Engineers for review and concurrence. Both agencies agreed with the determination and confirmed that the existing ditch is not waters of the state or of the US.

Chapter 15.48: Grading, Filling and Excavating

15.48.30 : Applicability – Grading Permit Required

- A. *A city-issued grading permit shall be required before the commencement of any of 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.*

Response: Acknowledged. The applicant will acquire a city-issued grading permit prior to any filling or grading on site.

15.48.040: Grading Permit Exemptions

Response: The proposed project requires a grading permit. Therefore, this section does not apply, and the code language has been omitted.

15.48.90 : 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: This project complies with all submittal requirements in Section 15.48.090. Please see the attached Grading Plan (Sheet C5.0 to C5.1)

Chapter 16.12: Minimum Public Improvements and Design Standards

16.12.10 : 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 applicant acknowledges this standard. All proposed development is in conformance with the established standards and policies of Oregon City and all plans will be approved by the city engineer prior to construction.

16.12.11 : Applicability

- A. *Compliance with this chapter is required for all development including land divisions, site plan and design review, master plan, detailed development plan and conditional use applications and all public improvements. 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.*

Response: This application requires a Site Plan and Design Review and proposes a new multi-family residential development. Therefore, this project is required to comply this chapter and will include street frontage improvements.

16.12.12 : Jurisdiction and Management of the Public Rights-of-Way

The city has jurisdiction and exercises regulatory management over all public rights-of-way as defined and outlined within Chapter 12.04 of the Oregon City Municipal Code.

Response: The applicant acknowledges that the City has jurisdiction over all public-rights-of-way.

16.12.13 : Modifications

Response: This project does not require any modifications to the standards of this chapter. Therefore, this section does not apply, and the code language has been omitted.

16.12.15 : Street Design - Generally

Development shall be required to provide existing or future connections to adjacent sites through the use of vehicular and pedestrian access easements where applicable. Development shall provide any necessary dedications, easements or agreements as identified in the transportation system plan, trails master plan, and/or parks and recreation master plan and this chapter, subject to constitutional limitations. The location, width and grade of street shall be considered in relation to: Existing and planned streets, topographical conditions, public convenience and safety for all modes of travel, existing and identified future transit routes and pedestrian/bicycle accessways, overlay districts, and the proposed use of land to be served by the streets. The street system shall assure an adequate traffic circulation system with intersection angles, grades, tangents and curves appropriate for the traffic to be carried considering the terrain. To the extent possible, proposed streets shall connect to all existing or approved stub streets that abut the development site. The arrangement of streets shall either:

Response: There are no proposed streets with this application, nor alterations to the existing streets. The only improvement being made regarding general street design is any needed repair to the sidewalk or bicycle path on Warner Milne Road after construction.

16.12.16 : Street Design

All development regulated by this chapter shall provide street improvements in compliance with the standards in Table 16.12.016 depending on the street classification set forth in the transportation system plan and the comprehensive plan designation of the adjacent property, unless an alternative plan has been adopted. The table implements the adopted transportation system plan and illustrates the maximum design standards. These standards may be reduced with an alternative street design which may be approved based on the modification criteria in OCMC 16.12.013. The steps for reducing the street design are found in the transportation system plan.

- 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.

Road Classification	Comprehensive Plan Designation	Sidewalk	Landscape Strip
<i>Minor Arterial</i>	<i>Mixed Use</i>	<i>10.5 foot sidewalk including 5 foot tree wells</i>	

Response: Acknowledged by the applicant. The project site has frontage on Warner Milne Road, a designated minor arterial in Oregon City's TSP, and has existing five foot sidewalk that will be preserved with this project. North of the project site there are no existing sidewalks, and south of the site there are five foot wide sidewalks – therefore, constructing a 10.5 foot sidewalk with tree wells would impede sidewalk and pedestrian access continuity along Warner Milne Road. Additionally, a 10.5 foot wide sidewalk would impede the protected wetland and buffer in the southeast corner of the project site. Instead, the applicant is proposing to preserve and repair the existing sidewalk and plant trees and shrubs behind the sidewalk. Please see the attached landscaping plan, Sheets L1.0 to L1.1, for additional details.

- A. 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: Acknowledged by the applicant.

- B. 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: Acknowledged by the applicant. There is no anticipated need for street signs or traffic control devices, but they will be installed as directed by the city engineer.

- C. 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: Public streetlights existing along both Warner Milne Road and Kamm Street and there are no changes proposed to those lights with this application.

- D. 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: There are no new streets proposed with this application. Therefore, this standard does not apply.

- E. 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: Acknowledged by the applicant. The existing sidewalk on the property frontage is curb tight and aligns with the existing sidewalk to the south on Warner Milne Road. The applicant is therefore proposing to plant a five foot wide vegetated strip on the outside of the sidewalk to promote continuity of the public sidewalk along Warner Milne Road. Please see the attached landscaping plan, Sheets L1.0 to L1.1, for additional details.

- F. 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.*

Response: This standard does not apply. There are no vehicle or pedestrian access easements proposed in lieu of streets with this project.

- G. Vehicular and pedestrian easements shall allow for public access and shall comply with all applicable pedestrian access requirements.*

Response: Acknowledged by the applicant. All required easements have been dedicated.

16.12.18 : Street Design - Alignment

The centerline of streets shall be:

- A. Aligned with existing streets by continuation of the centerlines*
B. Offset from the centerline by no more than five feet, provided appropriate mitigation, in the judgement of the city engineer, is provided to ensure that the offset intersection will not pose a safety hazard.

Response: Acknowledged. There are no new proposed streets with this application. However, the driveway access point at the north end of the project site will have a centerline aligned with the existing Kamm Street. Please see the site plan for details.

- C. *Driveways that are at least twenty-four feet wide shall align with existing or planned streets on adjacent sites.*

Response: The project meets this standard. The proposed driveway into the multi-family residential development is 24 feet in width and align with Kamm Street to the north and perpendicular to Warner Milne Road to the south since there are no proposed or existing streets on the south side of Warner Milne to align with the southern driveway. Therefore, the project complies with this standard.

16.12.19 : Traffic Sight Obstructions

All new streets shall comply with the traffic sight obstructions in Chapter 10.32.

Response: Acknowledged by the applicant. There are no new streets proposed with this application, and therefore this standard nor the standards of Chapter 10.32 apply.

16.12.20 : Street Design – Intersection Angles

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

Response: Acknowledged by the applicant. There are no new proposed streets with this application. All driveways either align with existing streets or intersect at a 90 degree angle. Please see the attached site plan, Sheet C3.0, for additional details.

16.12.21 : Street Design – Grades and Curves

Grades and center line radii shall conform to standards approved by the city engineer.

Response: Acknowledged by the applicant. All grades and center line radii will conform to standards approved by the city engineer.

16.12.22 : Street Design – Development Abutting Arterial or Collector Street

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

abuts and connects for vehicular access to another jurisdiction's facility then authorization by that jurisdiction may be required.

Response: Acknowledged by the applicant.

16.12.23 : Street Design – Pedestrian and Bicycle Safety

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

Response: Acknowledged by the applicant.

16.12.24 : Street Design – Half Street

Response: Acknowledged by the applicant. There are no proposed half streets with this project. Therefore, this section does not apply.

16.12.25 : Street Design – Cul-de-Sacs and Dead-End Streets

Response: Acknowledged by the applicant. There are no cul-de-sacs or dead-end streets proposed with this project. Kamm Street is an existing dead end that the project site will take access from.

16.12.26 : Street Design – Alleys

Response: Acknowledged by the applicant. There are no existing or proposed alleys with this project. Therefore, this standard does not apply, and the code section has been omitted from the narrative.

16.12.27 : Street Design – Off-Site Street Improvements

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

Response: Acknowledged by the applicant.

16.12.28 : Street Design – Transit

Streets shall be designed and laid out in a manner that promotes pedestrian and bicycle circulation. The applicant shall coordinate with transit agencies where the application impacts transit streets as identified in OCMC 17.04.1310. Pedestrian/bicycle access ways shall be provided as necessary to minimize the travel distance to transit streets and stops and neighborhood activity centers. The decision

maker may require provisions, including easements, for transit facilities along transit streets where a need for bus stops, bus pullouts or other transit facilities within or adjacent to the development has been identified.

Response: Acknowledged by the applicant. There are existing sidewalks and bike paths along Warner Milne Road adjacent to the project site. These accessways will be preserved and maintained during construction. Additionally, a pedestrian path is being constructed through the project site in order to provide easier access and minimize travel distance for adjacent neighbors north of the project site.

16.12.29 : Evacuations – 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: Acknowledged by the applicant. Any pavement disturbed during the grading or construction period will be restored to Oregon City Public Works Pavement standards.

16.12.30 : Blocks - Width

The width of blocks shall ordinarily be sufficient to allow for two tiers of lots with depths consistent with the type of land use proposed. The length, width and shape of blocks shall take into account the need for adequate building site size, convenient motor vehicle, pedestrian, bicycle and transit access, control of traffic circulation, and limitations imposed by topography and other natural features.

All new streets shall be designed as local streets unless otherwise designated as arterials and collectors in the current adopted transportation system plan. The maximum block spacing between streets is five hundred thirty feet and the minimum block spacing between streets is one hundred fifty 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 three hundred thirty feet. The spacing standards within this section do not apply to alleys.

Response: Acknowledged by the applicant. The block width is not proposed to be altered with this application, and the project site is consistent with the size and width of the surrounding properties in the area.

16.12.31 : Street Design – Street Names

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

Response: This standard is met. There are no new proposed streets with this project.



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: There are no proposed or existing intersections within the project site. Therefore, this section does not apply to this project and the code language has been omitted.

16.12.35 : Driveways

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

Street Functional Classification	Minimum Driveway Spacing Standards	Distance
<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 feet</i>
<i>Minor Arterials</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 feet</i>

Response: The project complies with this standard. The driveway on Warner Milne Road, a minor arterial, is approximately 490 feet from the closest street corner (Beavercreek Road and Warner Milne Road). The driveway on Kamm Street, a local street, is approximately 470 feet from the closest street corner (Warner Street and Kamm Street).

- 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.*

Response: Acknowledged by the applicant. As a multi-family residential development with a driveway, the intersection alignment requirements of OCMC 16.12.020 apply. These standards are met, and details can be found in the response to that section in this narrative and the attached Site Plan.

- 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 project meets this standard. There is one driveway proposed on both the Kamm Street frontage and the Warner Milne Road frontage.

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.*

Response: The project meets this standard. Kamm Street is designated a local street and Warner Milne Road is designated a minor arterial in the Oregon City TSP. The applicant is proposing a driveway on both sides of the project site instead of just the Kamm Street driveway to prevent unnecessary vehicular trips from the multi-family development through the existing single-family neighborhood to the north. Allowing for a driveway onto Warner Milne Road, although the higher designated street, will limit vehicle trips on Kamm Street and Warner Street.

E. All driveway approaches shall be limited to the dimensions identified in Table 16.12.035.D.

Property Use	Minimum Driveway Approach Width	Maximum Driveway Approach Width
<i>Multi-Family</i>	<i>18 feet</i>	<i>30 feet</i>

Response: Both of the proposed driveway are 24 feet in width, meeting the minimum and maximum driveway approach widths for a multi-family development.

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: Acknowledged. The applicant understands that the city engineer may require a reduction in the number and size of a driveway approach.

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.

Response: The two proposed driveways will be located from Kamm Street to the north and Warner Milne Road to the south. Both driveways will require a new curb cut that will be have an approved and standard paved approach and connection. Please see the attached site plan, Sheet C3.0, for details on the driveway approach.

2. *Any driveway approach built within public right-of-way shall be built and permitted per city requirements as approved by the city engineer.*

Response: Acknowledged by the applicant. The driveway approaches will be built and permitted to City requirements and standards.

3. *No driveway with a slope of greater than fifteen percent shall be permitted without approval of the city engineer.*

Response: The project complies with this standard. The proposed driveways are relatively flat and have slopes less 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: Acknowledged by the applicant.

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: All proposed grading will meet the state of Oregon Structural Specialty Code, Title 18, and the approved grading plan. Please see the attached grading and erosion control plans, Sheets C5.0 to C5.1, that are in compliance with Chapters 13.12, 15.48, and 16.12 of the OCMC.

16.12.85 : 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.

Response: Acknowledged by the applicant. Any required utility easements will be dedicated.

- 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.*

Response: Acknowledged by the applicant. There are no needed unusual facility easements needed on the project site.

- 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.*

Response: Harper Houf Peterson Righellis delineated one drainage channel on the site (Drainage A). This drainageway is an excavated channel along the east edge of the site. A drainage right-of-way will be provided that conforms to the line of the drainageway.

- 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 twenty feet. The easements shall be improved and recorded by the applicant and inspected by the city engineer. Access easements may also provide for utility placement.*

Response: The project site does not include any vehicular access easements. Therefore, this standard does not apply.

- 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: Acknowledged by the applicant. The wetland delineated by HHPR in the southeast corner of the project site near Warner Milne Road is a significant natural feature and will be protected with this project. A 15 foot buffer was calculated and there will be no grading or construction within that buffer.

16.12.90 : Minimum Improvements – Procedures

In addition to other requirements, improvements installed by the applicant either as a requirement of these or other regulations, or at the applicant's option, shall conform to the requirements of this title and be designed to city specifications and standards as set out in the city's facility master plan and public works stormwater and grading design standards. The improvements shall be installed in accordance with the following procedure:

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

Response: Acknowledged by the applicant. No improvement work will begin until the construction plans have been approved by the city engineer and the responsible authority. All improvements will be inspected and approved by the city engineer and expenses will be paid prior to the final 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.*

Response: Acknowledged by the applicant. The standards of OCMC 17.47 and 17.49 are met with the proposed project, and details on compliance can be found in Chapter 17.47 of this narrative.

- 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.*

Response: Acknowledged by the applicant. All underground utilities and pipes will be installed prior to any surfacing of the streets. All service stub connections are placed beyond the easements on the 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.*

Response: Acknowledged by the applicant. As-built construction plans and drawings will be filed with the city engineer once improvements are complete.

- 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: Acknowledged by the applicant.

16.12.95 : 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.*

Response: The project meets this standard. The portion of Warner Milne Road that is adjacent to the proposed development has existing pedestrian, bicycle, and vehicular access. This includes sidewalks, bike lanes, street lighting, and the required paved street width and right-of-way dedication. Please see the attached Site Plan, Sheets C3.0, and the attached Utility Plan, Sheets C4.0 and C4.1 for details on the public improvements.

- 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.*

Response: The applicant is proposing to utilize low impact development site approaches (LID) to treat the impervious surfaces and pervious runoff on the development site. The LID facilities will also provide flow control for the basin areas. Please refer to the attached stormwater report for additional details on the proposed stormwater drainage system.

- 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.

Response: The applicant is proposing to connect a new six inch sanitary lateral main to the existing 8 inch public sanitary sewer main in Warner Milne Road. A pothole will be installed at the connection point, and a two-way sanitary cleanout will also be installed and flushed with finished grade. Please see the attached utility plan, Sheet C4.0 and C4.1, for additional details on the proposed sanitary sewer system.

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.

Response: The applicant is extending the existing water line from Kamm Street to Warner Milne Road and is installing new water fire services. The domestic water service will connect to the water line in Warner Milne and the fire service will be connected to the extended water line near Kamm Street.

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

Response: Street trees are proposed to be planted approximately every 35 feet with the exception of keeping pedestrian and vehicle access points and site visibility clear. Please see details in Section 12.08 of this narrative for additional details on compliance.

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

Response: This project is not a subdivision and the property is not being platted. Therefore, this standard is not applicable.

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.

Response: Acknowledged by the applicant.

- 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.*

Response: Acknowledged by the applicant. All facilities will be designed to city standards and regulations, including oversizing standards if required.

- 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: Acknowledged by the applicant. An erosion control plan is attached to this narrative as Sheet C7.0. Please see the responses to the standards in OCMC 17.47 for details on sediment and erosion control for this project.

16.12.100: Minimum Improvements – Road Standards and Requirements

Response: There are no public streets being proposed or land parcels being separated. Therefore, this section does not apply and the code language has been omitted.

16.12.105 : Minimum Improvements – Timing Requirements

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.

- A. 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: Acknowledged by the applicant. All public improvements will be constructed in accordance with the approved final engineering plans and will comply with all applicable code requirements. Additionally, the applicant understands all public improvements will be completed and accepted by the City engineer prior to the final plat approval.

16.12.110 : Public Improvements – Financial Guarantees

To ensure construction of required public improvements, the applicant shall provide the city with a performance guarantee in accordance with OCMC 17.50.140.

- A. 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: Acknowledged by the applicant. After completion of all required public improvements all improvements not constructed by the City shall be maintained and under warranty of the property owner.

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: Acknowledged by the applicant.

Chapter 17.47: Erosion and Sediment Control

17.47.30 : 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: Acknowledged by the applicant. As a new multi-family residential development, this chapter applies to the project.

17.47.70 : 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.*

Response: Acknowledged by the applicant. Preliminary sediment and control plans can be found within the attached civil plan set, Sheet C7.0. Curb inlet protection and filter sock inlet protection will be installed along Warner Milne Road to control any erosion on the project site. A tire wash will also be installed at the driveway onto Warner Milne Road to help contain erosion and sediment to the project site. Please refer to the civil plans for additional details.

- 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.*

Response: The proposed sediment and erosion control plan meets all City of Oregon City public works standards and requirements, and these measures will be maintained during and after development. Please see the attached grading and erosion plans in the attached civil plan set, Sheets C5.0 to C6.0.

- 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.*

Response: The applicant acknowledges that the erosion and sediment control plan will be reviewed at the same time as the development approval.

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

Response: The applicant acknowledges that the city may inspect development to determine compliance.

- 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.*

Response: Acknowledged by the applicant.

- 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.*

Response: Acknowledged by the applicant. Any interim erosion and sediment control measures deemed necessary by the manager will be complied with by the applicant.

- 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.).*

Response: Acknowledged by the applicant.

17.47.80 : 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.*

Response: The applicant acknowledges that no grading, clearing, or excavation will occur prior to plan approval.

- 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.*

Response: Acknowledged. Erosion and sediment control facilities will be constructed prior to any clearing or grading activities on the project site. All facilities will be maintained to ensure sediment water does not enter the drainage system or violate any water standards. Please see the attached grading plan in the civil plan set for details, Sheet C5.0 to C6.0.

- 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.*

Response: The applicant understands that the erosion and sediment control facilities is their responsibility until all construction is completed and approved.

- 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.*

Response: Acknowledged by the applicant. During the construction period, erosion and sediment control facilities will be updated as needed for any unexpected weather event.

- 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.*

Response: Acknowledged by the applicant.

- 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: Acknowledged by the applicant. Implementation of measures and construction of facilities according to the implementation schedule and approved plan will be the responsibility of the owner. The city manager will be allowed access to the development site for inspections.

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: Acknowledged. The owner will provide a financial guarantee prior to construction and grading, including the cost estimate of the project.

17.47.100 : Correction of Ineffective Measures and Enforcement

- A. If the owner or his/her designated representative fails to follow the plan as approved by the manager or fails to submit a plan when one is required, the manager may, after inspecting the property, issue a stop work order halting all work on the development site until the requirements of the plan are met or implemented as applicable. Accompanying the stop work order shall be a written statement or list from the manager specifying what is wrong and what steps the owner must take to bring the development into compliance. The stop work order shall not be lifted until mitigation measures are implemented that comply with Oregon City performance standards for erosion and sediment control and are approved by the manager.*

Response: Acknowledged by the applicant.

- B. If the facilities and techniques in the approved plans are not effective or sufficient to meet the purposes of this chapter, based on an on-site inspection, the Manager may require a revision to the plan. Such requirement shall be in writing and shall explain the problem and suggested measures to remedy the problem. The notice shall be presented to the owner and any other responsible parties.*
- 1. The revised plan shall be provided within three business days of when written notification by the manager is received. Receipt of such notice shall be deemed complete three days after simultaneous regular mail and certified mail is deposited in the mail.*
 - 2. The owner or his/her designated representative shall implement fully the revised plan within three business days of receipt of the revised plan as provided in the previous subdivision, or within such other time frame as the manager may specify.*

3. *In cases where significant erosion is occurring, the manager may require the owner or his/her designated representative to install immediately interim control measures before submittal of revised plan.*
4. *If there is a confirmed or imminent threat of significant off-site erosion, the manager shall issue a stop work order, upon issuance of which work on the development site shall halt. The stop work order shall not be lifted until mitigation measures are implemented that comply with Oregon City performance standards for erosion and sediment control and are approved by the manager.*

Response: Acknowledged by the applicant. Any revision to the erosion and sediment control plan deemed necessary by the Manger will follow the above requirements.

- C. *Enforcement. Erosion that migrates off of a development site is considered to be a nuisance that threatens the health, safety and welfare of the citizens of Oregon City and is a violation of this chapter. Any owner who violates or is responsible for a violation or this chapter or an approved plan, shall be subject to the enforcement procedures of this Code including by the code enforcement officer.*

Response: Acknowledged by the applicant.

Chapter 17.49: Natural Resources Overlay District

17.49.035: Addition of Wetlands to Map Following Adoption

The NROD boundary shall be expanded to include a wetland identified during the course of a development permit review if it is within or partially within the mapped NROD boundary and meets the State of Oregon's definition of a "Locally Significant Wetland". In such cases, the entire wetland and its required vegetated corridor as defined in Table 17.49.110 shall be regulated pursuant to the standards of this chapter. The amended NROD boundary may be relied upon by the Community Development Director for the purposes of subsequent development review.

Response: Acknowledged by the applicant. Harper Houf Peterson Righellis (HHPR) surveyed the site and did not identify any wetlands on the project site. Additional details can be found in the NROD Delineation Memo included with this application as an appendix.

17.49.040: NROD Permit and Review Process

An NROD permit is required for those uses regulated under OCMC 17.49.090, Uses Allowed under Prescribed Conditions. An NROD permit shall be processed under the Type II development permit procedure, unless an adjustment of standards pursuant to OCMC 17.49.200 is requested or the application is being processed in conjunction with a concurrent application or action requiring a Type III or Type IV development permit.

Response: Acknowledged by the applicant.

17.49.70 - Prohibited Uses

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

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

Response: The project complies with this standard. None of the above prohibited activities is proposed within the significant natural resource mapped on the Warner Milne right-of-way or within the buffer.

17.49.080 - Uses Allowed Outright (Exempted)

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

- H. Site Plan and Design Review applications where all new construction is located outside of the NROD boundary shown on the City's adopted NROD map, and the NROD area is protected by a conservation easement approved in form by the City.*

Response: With the approved NROD Verification, all proposed development on the project site will be happening outside of the NROD boundary and vegetated buffer. Please see the attached site plan and NROD Delineation Memo for details.

17.49.110 - Width Of Vegetated Corridor

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

Response: The project complies with this standard. The designated vegetated corridor width is 15 feet based on stream type, drainage basin area, slopes, and fish-bearing. Please see the attached site plan and NROD Delineation Memo for details.

17.49.250 - Verification Of NROD Boundary

The NROD boundary may have to be verified occasionally to determine the true location of a resource and its functional values on a site. This may be through a site specific environmental survey or a simple site visit in those cases where existing information demonstrates that the NROD significance rating does not apply to a site-specific area. Applications for development on a site located in the NROD area may request

a determination that the subject site is not in an NROD area and therefore is not subject to the standards of OCMC 17.49.100. Verifications shall be processed as either a Type I or Type II process.

Response: Based on the findings in the NROD Delineation Technical Memorandum by Ivy Watson, a Natural Resources Scientist, and reviewed by DSL and USACE, HHPR has determined that no protected water features are present on either tax lot (1400 or 1402) on the project site. One protected water feature, an intermittent stream (seen as Drainage A on the map), was delineated within the Warner Milne Road right-of-way adjoining tax lot 1402. The determined vegetated corridor for Drainage A downstream reach is 15 feet and is located partially within the Warner Milne ROW and tax lot 1402. Therefore, the applicant is requesting a verification of the NROD boundary on the project site to remove all areas that do not include significant features. This boundary and buffer is shown on the attached NROD site plan in the Delineation Memo.

17.49.255 - Type I Verification

- A. *Applicants for a determination under this section shall submit a site plan meeting the requirements of OCMC 17.49.220, as applicable.*
- B. *An applicant may request a Type I Verification determination by the Community Development Director. Such requests may be approved provided that there is evidence substantiating that all the requirements of this chapter relative to the proposed use are satisfied and demonstrates that the property also satisfies the following criteria, as applicable:*
 - 1. *No soil, vegetation, hydrologic features have been disturbed;*
 - 2. *No hydrologic features have been changed;*
 - 3. *There are no man-made drainage features, water marks, swash lines, drift lines present on trees or shrubs, sediment deposits on plants, or any other evidence of sustained inundation.*
 - 4. *The property does not contain a wetland as identified by the City's Local Wetland Inventory or Water Quality and Flood Management Areas map.*
 - 5. *There is no evidence of a perennial or intermittent stream system or other protected water feature. This does not include established irrigation ditches currently under active farm use, canals or manmade storm or surface water runoff structures or artificial water collection devices.*
 - 6. *Evidence of prior land use approvals that conform to the Natural Resource Overlay District, or which conformed to the Water Quality Resources Area Overlay District that was in effect prior to the current adopted NROD (Ord. 99-1013).*
 - 7. *There is an existing physical barrier between the site and a protected water feature, including:*
 - a. *Streets, driveways, alleys, parking lots or other approved impervious areas wider than fifteen feet and which includes drainage improvements that are connected to the City storm sewer system, as approved by the City.*
 - b. *Walls, buildings, drainages, culverts, topographic features or other structures which form a physical barrier between the site and the protected water features, as approved by the City.*
- C. *If the City is not able to clearly determine, through the Type I verification process that the applicable criteria subsection B.1.—B.7 above are met, the verification application shall be denied. An applicant may then opt to apply for a verification through the Type II process defined below.*

Response: As mentioned, the applicant is requesting a Type I NROD Verification to limit the NROD boundary to include only the significant natural features (Drainage A Downstream Reach) and allow for a site plan and design review of the propose development to occur. No soil, vegetation, or other features will be disturbed or changed and there have been no wetlands identified on the project site

(please refer to the attached NROD Delineation Technical Memo for details) and all significant features are within the Warner Milne Road right-of-way, not on the property.

III. CONCLUSION

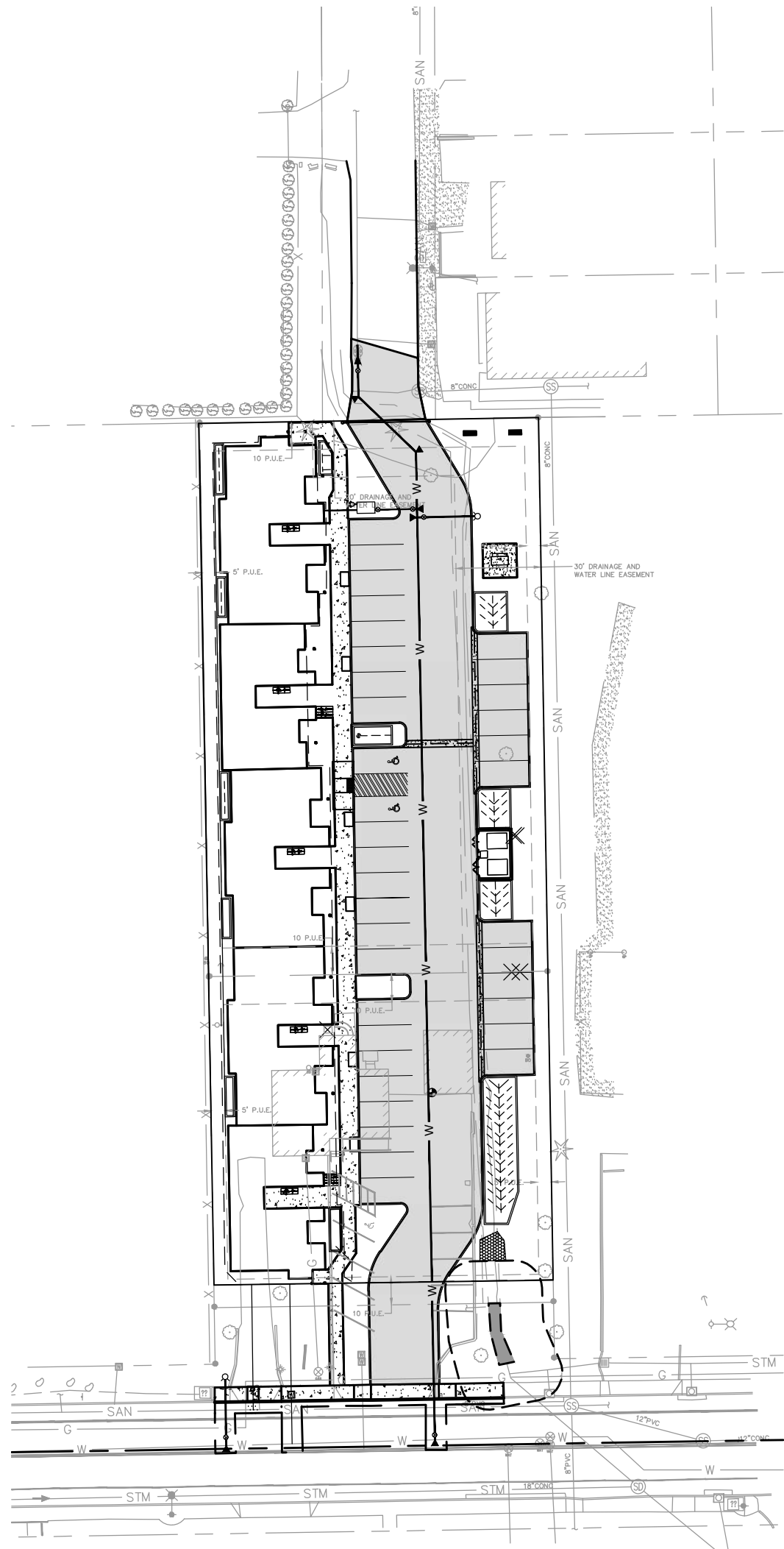
This narrative, along with the exhibits submitted with this application, demonstrate that it is feasible for the proposed development to comply with the City of Oregon City Municipal Code. The applicant respectfully requests that the City approve the requested project based on the information and findings provided with this application.



KAMM STREET MULTIFAMILY DEVELOPMENT PROJECT

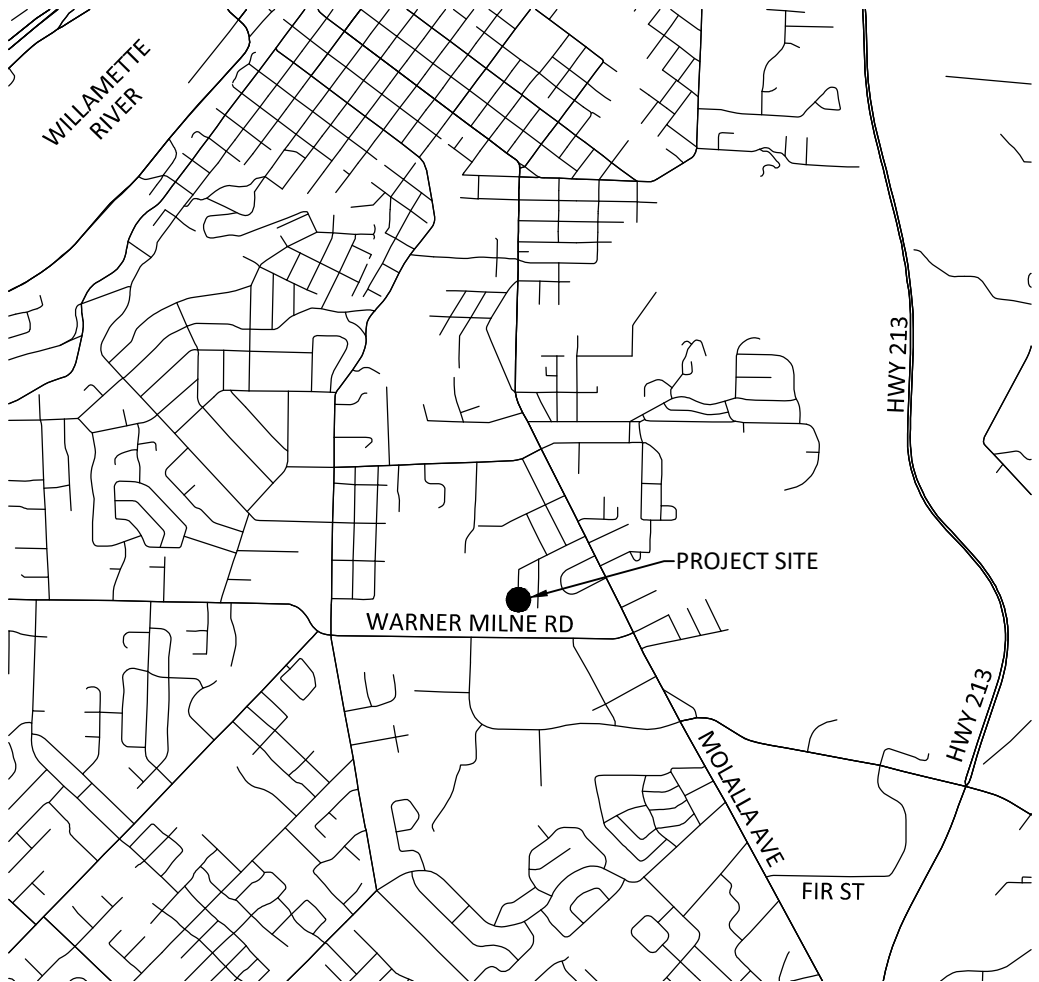
OREGON CITY, OREGON

TAX LOTS 1400 AND 1402, T3S, R2E SECTION 5



SITE MAP

SCALE: 1" = 50'



VICINITY MAP

N.T.S.

SHEET INDEX

- C1.0 COVER SHEET
- C1.1 GENERAL NOTES
- C2.0 EXISTING CONDITIONS & DEMO PLAN
- C3.0 SITE PLAN
- C4.0 CIVIL UTILITY PLAN (SOUTH)
- C4.1 CIVIL UTILITY PLAN (NORTH)
- C5.0 OVERALL GRADING PLAN (SOUTH)
- C5.1 OVERAL GRADDDING PLAN (NORTH)
- C6.0 GRADING DETAILS
- C7.0 EROSION CONTROL PLAN
- C7.1 EROSION CONTROL DETAILS
- C8.0 WARNER MILNE ROAD PLAN & PROFILE
- C9.0-9.7 STANDARD DETAILS
- L1.0 PLANTING PLAN
- L1.1 PLANTING DETAILS

SITE INFORMATION:

279 WARNER MILNE ROAD
OREGON CITY, OR 97045
TAX LOT 1400 AND 1402 T.3.S, R.2.E, SECTION 5

VERTICAL DATUM
VERTICAL DATUM: NAVD'88 UTILIZING GPS POSITIONING TIED TO THE ORGN WITH REAL TIME CORRECTORS REFERENCED TO DATUM NAD'83 (2011) EPOCH 2010.00. THIS DATUM REALIZATION WAS VERIFIED THROUGH DIRECT OBSERVATION TO NGS CONTROL POINT Q723 HAVING A POINT IDENTIFICATION OF RD1491. THIS POINT IS DESCRIBED AS A STAINLESS STEEL ROD WITH SLEEVE NEAR THE INTERSECTION OF STATE HIGHWAY 224 AND LAKE ROAD. THE ELEVATION OF THIS POINT IS PUBLISHED AS 31.131 METERS (102.14 FEET) AND WAS ESTABLISHED BY NGS THROUGH DIFFERENTIAL LEVELING AND ADJUSTED BY THE NATIONAL GEODETIC SURVEY IN JUNE 1991, AND HAS A VERTICAL ORDER OF FIRST CLASS II.

LOT COVERAGE
TOTAL SITE AREA: 0.86

EXISTING IMPERVIOUS AREA: 0.14 AC
EXISTING PERVIOUS AREA: 0.72 AC

PROPOSED IMPERVIOUS AREA: 0.66 AC
PROPOSED PERVIOUS AREA: 0.20 AC

STORMWATER MANAGEMENT NARRATIVE
THE SITE WILL BE MANAGED PER CITY OF OREGON CITY STANDARDS FOR STORMWATER QUALITY AND QUANTITY (FLOW CONTROL).

CLIENT

RON LAUGHLIN
401 6TH STREET
OREGON CITY, OR 97045
TEL: 503-257-8105
EMAIL: RONFISHON@AOL.COM

ARCHITECT

ISLAN ARCHITECTS, P.C.
CONTACT: TODD ISLEN, AIA
1307 SEVENTH STREET
OREGON CITY, OR 97045
TEL: 503-656-1942
EMAIL: TODD@ISELINARCH.COM

CIVIL ENGINEER

HARPER HOUF PETERSON RIGHELLIS INC.
CONTACT: KEN VALENTINE, PE
1220 MAIN STREET, SUITE 150
VANCOUVER, WA 98660
TEL: 360-750-1131
FAX: 360-750-1141
EMAIL: KEN@HHPR.COM

SURVEYOR

HARPER HOUF PETERSON RIGHELLIS INC.
CONTACT: TIM BROWN, PLS
1220 MAIN STREET, SUITE 150
VANCOUVER, WA 98660
TEL: 360-750-1131
FAX: 360-750-1141
EMAIL: TIMB@HHPR.COM

WETLAND SPECIALIST

HARPER HOUF PETERSON RIGHELLIS INC.
CONTACT: IVY WATSON
1220 MAIN STREET, SUITE 150
VANCOUVER, WA 98660
TEL: 360-750-1131
FAX: 360-750-1141
EMAIL: IVYW@HHPR.COM

RELATED PERMITS:

LAND USE CASE FILE: PA-21-00007

UTILITY CONTACTS

SEWER/STORM/WATER

CITY OF OREGON CITY
PUBLIC WORKS
CONTACT: VANCE WALKER
122 S. CENTER STREET
OREGON CITY, OR 97045
(503) 657-8241

NATURAL GAS

NW NATURAL GAS
CONTACT: JODI WRIGHT
220 NW 2ND AVENUE
PORTLAND, OR 97209
(503) 367-4984

PGE

PORTLAND GENERAL ELECTRIC
CONTACT: RYAN WILLIAMS
1705 NE BURNSIDE RD
GRESHAM, OREGON
(503) 669-5259

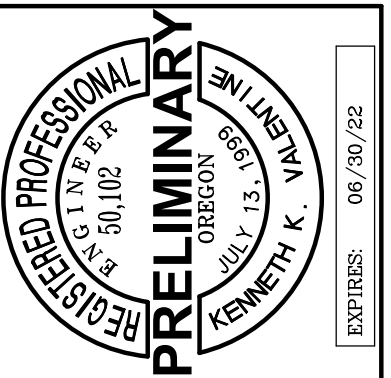
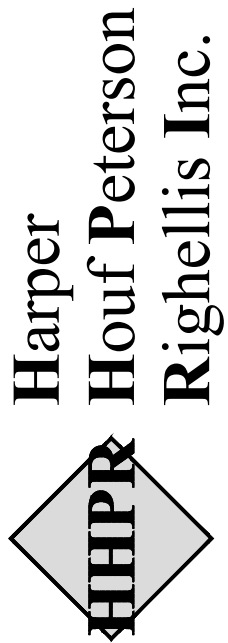
BEAVERCREEK TELEPHONE

CONTACT: ERIC KEHLER
DIRECTOR OF PLANTER OPERATIONS
(503) 266-8223
ERIC.KEHLER@CBSOREGON.COM

COVER SHEET

KAMM STREET APARTMENTS

OREGON CITY, OREGON



DESIGNED:	KKV
DRAWN:	HHPR TEAM
CHECKED:	KKV
DATE:	09/20/21

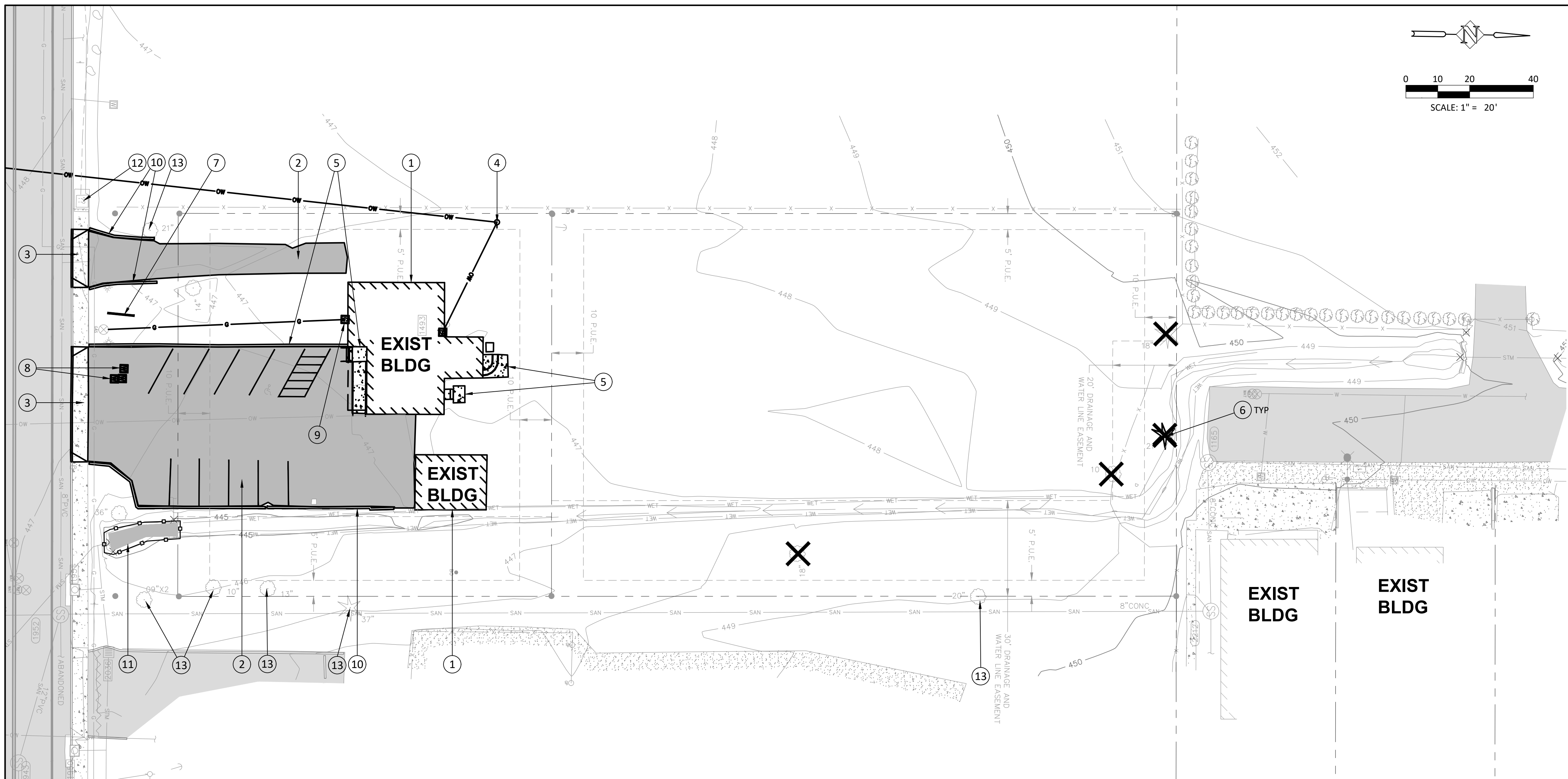
SHEET NO.

C1.0

JOB NO.

MSC-261

PRELIMINARY



TOPOGRAPHIC LEGEND:

- | | | | |
|--|------------------------------|--|---|
| | SANITARY SEWER LINE | | STORM SEWER LINE |
| | WATER LINE | | GAS LINE |
| | OVERHEAD WIRE | | FENCE LINE, TYPE AS NOTED |
| | ELECTRIC LINE | | BUILDING LINE |
| | LINEAR AC PATCH (UTILITY?) | | UTILITY LINE IS BELIEVED TO CONTINUE, CONNECTION NOT LOCATED OR UNKNOWN |
| | MAJOR CONTOUR - 5' INTERVALS | | MINOR CONTOUR - 1' INTERVALS |
| | SANITARY SEWER MANHOLE | | UNKNOWN UTILITY VAULT |
| | STORM SEWER MANHOLE | | GUY WIRE |
| | CATCH BASIN | | GROUND LIGHT |
| | CURB INLET | | UTILITY POLE
W/ UNDERGROUND UTILITIES |
| | WATER METER | | UTILITY POLE
W/ STREET LIGHT |
| | IRRIGATION BOX | | UTILITY POLE
W/ UNDERGROUND UTILITIES AND STREET LIGHT |
| | POWER METER | | SINGLE POST SIGN |
| | GAS VALVE | | GATE POST |
| | GAS METER | | BOLLARD |
| | FINISH FLOOR ELEVATION | | MAIL-BOX |
| | FF=XXX.XX | | HANDI-CAP PARKING SPACE |
| | EXISTING CONCRETE SURFACE | | SHRUB / BUSH
(SIZE AS NOTED) |
| | EXISTING ASPHALT SURFACE | | CONIFEROUS TREE
(APPROXIMATE DIAMETER BREAST HIGH AS NOTED) |
| | EXISTING GRAVEL SURFACE | | DECIDUOUS TREE
(APPROXIMATE DIAMETER BREAST HIGH AS NOTED) |
| | | | ROCK (SIZE AS NOTED) |

NOTE: SYMBOLS SHOWN HEREON ARE FOR GRAPHICAL REPRESENTATION PURPOSES AND DO NOT NECESSARILY SHOW SHAPE, SIZE, ROTATION, CONDITION, TYPE, ETC. OF THE ACTUAL PHYSICAL IMPROVEMENTS THAT THEY REPRESENT. CONDITION, TYPE, ROTATION, ETC. MAY VARY AMONGST ITEMS SHOWN BY THE SAME SYMBOL.

UTILITY STATEMENT:

THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM LOCATE POINT MARKINGS TIED IN THE FIELD SURVEY AND AS-BUILT DRAWINGS PROVIDED BY UTILITY COMPANIES. THIS SURVEY DOES NOT SHOW ANY POINT MARKINGS PROVIDED AFTER THE FIELD SURVEY WAS COMPLETED. AS-BUILT DRAWING INFORMATION THAT WAS NOT PROVIDED IS NOT REFLECTED ON THIS SURVEY. AS-BUILT INFORMATION, IF PROVIDED, WAS USED TO IDENTIFY UNDERGROUND PIPE SIZE AND TYPE (IF SHOWN, AND NOT MEASURED), PAINTED SIZE AND TYPE (IF PROVIDED, AND USED TO IDENTIFY UNDERGROUND PIPE SIZE AND TYPE (IF SHOWN, AND NOT MEASURED). IF NO LOCATE POINT MARKINGS WERE PROVIDED, AS-BUILT INFORMATION WAS USED TO HORIZONTALLY LOCATE THE UNDERGROUND UTILITIES.

THIS SURVEY MAKES NO GUARANTEES THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE OF ALL SUCH UTILITIES IN THE AREA. THE UNDERGROUND UTILITIES SHOWN MAY NOT BE IN THE EXACT LOCATION AS NOTED ON THIS SURVEY, BUT ARE LOCATED AS ACCURATELY AS POSSIBLE FROM THE INFORMATION PROVIDED. MANHOLES OTHER THAN SANITARY AND STORM SEWER WERE IDENTIFIED BY MANHOLE LIDS AND MAY NOT BE LABELED CORRECTLY.

UTILITY LOCATIONS MUST BE VERIFIED BY THE STATE UTILITY
NOTIFICATION CENTER IMMEDIATELY PRIOR TO ANY EXCAVATION.

UTILITY LOCATES WERE REQUESTED 2/9/2021 UNDER TICKET NUMBERS 21036042 AND 21036079
 FOLLOWING IS A LIST OF UTILITY PROVIDERS NOTIFIED:

BCTO	BEAVER CREEK TELEPHONE	(800)778-9140(800)632-3111(800)632-4111
*CDDOT05	CLACK CO DOT-TELECOM SVCS	(503)655-8828(503)655-8322(503)655-8828
*CDDT06	CLACKAMAS COUNTY- DOT- CBX	(503)722-6663(503)722-6663(503)940-6940
CMCST01	COMCAST CABLE COMM. MNGTNG, LLC	(800)778-9140(800)934-6489(503)671-1212
CCOD01	CITY OF OREGON CITY	(503)657-8241(503)657-8241(503)657-8241
*CDDOT05	CLACK CO DOT-TELECOM SVCS	(503)655-8828(503)655-8322(503)655-8828
PGED1	PORTLAND GENERAL ELECTRIC	(503)255-4634(503)544-1793(503)464-7777
PGEF01	PORTLAND GENERAL ELECTRIC	(503)255-4634(503)544-1793(503)464-7777
QNLOR01	CTLQ-CENTURYLINK(OR)	(778)-9140(800)283-4237(800)753-1311

* - DENOTES ASBUILT MAPS RECEIVED

MANHOLE LOCATION INFORMATION:

DUE TO THE HAZARDOUS NATURE AND APPLICABLE OSHA REQUIREMENTS REGARDING CONFINED SPACES, IT IS COMPANY POLICY TO NOT SEND OUR FIELD STAFF INTO UTILITY MANHOLES. RETRIEVE DEPTH AND SIZE INFORMATION (PIPE SIZES AND MANHOLE DEPTHS) OBTAINED FROM A RECENTLY OBTAINED RECORD DRAWING. MANHOLE ELEVATION INFORMATION SHOWN HEREON IS SUBJECT TO AN UNCERTAINTY IN ACCURACY OF PLUS OR MINUS 0.1' OR GREATER (DEPENDING ON DEPTH, SIZE, AND TYPE OF MANHOLE). AN ADDITIONAL PERSONNEL WILL BE REQUIRED TO SUBJECT TO AN UNCERTAINTY OF TWO INCHES OR MORE (DEPENDING ON DEPTH, SIZE, FLOW, AND CONSTRUCTION OF MANHOLE). IF A HIGHER ACCURACY IS NEEDED, ADDITIONAL PERSONNEL WILL BE REQUIRED TO ENTER THE MANHOLE AND RETRIEVE, SAID INFORMATION.

MANHOLE LOCATIONS SHOWN ARE TO CENTER OF LID, NOT CENTER OF STRUCTURE.

VERTICAL DATUM:

ELEVATION DATUM:
BENCHMARK:
LOCATION:
ELEVATION:

HORIZONTAL DATUM

[ADD HORIZONTAL REFERENCE FRAME HERE]

THIS IS AN EXAMPLE:

HORIZONTAL COORDINATES ARE BASED ON WASHINGTON STATE PLANE (SOUTH ZONE) - REFERENCE FRAME: NAD 83 (CRS96)(EPOCH:2002.0000), US SURVEY FEET. ALL DISTANCES ARE GROUND, SO STATE PLANE COORDINATES ARE APPROXIMATE, AND WERE DETERMINED FROM AN OPUS SOLUTION (THROUGH NGS) FOR CONTROL POINTS AT THE NORTH (CP-5) AND SOUTH (CP-1) ENDS OF THE PROJECT. THE CONTROL POINT AT THE SOUTH END OF THE PROJECT WAS HELD FOR ITS COORDINATES (CP-1), AND THE PROJECT WAS ROTATED TO THE LINE BETWEEN SAID CONTROL POINTS (PER THEIR OPUS SOLUTIONS).]

SANITARY SEWER NOTES

- (1665) SATINITY MANHOLE
RIM=449.08'
E 8° CON(C(N))=441.93'
E 8° CON(C(E))=441.78'
BOTTOM=441.88'
- (1267) SATINITY MANHOLE
RIM=452.15'
E 8° CON(C(N))=442.75'
E 8° CON(C(S))=442.70'
BOTTOM=442.75'
- (1943) SATINITY MANHOLE
RIM=446.75'
E 12° P2VC(NW)=438.85'
E 12° CON(C)=438.70'
BOTTOM=438.75'
- (1952) SATINITY MANHOLE
RIM= 446.70'
E 8° P2VC(S)= 440.40'
E 8° P2VC(N)= 439.70'
E 8° P2VC(E)= 439.65'
E 8° P2VC(SE)=439.40'
BOTTOM=439.55'
- (2210) SATINITY MANHOLE
RIM=450.50'
E 8° CON(W)=441.40'
E 8° CON(C(E))=441.30'
BOTTOM=441.35'
- (2212) SATINITY MANHOLE
RIM=450.85'
E 8° CON(W)=441.55'
E 8° CON(C(E))=441.45'
E 8° CON(C(S))=441.35'
BOTTOM=441.45'

STORM SEWER NOTES

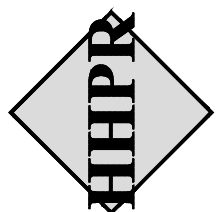
- | | |
|------|--|
| 1493 | CLEANOUT
RIM=447.12' |
| 1950 | CURB INLET
RIM= 446.98'
IE 12" HDPE(N)= 444.18'
SUMP= 442.58' |
| 1951 | CURB INLET
RIM=447.14'
IE 12" HDPE(N)=443.94'
SUMP=442.44' |
| 2036 | CATCH BASIN
RIM=446.69' |
| 2050 | STORM MANHOLE OVER BOX CULVERT
RIM=446.48'
IE 18"CONC(W)=442.48'
IE BOX CULVERT(NW)=441.98'
IE BOX CULVERT(SE)=441.98'
BOTTOM=441.98' |
| 2051 | CURB INLET
RIM= 446.98'
IE 12" HDPE(S)= 444.18'
BOTTOM= 444.48' |
| 2169 | CATCH BASIN
RIM=450.50'
IE 18"CONC(W)=447.80'
IE 18"CONC(E)=447.70'
BOTTOM=447.40' |

CONSTRUCTION NOTES:

- 1 REMOVE EXISTING BUILDING.
- 2 REMOVE EXISTING ASPHALT.
- 3 REMOVE EXISTING DRIVEWAY APRON.
- 4 REMOVE EXISTING POWER POLE AND OVERHEAD WIRES. COORDINATE WITH PGE.
- 5 REMOVE EXISTING CONCRETE.
- 6 REMOVE EXISTING TREE.
- 7 REMOVE EXISTING SIGN.
- 8 REMOVE EXISTING WATER METERS. CLOSE CORP STOP AT MAIN.
- 9 REMOVE EXISTING GAS METER. COORDINATE WITH NWNG.
- 10 REMOVE EXISTING RETAINING WALL.
- 11 PROTECT EXISTING WETLAND. INSTALL ORANGE CONSTRUCTION FENCE.
- 12 PROTECT EXISTING VAULT.
- 13 PROTECT EXISTING TREE.

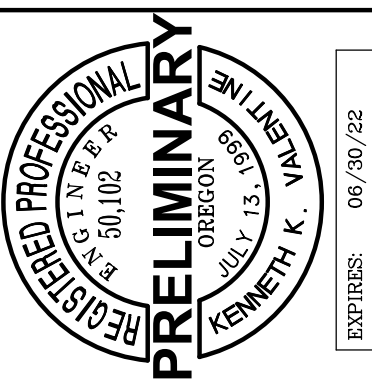
EXISTING CONDITIONS & DEMO PLAN
KAMM STREET APARTMENTS
OREGON CITY, OREGON

**Harper
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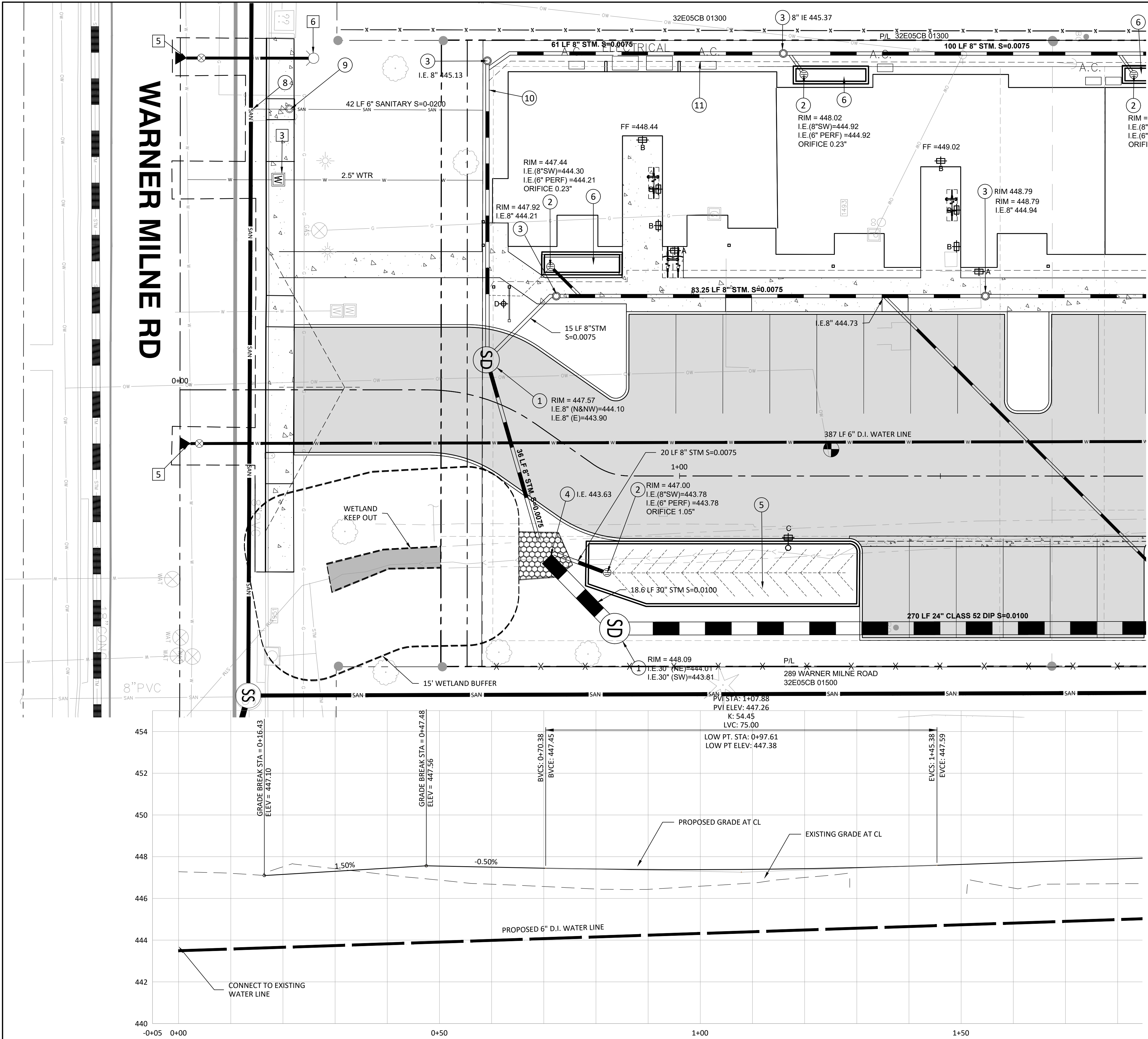
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JOB NO.

MSC-261

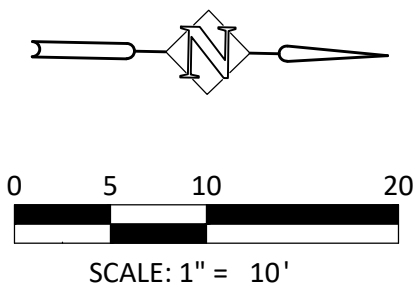


STORMWATER AND SANITARY SEWER CONSTRUCTION NOTES:

- 1. CONSTRUCT 48" DIA. CONCRETE STORM MANHOLE PER O.C. STD DTL 308, SHEET C4.8, STD DTLS 305, 307.
- 2. CONSTRUCT STORMWATER OVERFLOW STRUCTURE PER O.C. STD DTL 626.
- 3. INSTALL STORM CLEANOUT PER DETAIL. SET RIM FLUSH WITH FINISH GRADE.
- 4. CONSTRUCT STORM PIPE OUTFALL PER DETAIL SHEET C9.5.
- 5. STORMWATER PLANTER TYPE 'A' WITH OPENINGS FOR STORMWATER DRAINAGE PER DETAIL. INSTALL STORMWATER PLANTER CLEANOUT PER O.C. STD DTL 618, SHEET C9.1.
- 6. STORMWATER PLANTER TYPE 'B' FOR ROOF DRAINAGE PER DETAIL. INSTALL STORMWATER PLANTER CLEANOUT PER O.C. STD DTL 618, SHEET C9.1.
- 8. CONNECT NEW 6" SANITARY LATERAL TO EXISTING 8" PUBLIC SANITARY SEWER MAIN PER O.C. STD DTL 311, SHEET C4.7. CONTRACTOR TO POTHOLE AT CONNECTION POINT SHOWN TO CONFIRM SIZE AND INVERT AND NOTIFY ENGINEER IMMEDIATELY WITH INFORMATION AND DISCREPANCY.
- 9. INSTALL 2-WAY SANITARY CLEANOUT PER O.C. STD DTL 310-A, SHEET C9.6. RIM SET FLUSH WITH FINISHED GRADE.
- 10. INSTALL BACKWATER VALVE (CLEANCHECK OR EQUAL) IN RISER PIPE WITH CAST IRON CLEANOUT SET FLUSH WITH FINISH GRADE ON SOLID STORM PIPE PRIOR TO CONNECTION TO STORM SYSTEM.
- 11. CONSTRUCT FOUNDATION DRAIN PER DETAIL ON SHEET C9.5.

WATER CONSTRUCTION NOTES:

- 3. PROPOSED 2-INCH WATER SERVICE AND METER PER O.C. STD DTL 404, SHEET C4.5. COORDINATE WITH OREGON CITY PUBLICS WORKS STAFF PRIOR TO CONSTRUCTION.
- 5. INSTALL 6" WET TAP AND VALVE PER O.C. STD. DTL 411 FOR NEW WATER WATER LINE CONNECTION TO KAMM STREET.
- 6. INSTALL FIRE HYDRANT ASSEMBLY PER O.C. STD. DTL 401.



CIVIL UTILITY PLAN (SOUTH)
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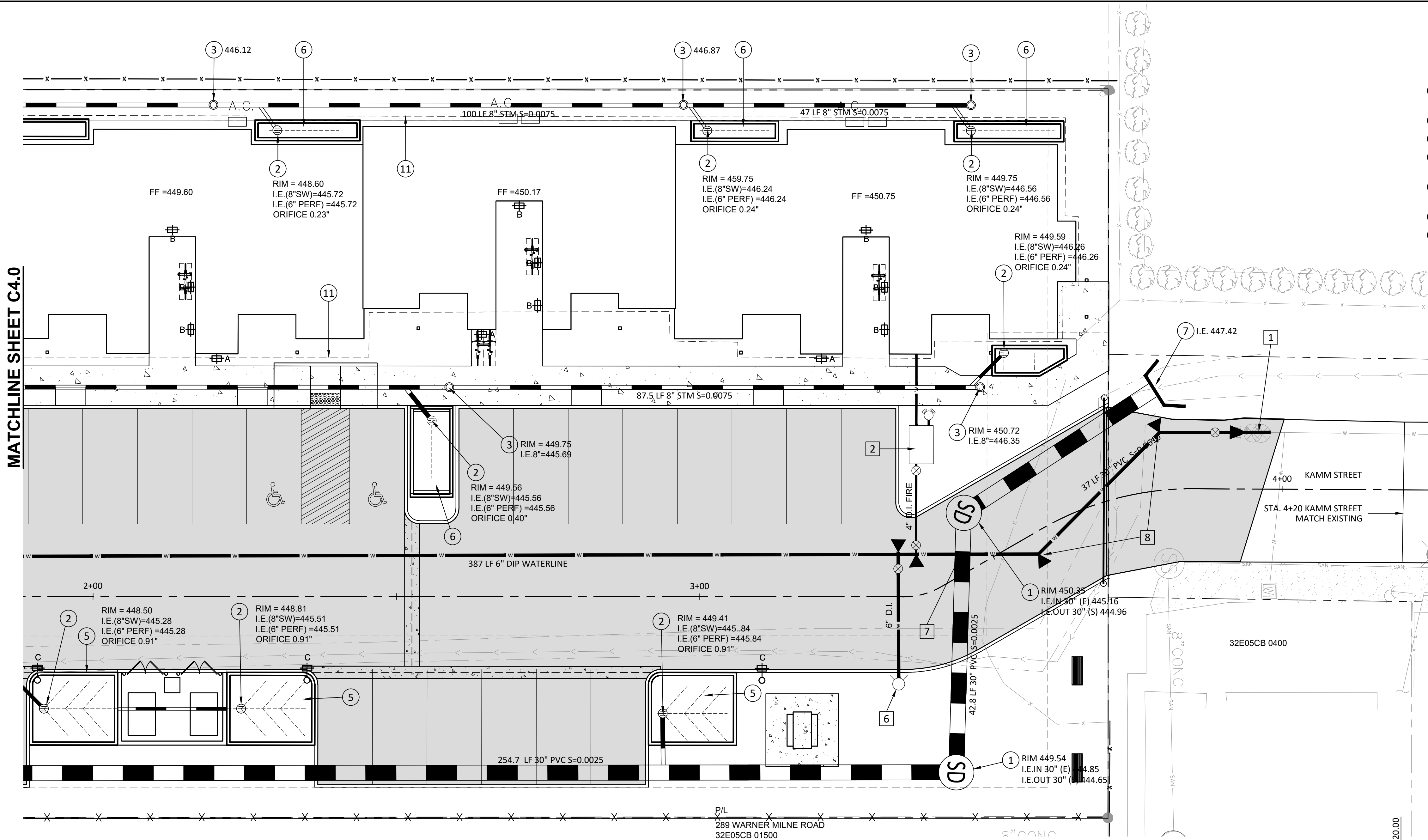
REGISTERED PROFESSIONAL ENGINEER
No. 30102
OREGON
JULY 13, 2013
KENNETH K. VILKMEYER
PRELIMINARY
EXP. 09/30/22

DESIGNED:	KKV	DRAWN:	HHPR TEAM	CHECKED:	KKV	DATE:	09/20/21
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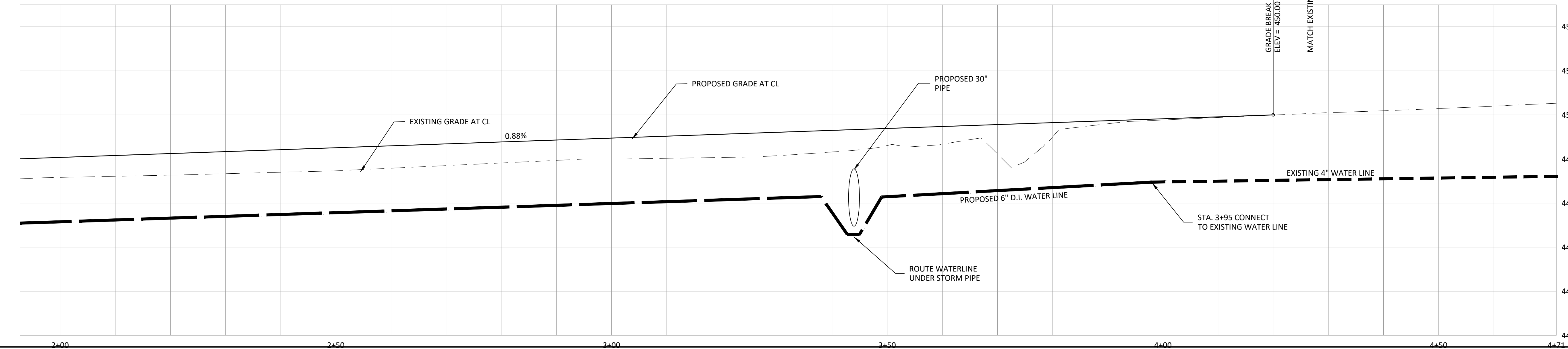
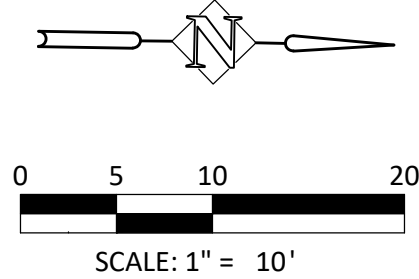


STORMWATER AND SANITARY SEWER CONSTRUCTION NOTES:

- 1 CONSTRUCT 48" DIA. CONCRETE STORM MANHOLE PER O.C. STD DTL 308, SHEET C4.8, STD DTLS 305, 307.
- 2 CONSTRUCT STORMWATER OVERFLOW STRUCTURE PER O.C. STD DTL 626.
- 3 INSTALL STORM CLEANOUT PER DETAIL. SET RIM FLUSH WITH FINISH GRADE.
- 5 STORMWATER PLANTER TYPE 'A' WITH OPENINGS FOR STORMWATER DRAINAGE PER DETAIL. INSTALL STORMWATER PLANTER CLEANOUT PER O.C. STD DTL 618, SHEET C9.1.
- 6 STORMWATER PLANTER TYPE 'B' FOR ROOF DRAINAGE PER DETAIL. INSTALL STORMWATER PLANTER CLEANOUT PER O.C. STD DTL 618, SHEET C9.1.
- 7 CONSTRUCT REINFORCED CONCRETE HEADWALL PER DETAIL SHEET 9.2.
- 11 CONSTRUCT FOUNDATION DRAIN PER DETAIL ON SHEET C9.5.

WATER CONSTRUCTION NOTES:

- 1 REMOVE EXISTING BLOWOFF AND EXTEND EXISTING WATER LINE TO WARNER MILNE ROAD. INSTALL 4" X 6" REDUCER AND 6" GATE VALVE, MJ X FLANGE.
- 2 CONSTRUCT 4" FIRE SERVICE DDCVA IN OLDCASTLE 577-WA VAULT PER O.C. STD. DTL 421-2 AND 421-4, SHEET C4.5. SEE REMOTE FDC LOCATION NOT INTEGRAL TO VAULT. PROVIDE ELECTRICAL CONNECTION TO VAULT FOR SUMP PUMP AND DISCHARGE. PROVIDE 1.5" SUMP PUMP DISCHARGE LINE WITH WAFER CHECK VALVE TO WEEPHOLE AT CURB PER PLAN AND DETAIL.
- 6 INSTALL FIRE HYDRANT ASSEMBLY PER O.C. STD. DTL 401.
- 7 ROUTE WATER LINE UNDER CULVERT PER DETAIL SHEET C9.6.
- 8 INSTALL 6" 45° BEND FLG X MJ PER O.C. STD. DTL 407 AND 413.



CIVIL UTILITY PLAN (NORTH)

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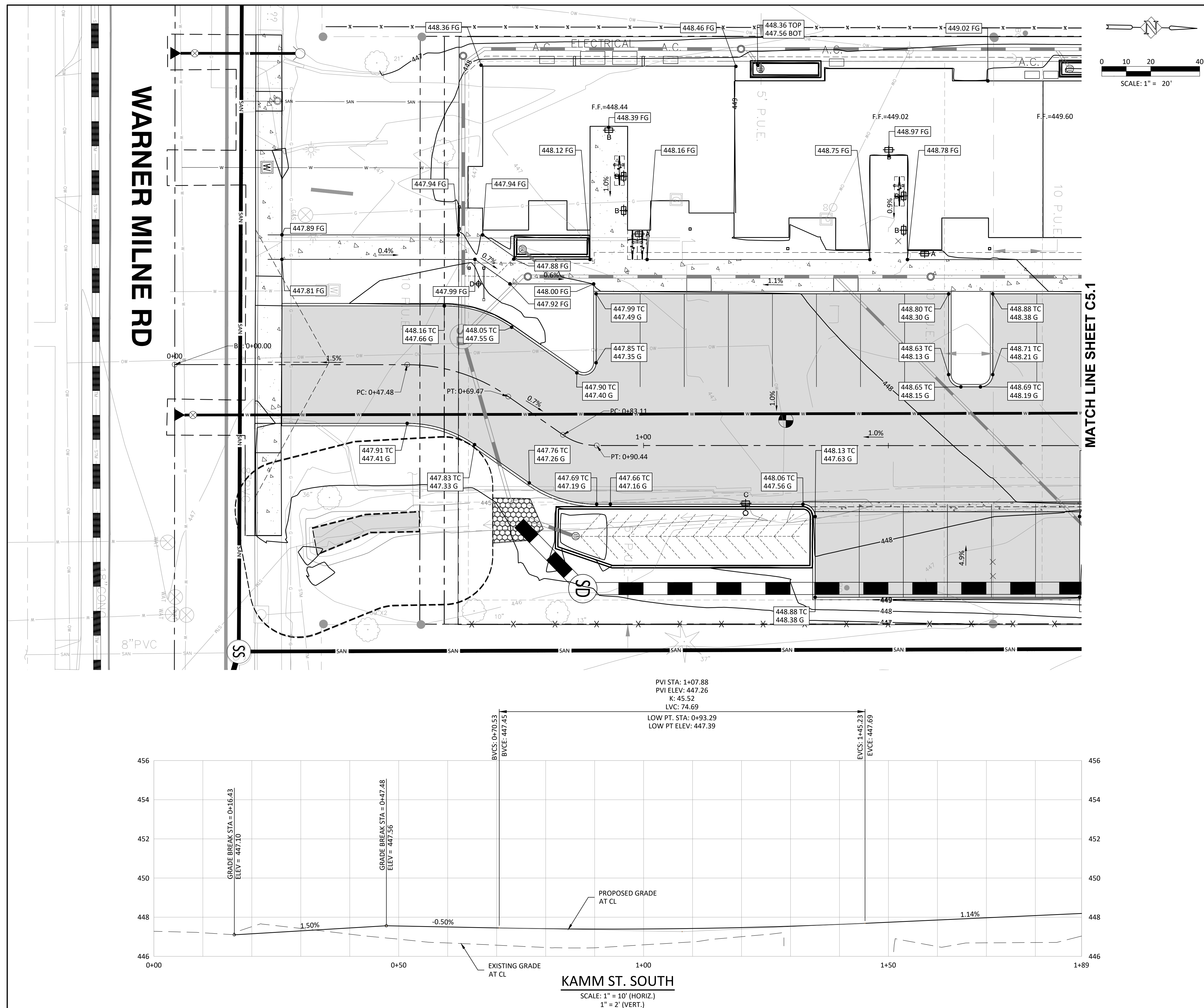
REGISTERED PROFESSIONAL ENGINEER
PRELIMINARY
KENNETH K. VALLERIE
JULY 13, 2013
EXPRESSES: 09/30/22

DESIGNED:	KKV
DRAWN:	HHPR TEAM
CHECKED:	KKV
DATE:	09/20/21

DATE	NO.	DESCRIPTION

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JOB NO.
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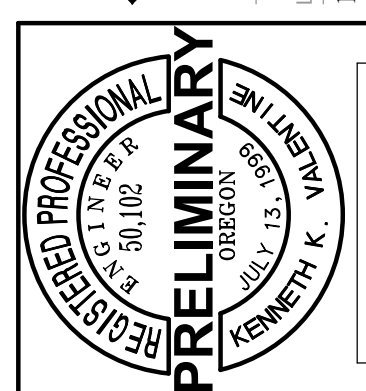


PRELIMINARY

OVERALL GRADING PLAN (SOUTH)
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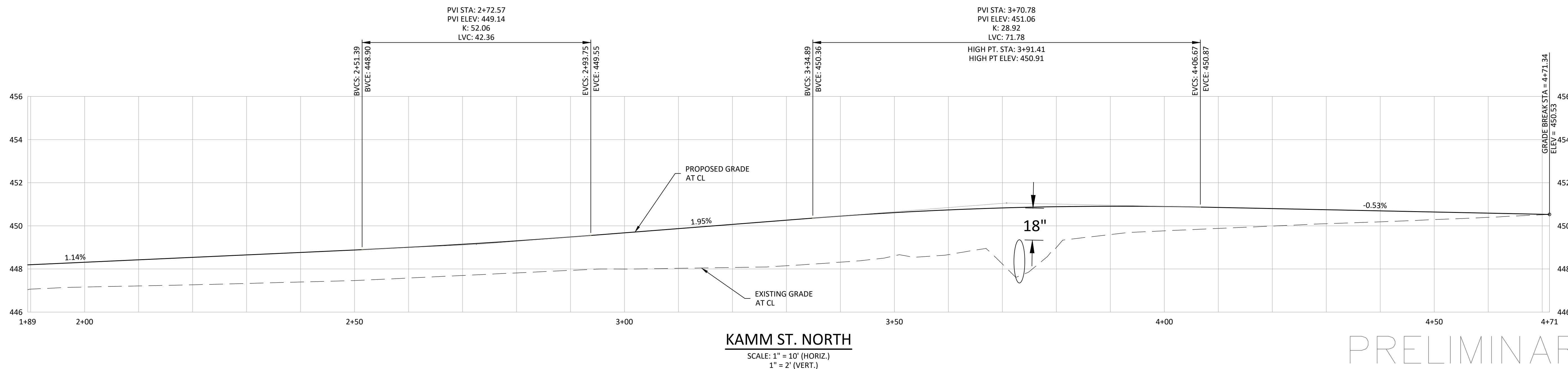
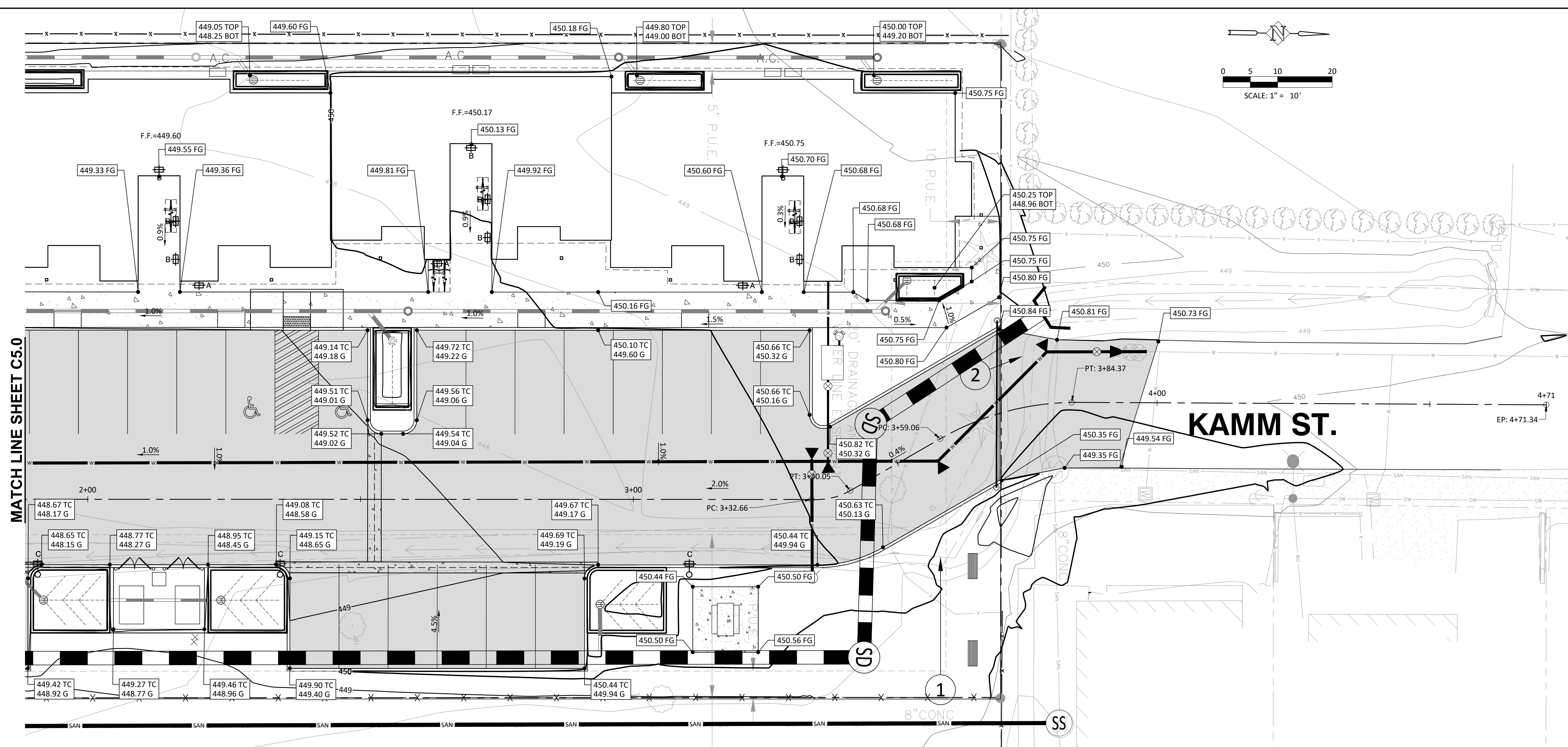
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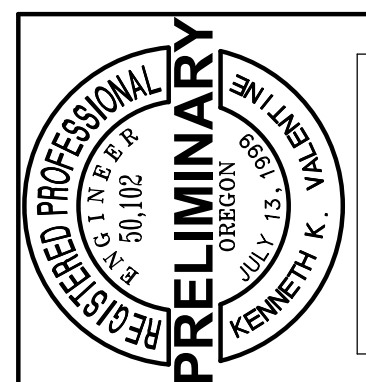
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OVERALL GRADING PLAN (NORTH)
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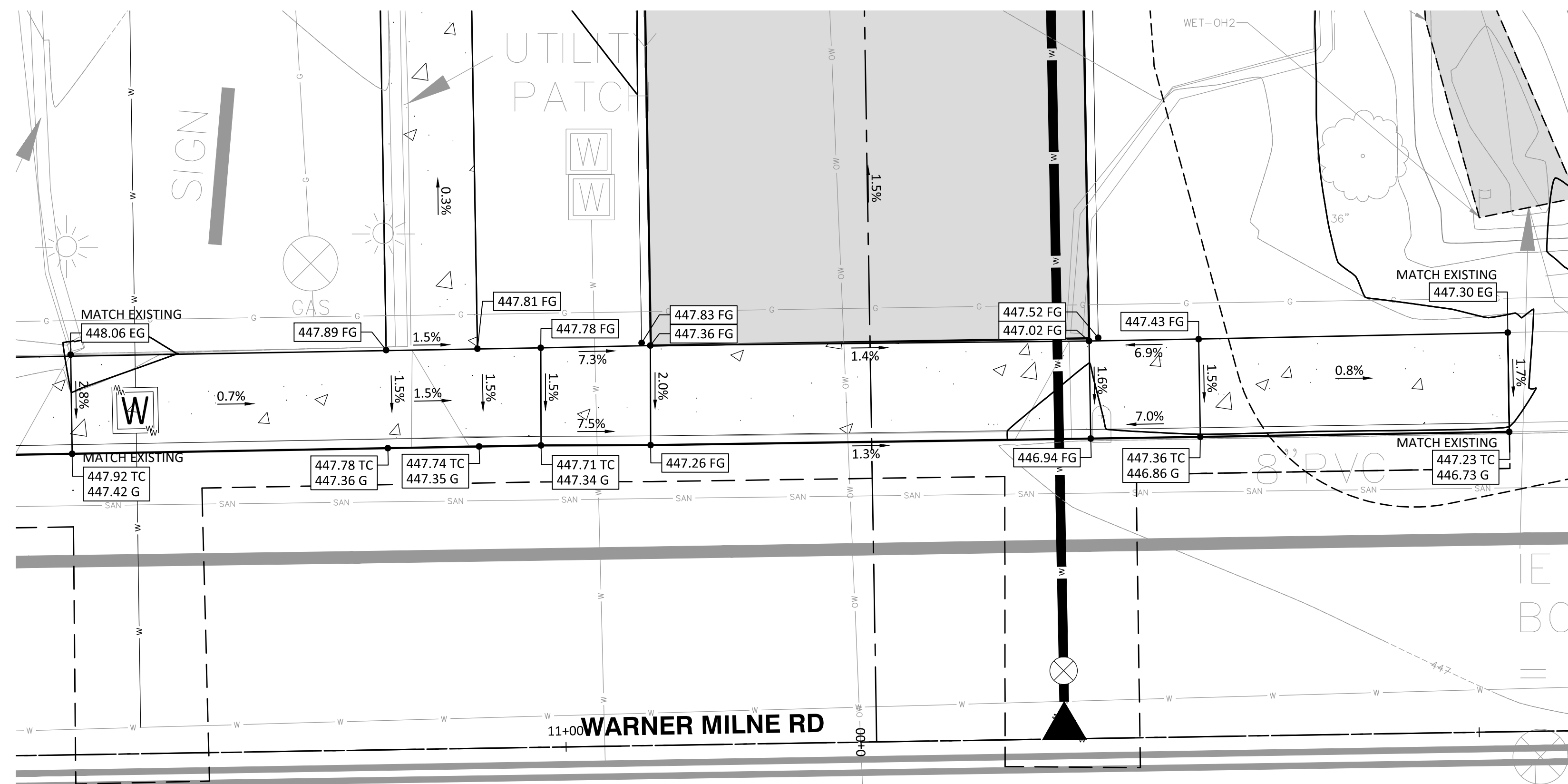


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CHECKED:	KKV
DATE:	06/20/2014

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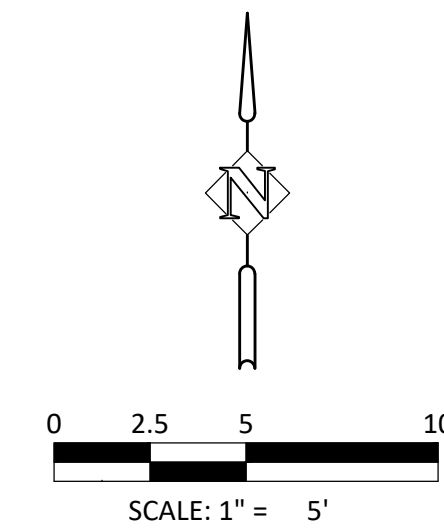
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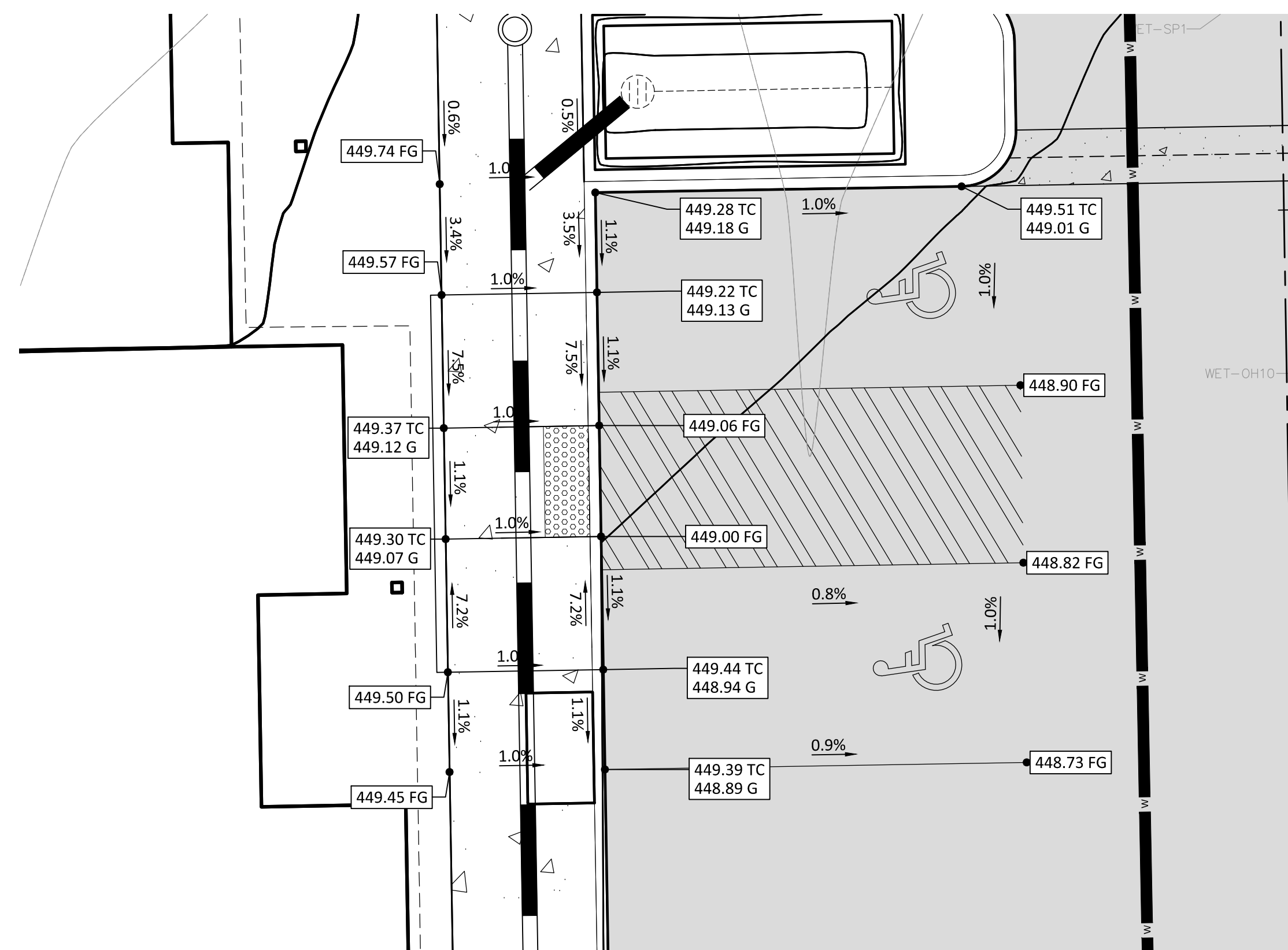


DRIVEWAY DETAIL

SCALE 1" = 5'



CONSTRUCTION NOTES:



DRIVEWAY DETAIL

SCALE 1" = 5'

GRADING DETAILS

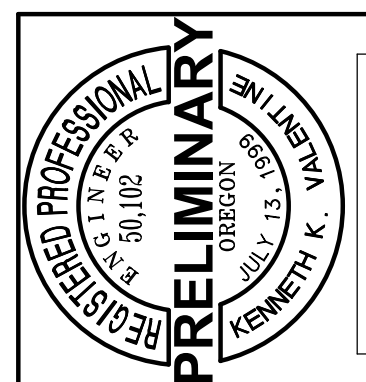
KAMM STREET APARTMENTS

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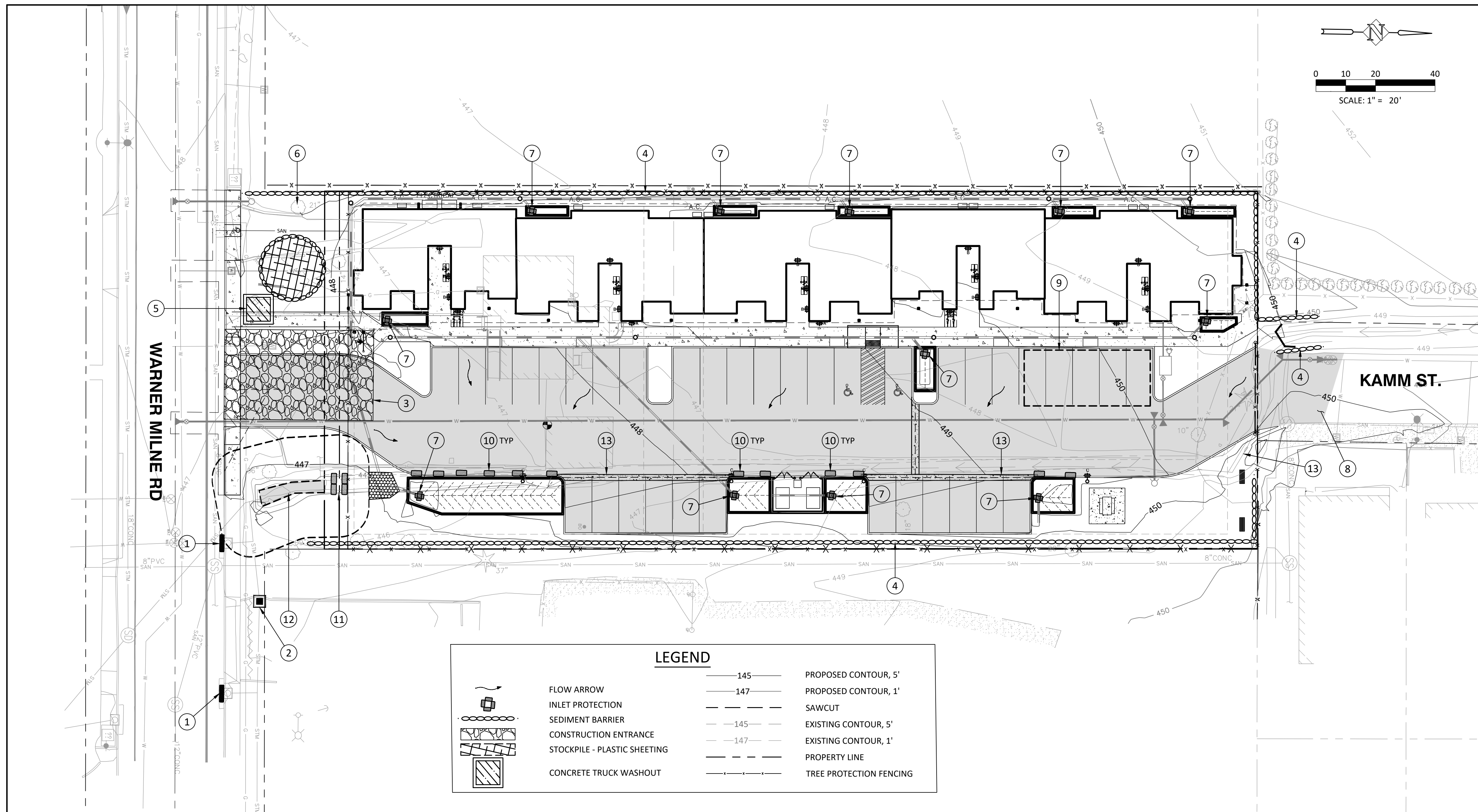
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PRELIMINARY



CONSTRUCTION NOTES:

- 1 INSTALL CURB INLET PROTECTION PER OREGON CITY DETAIL 7.1.
- 2 INSTALL FILTER SOCK INLET PROTECTION PER OREGON CITY DETAIL 7.1.
- 3 INSTALL CONSTRUCTION ENTRANCE PER OREGON CITY DETAIL 7.1.
- 4 INSTALL SEDIMENT CONTROL FENCE PER DETAIL SHEET 7.1.
- 5 INSTALL CONCRETE TRUCK WASHOUT PER OREGON CITY DETAIL 7.1.
- 6 PROPOSED STAGING AND STOCKPILE AREA.
- 7 INSTALL BIOBAG FILTERS AT EACH STORMWATER INLET.
- 8 MAINTAIN EXISTING PAVEMENT ON KAMM STREET. SWEEP DAILY AS NECESSARY. NO CONSTRUCTION ENTRANCE.
- 9 LOCATION OF CONTRACTOR TRAILERS, FUELING, PORTA Potty. CONTRACTOR TO LOCATE ON SITE.
- 10 INSTALL BIOBAG FILTERS AT EACH CURB OPENING.
- 11 INSTALL WATTLES IN DITCH UPSTREAM FROM WETLAND.
- 12 EXISTING WETLAND. DO NOT DISTURB.
- 13 PROTECT EXISTING DITCH WITH WATTLES ON BOTH SIDES UNTIL NEW 30" STORM PIPE IS INSTALLED.

GRADING, STREET AND UTILITY EROSION AND SEDIMENT CONSTRUCTION NOTES:

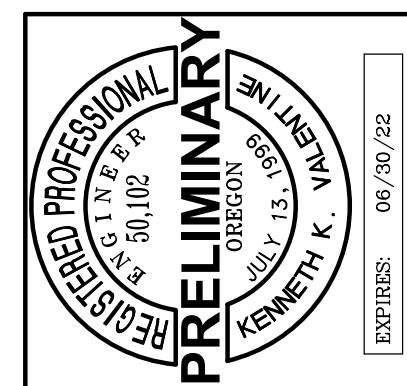
1. WHEN RAINFALL AND RUNOFF OCCURS DURING INSPECTIONS OF THE EROSION AND SEDIMENT CONTROLS AND DISCHARGE OUTFALLS MUST BE PROVIDED BY SOME ONE KNOWLEDGEABLE AND EXPERIENCED IN THE PRINCIPLES, PRACTICES, INSTALLATION, AND MAINTENANCE OF EROSION AND SEDIMENT CONTROLS WHO WORKS FOR THE PERMITTEE.
2. CONSTRUCTION ACTIVITIES MUST AVOID OR MINIMIZE EXCAVATION AND CREATION OF BARE GROUND FROM OCTOBER 1 THROUGH MAY 31 EACH YEAR.
3. DURING WET WEATHER PERIOD, TEMPORARY STABILIZATION OF THE SITE MUST OCCUR AT THE END OF EACH WORK DAY.
4. SEDIMENT CONTROLS MUST BE INSTALLED AND MAINTAINED ON ALL DOWN GRADIENT SLOES OF THE CONSTRUCTION SITE AT ALL TIMES DURING CONSTRUCTION. THEY MUST REMAIN IN PLACE UNTIL PERMANENT VEGETATION OR OTHER PERMANENT COVERING OF EXPOSED SOIL IS ESTABLISHED.
5. ALL ACTIVE INLETS MUST HAVE SEDIMENT CONTROLS INSTALLED AND MAINTAINED AT ALL TIMES DURING CONSTRUCTION. UNLESS OTHERWISE APPROVED, A SURFACE MOUNTED AND ATTACHABLE, U-SHAPED FILTER BAG IS REQUIRED FOR ALL CURB INLET CATCH BASINS.
6. SIGNIFICANT AMOUNTS OF SEDIMENT WHICH LEAVES THE SITE MUST BE CLEANED UP WITHIN 24 HOURS AND PLACED BACK ON THE SITE AND STABILIZED OR PROPERLY DISPOSED. THE CAUSE OF THE SEDIMENT RELEASE MUST BE FOUND AND PREVENTED FROM CAUSING A RECURRENCE OF THE DISCHARGE WITHIN THE SAME 24 HOURS. ANY IN-STREAM CLEAN UP OF SEDIMENT SHALL BE PREFORMED ACCORDING TO THE OREGON DEPARTMENT OF STATE LANDS REQUIRED TIME FRAME.
7. SEDIMENT MUST NOT BE INTENTIONALLY WASHED INTO STORM SEWERS, DRAINAGE WAYS, OR WATER BODIES.
8. SEDIMENT MUST BE REMOVED FROM BEHIND ALL SEDIMENT CONTROL MEASURES WHEN IT HAS REACHED A HEIGHT OF 1/3RD THE BARRIER HEIGHT, AND PRIOR TO THE CONTROL MEASURES REMOVAL.
9. CLEAN UP OF ALL STRUCTURES AND EQUIPMENT MUST OCCUR WHEN THE SEDIMENT RETENTION CAPACITY HAS BEEN REDUCED BY 50% AND AT COMPLETION OF PROJECT.
10. ANY USE OF TOXIC OR OTHER HAZARDOUS MATERIALS MUST INCLUDE PROPER STORAGE, APPLICATION, AND DISPOSAL.
11. THE PERMITTEE MUST PROPERLY MANAGE HAZARDOUS WASTES, USED OILS, CONTAMINATED SOILS, CONCRETE WASTE, SANITARY WASTE, LIQUID WASTE, OR OTHER TOXIC SUBSTANCES DISCOVERED OR GENERATED DURING CONSTRUCTION.
12. THE APPLICATION RATE OF FERTILIZERS USED TO REESTABLISH VEGETATION MUST FOLLOW MANUFACTURER'S RECOMMENDATIONS. NUTRIENT RELEASES FROM FERTILIZERS TO SURFACE WATERS MUST BE MINIMIZED. TIME RELEASE FERTILIZERS SHOULD BE USED AND CARE SHOULD BE MADE IN APPLICATION OF FERTILIZERS WITHIN ANY WATER WAY RIPARIAN ZONE.
13. OWNER OR DESIGNATED PERSON SHALL BE RESPONSIBLE FOR PROPER INSTALLATION AND MAINTENANCE OF ALL EROSION AND SEDIMENT CONTROL MEASURES, IN ACCORDANCE WITH CURRENT CLEAN WATER SERVICES STANDARDS AND STATE, AND FEDERAL REGULATIONS.
14. PRIOR TO ANY LAND DISTURBING ACTIVITIES, THE BOUNDARIES OF THE CLEARING LIMITS, VEGETATED BUFFERS, AND ANY SENSITIVE AREAS SHOWN ON THIS PLAN SHALL BE CLEARLY DELINEATED IN THE FIELD. UNLESS OTHERWISE APPROVED, NO DISTURBANCE IS PERMITTED BEYOND THE CLEARING LIMITS. THE OWNER/PERMITTEE MUST MAINTAIN THE DELINEATION FOR THE DURATION OF THE PROJECT. VEGETATED CORRIDORS TO BE DELINEATED WITH ORANGE CONSTRUCTION FENCE OR APPROVED EQUIVAL.
15. PRIOR TO ANY LAND DISTURBING ACTIVITIES, THE BMPs THAT MUST BE INSTALLED ARE GRAVEL CONSTRUCTION ENTRANCE, PERIMETER SEDIMENT CONTROL, AND INLET PROTECTION. THESE BMPs MUST BE MAINTAINED FOR THE DURATION OF THE PROJECT.
16. IF VEGETATIVE SEED MIXES ARE SPECIFIED, SEEDING MUST TAKE PLACE NO LATER THAN SEPTEMBER 1ST; THE TYPE AND PERCENTAGES OF SEED IN THE MIX ARE AS IDENTIFIED ON THE PLANS OR AS SPECIFIED BY THE DESIGN ENGINEER. WATER-TIGHT TRUCKS MUST BE USED TO TRANSPORT SATURATED SOILS FROM THE CONSTRUCTION SITE. AN APPROVED EQUIVALENT IS TO DRAIN THE SOIL ON SITE AT A DESIGNATED LOCATION USING APPROPRIATE BMPs; SOIL MUST BE DRAINED SUFFICIENTLY FOR MINIMAL SPILLAGE.
17. ALL PUMPING OF SEDIMENT LADEN WATER MUST BE DISCHARGED OVER AN UNDISTURBED, PREFERABLY VEGETATED AREA, AND THROUGH A SEDIMENT CONTROL BMP (I.E. FILTER BAG). THE ESC PLAN MUST BE KEPT ON SITE. ALL MEASURES SHOWN ON THE PLAN MUST BE INSTALLED PROPERLY TO ENSURE THAT SEDIMENT LADEN WATER DOES NOT ENTER A SURFACE WATER SYSTEM, ROADWAY, OR OTHER PROPERTY.
18. THE ESC MEASURES SHOWN ON THIS PLAN ARE THE MINIMUM REQUIREMENTS FOR ANTICIPATED SITE CONDITIONS. DURING THE CONSTRUCTION PERIOD, THESE MEASURES SHALL BE UPGRADED AS NEEDED TO MAINTAIN COMPLIANCE WITH ALL REGULATIONS.
19. WRITTEN ESC LOGS ARE SUGGESTED TO BE MAINTAINED ON SITE AND AVAILABLE TO DISTRICT INSPECTORS UPON REQUEST.
20. IN AREAS SUBJECT TO WIND EROSION, APPROPRIATE BMPs MUST BE USED WHICH MAY INCLUDE THE APPLICATION OF FINE WATER SPRAYING, PLASTIC SHEETING, MULCHING, OR OTHER APPROVED MEASURES.
21. ALL EXPOSED SOILS MUST BE COVERED DURING WET WEATHER PERIOD.

EROSION CONTROL PLAN
KAMM STREET APARTMENTS
OREGON CITY, OREGON

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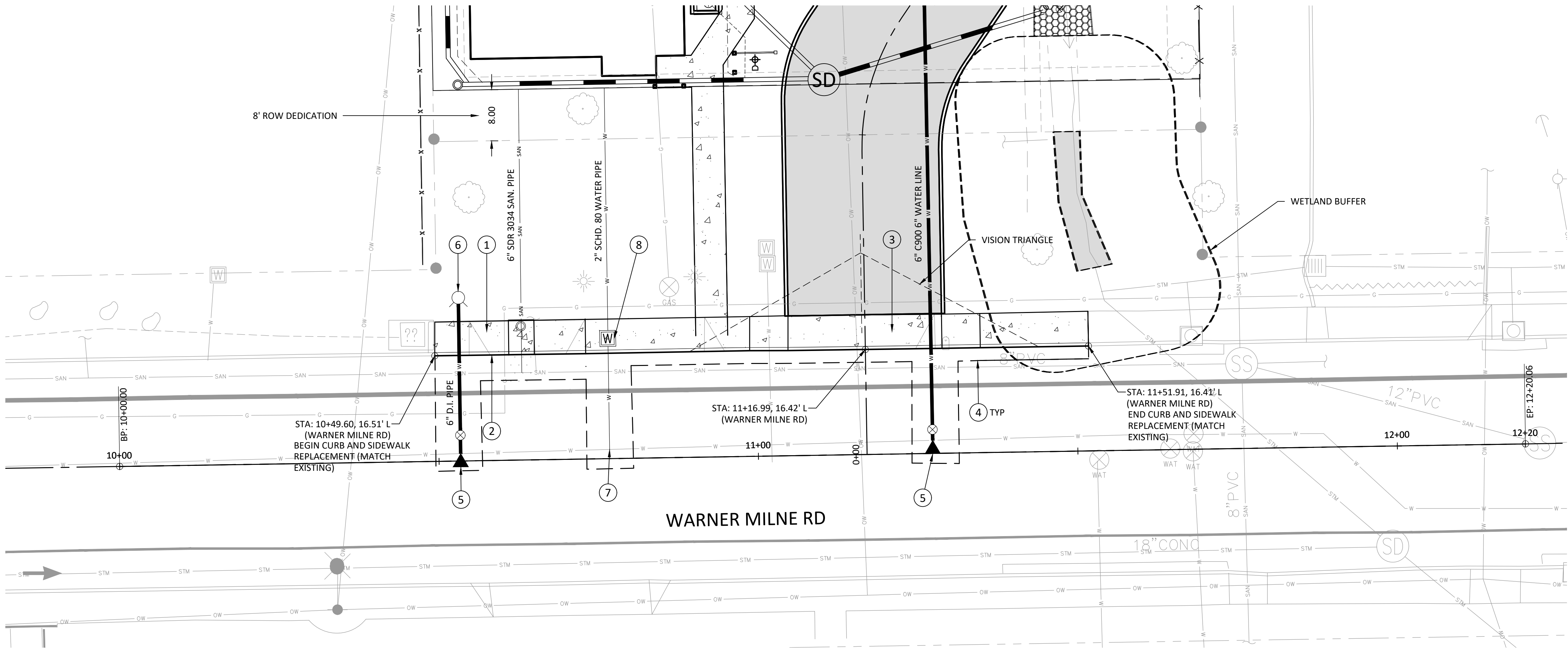
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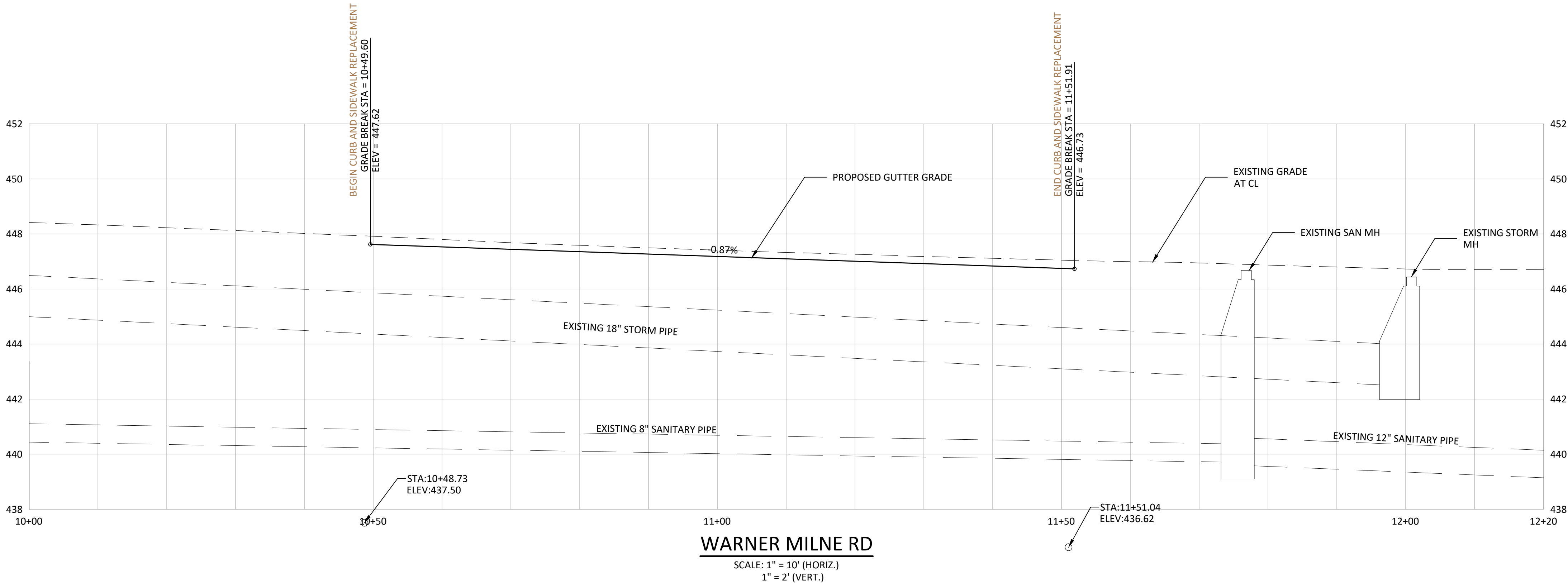
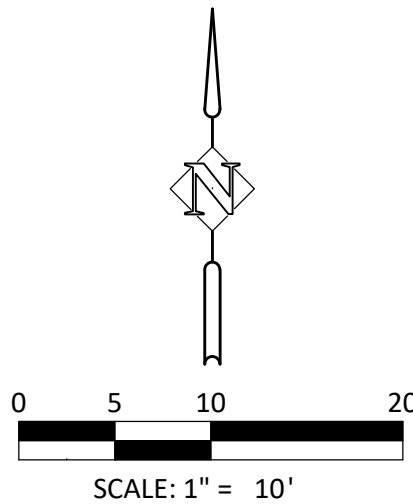
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CONSTRUCTION NOTES:

- 1 REPLACE EXISTING 5' SIDEWALK PER O.C. STD. DTL. 508.
- 2 REPLACE EXISTING CURB WITH STANDARD CURB PER O.C. STD. DTL. 510.
- 3 CONSTRUCT 24" COMMERCIAL DRIVEWAY PER O.C. STD. DTL. 505.
- 4 SAWCUT LIMITS. REPALCE AC SECTION PER EXISTING. MINIMUM SAWCUT 24" FROM CURB LINE.
- 5 INSTALL 6" WET TAP ON EXISTING 12" WATER LINE PER O.C. STD. DTL. 411.
- 6 INSTALL FIRE HYDRANT PER O.C. STD. DTL. 401.
- 7 INSTALL 2" WET TAPON EXISTING 12" WATER LINE PER O.C. STD. DTL. 411.
- 8 INSTALL 2" WATER SERVICE PER O.C. STD. DTL. 404.



WARNER MILNE ROAD PLAN & PROFILE
KAMM STREET APARTMENTS
OREGON CITY, OREGON

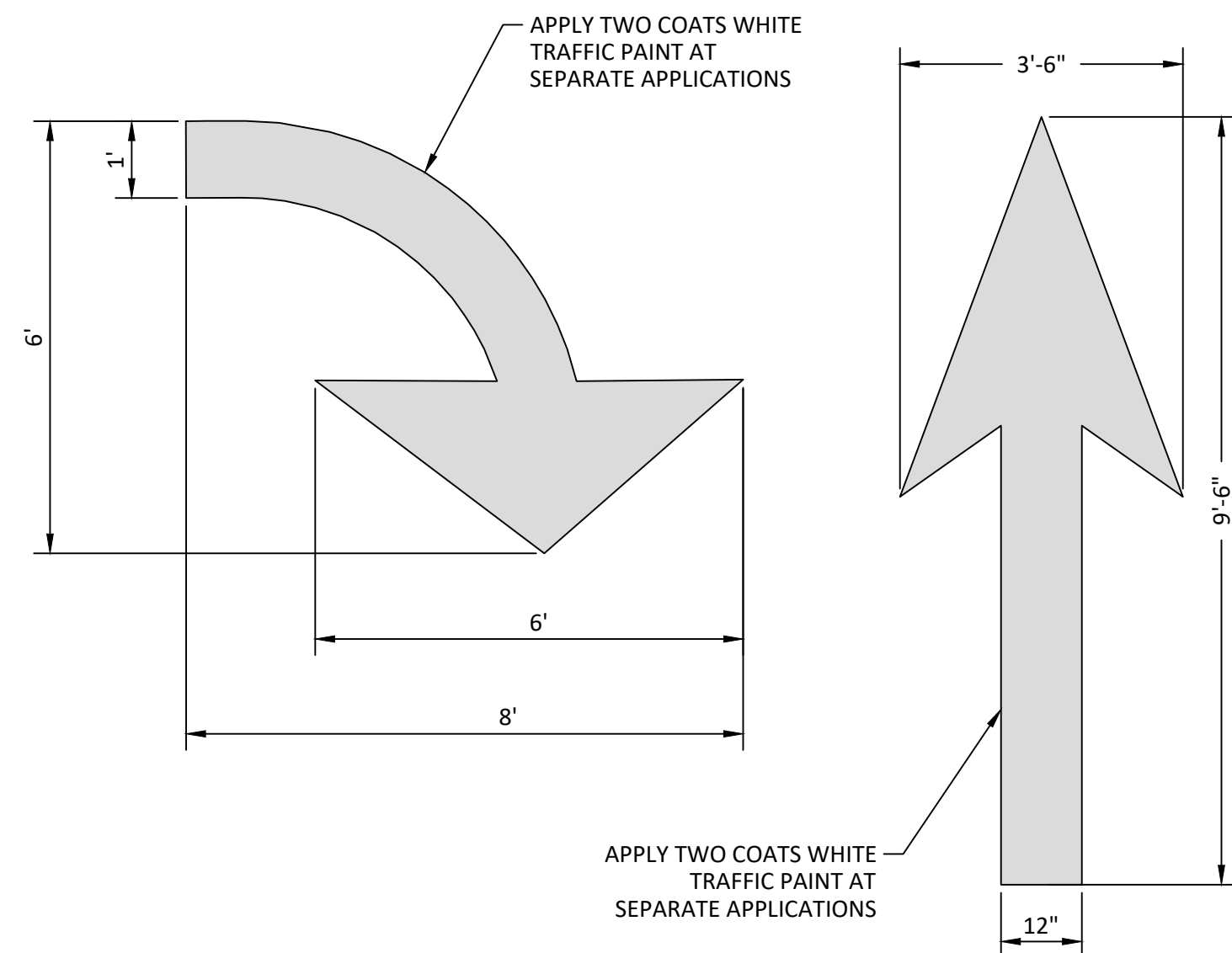
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REGISTERED PROFESSIONAL ENGINEER
PRELIMINARY
KENNETH K. VILKMEYER
JULY 13, 2013
EXPIRES: 09/30/22

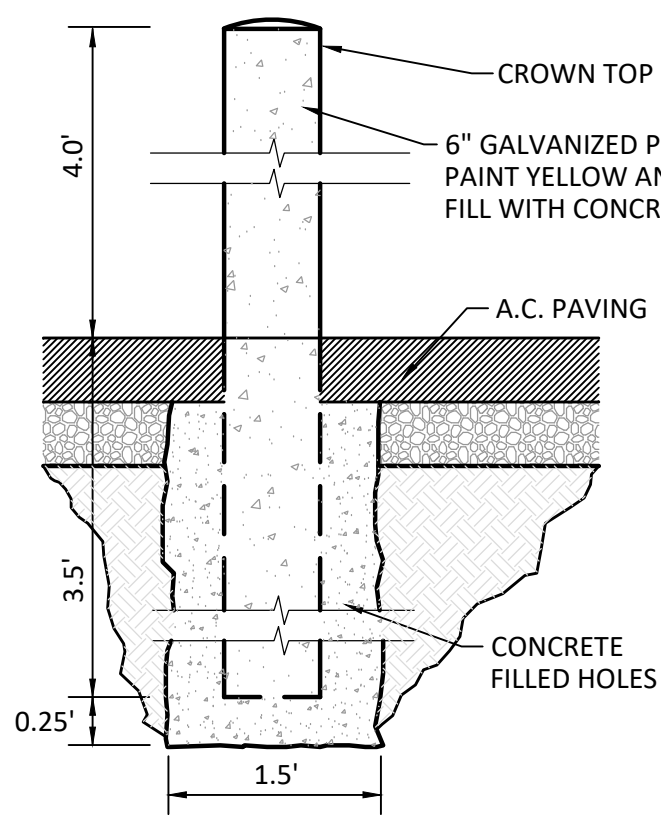
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JOB NO.
MSC-261

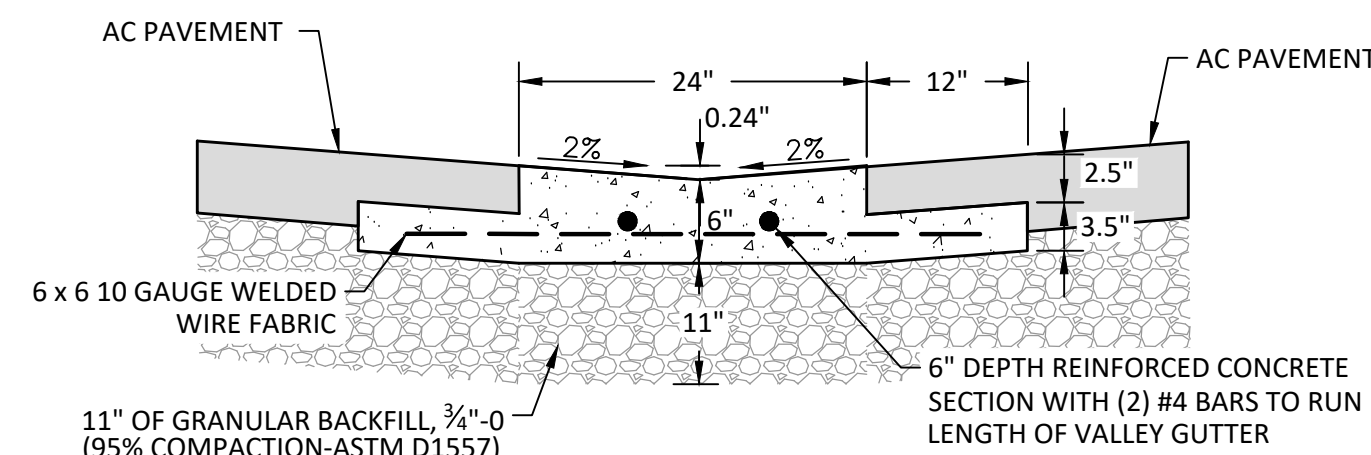
PRELIMINARY



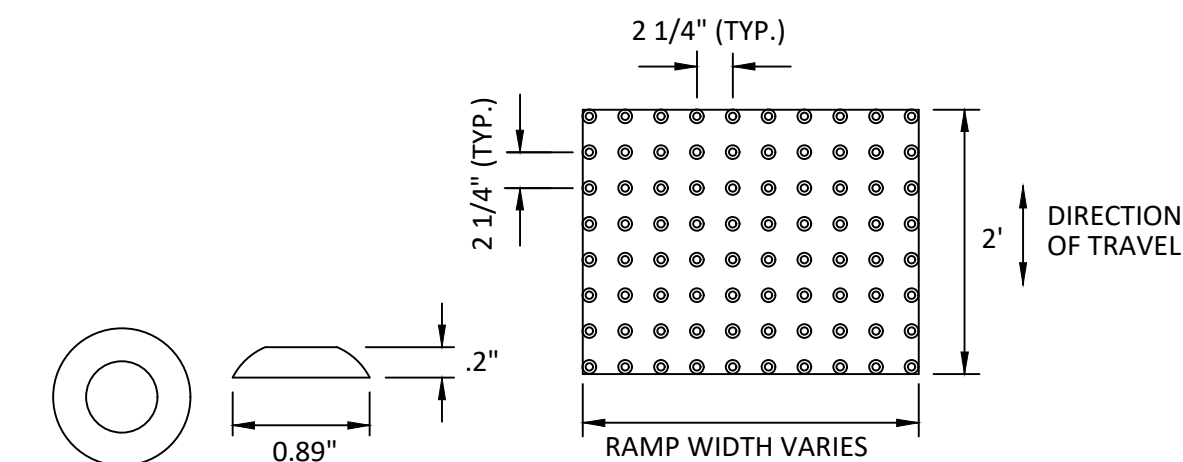
PAVEMENT ARROWS
N.T.S.



SITE BOLLARD
N.T.S.



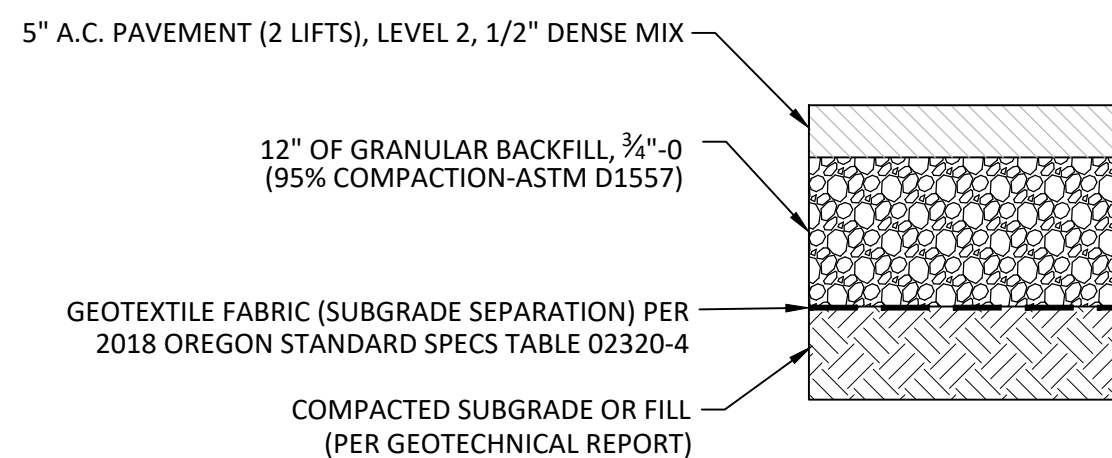
CONCRETE VALLEY GUTTER
N.T.S.



TRUNCATED DOME

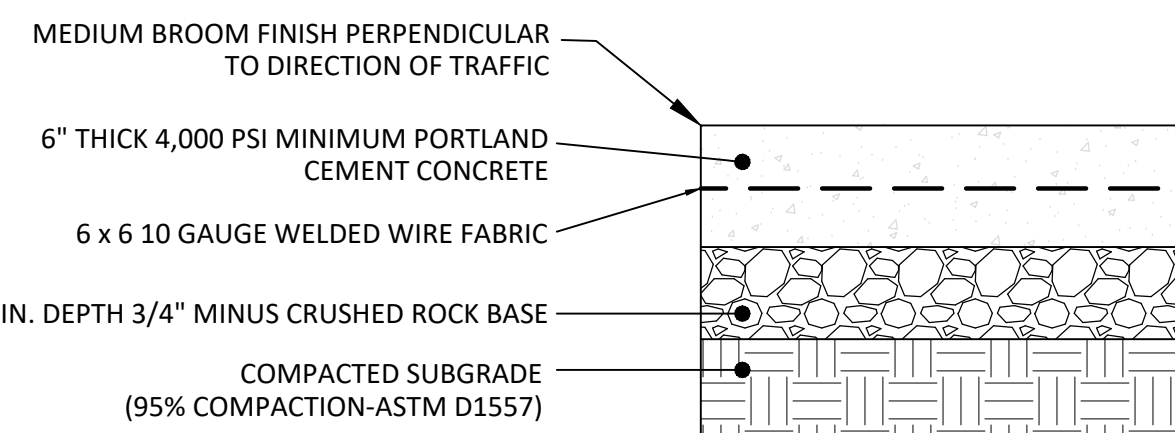
ADA TACTILE WARNING STRIP AT RAMP TO BE PLACED IN THE LOWER 2' OF RAMP THROAT ONLY. WARNING STRIP TO BE FULL WIDTH OF THROAT. COLOR OF TEXTURE TO BE "DARK GRAY", OR APPROVED BY OWNER. THE CONTRACTOR SHALL SUBMIT SAMPLE PALETTE TO THE ARCHITECT FOR APPROVAL PRIOR TO CONSTRUCTION.

ADA TACTILE WARNING STRIP
N.T.S.

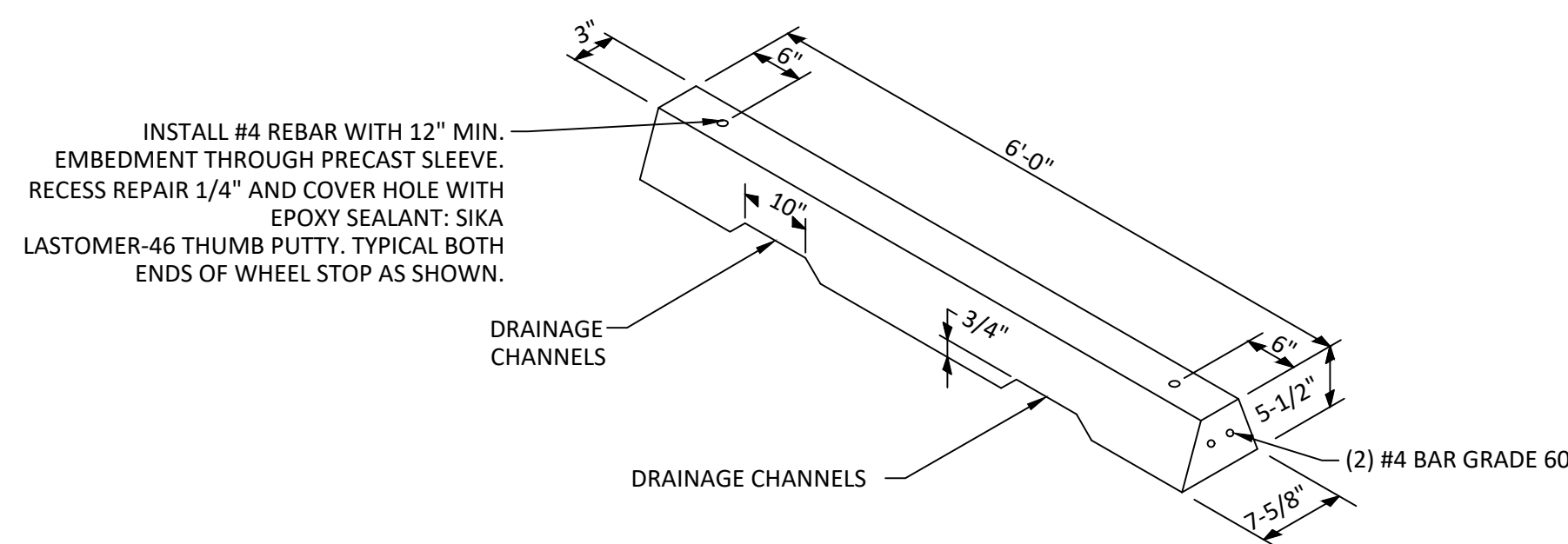


VEHICULAR ASPHALT PAVEMENT SECTION

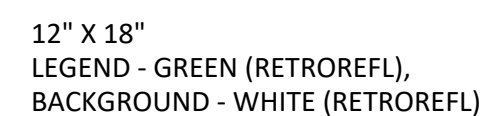
N.T.S.



REINFORCED CONCRETE PAVEMENT SECTION
N.T.S.

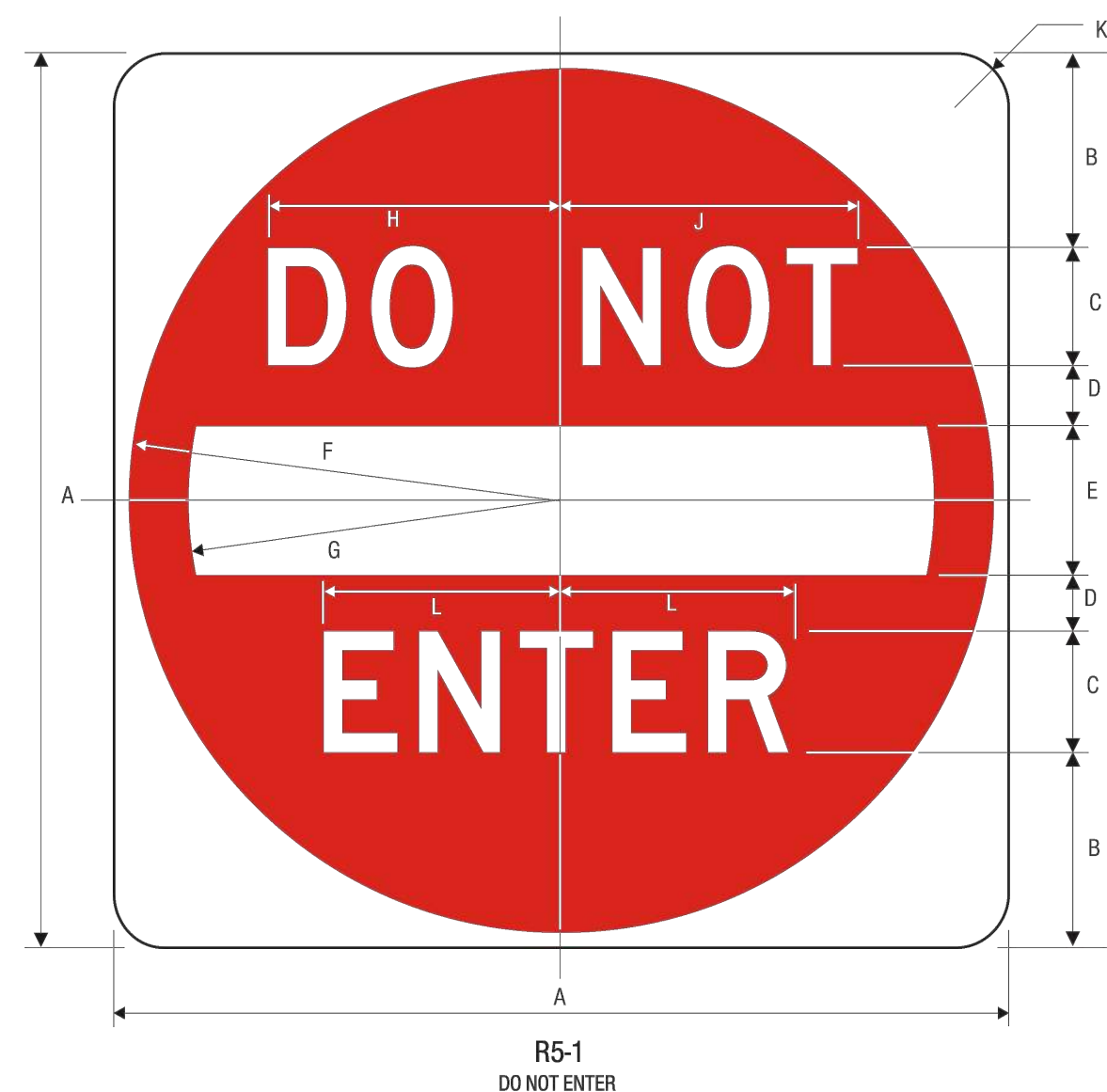


PRECAST CONCRETE WHEEL STOP
N.T.S.



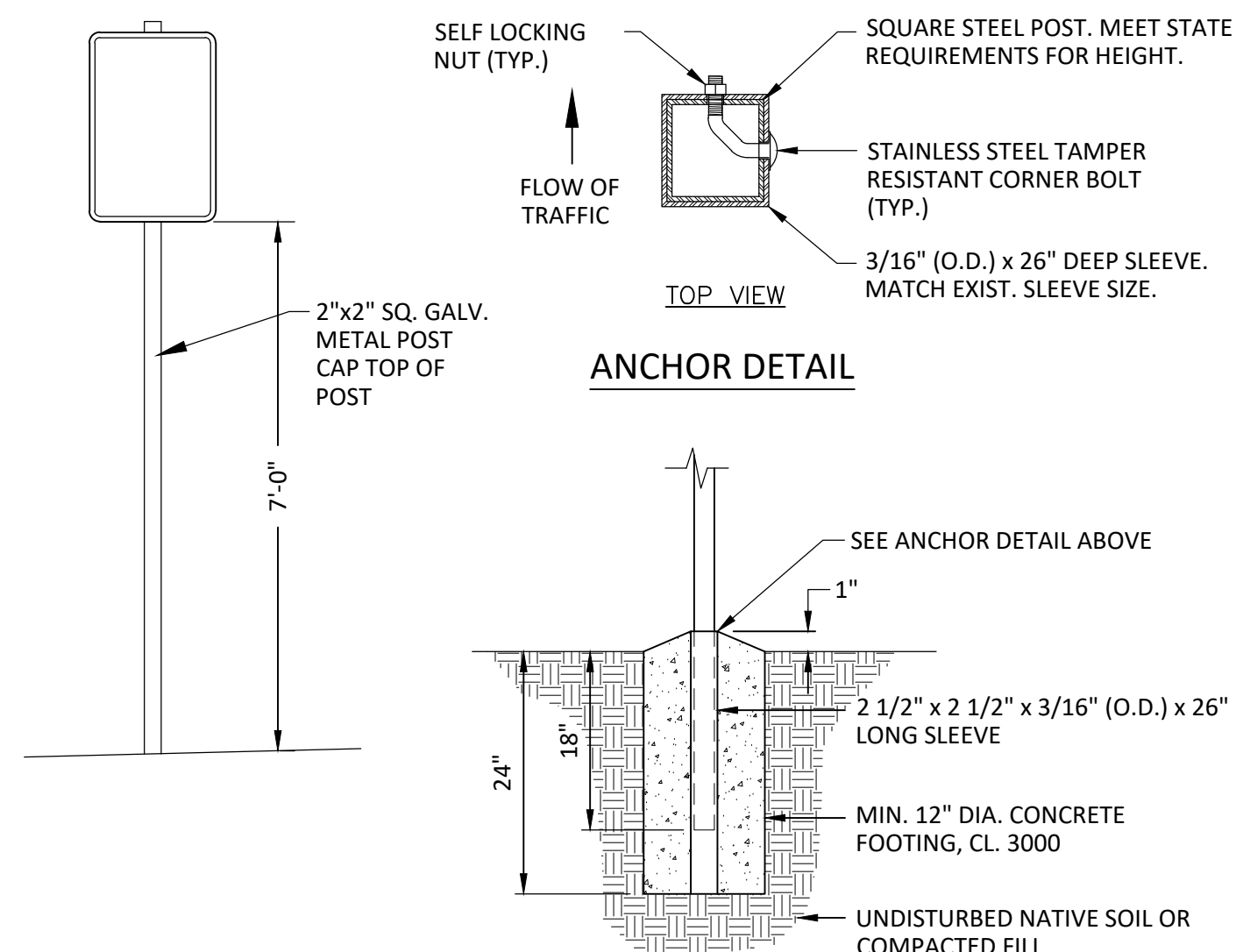
NOTE:
CONTRACTOR TO SUBMIT SHOP
DRAWINGS OF ALL SIGNAGE TO
ARCHITECT AND ENGINEER FOR
REVIEW AND APPROVAL PRIOR TO
ORDERING

CARPOOL PARKING SIGNAGE



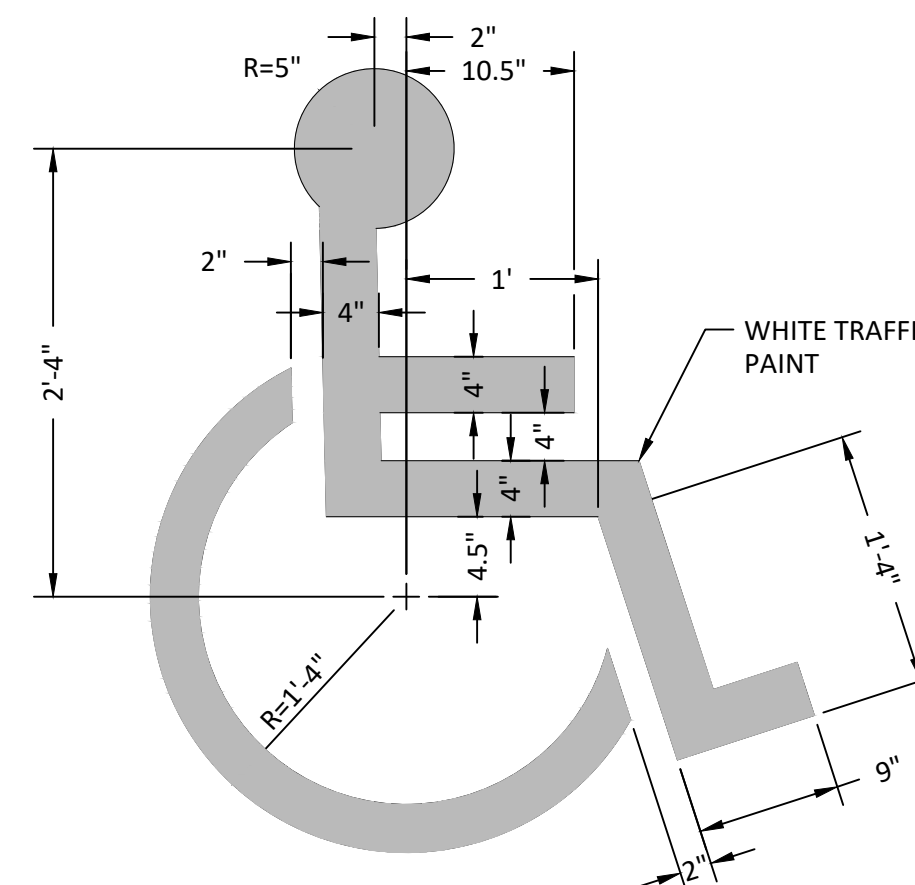
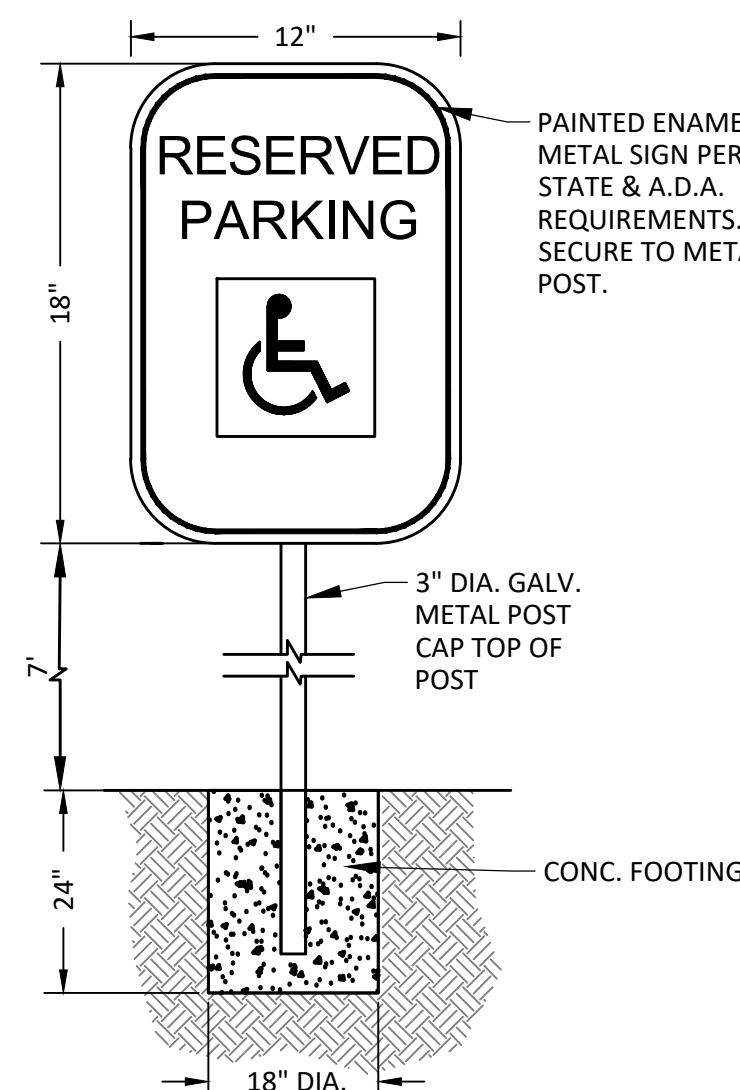
	A	B	C	D	E	F	G	H	J	K	L
C	30	6.5	4 D	2	5	14.5	12.5	9.75	10	1.875	7.875
	36	7.5	5 D	2.5	6	17.5	15	12	12.375	2.25	9.813
	48	11	6 D	3	8	23.5	20	14.5	15	3	11.75

COLORS: SYMBOL — RED (RETROREFLECTIVE)
LEGEND & BACKGROUND — WHITE (RETROREFLECTIVE)



SIGNAGE POST INSTALLATION

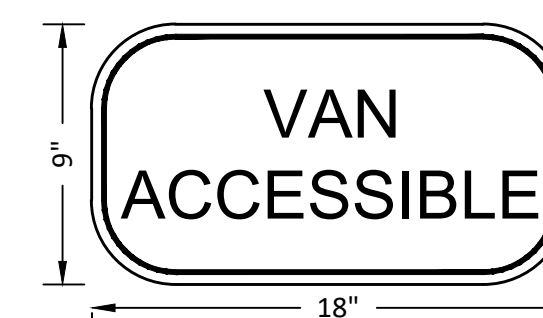
N.T.S.



NOTES:

1. SYMBOL AND PAINT SHALL MEET CURRENT A.D.A. ACCESSIBILITY GUIDELINE REQUIREMENTS.
2. SYMBOL SHALL HAVE A BLUE BACKGROUND MEETING CURRENT A.D.A. ACCESSIBILITY GUIDELINE REQUIREMENTS.

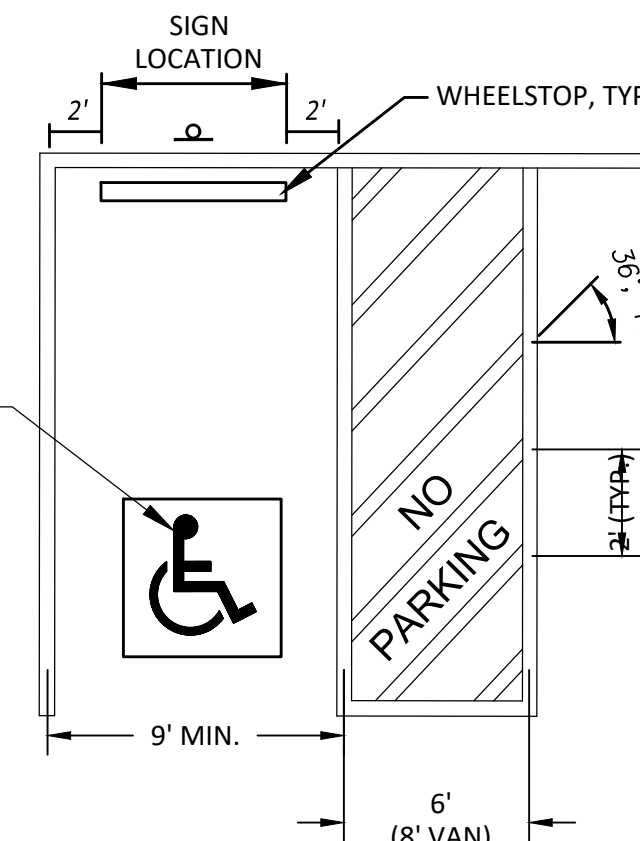
ACCESSIBLE PARKING SIGNAGE & STRIPING



"VAN ACCESSIBLE" SIGN

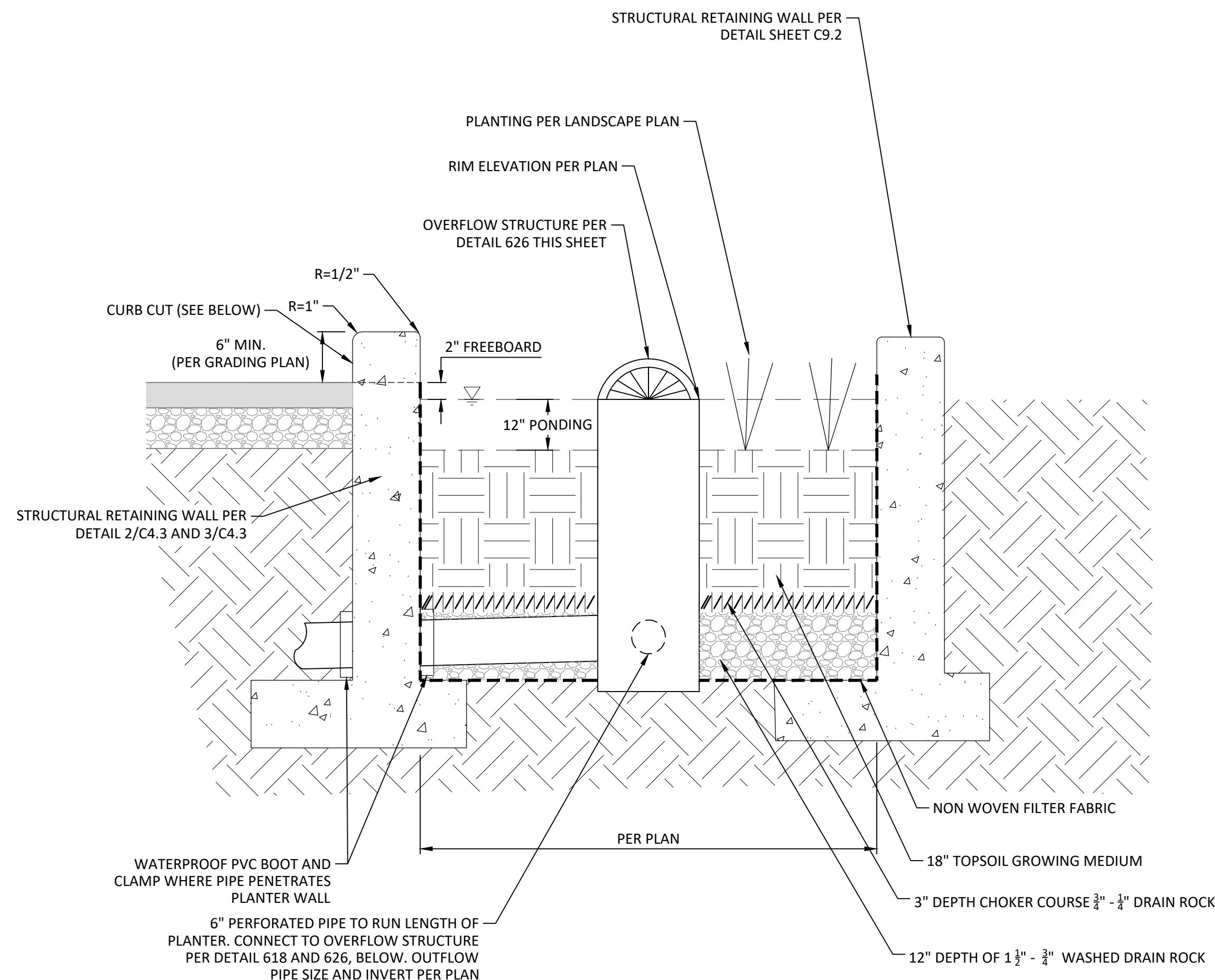


"NO PARKING" STRIPING IN ACCESS AISLE



NOTES:

1. ALL ACCESSIBLE PARKING PAVEMENT MARKINGS ARE TO BE WHITE AS SPECIFIED OR APPROVED.
2. INSTALL ACCESSIBLE PARKING SIGN AT EACH DESIGNATED STALL. SIGNAGE SHALL COMPLY WITH CURRENT STATE REGULATIONS AND DENOTE "VAN ACCESSIBLE" SPACES WHERE SHOWN. LOCATE SIGN WHERE SHOWN ON PLAN.

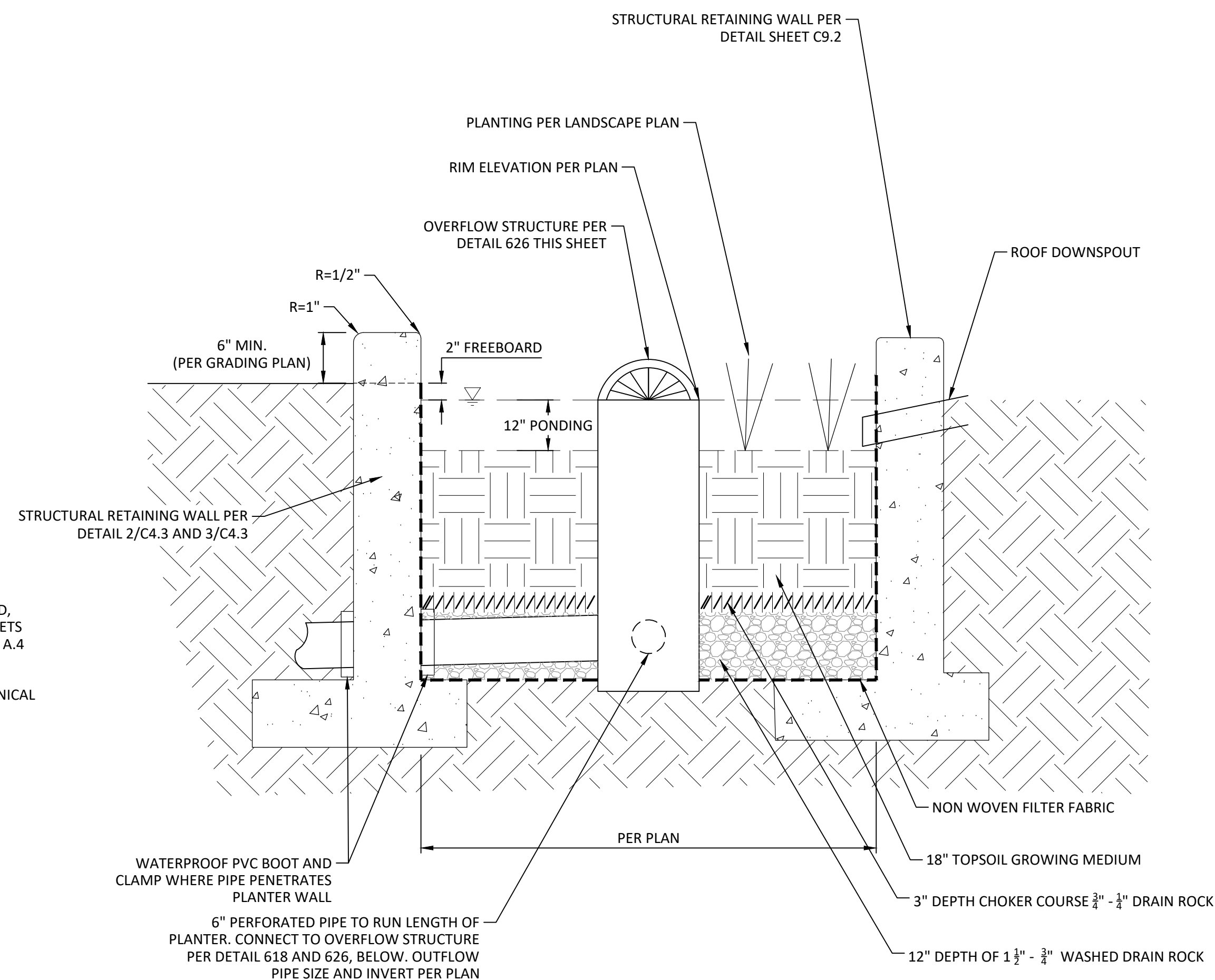


NOTE:

GROWING MEDIUM SHALL BE 3-WAY BLEND OF LOAMY SOIL, SAND, AND COMPOST THAT IS 30%-40% COMPOST BY VOLUME AND MEETS CITY OF OREGON CITY SPECIFICATIONS AS PROVIDED IN APPENDIX A.4 OF THE OREGON CITY STORMWATER AND GRADING DESIGN STANDARDS. CONTRACTOR TO SUBMIT MATERIAL DATA SHEET INCLUDING PARTICLE GRADATION ANALYSIS AND COMPOST TECHNICAL DATA SHEET FOR ENGINEER APPROVAL PRIOR TO CONSTRUCTION.

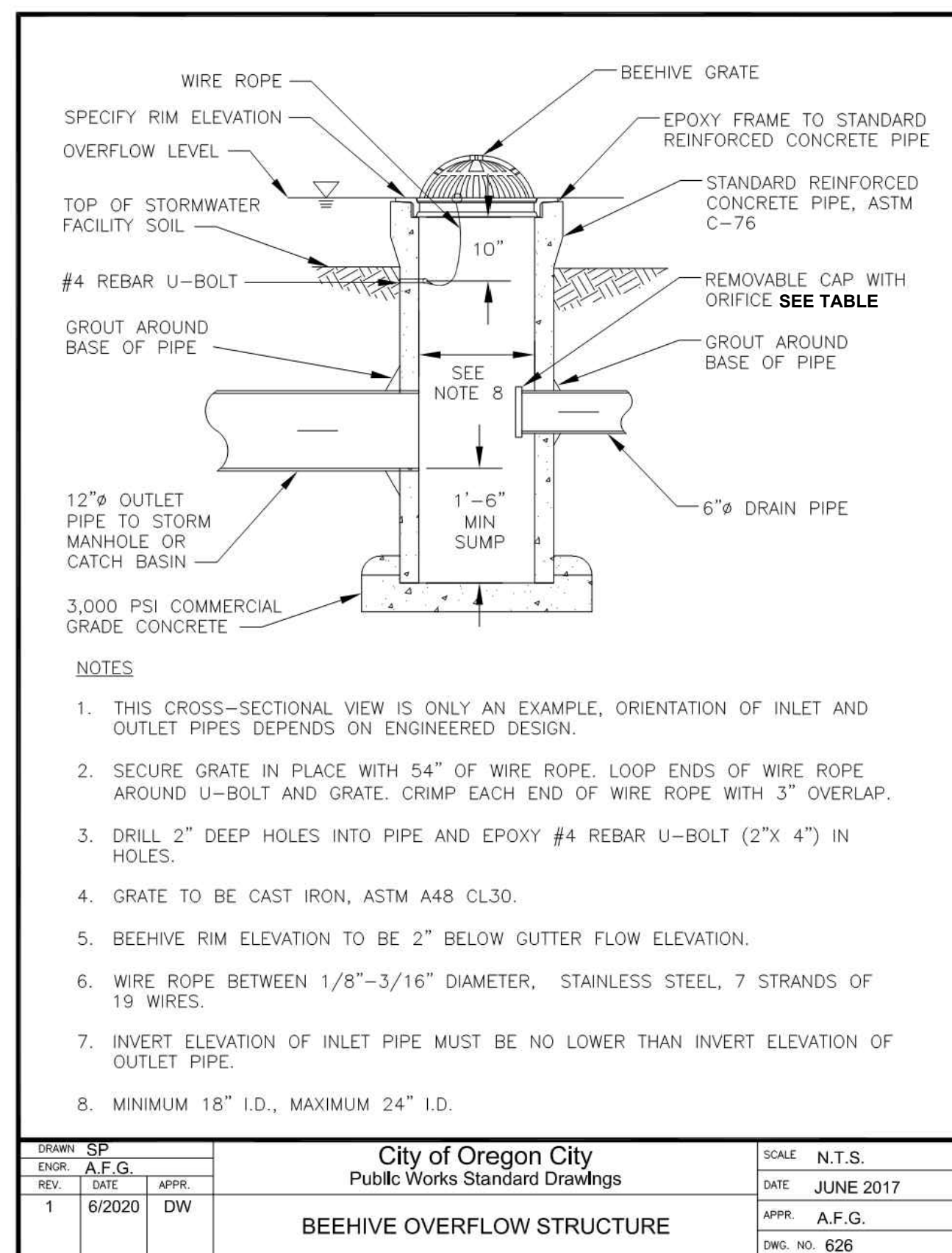
STORMWATER FACILITY CONFIGURATION 'A'

N.T.S

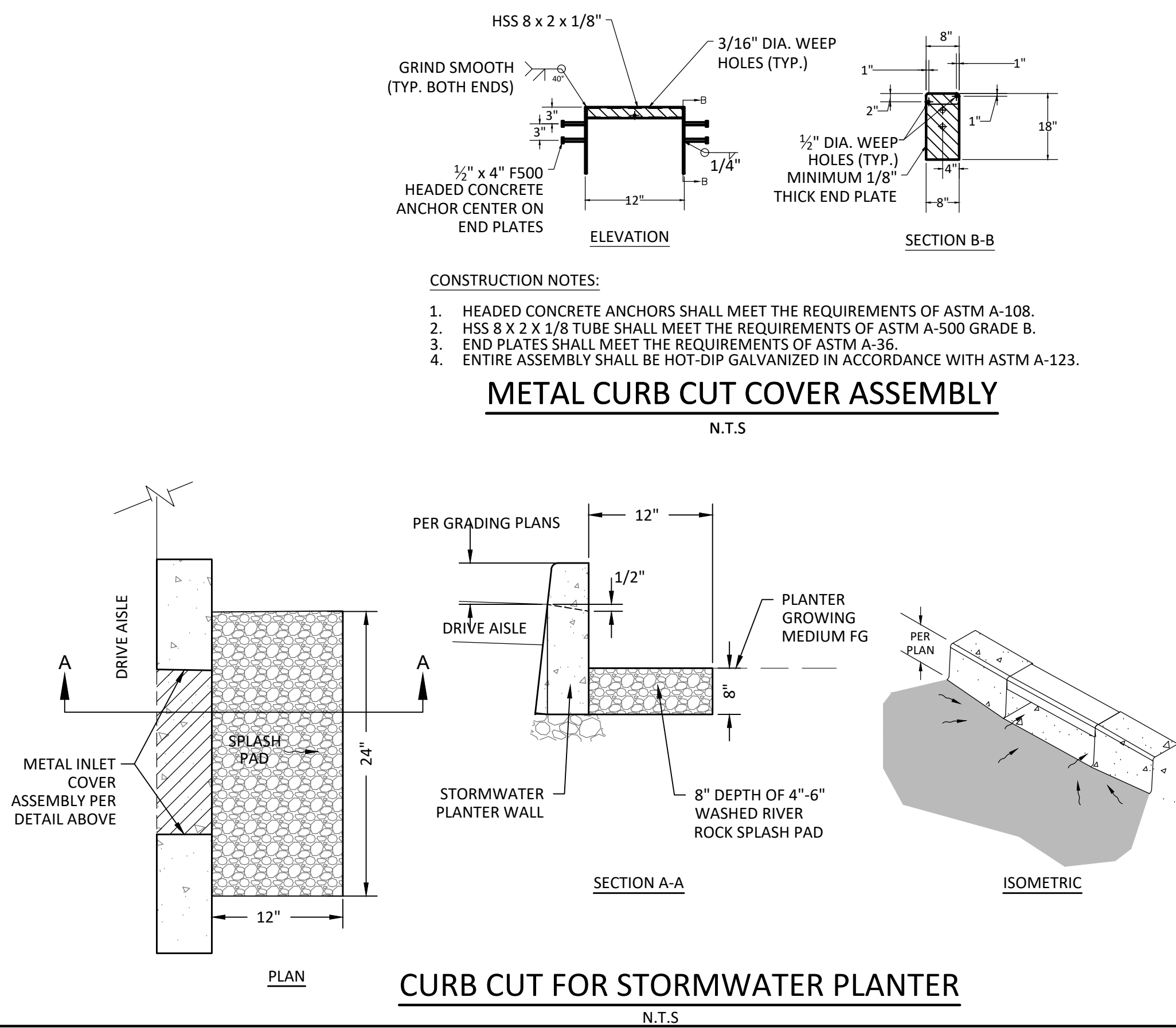
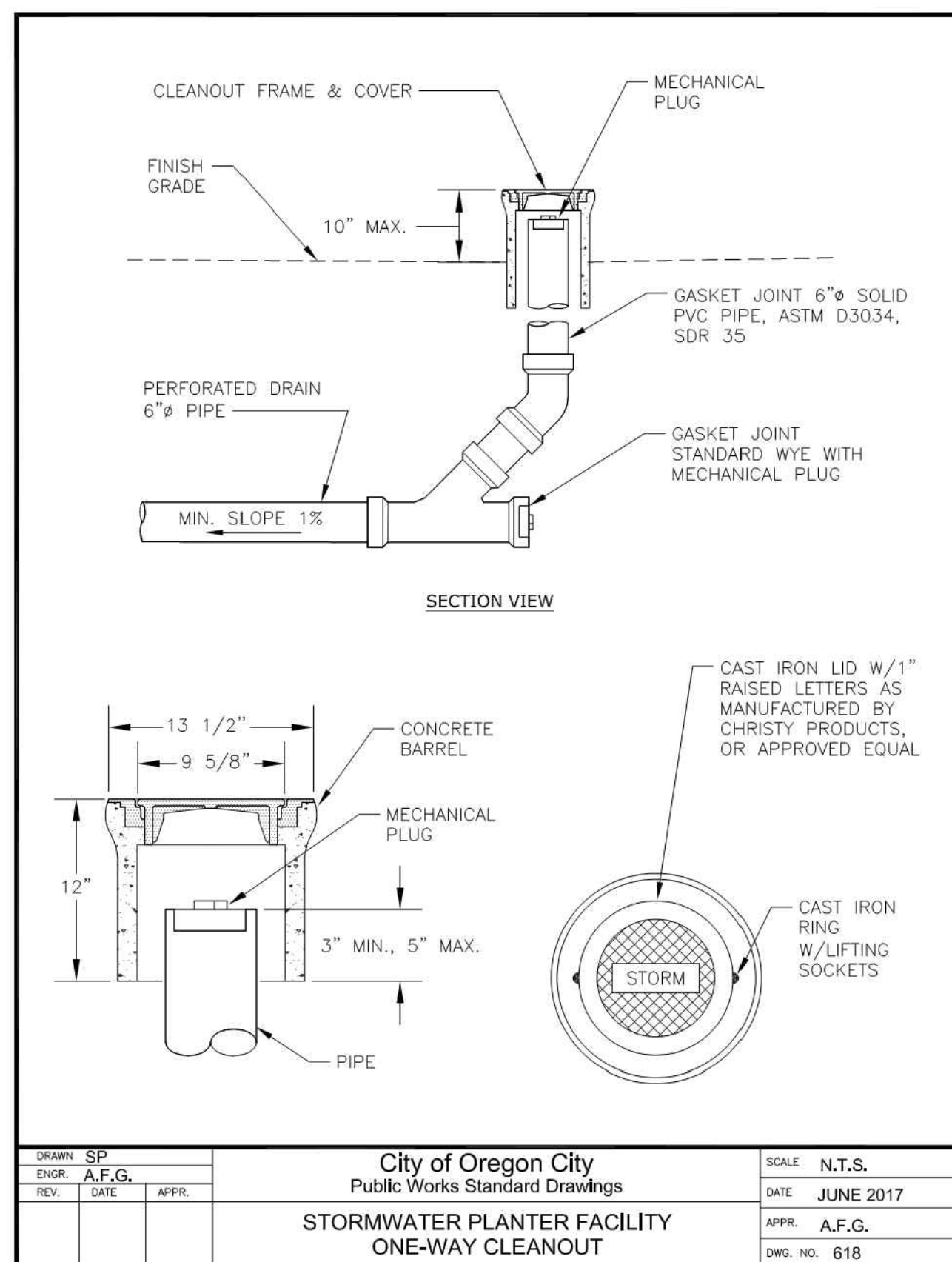


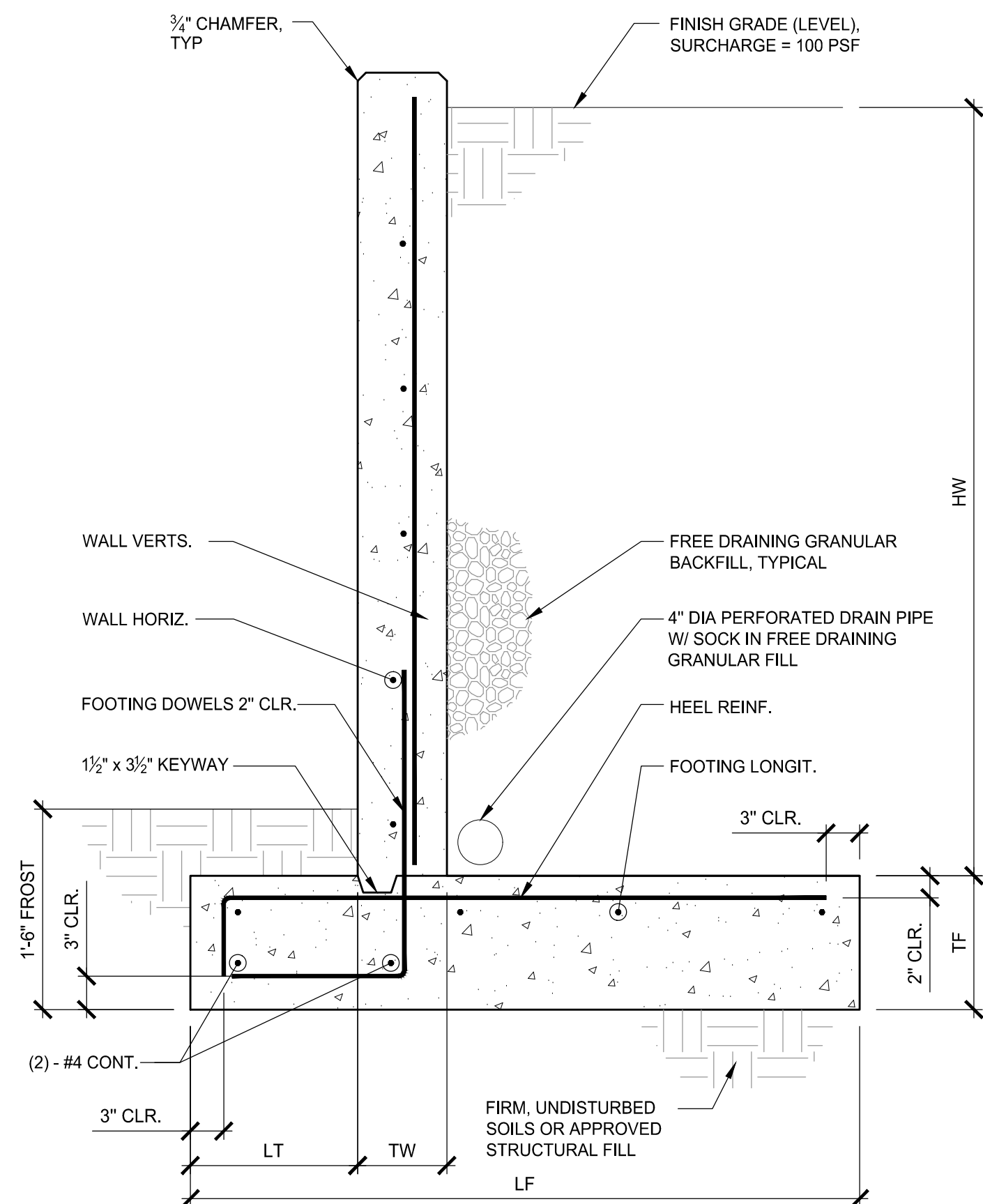
STORMWATER FACILITY CONFIGURATION 'B'

N.T.S



LID ID	ORIFICE "
R1	0.2
R1A	0.2
R2	0.2
R2A	0.2
R3 & R4	0.4
R5	0.2
R6	0.2
R8	0.2
R10	0.3
NORTH	0.9
SOUTH	1.1
R8A	0

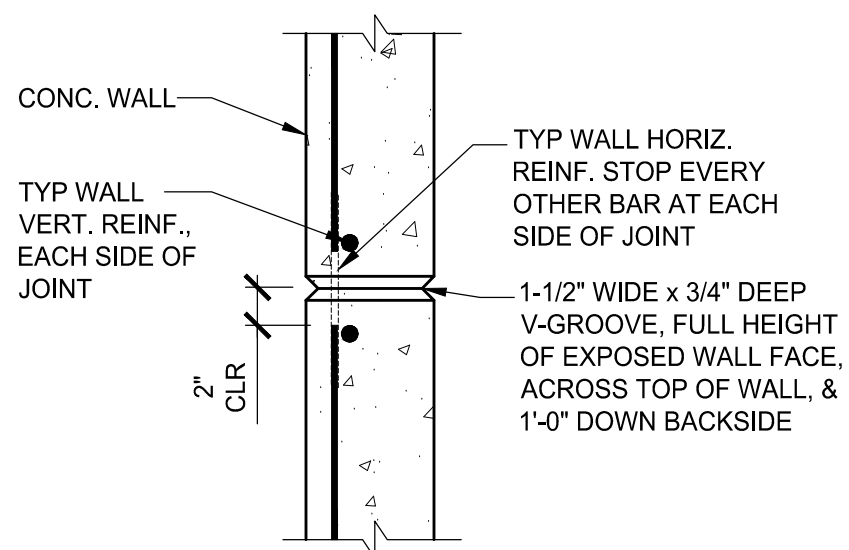




SCHEDULE									
DIMENSIONS					FOOTING REINFORCING			WALL REINF.	
HW	TF	TW	LF	LT	FTG. LONGIT.	HEEL REEF.	FTG. DOWELS	WALL VERT.	WALL HORIZ.
UP TO 4'-0"	12"	8"	3'-0"	1'-0"	(4) - #4	#4 @ 18"	#4 x $\frac{5}{8}$ " @ 18"	#4 @ 18"	#4 @ 12"

STORMWATER PLANTER RETAINING WALL DETAIL

SCALE: 1" = 1'



CONC. WALL CONTROL JOINT DETAIL

SCALE: 1" = 1'

- NOTES:**
1. CONC. COMPRESSIVE STRENGTH (f'_c) = 3,000 PSI
 2. ALL REINF. ASTM A-615 (F_y = 60 KSI)
 3. ALL REINF. LAP SPICES SHALL BE 2'-0" IN LENGTH
 4. PLACE 2'-0" x 2'-0" BAR AT ALL FOUNDATION & WALL CORNERS, MATCH DIAMETER & SPACING OF HORIZ.
 5. WALL VERTS NOT REQ'D WHEN FTG DOWELS EXTEND TO 2" CLR OF TOP OF WALL.
 6. PROVIDE CONTROL JOINTS PER DETAIL 5 @ 30'-0" O.C. (MAX)
- WHERE REQUIRED, STEP FOOTING PER DETAIL 4.

STANDARD OREGON CITY DETAILS
KAMM STREET APARTMENTS
OREGON CITY, OREGON

Harper
HHPR Houf Peterson
Righellis Inc.

ENGINEERS • PLANNERS
LANDSCAPE ARCHITECTS • SURVEYORS

1220 Main Street, Suite 150, Vancouver, WA 98660
phone: 360/750/1131 www.hhpr.com fax: 360/750/1141

REGISTERED PROFESSIONAL
ENGINEER
50,102
OREGON
JULY 13, 1998
KENNETH K. VALENT
PRELIMINARY
EXPIRES: 06/30/22

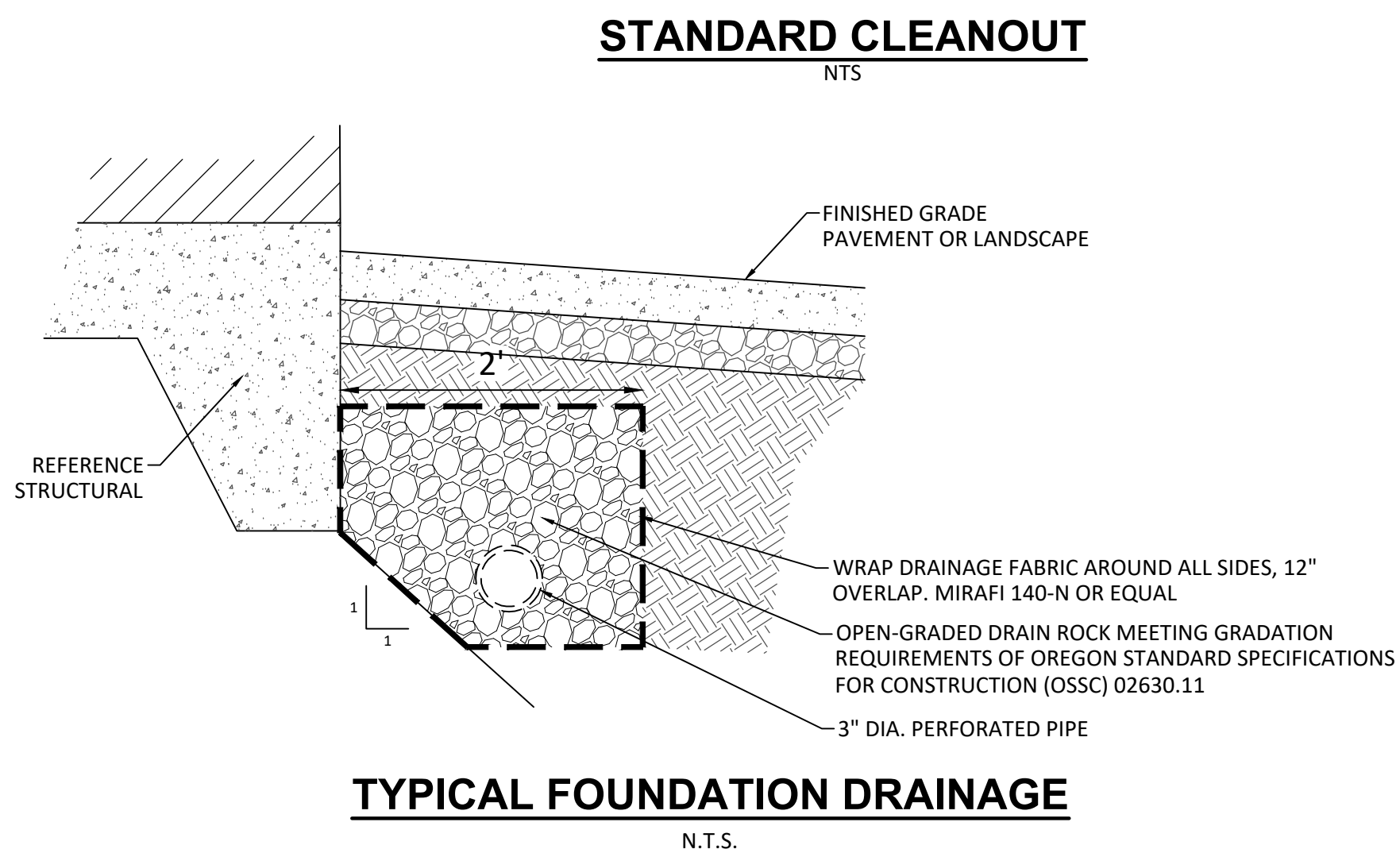
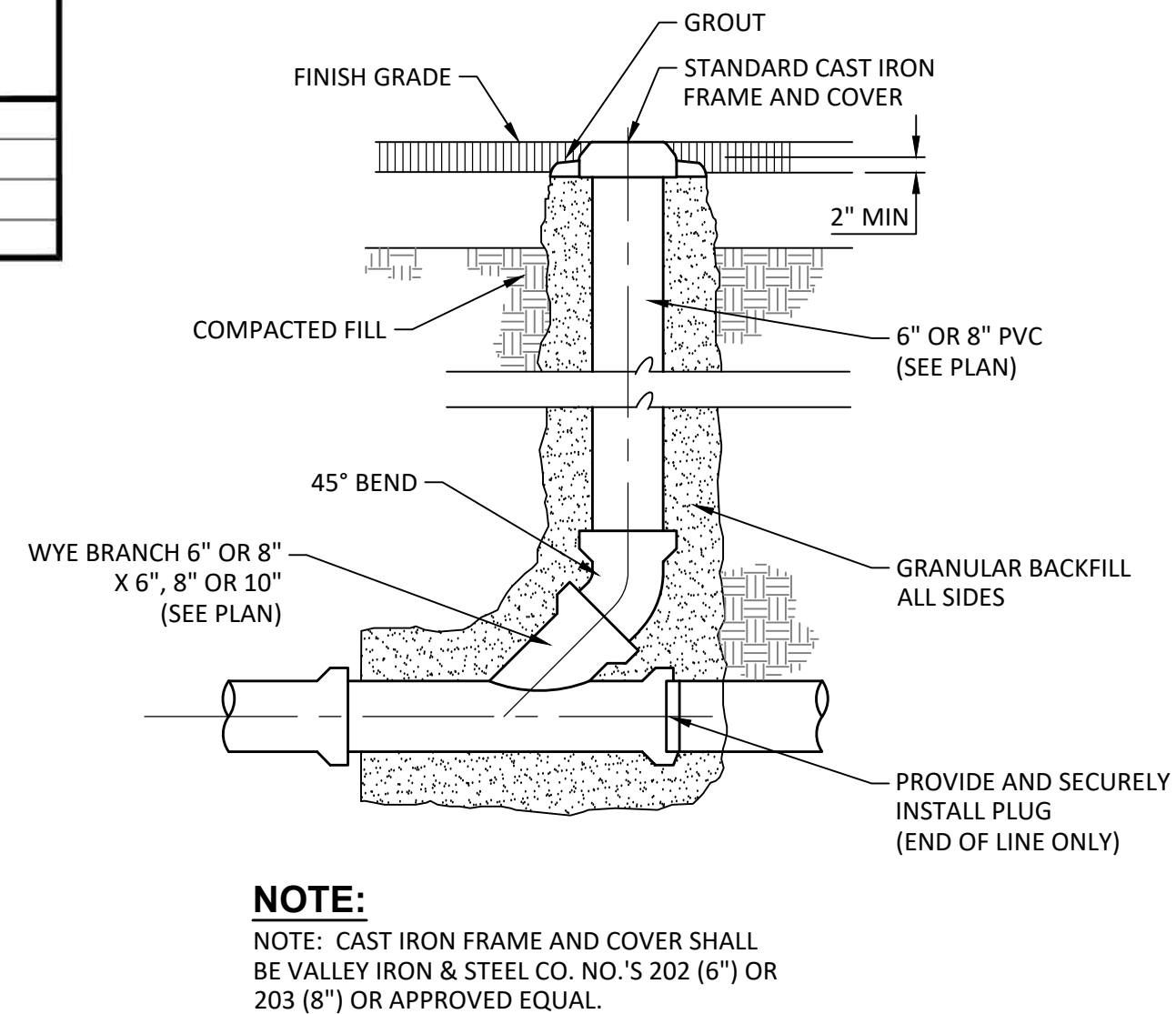
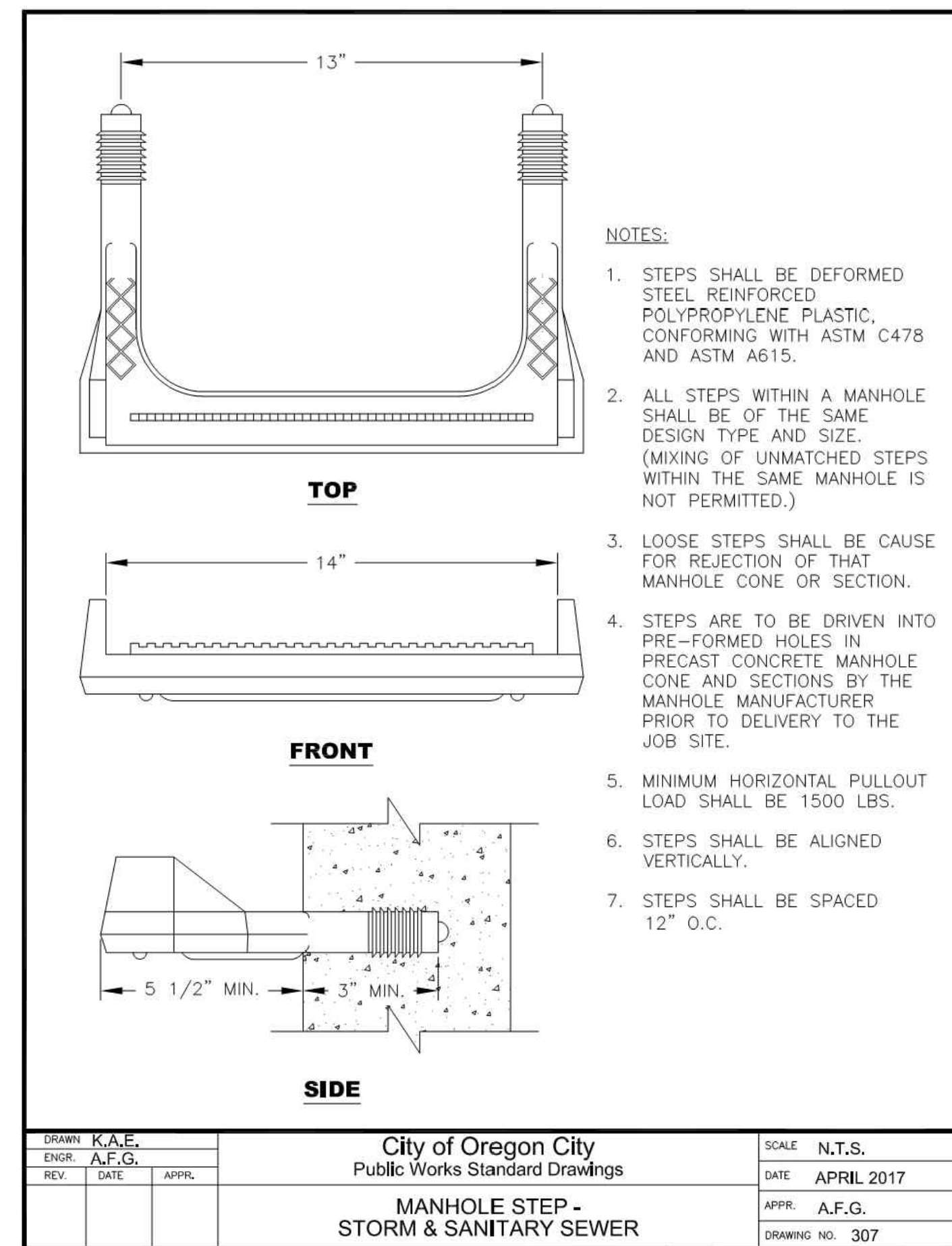
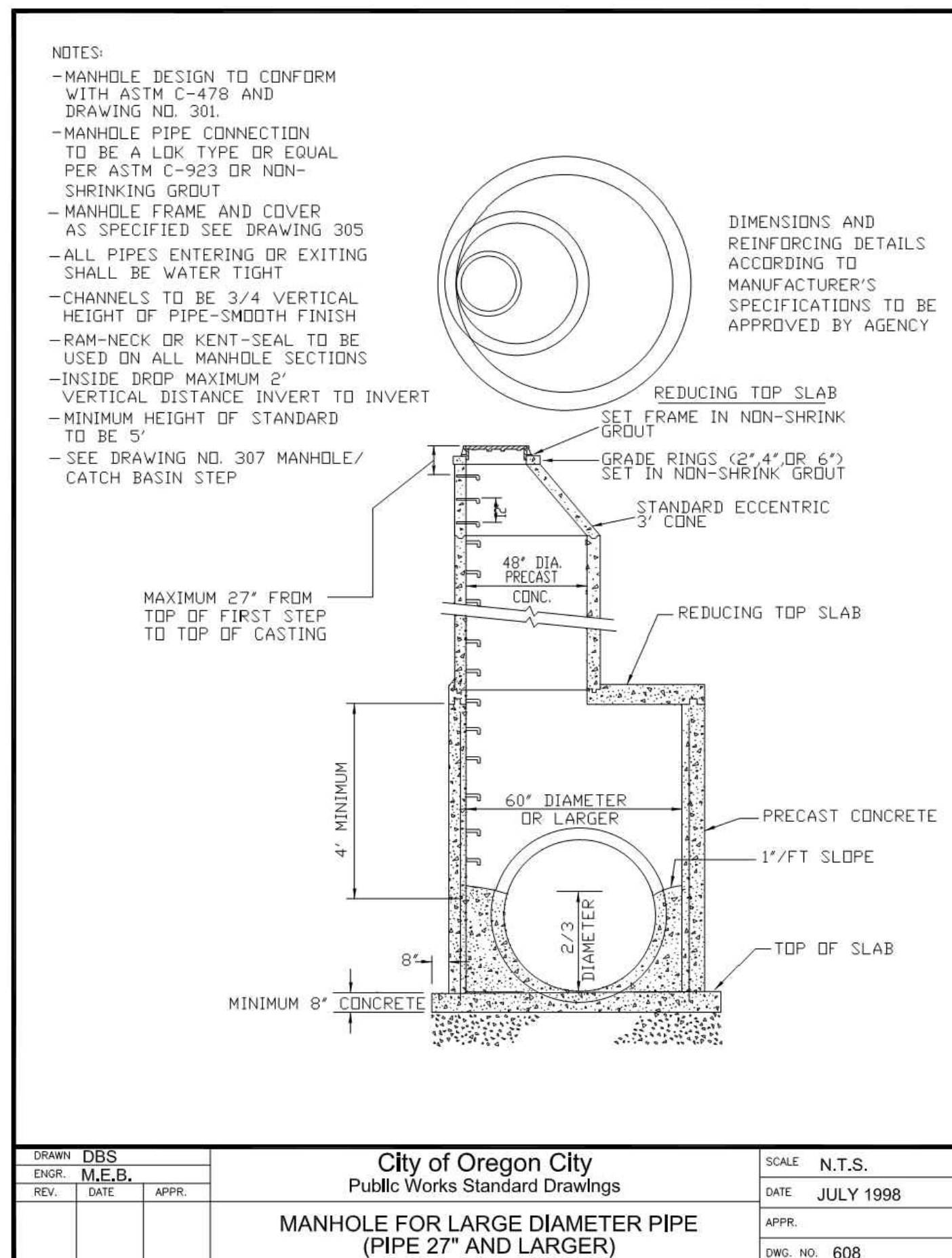
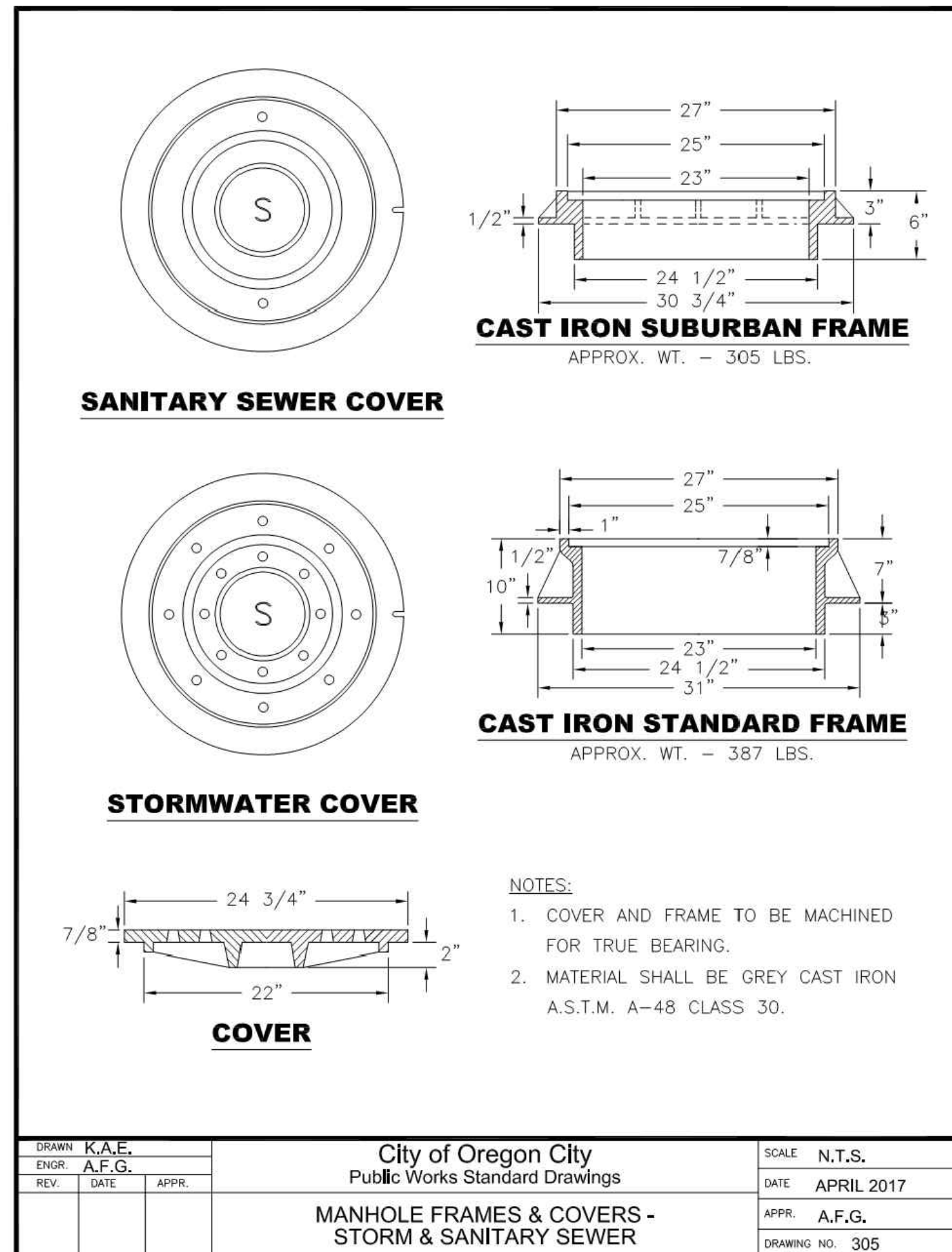
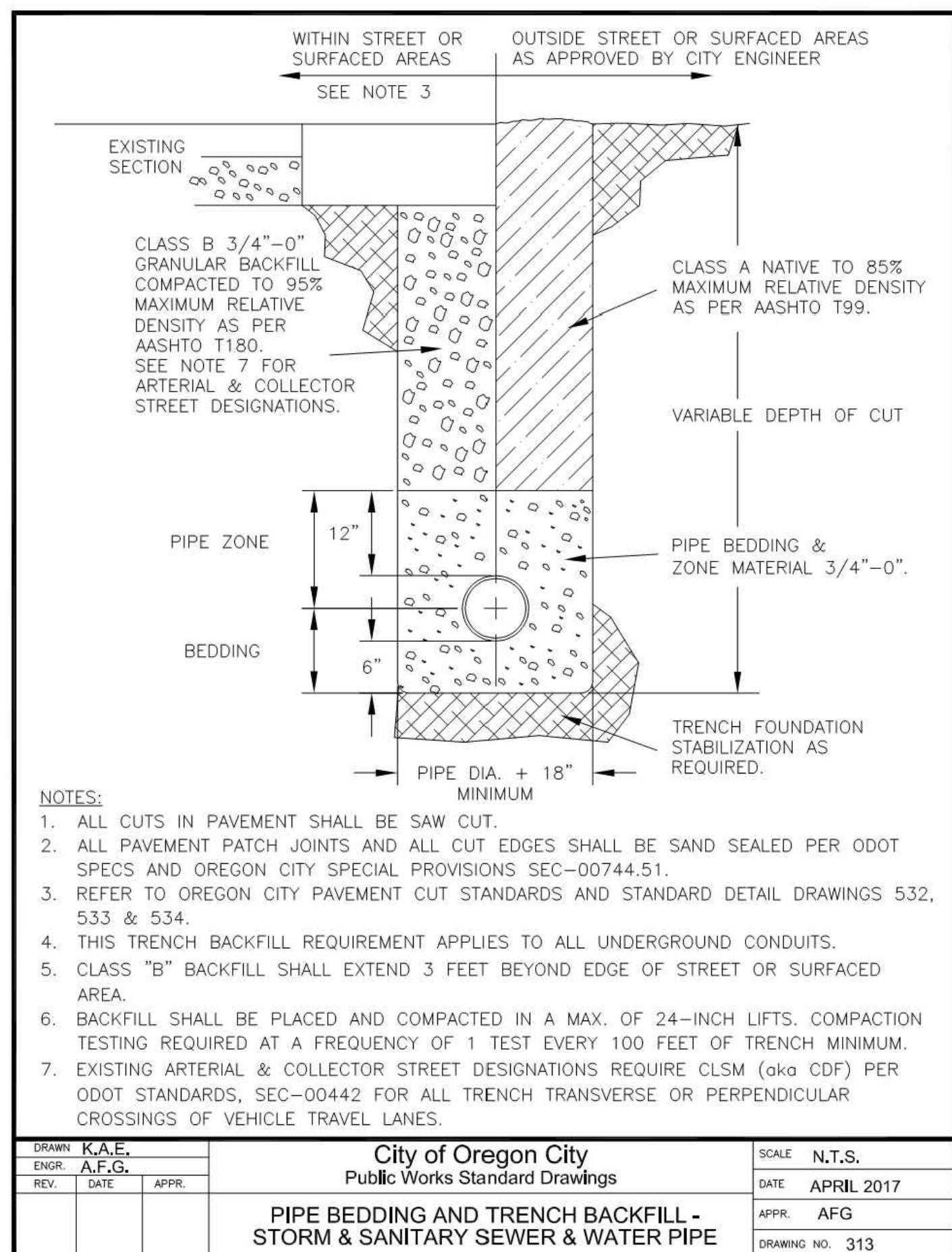
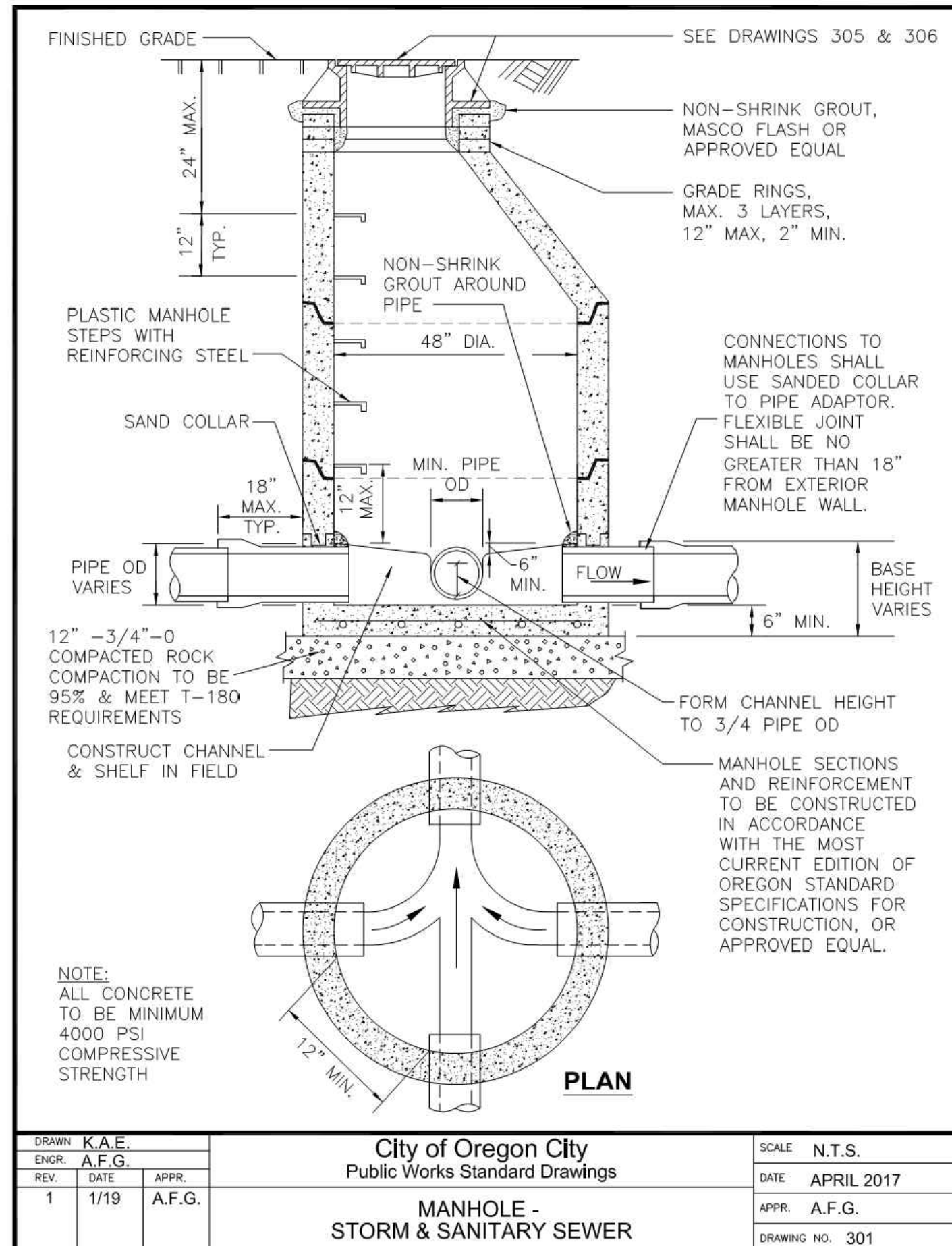
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SHEET NO.

C9.2

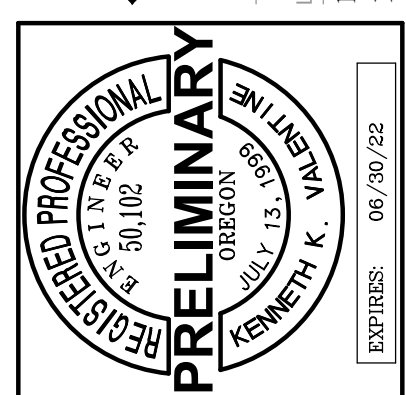
JOB NO.	
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MSC-261

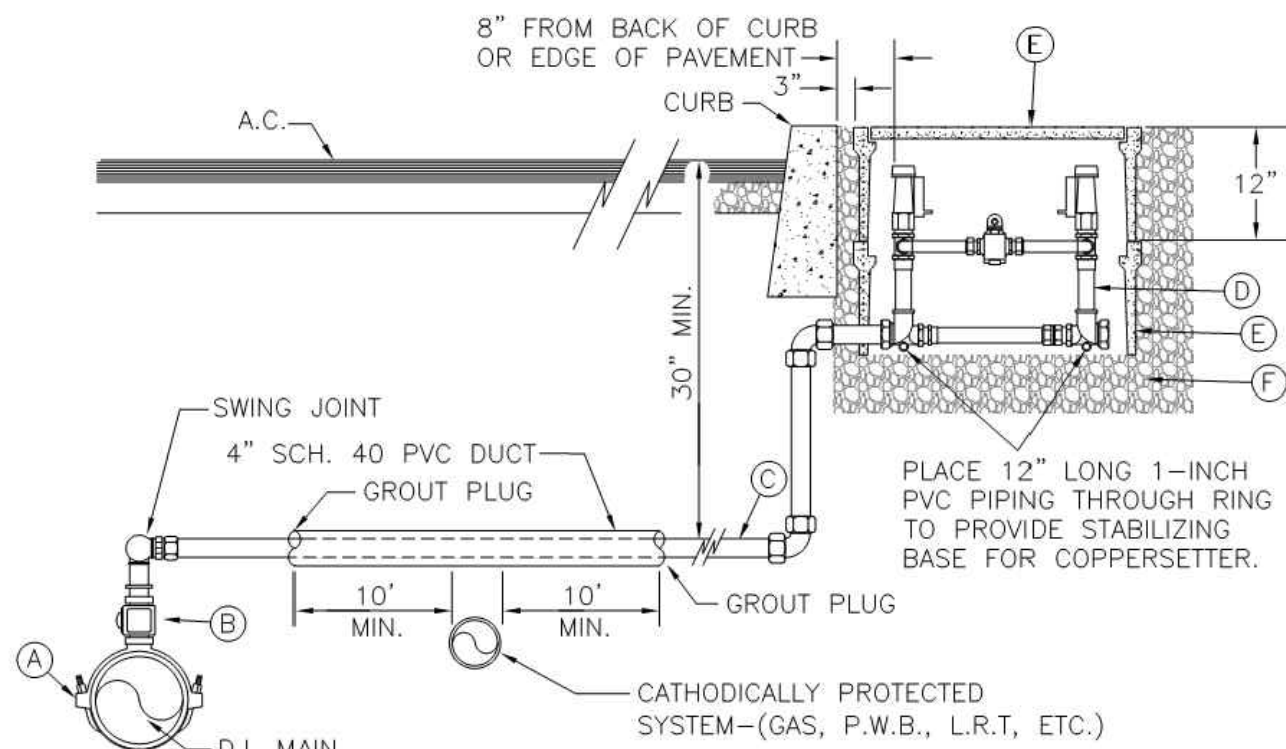


STANDARD OREGON CITY DETAILS
KAMM STREET APARTMENTS
OREGON CITY, OREGON

Harper Houf Peterson
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ENGINEERS & PLANNERS
LANDSCAPE ARCHITECTS & SURVEYORS
1220 Main Street, Suite 150, Vancouver, WA 98660
phone: 360.750.1131 www.hhp.com fax: 360.750.1141



DESIGNED: KKV	DRAWN: HHPR TEAM	CHECKED: KKV	DATE: 09/20/21
SHEET NO.	C9.3		
JOB NO.	MSC-261		

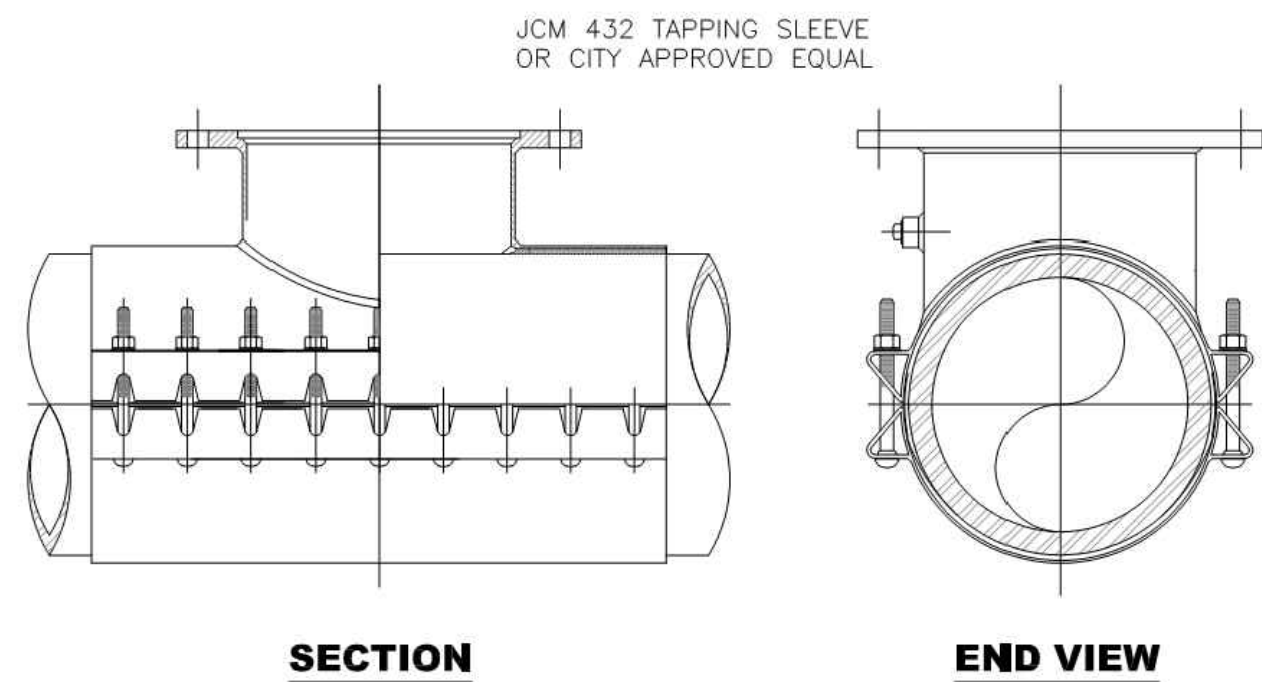
**MATERIALS:**

- SERVICE SADDLE – ROMAC STYLE 2025 OR APPROVED EQUAL.
- MUELLER B25028N OR FORD FB500-7-NL CORP. STOP.
- 2" ASTM B-88, TYPE "L" RIGID COPPER.
- MUELLER COPPER METER YOKE, #H-1423-2-99000, 12" RISER SIZED TO EQUAL SERVICE LINE.
- HUBBELL METER BOX #B03173018M AND HUBBELL LID #PG1730C5-4909.
- 3/4"-0" GRANULAR MATERIAL

NOTES:

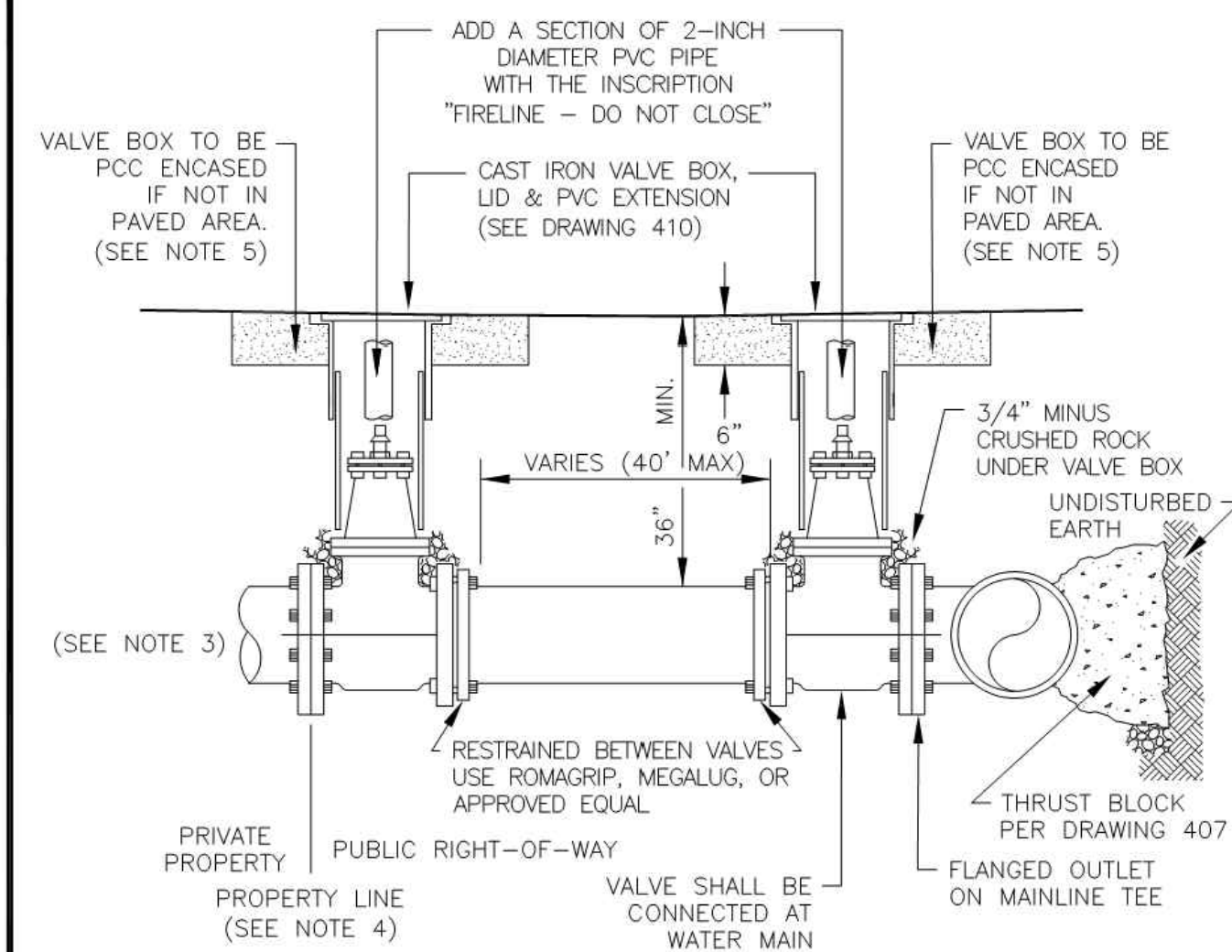
- SUBSTITUTES FOR ANY MATERIALS SHOWN SHALL BE APPROVED BY THE CITY ENGINEER.
- ALL PIPE, STRUCTURE ZONES AND APPURTENANCES SHALL BE BACKFILLED USING 3/4"-0" GRANULAR MATERIAL AND COMPACTED TO 95% MAX. DENS. AS DETERMINED BY ASHTO T-180.
- WHEN AN ACTIVE CATHODIC PROTECTED SYSTEM IS ENCOUNTERED, SCH. 40 PVC SHALL BE INSTALLED AS SHOWN WITH GROUT PLUG, OR DIRECT GROUNDING OF SERVICE LINE.
- METER BOX SHALL BE CENTERED OVER THE COMPLETED METER ASSEMBLY.
- TOP OF METER BOX TO TOP OF METER SHALL BE 6-8 INCHES.
- PRESSURES GREATER THAN 70 PSI REQUIRE PRESSURE REDUCING VALVE INSTALLED IN A SEPARATE BOX AFTER THE METER ON PRIVATE PROPERTY ADJACENT TO RIGHT OF WAY.
- BACKFLOW PROTECTION IS REQUIRED ON ALL SERVICES WITH METERS 1-1/2" OR GREATER.

DRAWN K.A.E.	City of Oregon City			SCALE N.T.S.
ENGR. A.F.G.	Public Works Standard Drawings			DATE APRIL 2018
REV. DATE APPR.				APPR. DW
1 9/19	DW			DRAWING NO. 404
2 6/20	DW			

STANDARD 2" WATER SERVICE**NOTES:**

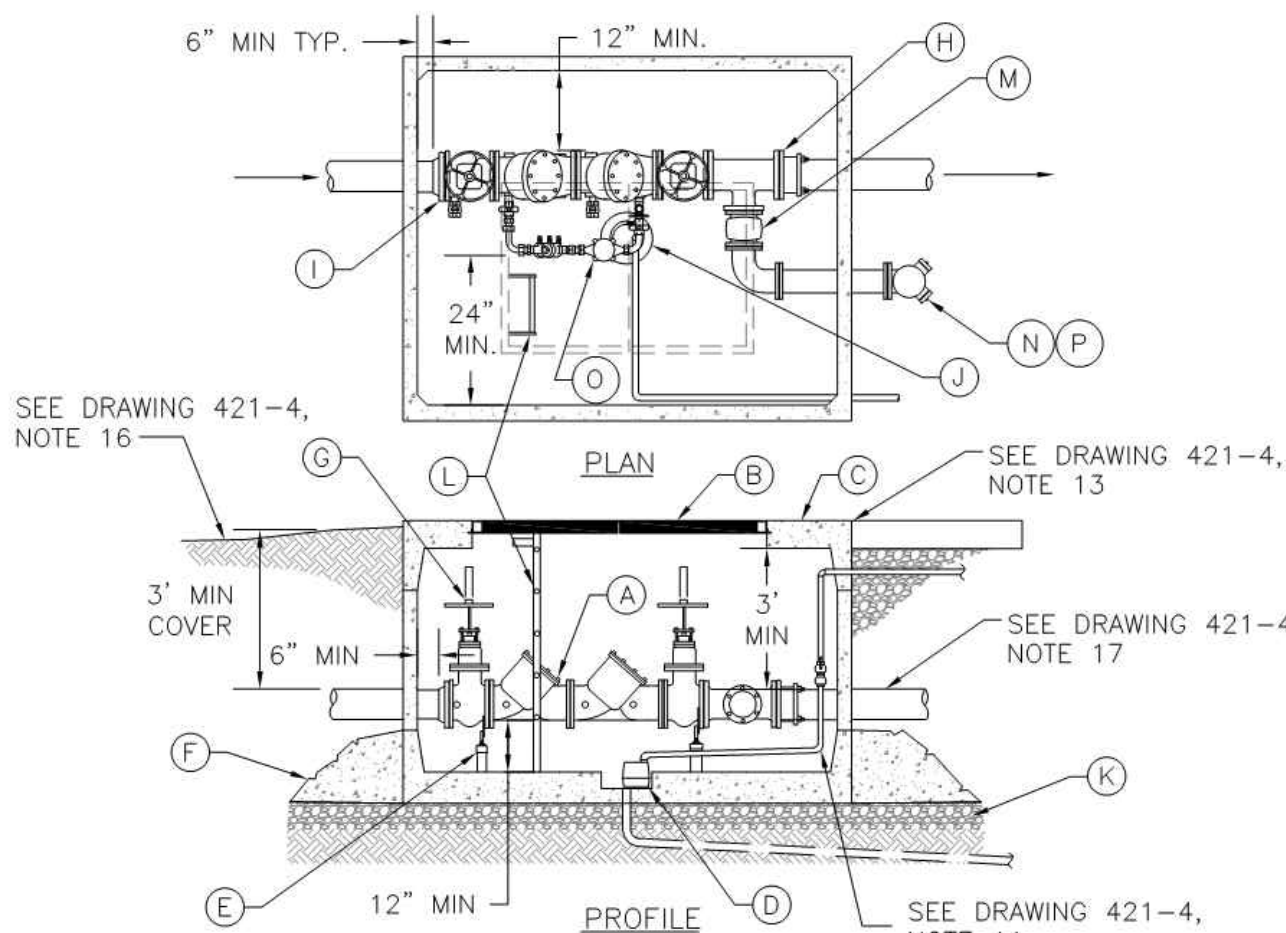
- WATER MAIN SHALL BE CLEANED BEFORE ATTACHING SLEEVE.
- SLEEVE AND VALVE SHALL BE PRESSURE TESTED BEFORE MAKING TAP.
- PRESSURE TEST AND TAP SHALL BE MADE IN THE PRESENCE OF OREGON CITY WATER DIVISION PERSONNEL.
- PROPER TAPPING MACHINE SHALL BE USED TO MAKE TAP.
- 3/4"-0" GRANULAR MATERIAL SHALL BE PLACED AND COMPACTED TO 95% OF MAX. DENSITY AS DETERMINED BY AASHTO T-180.
- THRUST BLOCKING REQUIREMENTS SHALL BE PER DRAWING 407.
- TAP SHALL BE MADE NO CLOSER THAN 18 INCHES FROM THE NEAREST MAINLINE JOINT OR SERVICE CONNECTION.
- WHEN STATIC LINE PRESSURE OF EXISTING MAIN EXCEEDS 100 P.S.I. A HIGH PRESSURE SLEEVE, RATED AT 250 P.S.I., IS REQUIRED.
- SIZE ON SIZE WET TAP OF CAST IRON WATER MAINS IS PROHIBITED.

DRAWN K.A.E.	City of Oregon City			SCALE N.T.S.
ENGR. A.F.G.	Public Works Standard Drawings			DATE JUNE 2018
REV. DATE APPR.				APPR. DW
1 1/20	DW			DRAWING NO. 411

STANDARD WET TAP DETAIL**NOTES:**

- ALL VALVES 8" AND UNDER SHALL BE RESILIENT SEAT GATE VALVE ONLY.
- USE CLASS 52 DUCTILE IRON FOR PIPES 4-INCH AND GREATER IN DIAMETER. USE COPPER PIPE FOR DIAMETERS 2-INCH AND SMALLER.
- BACKFLOW PREVENTER SHALL BE LOCATED INSIDE A BUILDING OR UNDERGROUND VAULT, AS DETERMINED BY OREGON CITY WATER QUALITY STAFF.
- IF VALVE CANNOT BE BUILT IN PUBLIC RIGHT-OF-WAY, AND EASEMENT SHALL BE PROVIDED BY THE PROPERTY OWNER.
- CONCRETE PAD SHALL BE 24"x24" WITH A DEPTH OF 6" OVER 4" 3/4"-0" BASE ROCK. CONCRETE SHALL HAVE A MINIMUM COMPRESSIVE STRENGTH OF 4000 PSI AT 28 DAYS. TOP OF PAD SHALL BE FLUSH WITH THE EXISTING GROUND LEVEL.

DRAWN K.A.E.	City of Oregon City			SCALE N.T.S.
ENGR. A.F.G.	Public Works Standard Drawings			DATE JUNE 2018
REV. DATE APPR.				APPR. DW
1 1/20	DW			DRAWING NO. 416

STANDARD FIRELINE INSTALLATION**MATERIALS:**

- APPROVED DOUBLE CHECK DETECTOR ASSEMBLY (DCDA) PER STANDARDS
- ACCESS HATCH DOORS
- TYPICAL CONCRETE VAULT
- SUMP PUMP INCLUDING 1-1/2" PVC DISCHARGE PIPING WITH CHECK VALVE, OR 4" PVC GRAVITY DRAIN WITH BACKWATER VALVE TO STORM SEWER
- TYPICAL PIPE SUPPORTS PER DRAWING 421-4, NOTE 14
- TYPICAL CONCRETE BALLAST, SEE DRAWING 421-4, NOTE 12
- TYPICAL OS&Y GATE VALVES FOR DCDA, 3" MINIMUM CLEARANCE IN OPEN POSITION
- HANGE COUPLING ADAPTER
- ADAPTER FLANGE
- 12" DIA SUMP WITH PUMP OR GRAVITY DRAIN
- 3/4"-0" GRANULAR MATERIAL – 6" MINIMUM
- OSHA-APPROVED LADDER, SEE DRAWING 420
- CHECK VALVE WITH BALL DRIP VALVE PER NFPA 13 AND NFPA 24 STANDARDS
- F.D.C. PER OREGON FIRE CODE, OREGON STRUCTURAL SPECIALTY CODE, NFPA 13, 13R, 14 & 24 STANDARDS. LOCATION AS APPROVED BY THE FIRE CODE OFFICIAL.
- DETECTOR METER, SEE DRAWING 421-4, NOTE 5
- F.D.C. SHALL BE PROVIDED WITH LOCKING FDC PLUGS.

NOTE:

REFER TO DRAWING 421-4 FOR NOTES AND ADDITIONAL REQUIREMENTS.

DRAWN K.A.E.	City of Oregon City			SCALE N.T.S.
ENGR. A.F.G.	Public Works Standard Drawings			DATE APRIL 2018
REV. DATE APPR.				APPR. DW
1 1/20	DW			DRAWING NO. 421-2

4" & LARGER DOUBLE CHECK DETECTOR ASSEMBLY (SIDE)

DC VAULT INFORMATION				DCDA VAULT INFORMATION			
DCVA SIZE	OLDCASTLE VAULT NO.	DOOR MODEL NO.		DCVA SIZE	OLDCASTLE VAULT NO.	DOOR MODEL NO.	
4"	577-LA	57-T-2-332P		4"	676-WA	676-T-2-332P	
6"	676-LA	676-T-2-332P		6"	687-WA	687-T-2-332P	
8"	687-LA	687-T-2-332P		8"	5106-WA	5106-T-2-332P	
10"	5106-LA	5106-T-2-332P		10"	5106-WA	5106-T-2-332P	
OR APPROVED EQUAL				OR APPROVED EQUAL			

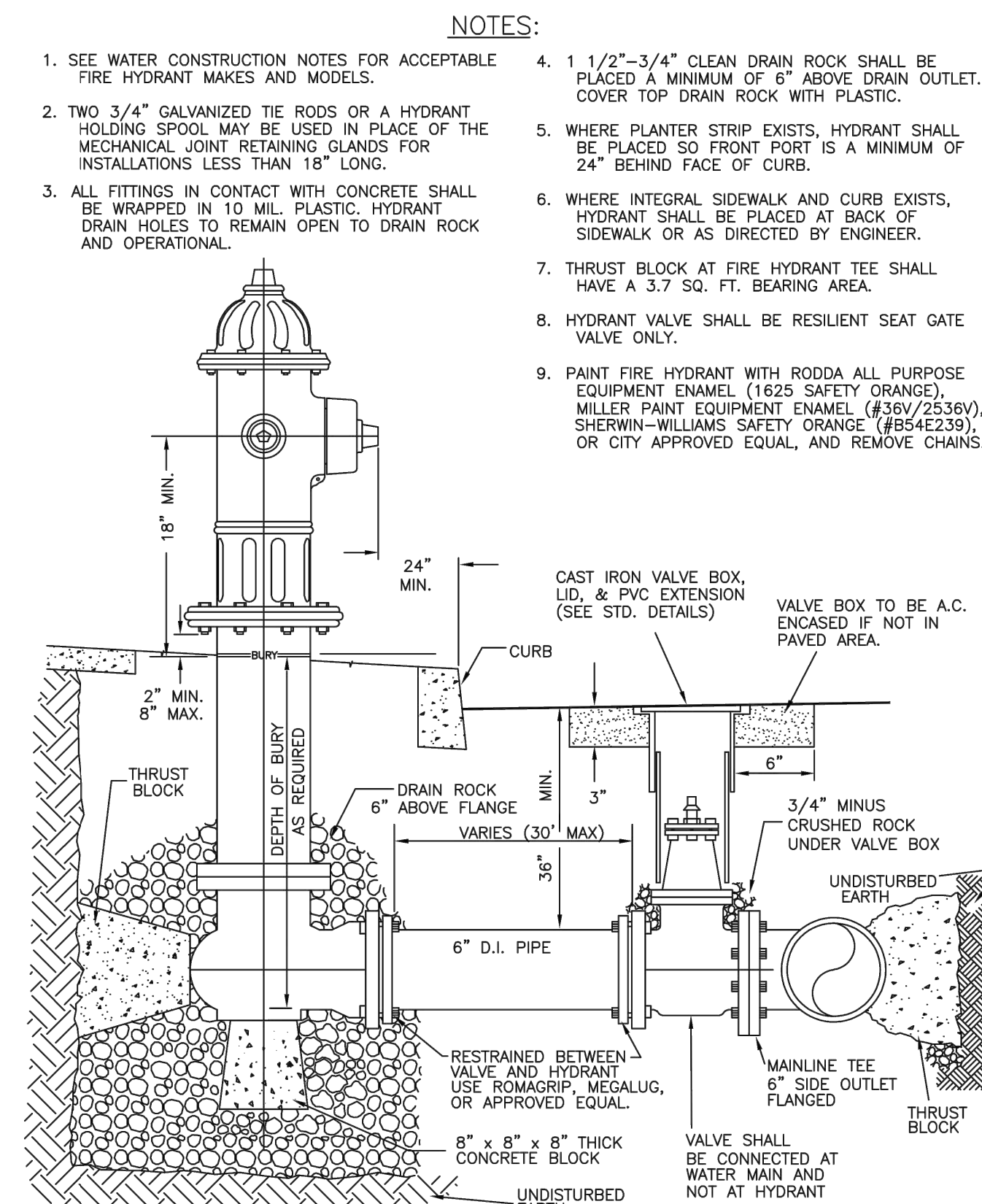
DC VAULT NOTES:

- PLACE DC ASSEMBLY WITHIN PROPERTY LINE AS CLOSE TO METER AS POSSIBLE WITH NO CONNECTIONS OR TEES BETWEEN METER AND DC.
- CONSULT WITH BUILDING DEPARTMENT FOR PROPER SIZING OF DC AND VAULT.
- SEE DRAWING 421-1 FOR PLAN AND PROFILE VIEWS.

DCDA VAULT NOTES:

- CONSULT WITH FIRE DEPARTMENT FOR SIZING OF DCDA.
 - DETECTOR METER SHALL BE CITY APPROVED METER FOR DCDA VAULT.
 - SEE DRAWINGS 421-2 & 421-3 FOR PLAN AND PROFILE VIEWS. TYPICAL LAYOUT SHOWN, MAY BE INSTALLED IN OPPOSITE CONFIGURATION TO CONFORM TO SITE CONDITION REQUIREMENTS.
- NOTES:**
- THIS IS TO BE A PRIVATE FACILITY, GOVERNED BY **OPSC, NFPA, OREGON HEALTH AUTHORITY, AND CLACKAMAS FIRE MARSHAL**, AS APPLICABLE.
 - ALL MJ JOINTS SHALL HAVE MECHANICAL JOINT RESTRAINTS.
 - CONTRACTOR TO SEAL ALL OPENINGS IN VAULT WITH NON-SHRINK GROUT OR "LINK-SEAL."
 - PROVIDE POWER SOURCE AS REQUIRED FOR SUMP PUMP. SECURE POWER CORD TO DISCHARGE PIPING WITH NYLON CABLE TIES.
 - PLUMB PUMP DISCHARGE TO APPROVED LOCATION PER PLUMBING INSPECTOR.
 - IN AREAS PRONE TO HIGH GROUNDWATER POUR CONCRETE BALLAST (3 CUBIC YARDS MINIMUM); ENGINEER IS RESPONSIBLE TO ENSURE ADEQUATE BALLAST IS PROVIDED TO PREVENT FLOATING OF VAULT.
 - VAULT DOOR MECHANISMS SHALL NOT PROTRUDE BELOW THE CEILING OF THE VAULT INTERIOR.
 - ASSEMBLY IS TO BE SUPPORTED BY A SUBSTANTIAL RUST-RESISTANT PRODUCT SUCH AS "STANDON" OR APPROVED EQUAL TO PREVENT UNDEE STRESS OR STRAIN ON THE ASSEMBLY AND PIPING.
 - VAULT TOP SHALL BE SET LEVEL WITH ADJACENT HARD SURFACE (CONCRETE OR AC PAVEMENT).
 - FOR INSTALLATION IN LANDSCAPE AREA, PLACE VAULT TOP A MINIMUM OF 3" AND A MAXIMUM OF 5" ABOVE GROUND SURFACE AND SLOPE GROUND AWAY AT 1/4" PER FOOT TYPICAL. DO NOT BURY DRAIN.
 - EXTEND DUCTILE IRON PIPE 5' MINIMUM OUT OF VAULT TO PROTECT FROM BREAKING DUE TO VAULT SETTLEMENT.
 - WHEN LOCATED IN PEDESTRIAN WALKWAY A NON-SLIP LID AND GROUTED PICK HOLES ARE REQUIRED.

DRAWN K.A.E.	City of Oregon City			SCALE N.T.S.
ENGR. A.F.G.	Public Works Standard Drawings			DATE APRIL 2018
REV. DATE APPR.				APPR. DW
1 1/20	DW			DRAWING NO. 421-4

4" & LARGER DC & DCDA ASSEMBLY (DETAIL NOTES)**NOTES:**

- SEE WATER CONSTRUCTION NOTES FOR ACCEPTABLE FIRE HYDRANT MAKES AND MODELS.
- TWO 3/4" GALVANIZED TIE RODS OR A HYDRANT HOLDING SPOOL MAY BE USED IN PLACE OF THE MECHANICAL JOINT RETAINING GLANDS FOR INSTALLATIONS LESS THAN 18" LONG.
- ALL FITTINGS IN CONTACT WITH CONCRETE SHALL BE WRAPPED IN 10 MIL. PLASTIC. HYDRANT DRAIN HOLES TO REMAIN OPEN TO DRAIN ROCK AND OPERATIONAL.
- 1 1/2"-3/4" CLEAN DRAIN ROCK SHALL BE PLACED A MINIMUM OF 6" ABOVE DRAIN OUTLET. COVER TOP DRAIN ROCK WITH PLASTIC.
- WHERE PLANTER STRIP EXISTS, HYDRANT SHALL BE PLACED SO FRONT PORT IS A MINIMUM OF 24" BEHIND FACE OF CURB.
- WHERE INTEGRAL SIDEWALK AND CURB EXISTS, HYDRANT SHALL BE PLACED AT BACK OF SIDEWALK OR AS DIRECTED BY ENGINEER.
- THRUST BLOCK AT FIRE HYDRANT TEE SHALL HAVE A 3.7 SQ. FT. BEARING AREA.
- HYDRANT VALVE SHALL BE RESILIENT SEAT GATE VALVE ONLY.
- PAINT FIRE HYDRANT WITH RODDA ALL PURPOSE EQUIPMENT ENAMEL (1625 SAFETY ORANGE), MILLER PAINT EQUIPMENT ENAMEL (#38V/2538V), SHERWIN-WILLIAMS SAFETY ORANGE (#854E235), OR CITY APPROVED EQUAL, AND REMOVE CHAINS.

DRAWN J.R.F.	City of Oregon City			SCALE N.T.S.
ENGR. J.W.H.	Public Works Standard Drawings			DATE APRIL 1993
REV. DATE APPR.				APPR. DW
1 5/02	NJK			DWG. NO. 401
2 3/06	NJK			
3 3/19	AFG			

STANDARD FIRE HYDRANT INSTALLATION

(HORIZONTAL) BEARING AREA OF THRUST BLOCKS IN SQUARE FEET										(VERTICAL) VOLUME OF THRUST BLOCK IN CUBIC YARDS			
FITTING SIZE	TEE, WYE, DEAD END AND HYDRANT	STRADDLE BLOCK	90° BEND PLUGGED CROSS	TEE PLUGGED ON RUN	45° BEND	22-1/2° BEND	11-1/4° BEND	90° BEND	45° BEND	22-1/2° BEND	11-1/4° BEND		
4	1.0	1.6	1.4	1.9	1.4	1.0	---	---	---	---	---	---	---
6	2.1	3.7	3.0	4.3	3.0	1.6	1.0	---	---	---	---	---	---
8	3.8	6.5	5.3	7.6	5.4	2.9	1.5	1.0	2.3	1.1	---	---	---
10	5.9	10.2	8.4	11.8	8.4	4.6	2.4	1.2	3.7	1.8	---	---	---
12	8.5	14.7	12.0	17.0	12.0	6.6	3.4	1.7	5.5	2.8	1.2	---	---
14	11.5	---	16.3	23.0	16.3	8.9	4.6	2.3	7.6	3.9	1.7	---	---
16	15.0	26.1	21.3	30.0	21.3	11.6	6.0	3.0	9.9	5.1	2.3	0.9	---
18	19.0	---	27.0	38.0	27.0	14.6	7.6	3.9	---	---	---	---	---
20	23.5	40.8	33.3	47.0	33.3	18.1	9.4	4.7	---	---	---	---	---
24	34.0	58.8	48.0	68.0	48.0	26.2	13.6	6.8	---	---	---	---	---

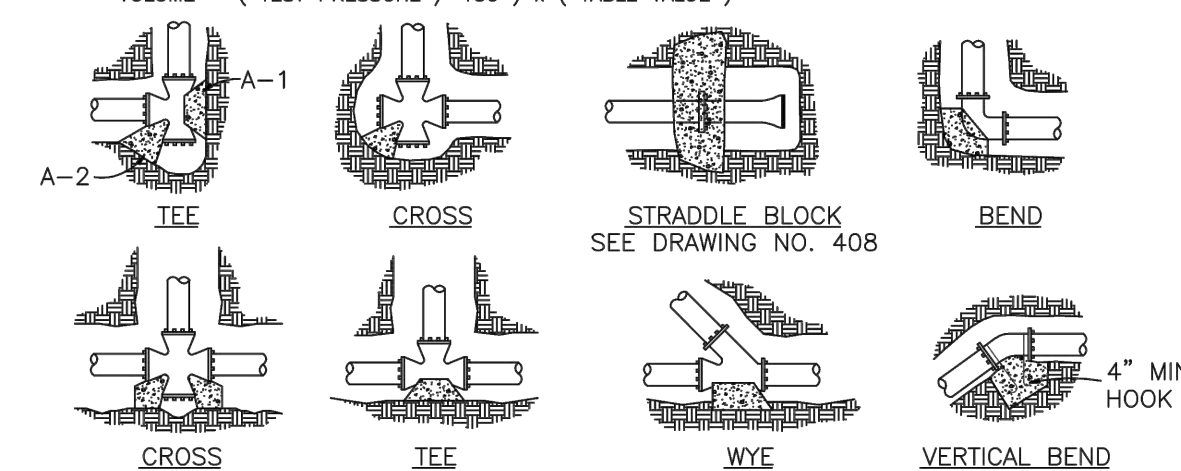
NOTES:

- ABOVE BEARING AREAS BASED ON TEST PRESSURE OF 150 PSI AND AN ALLOWABLE SOIL BEARING STRESS OF 2000 POUNDS PER SQUARE FOOT. TO COMPUTE BEARING AREAS FOR DIFFERENT TEST PRESSURES AND SOIL BEARING STRESSES, USE THE FOLLOWING EQUATION:

$$\text{BEARING AREA} = (\text{TEST PRESSURE} / 150) \times (2000 / \text{SOIL BEARING STRESS}) \times (\text{TABLE VALUE})$$

- ABOVE VOLUMES BASED ON TEST PRESSURE OF 150 PSI AND THE WEIGHT OF CONCRETE = 4050 POUNDS PER CUBIC YARD. TO COMPUTE FOR DIFFERENT TEST PRESSURES, USE THE FOLLOWING EQUATION:

$$\text{VOLUME} = (\text{TEST PRESSURE} / 150) \times (\text{TABLE VALUE})$$

**NOTES:**

- CONCRETE BLOCKING TO BE POURED AGAINST UNDISTURBED EARTH.
- ALL CONCRETE TO BE 4000 PSI COMPRESSIVE STRENGTH MIN.
- INSTALL 30 MIL PLASTIC BETWEEN PIPE AND/OR FITTINGS BEFORE POURING CONCRETE BLOCKING.
- CONCRETE SHALL BE KEPT CLEAR OF ALL JOINTS AND ACCESSORIES.
- REINFORCED #4 BAR, 40000 PSI TENSILE STRENGTH.

DRAWN K.A.E.	City of Oregon City			SCALE N.T.S.
ENGR. A.F.G.	Public Works Standard Drawings			DATE APRIL 2018
REV. DATE APPR.				APPR. DW
1 1/20	DW			DRAWING NO. 407

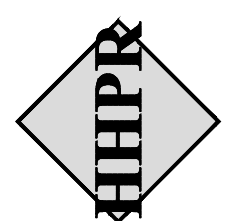
THRUST BLOCKING

STANDARD OREGON CITY DETAILS

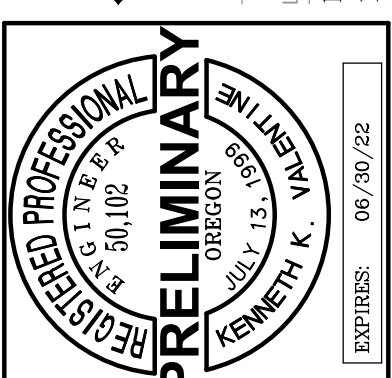
KAMM STREET APARTMENTS

OREGON CITY, OREGON

Harper Houf Peterson
Righellis Inc.



ENGINEERS • PLANNERS
LANDSCAPE ARCHITECTS • SURVEYORS
1220 Main Street, Suite 150, Vancouver, WA 98660
phone: 360.750.1131 www.hhp.com fax: 360.750.1141



DESIGNED: KKV	DRAWN: HHPR TEAM	CHECKED: KKV	DATE: 09/20/22
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NO.	DESCRIPTION	DATE	REVISION
1			
2			
3			
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10			

SHEET NO.	C9.4
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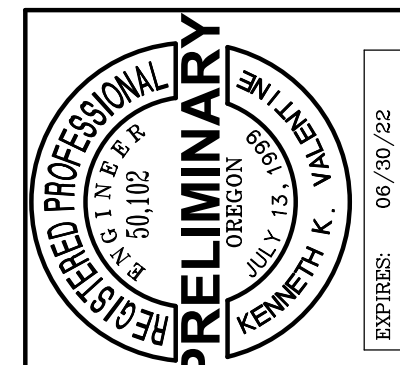
JOB NO.	MSC-261
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STANDARD OREGON CITY DETAILS
KAMM STREET APARTMENTS
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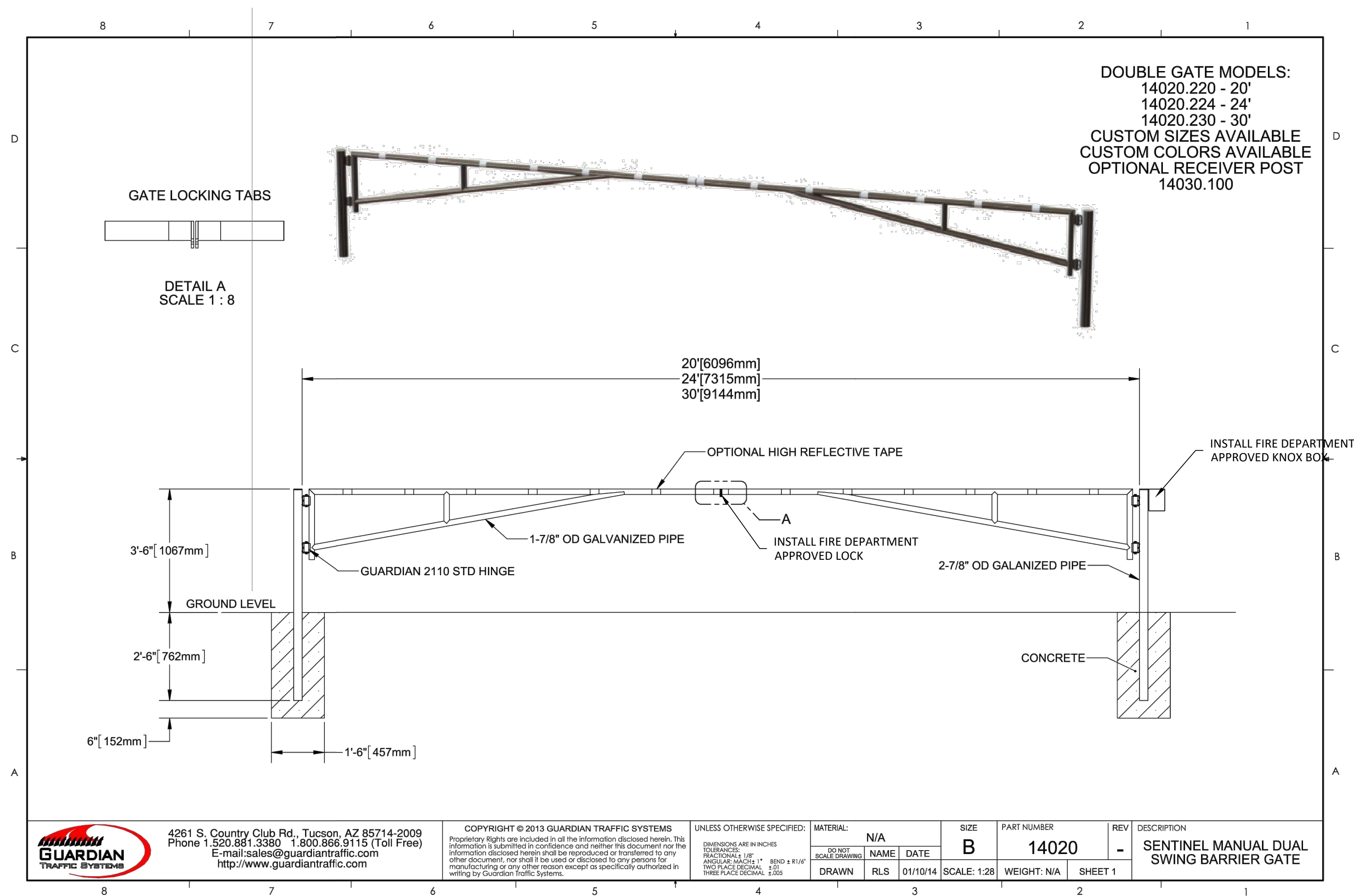
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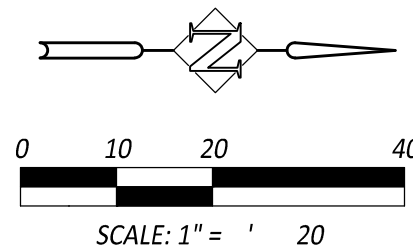
SHEET NO.

C9.7

JOB NO.

MSC-261

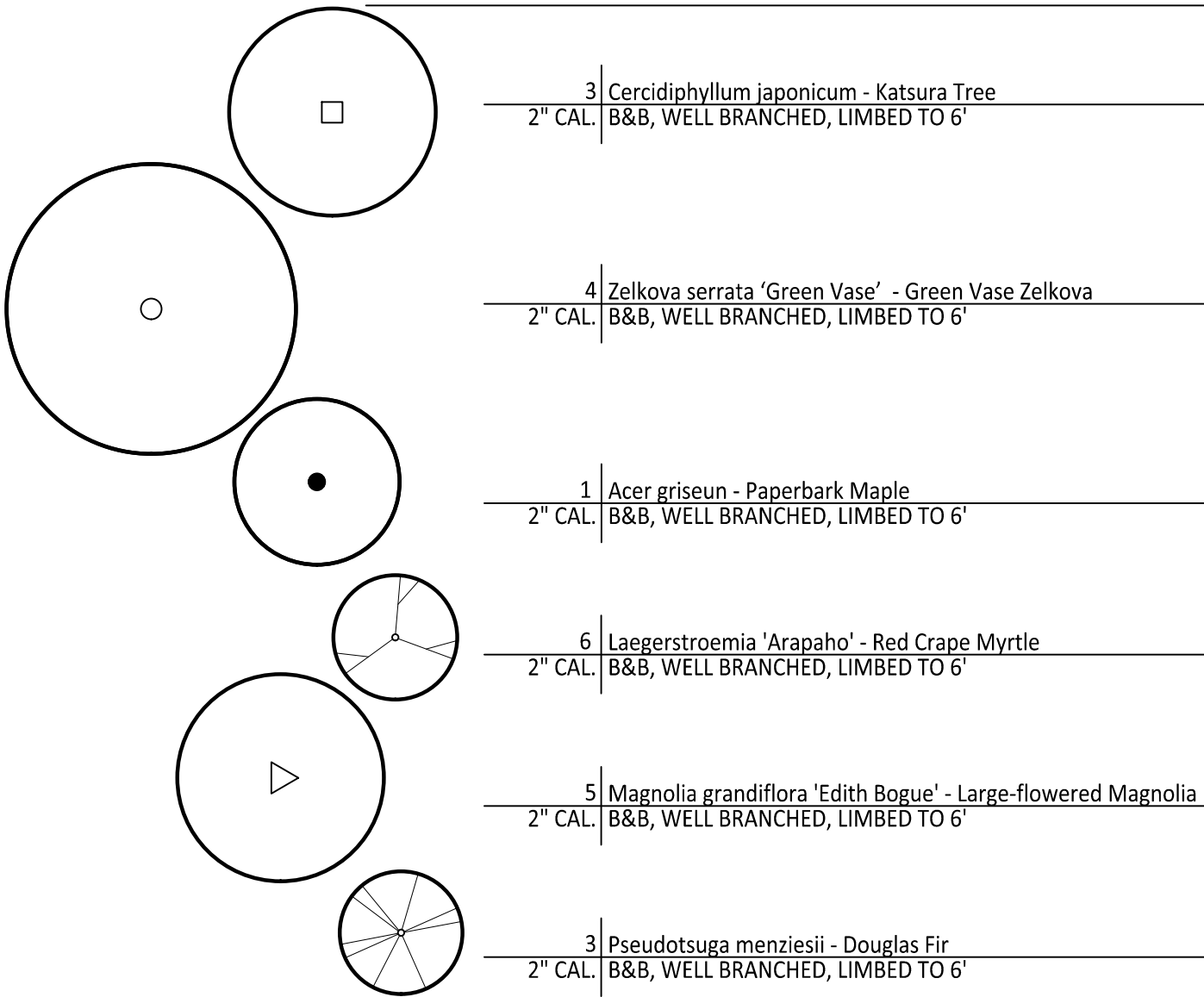




PLANTING NOTES

- | | | | |
|----|---|-----|---|
| 1. | ALL CONSTRUCTION SHALL BE PERFORMED IN ACCORDANCE WITH OREGON CITY STANDARDS AND OREGON BUILDING AND SPECIALITY CODES. | 12. | CONTRACTOR IN ACCORDANCE WITH SPECIFIED SPACING OR LOCATION ON PLAN. MATERIAL QUANTITIES SHOWN ON PLAN ARE FOR CONTRACTOR CONVENIENCE ONLY AND SHALL BE VERIFIED BY CONTRACTOR PRIOR TO INSTALLATION. SURPLUS OR SHORTAGES OF PLANT QUANTITIES SHALL BE RESPONSIBILITY OF CONTRACTOR. |
| 2. | INSTALL EROSION CONTROL SYSTEMS IN ACCORDANCE WITH OREGON CITY STANDARDS PRIOR TO SITE WORK AND LANDSCAPE INSTALLATION. | 8. | ALL PLANTER BEDS SHALL BE SCARIFIED 12" BELOW FINISHED GRADE AND HAVE 12" OF TOPSOIL ADDED TO BRING BACK TO FINISHED GRADE PRIOR TO PLANTING. |
| 3. | CONTRACTOR SHALL MARK AND PROTECT ALL UTILITIES, SITE FEATURES, AND VEGETATION TO REMAIN IN PLACE. | 8. | ALL STORM WATER TREATMENT PLANTERS SHALL BE SCARIFIED 12" BELOW FINISHED GRADE AND HAVE 18" OF WATER @ QUALITY MEDIA ADDED TO BRING BACK TO FINISHED GRADE PRIOR TO PLANTING. |
| 4. | CONTRACTOR SHALL REMOVE ALL WEEDS AND INVASIVE SPECIES PRIOR TO PLANTING OR SEEDING. | 9. | CONTRACTOR TO INSTALL 2" LAYER OF COMPOST MULCH AT ALL TREE, SHRUB AND GROUND COVER AREAS. |
| 5. | ALL DISTURBED AREAS SHALL BE SEEDDED. | 10. | LANDSCAPE INSTALLATION SHALL INCLUDE PROVISION OF A DESIGN-BUILD AUTOMATIC IRRIGATION SYSTEM TO SUSTAIN LANDSCAPE PLANTINGS, MEETING LOCAL AND STATE BUILDING CODES. |
| 6. | PRIOR TO PLANTING, CONTRACTOR SHALL TEST ON-SITE SOILS FOR SOIL FERTILITY BY CERTIFIED TESTING LAB. IF NECESSARY, BACKFILL SOILS FOR TREE PITS, SHRUB AND GROUND COVER AREAS SHALL BE AMENDED AS RECOMMENDED BY SOIL ANALYSIS REPORT. | 11. | PLANT MATERIAL INSTALLED SHALL CONFORM IN SIZE AND GRADE TO THE "AMERICAN STANDARD FOR NURSERY STOCK" CURRENT EDITION. |
| 7. | ALL SEEDED AREAS SHALL BE STRIPPED OF VEGETATION, SCARIFIED AND RECEIVE 6" OF TOPSOIL PRIOR TO APPLICATION OF SEED. | 13. | LANDSCAPE CONTRACTOR SHALL WATER PLANTINGS FOR DURATION OF 1 YEAR WARRANTY PERIOD AFTER INSTALLATION AND GUARANTEE ALL PLANTINGS TO BE IN SATISFACTORY HEALTH. LANDSCAPE CONTRACTOR SHALL REPLACE ALL DAMAGED, DEAD, OR DYING PLANTS COVERED BY WARRANTY WITHIN 30 DAYS OF INITIAL IDENTIFICATION OF CONDITION. |

TREES



SHRUBS

- | | | |
|---|-------|---|
| ● | 54 | <i>Prunus laurocerasus</i> 'Otto Luyken' - Cherry Laurel |
| | 3 GAL | CONT., FULL PLANTS, SPACING AS SHOWN |
| ● | 17 | <i>Clethra alnifolia</i> 'Sixteen Candles' - Sixteen Candles Summersweet |
| | 3 GAL | CONT., FULL PLANTS, SPACING AS SHOWN |
| ● | 18 | <i>Abelia</i> × <i>grandiflora</i> 'Kaleidoscope' - Kaleidoscope Abelia |
| | 5 GAL | CONT., FULL PLANTS, SPACING AS SHOWN |
| ○ | 11 | <i>Nandina domestica</i> 'Gulf Stream' - Gulf Stream Nandina |
| | 3 GAL | CONT., FULL PLANTS, SPACING AS SHOWN |
| ○ | 10 | <i>Spiraea japonica</i> 'Goldmound' - Goldmound Spirea |
| | 3 GAL | CONT., FULL PLANTS, SPACING AS SHOWN |
| ✱ | 52 | <i>Pennisetum alopecuroides</i> 'Hamel' - Dwarf Fountain Grass |
| | 1 GAL | CONT., FULL PLANTS, SPACING AS SHOWN |
| △ | 9 | <i>Berberis thunbergii</i> 'Concord' - Pygmy Ruby Barberry |
| | 3 GAL | CONT., FULL PLANTS, SPACING AS SHOWN |
| ○ | 15 | <i>Euonymus alatus</i> 'Compactus' - Dwarf Burning Bush |
| | 3 GAL | CONT., FULL PLANTS, SPACING AS SHOWN |
| □ | 5 | <i>Sarcococca ruscifolia</i> - Fragrant Sweet Box |
| | 5 GAL | CONT., FULL PLANTS, SPACING AS SHOWN |
| ⊗ | 24 | <i>Viburnum davidii</i> - David Viburnum |
| | 3 GAL | CONT., FULL PLANTS, SPACING AS SHOWN |
| ○ | 42 | <i>Buxus microphylla</i> var. <i>japonica</i> 'Winter Gem' - Winter Gem Boxwood |
| | 3 GAL | CONT., FULL PLANTS, SPACING AS SHOWN |

GROUNDCOVER

- | | | |
|---|-------|---|
|  | 27 | <i>Trachelospermum jasminoides</i> - Star Jasmine |
| | 1 GAL | CONT., FULL PLANTS, 3' O.C. |
| | 16 | <i>Arctostaphylos uva-ursi</i> - Kinnikinnick |
| | | CONT., FULL PLANTS, 2.5' O.C. |
| | 43 | <i>Liriope muscari</i> 'Big Blue' Big Blue Lilyturf |
| | 1 GAL | CONT., FULL PLANTS, 3' O.C. |

SEED MIXES

-  LAWN SEED (PERENNIAL RYE / FESCUE MIX) - 4,257 SF
-  ROUGH SEED (NATIVE GRASS MIX) - 743 SF

STORMWATER TREATMENT PLANTERS

- 
 Juncus patens - Spreading Rush
 Carex testacea - New Zealand Sedge
 Cornus sericea 'Kelseyii' - Kelsey Dogwood
 Salix purpurea 'Nana' - Dwarf Blue Arctic Willow

PLANTING PLAN
KAMM STREET APARTMENTS
OREGON CITY, OREGON

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747
PRELIMINARY
JEFFERY P. CREEL
OREGON
05/13/11

[illegible]

SHEET NO.

L1.0

JOB NO.

MSC-261

Diagram illustrating the correct planting technique for a tree:

- SPECIFIED PLANT
- SET CROWN OF ROOTBALL AT FINISH GRADE
- 2" HIGH EARTH SAUCER AT EDGE OF ROOTBALL
- 3" DEPTH COMPOST MULCH
- FINISH GRADE
- LOOSEN SUBSOIL TO DEPTH OF 12", ENTIRE SHRUB BED
- TOPSOIL
- SET ROOT BALL FIRMLY ON UNDISTURBED OR WATER SETTLED NATIVE SOIL
- 2 X CONTAINER DIAMETER

3 Section NOT TO SCALE



5 Plan

NOT TO SCALE



2 Plan

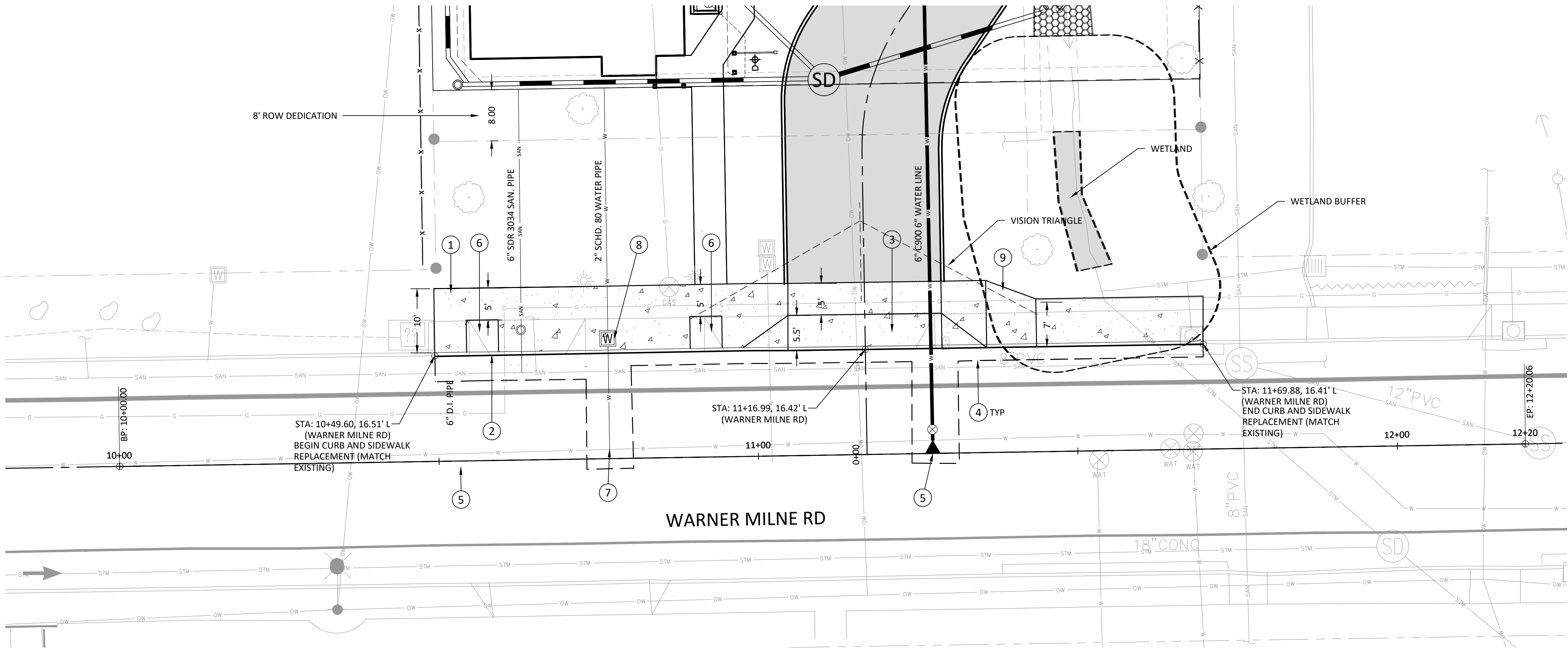
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SHEET NO.

L1.1

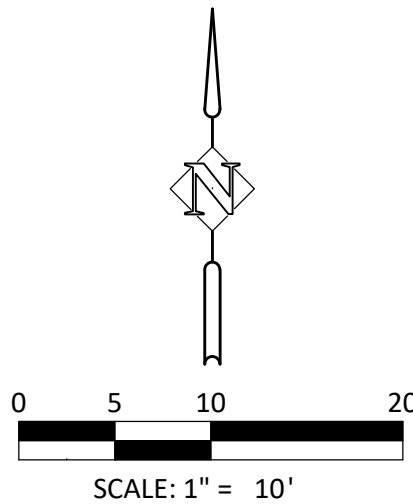
JOB NO.

MSC-261



CONSTRUCTION NOTES:

- 1 REPLACE EXISTING SIDEWALK AS SHOWN PER O.C. STD. DTL. 508.
- 2 REPLACE EXISTING CURB WITH STANDARD CURB PER O.C. STD. DTL. 510.
- 3 CONSTRUCT 24' COMMERCIAL DRIVEWAY PER O.C. STD. DTL. 505.
- 4 SAWCUT LIMITS. REPLACE AC SECTION PER EXISTING. MINIMUM SAWCUT 24" FROM CURB LINE.
- 5 INSTALL 6" WET TAP ON EXISTING 12" WATER LINE PER O.C. STD. DTL. 411.
- 6 INSTALL 5' X 5' TREE WELL.
- 7 INSTALL 2" WET TAPON EXISTING 12" WATER LINE PER O.C. STD. DTL. 411.
- 8 INSTALL 2" WATER SERVICE PER O.C. STD. DTL. 404.
- 9 TRANSITION SIDEWALK WIDTH TO 7' TO AVOID WETLAND.



WARNER MILNE ROAD PLAN & PROFILE
KAMM STREET APARTMENTS
OREGON CITY, OREGON

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REGISTERED PROFESSIONAL ENGINEER
PRELIMINARY
KENNETH K. VALLERIE
JULY 13, 2013
EXPIRES: 09/30/22

DESIGNED:	KKV	REVISD DRIVEWAY AND SIDEWALK	1	12/01/2021
DRAWN:	HHPR TEAM	DATE	NO.	DESCRIPTION
CHECKED:	KKV	DATE	NO.	DESCRIPTION
DATE:	09/20/21	DATE	NO.	DESCRIPTION
SHEET NO.	C8.0	JOB NO.	MSC-261	

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 279 WARNER MILNE ROAD
OREGON CITY, OR 97045

 PROJ. NO.: 2106
FILE: A-SIT
DATE: 11/01/2021

SHEET #

A1.0

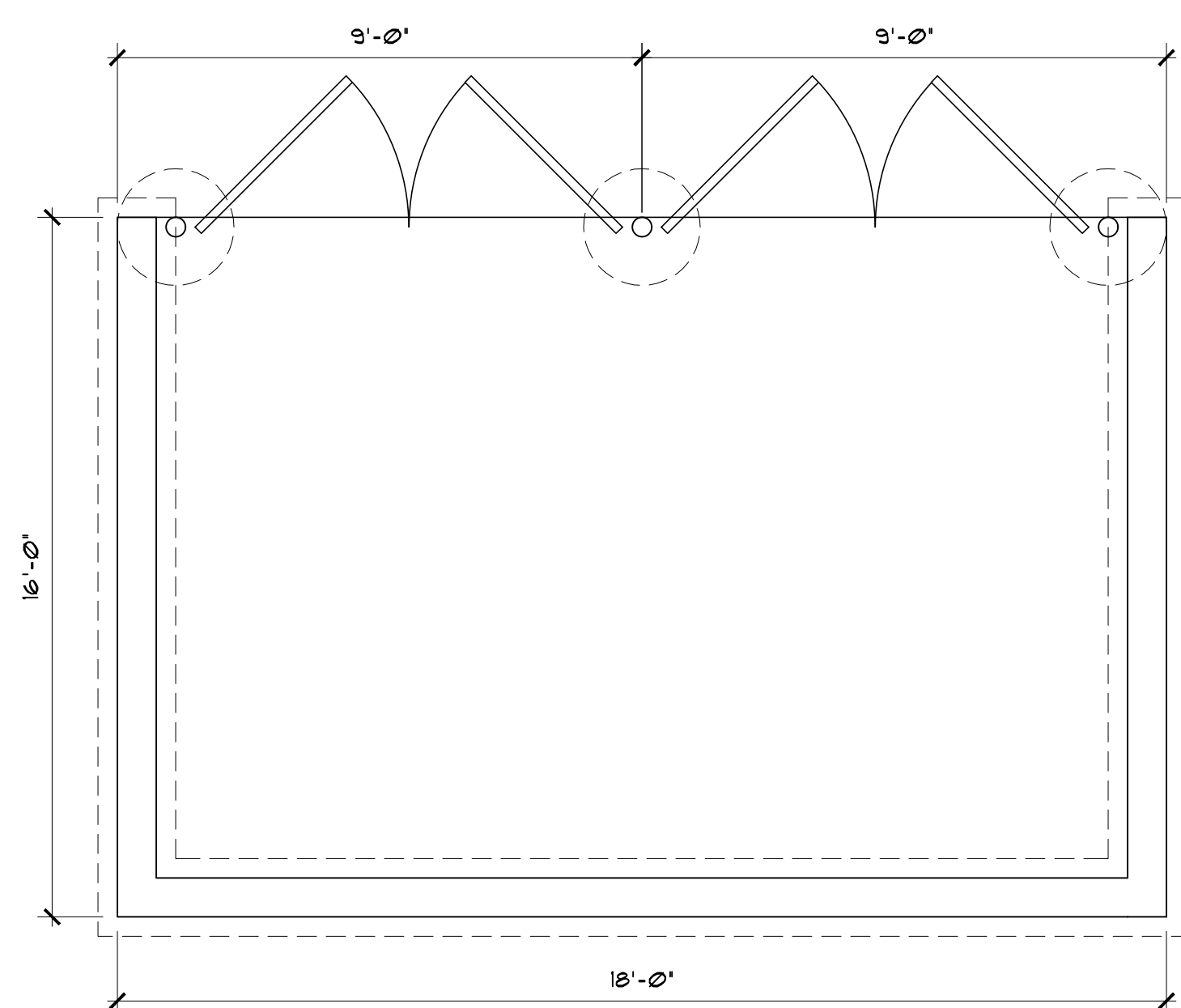
SITE PLAN

WARNER MILNE RD

KAMM ST.

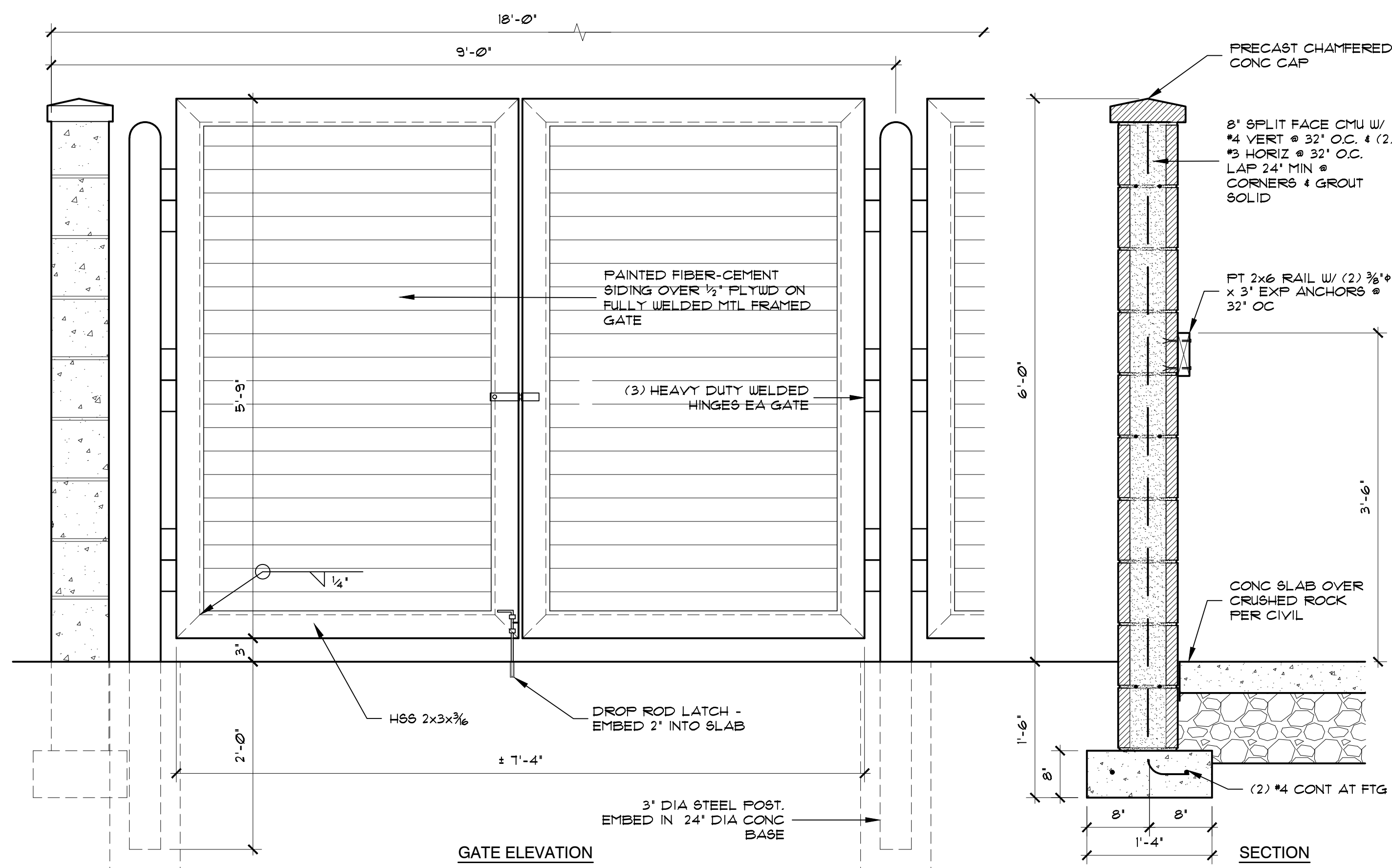
SITE PLAN

1/16" = 1'-0"


 FLOOR PLAN
3/8" = 1'-0"

 1
A1.1

GARBAGE & RECYCLING ENCLOSURE



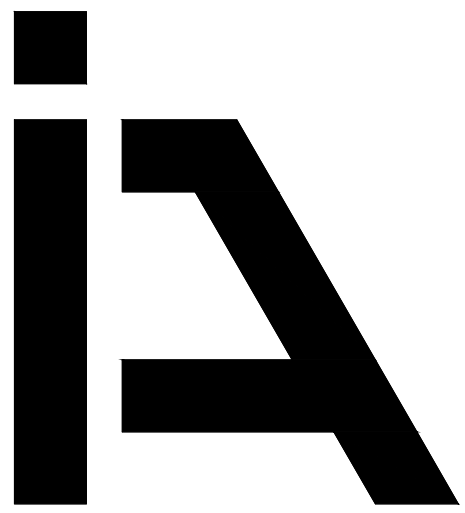
GATE ELEVATION

SECTION

 2
A1.1

BIKE RACK

1 1/2" = 1'-0"



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DATE : 11/01/2021

SHEET #

A0.0

GENERAL INFORMATION



"KAMM STREET APARTMENTS"
MULTI-FAMILY DEVELOPMENT
OREGON CITY, OREGON



- FRONT ELEVATION -
SOUTH FACING WARNER MILNE ROAD

DRAWING INDEX

- A0.0

GENERAL INFORMATION
- A1.0

ARCHITECTURAL SITE PLAN
- A1.1

MAIN LEVEL BUILDING FLOOR PLAN
- A1.2

SECOND LEVEL BUILDING FLOOR PLAN
- A1.3

THIRD LEVEL BUILDING & ROOF PLAN
- A2.1

EXTERIOR ELEVATIONS
- A2.2

EXTERIOR ELEVATIONS
- C1.0

CIVIL COVER SHEET
- C1.1

GENERAL NOTES
- C2.0

EXISTING CONDITIONS PLAN & DEMO PLAN
- C3.0

SITE PLAN
- C4.0

CIVIL UTILITY PLAN (SOUTH)
- C4.1

CIVIL UTILITY PLAN (NORTH)
- C5.0

OVERALL GRADING PLAN (SOUTH)
- C5.1

OVERALL GRADING PLAN (NORTH)
- C6.0

GRADING DETAILS
- C7.0

EROSION CONTROL PLAN
- C7.1

EROSION CONTROL DETAILS
- C8.0

WARNER MILNE ROAD PLAN & PROFILE
- C9.0 - 9.7

STANDARD DETAILS
- L1.0

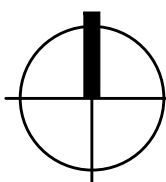
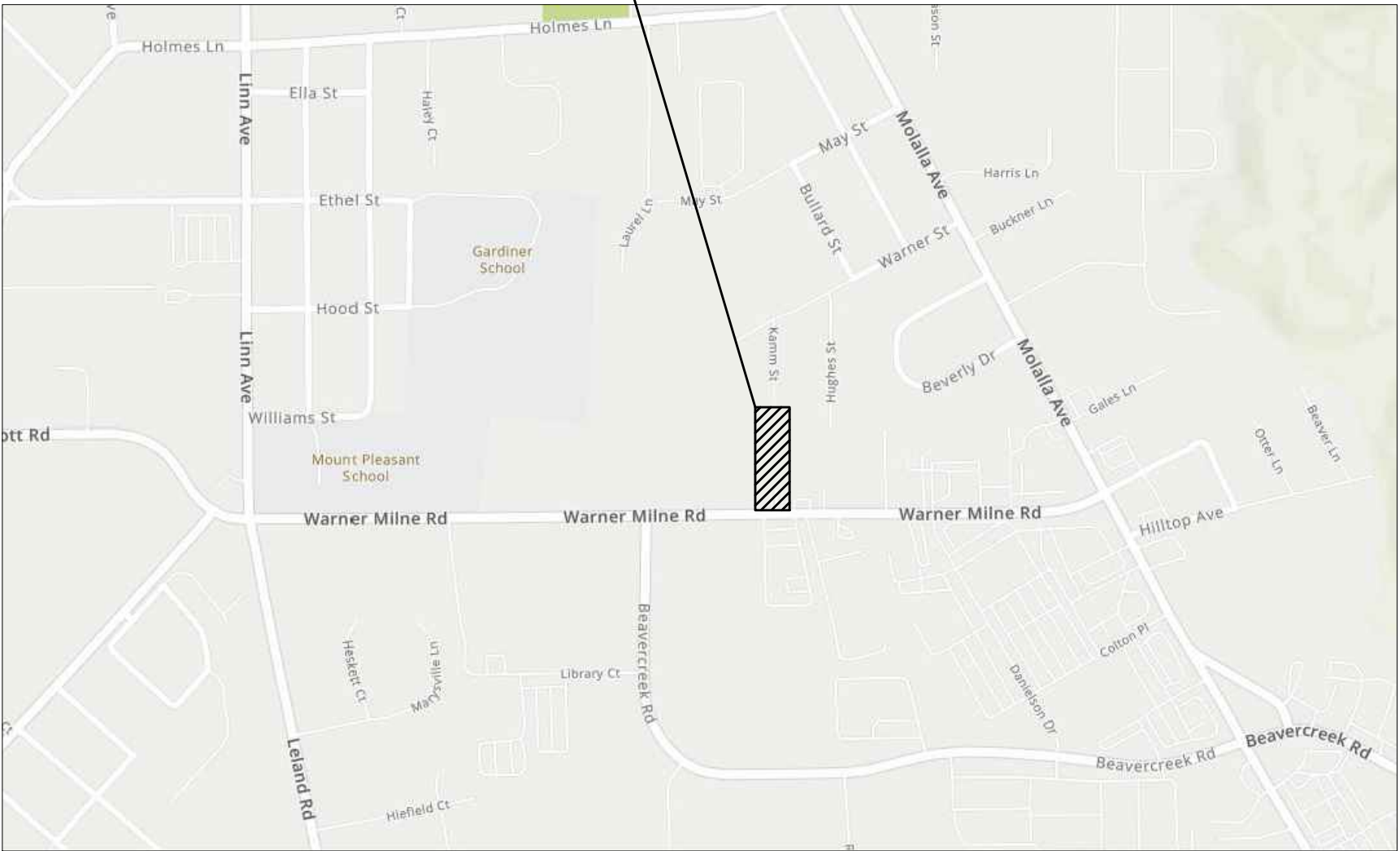
PLANTING PLAN
- L1.1

PLANTING DETAILS

PROJECT INFORMATION

PROJECT DESCRIPTION		NEW 3-STORY APARTMENT BUILDING WITH 30 UNITS TOTAL MULTI-FAMILY DEVELOPMENT AND SITE IMPROVEMENTS INCLUDING PARKING & LANDSCAPING. ALL UNITS TO BE SINGLE LEVEL, ONE- & TWO- BEDROOM.			
PROPERTY LOCATION		1155 KAMM STREET (279 WARNER MILNE ROAD)			
COUNTY		CLACKAMAS COUNTY			
ZONE		MUC-1			
SITE AREA		36,928 SF			
BUILDING SQUARE FOOTAGE:		8,531 SF TOTAL			
		MAIN LEVEL	LEVEL 2	LEVEL 3	
(18)	TWO BEDROOM UNIT	5,730 SF (6 @ 955 SF)	5,730SF (6 @ 955 SF)	5,730 SF (6 @ 955 SF)	
(12)	ONE BEDROOM UNIT	2,800 SF (4 @ 700 SF)	2,800 SF (4 @ 700 SF)	2,800 SF (4 @ 700 SF)	
TOTAL		3,292 SF	3,085 SF	2,154 SF	
BUILDING COVERAGE		29.8%	11,012 SF		
PAVING		45%	16,490 SF		
PARKING					
REQUIRED		30 MIN.	(1 PER 2-BEDRM UNIT = 18, 1 PER 1-BEDRM UNIT = 12)		
PROVIDED		36	(34 STANDARD + 2 ADA)		
LANDSCAPING					
REQUIRED		20%	7,386 SF MIN.		
PROVIDED		25%	9,426 SF		

PROJECT LOCATION



VICINITY MAP

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FILE : A-SIT
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SHEET #

A1.0

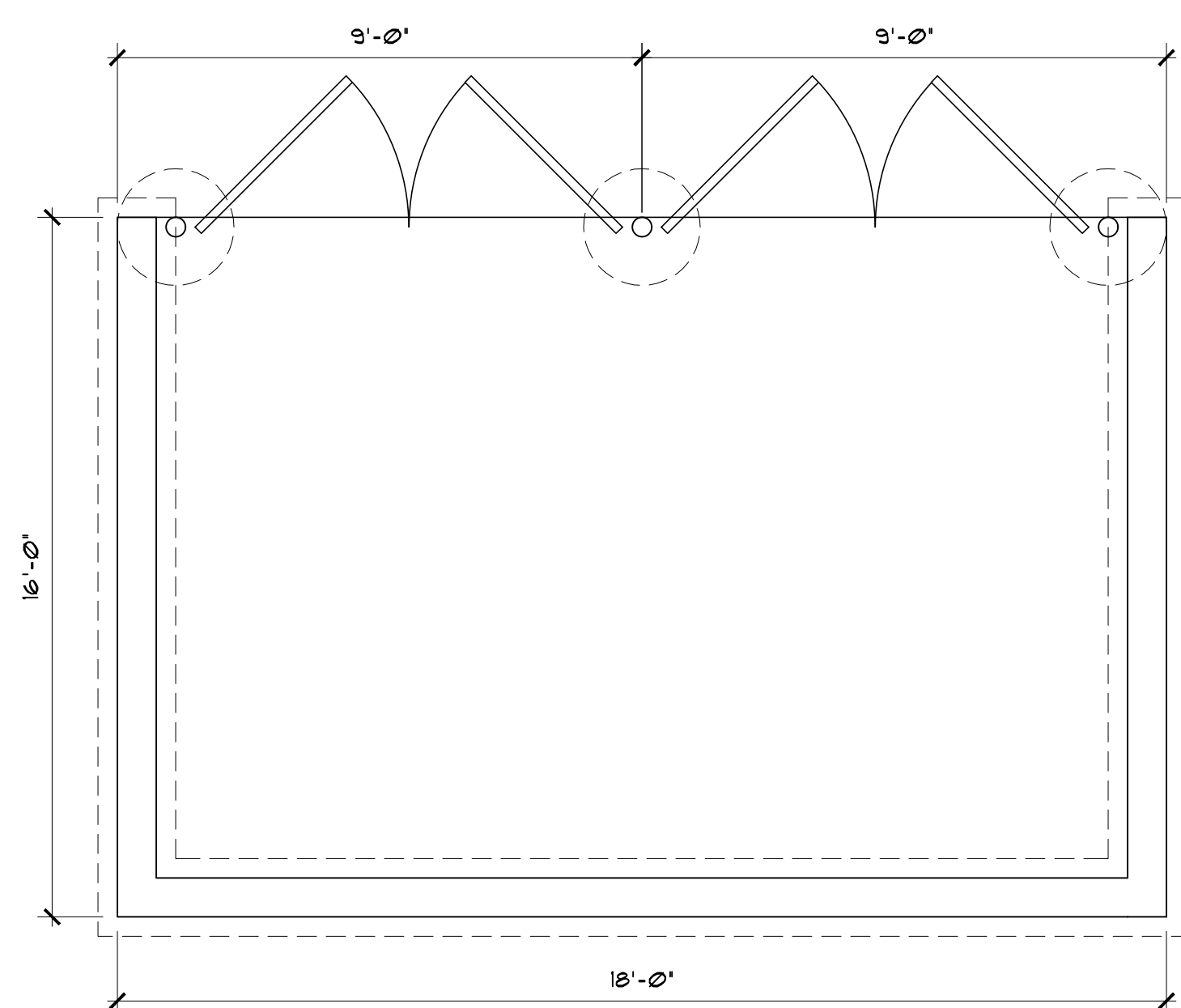
SITE PLAN

WARNER MILNE RD

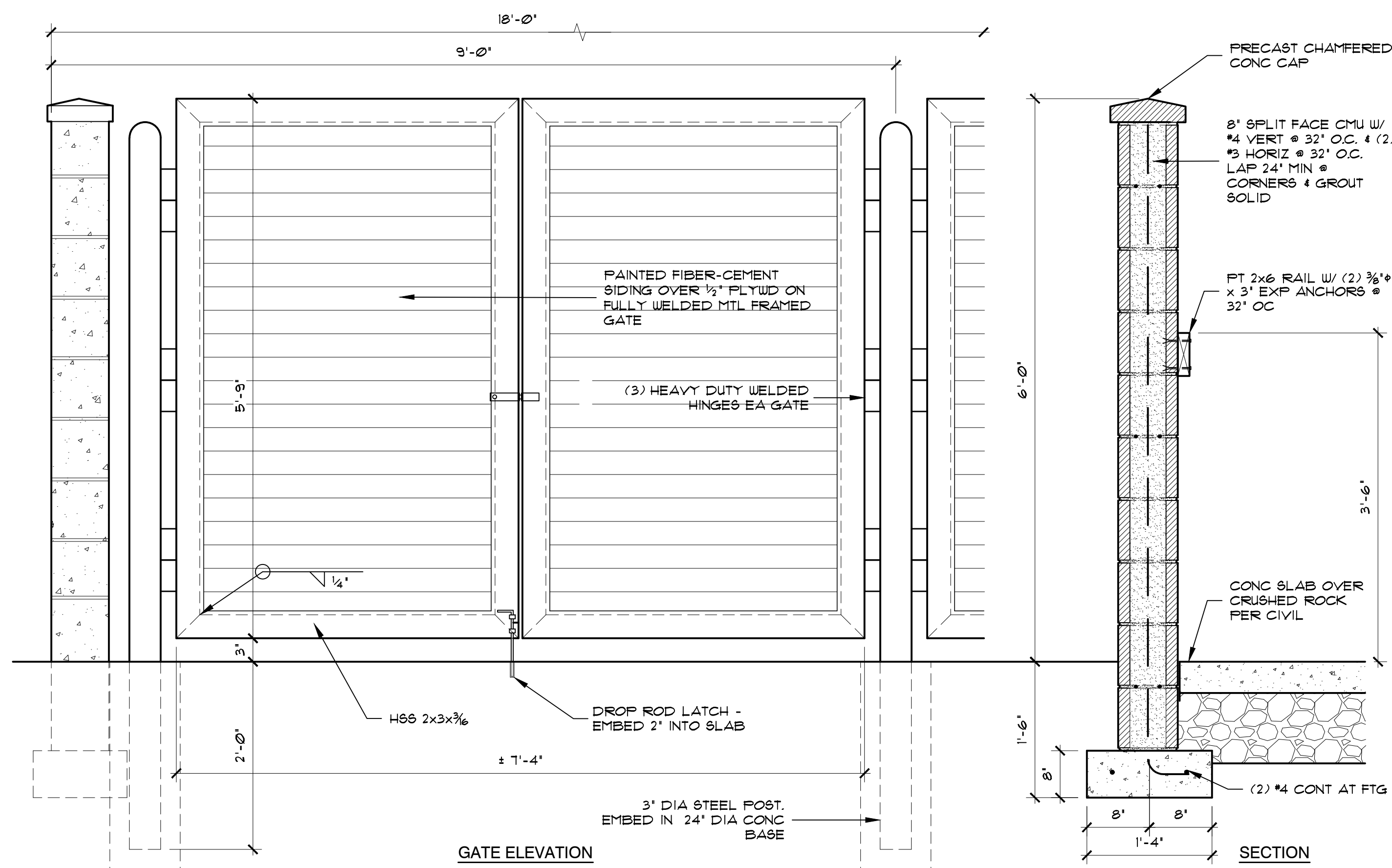
KAMM ST.

SITE PLAN

1/16" = 1'-0"



FLOOR PLAN
3/8" = 1'-0"



GATE ELEVATION

SECTION

1
A1.1

GARBAGE & RECYCLING ENCLOSURE

2
A1.1

BIKE RACK

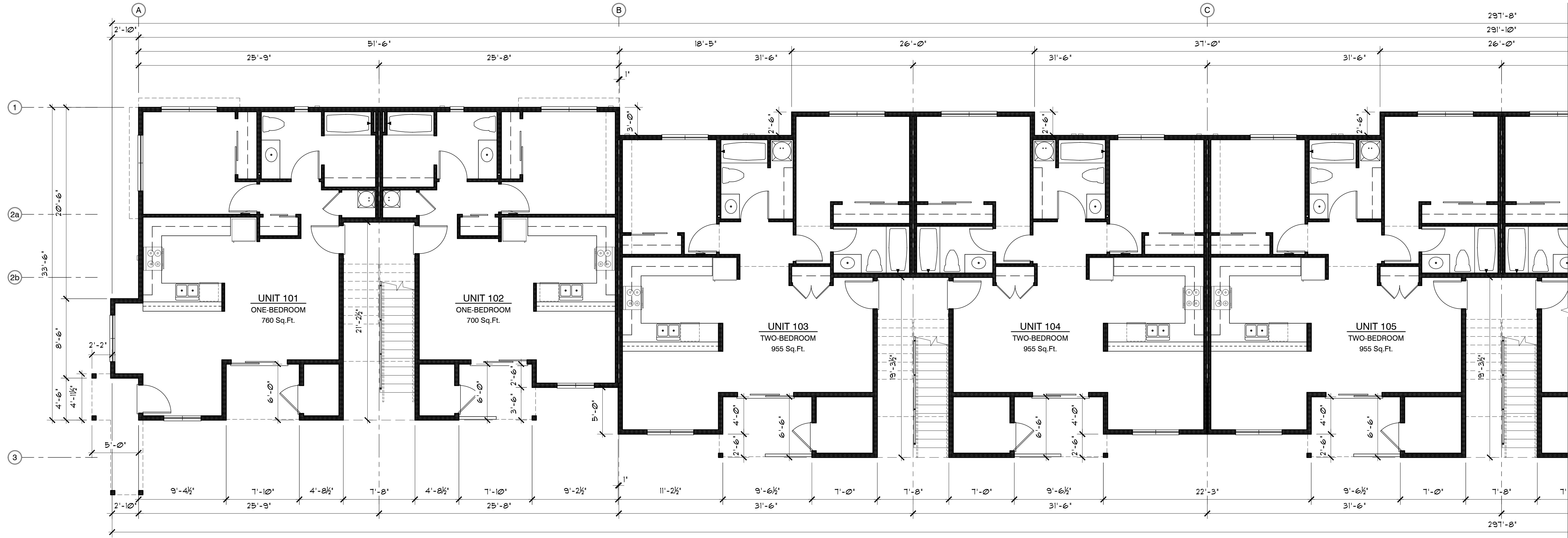
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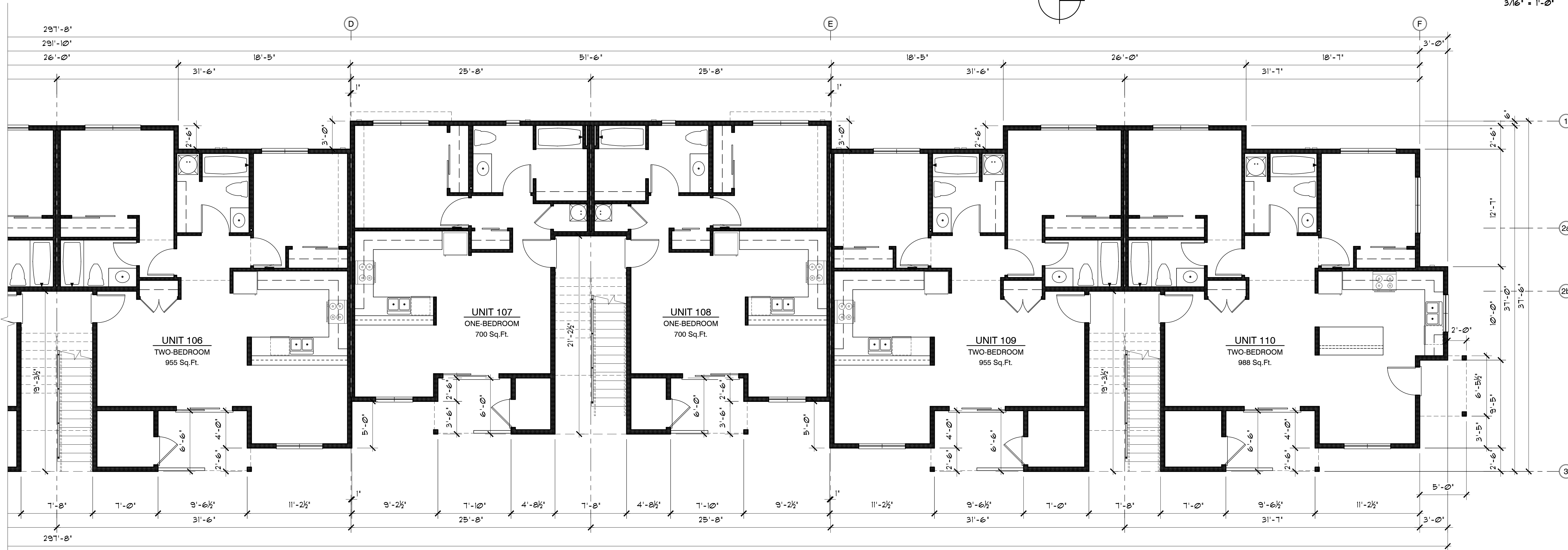
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MAIN LEVEL BUILDING FLOOR PLAN



KAMM STREET APARTMENTS

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PROJ. NO. : 2106
FILE : A-FP
DATE : 11/01/2021

SHEET #

A1.2

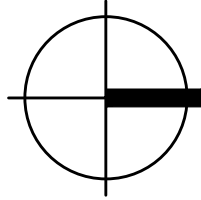
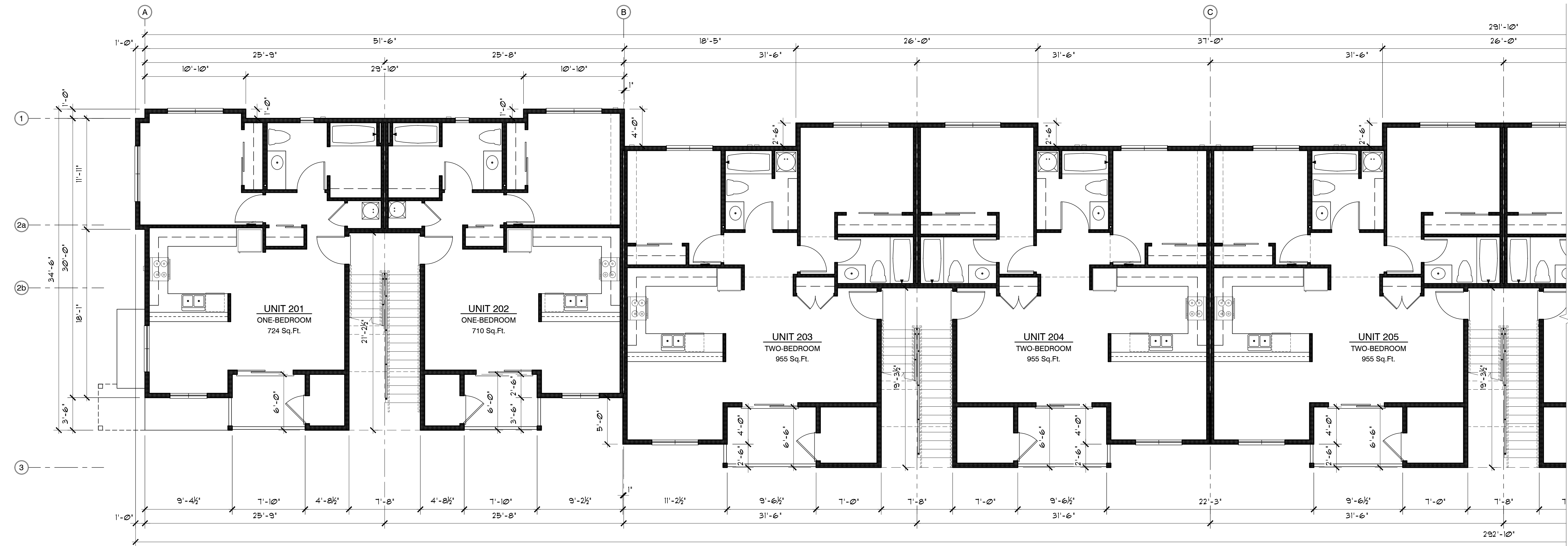
DESIGN
REVIEW
SUBMITTAL



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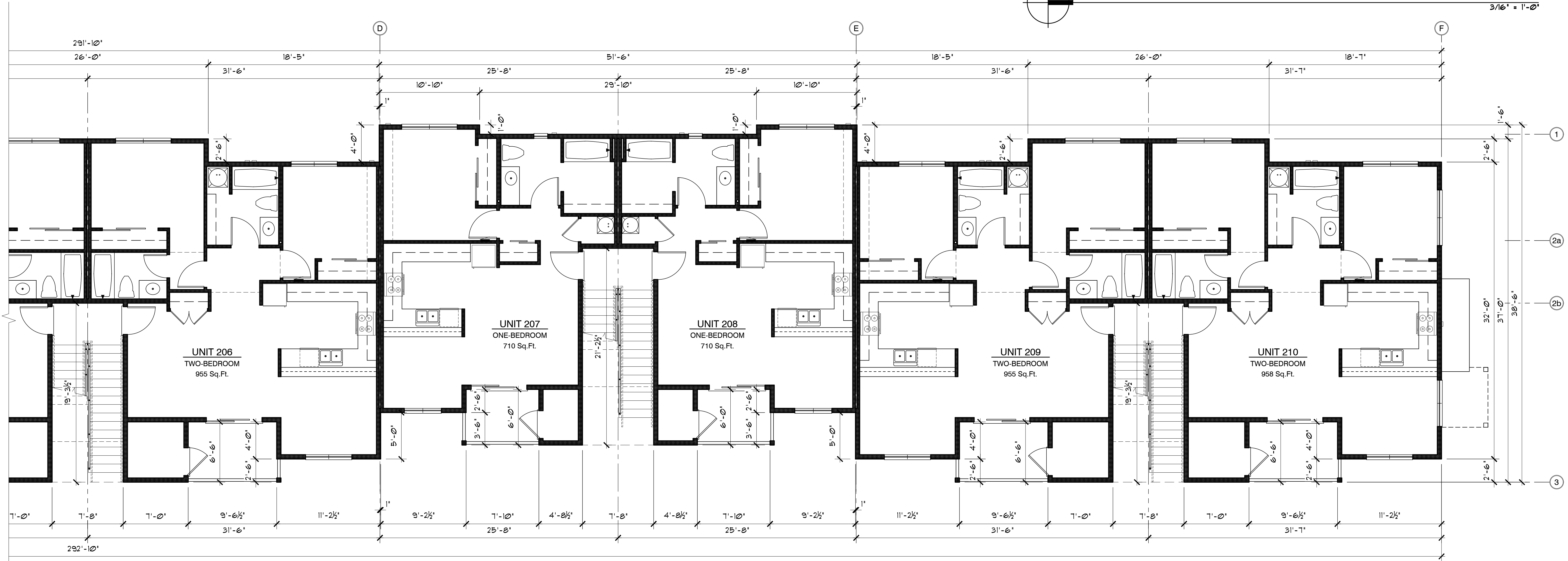
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SECOND LEVEL BUILDING FLOOR PLAN

3/16" = 1'-0"



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PROJ. NO. : 2106
FILE : A-FP
DATE : 11/01/2021

SHEET #

A1.3

SECOND LEVEL
BUILDING PLAN

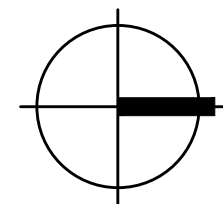
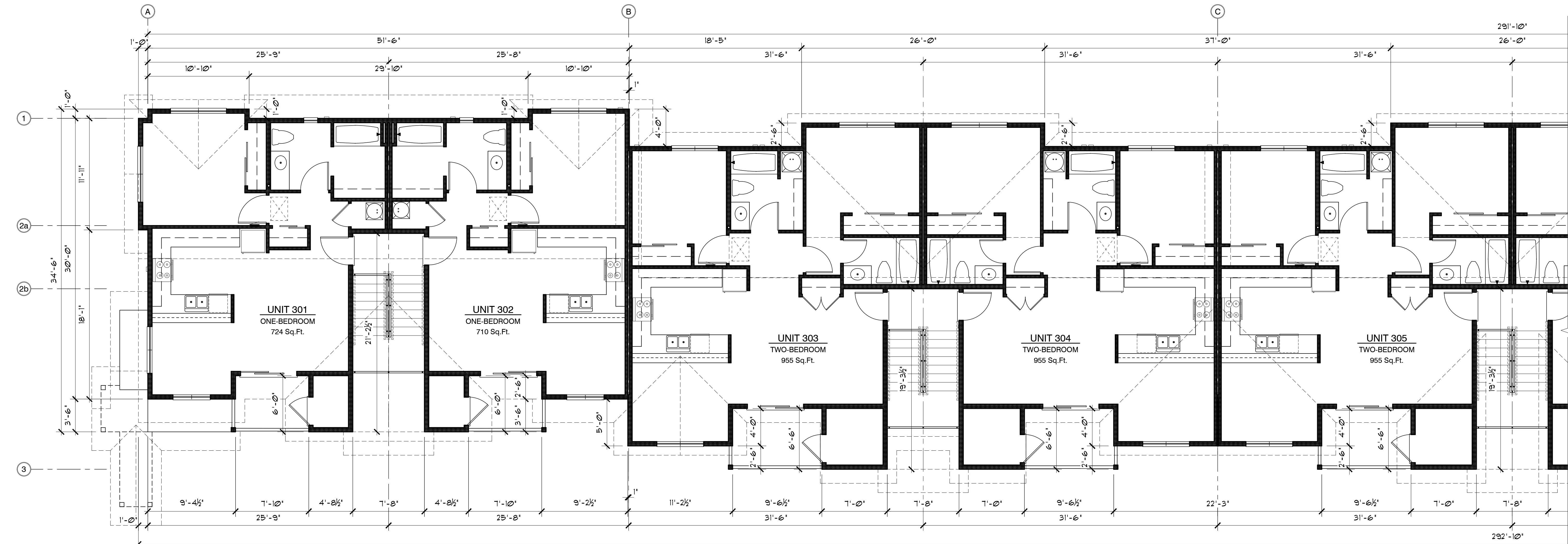
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REVIEW
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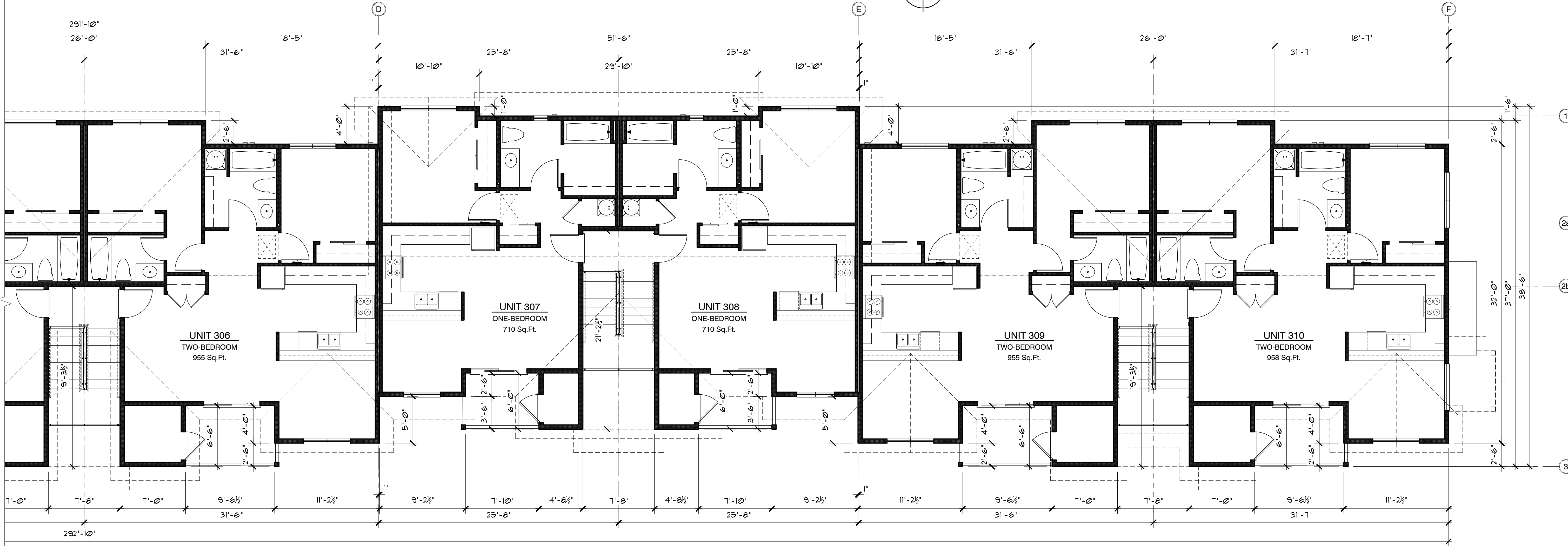
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CONSTRUCTION



THIRD LEVEL BUILDING FLOOR PLAN

(EXHAUST DUCTS THRU ROOF WHERE APPLIES @ THIS LEVEL)

3/16" = 1'-0"



KAMM STREET APARTMENTS

279 WARNER MILNE ROAD
OREGON CITY, OR 97045

PROJ. NO. : 2106
FILE : A-FP
DATE : 11/01/2021

SHEET #

A1.4

THIRD LEVEL
BUILDING PLAN



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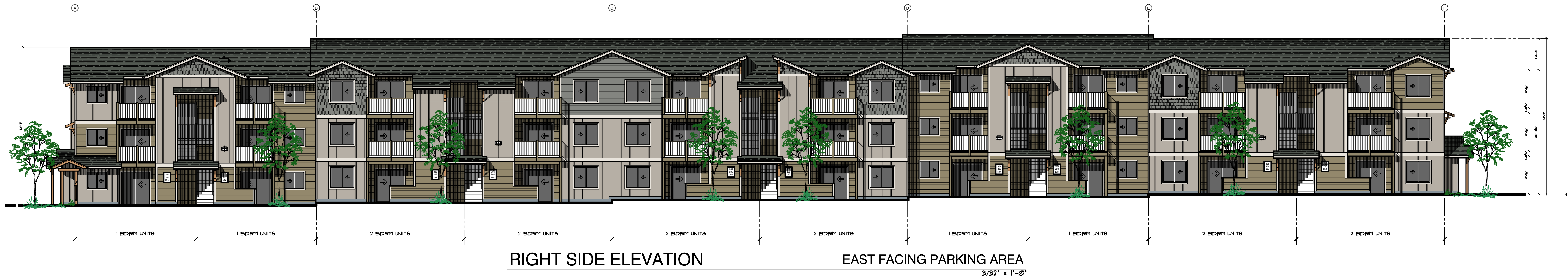
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PROJ. NO. : 2106
FILE : A-ELV
DATE : 11/01/2021

SHEET #

A2.1

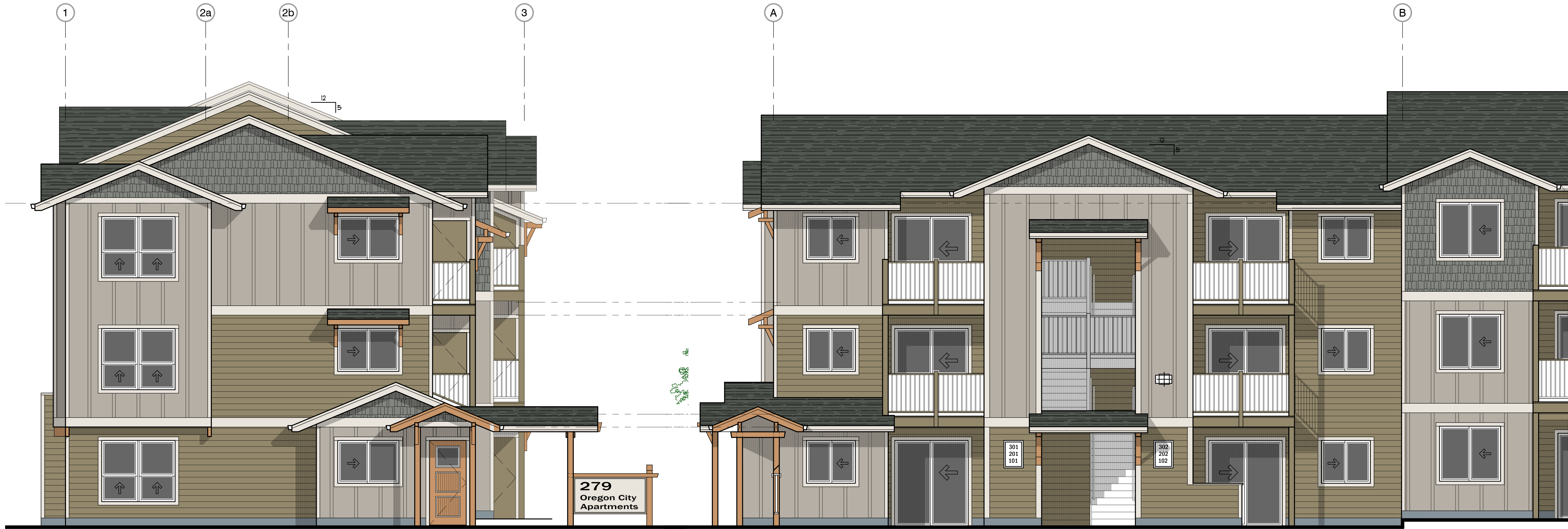
EXTERIOR
ELEVATIONS



RIGHT SIDE ELEVATION

EAST FACING PARKING AREA

3/32" = 1'-0"



FRONT ELEVATION

SOUTH FACING WARNER MILNE ROAD

1/4" = 1'-0"

RIGHT SIDE ELEVATION - PARTIAL

EAST FACING PARKING AREA

1/4" = 1'-0"



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P.C.**

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NOT FOR
PRELIMINARY
CONSTRUCTION

KAMM STREET APARTMENTS

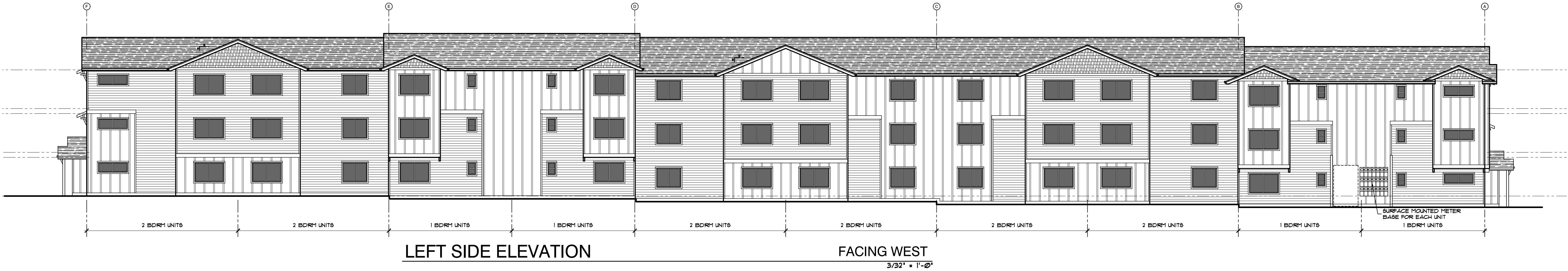
279 WARNER MILNE ROAD
OREGON CITY, OR 97045

PROJ. NO. : 2106
FILE : A-ELV
DATE : 11/01/2021

SHEET #

A2.2

EXTERIOR
ELEVATIONS



LEFT SIDE ELEVATION

FACING WEST
3/32" = 1'-0"



REAR ELEVATION

FACING NORTH
1/4" = 1'-0"



LEFT SIDE ELEVATION - PARTIAL

FACING WEST
1/4" = 1'-0"

Wetland and Waters of the U.S. and State Delineation Report

1155 Kamm Street and 279 Warner Milne Road
Oregon City, Oregon

May 2021

Prepared by:



ENGINEERS ♦ PLANNERS
LANDSCAPE ARCHITECTS ♦ SURVEYORS
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Ron Laughlin
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Oregon City, Oregon 97045

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A. LANDSCAPE SETTING AND LAND USE

The study area addressed in this report encompasses two adjoining tax lots and public right-of-way (ROW) in Oregon City, Oregon: tax lot 32E05CB01400, located at 1155 Kamm Street, tax lot 32E05CB01402, located at 279 Warner Milne Road, and adjoining ROW for Kamm Street and Warner Milne Road.

The study area (Figure 6, Appendix A) is approximately 0.86 acres within the Abernethy Creek-Willamette River watershed (HUC12 1709000704). The study area is within Oregon City city limits. Surrounding land use is residential (single and multi-family), services, retail, city streets, vacant land to the west, and a cemetery to the northeast (Saint John the Apostle Cemetery). The study area is comprised of a building, garage, landscaping, and parking lot accessed from Warner-Milne Road and an open field in the back (abutting Kamm Street). The site is generally level. A drainage channel is present along the eastern edge of the site.

The USDA Natural Resource Conservation Service (NRCS) Web Soil Survey (2020) identifies one soil map unit within the study area (Figure 4): Bornstedt silt loam, 0 to 8 percent slopes (map unit symbol 8B). Bornstedt silt loam is moderately well drained and not rated as hydric. This map unit contains two minor components that are rated as hydric: Borges, comprising 5 percent of the map unit, and Aquults, comprising 1 percent of the map unit.

Vegetation within the study area is comprised of a disturbed field plant community dominated by non-native pasture grasses (e.g. tall fescue [*Schedonorus arundinaceus*], orchard grass [*Dactylis glomerata*], common velvet grass [*Holcus lanatus*], colonial bentgrass [*Agrostis capillaris*], sweet vernal grass [*Anthoxanthum odoratum*]), and soft brome [*Bromus hordeaceus*]) and weedy forbs (e.g. common dandelion [*Taraxacum officinale*], rough cat's ear [*Hypochaeris radicata*], white clover [*Trifolium repens*], Queen Anne's lace [*Daucus carota*], hairy bittercress [*Cardamine hirsuta*], stinking willie [*Jacobaea vulgaris*], English plantain [*Plantago lanceolata*], and purple dead nettle [*Lamium purpureum*]). Trees and Himalayan blackberry have been cleared from the site periodically, including in recent years. Remaining trees are located at the site boundary and include sweet cherry (*Prunus avium*), crabapple (*Malus* sp.), one Western red cedar (*Thuja plicata*), one ponderosa pine (*Pinus ponderosa*), one black cottonwood (*Populus balsamifera*), one Douglas fir (*Pseudotsuga menziesii*), and one Oregon white oak (*Quercus garryana*).

B. SITE ALTERATIONS

Soil in the drainage channel shows evidence that the channel was excavated at some point in the past (see SP2 data form). Google Earth archived aerial imagery (Google 2021) shows the channel in its current location since at least 2002. These aerials also show that periodic brush and tree clearing has been a part of routine maintenance on the Kamm

Street lot for at least the past two decades. As a result, the site vegetation has shifted multiple times between open field and thickets of Himalayan blackberry and saplings.

In conversation with HHPR during the field investigation, a neighboring resident (parcel to the east) stated that during storm events the channel used to backup and flood at the culvert under Warner Milne Road until the city replaced it with a larger culvert. Aerial images suggest that this culvert upgrade likely took place in 2010 (Google 2021).

C. PRECIPITATION DATA AND ANALYSIS

The field investigation was conducted on April 12 and 15, 2021. The Oregon City weather station recorded 0 inches of precipitation during the delineation period (April 12th to 15th) and 0.03 inches of precipitation in the 14 days prior to the site visit (AgACIS 2021). The total precipitation for the water year to-date (October 2020 through March 2021) was 38.31 inches. Precipitation in the 3 months prior to the site visit was compared to the normal range (Table 1) using a weighted time and antecedent precipitation method (USDA NRCS 2015).

Table 1. Summary of precipitation (inches) at the Oregon City, OR weather station for the three months prior to the delineation, compared to normal ranges (AgACIS 2021).

		WETS DATA							
	Month	30% Probability Less Than	Average Precipitation	30% Probability More Than	Recorded Precipitation	Weighting Factor	Weighted 30% Probability Less Than	Weighted 30% Probability More Than	Weighted Recorded Precipitation
3rd Month Prior	Jan 2021	4.35	6.59	7.91	9.71	1	4.35	7.91	9.71
2nd Month Prior	Feb 2021	3.92	5.51	6.53	5.32	2	7.84	13.06	10.64
1st Month Prior	Mar 2021	3.56	4.69	5.46	3.09	3	10.68	16.38	9.27
							22.87	37.35	29.62

Precipitation in the 3 months prior to the delineation site visits was within the normal range, as shown in Table 1. Climatic/hydrologic conditions during the delineation are considered normal based on this analysis. However, as no rain fell in the 14 days prior to, or during, the delineation, additional steps were taken to evaluate site hydrology. Specifically, an auger hole was excavated to 24 inches in the drainage channel to evaluate Group A indicators and hyporheic flow and a streamflow duration assessment was completed.

D. METHODS

Potential wetlands and waters were identified prior to the site visit via a review of relevant materials, including: MetroMaps (Metro 2021); US Fish and Wildlife Service (USFWS) National Wetland Inventory (NWI) (2021); City of Oregon City Local

Wetland Inventory (LWI) (Shapiro Inc. 1999); USDA NRCS Web Soil Survey (2021); and Google Earth archived aerial imagery from 1994-2020 (Google 2021).

HHPR natural resources scientists conducted a wetland determination and Ordinary High Water Mark (OHWM) delineation within the study area on April 12 and 15, 2021. HHPR performed a pedestrian review of the entire site. Two sample plots were established to review and document areas where geomorphic position, vegetation, or other indicators suggested wetland presence.

HHPR followed the three-parameter wetland delineation method described in the *Corps of Engineers Wetland Delineation Manual* (1987) and the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys and Coast Region* (2010). Vegetation, soil, and hydrologic data for sample plots was recorded on US Army Corps of Engineers (USACE) Western Mountains, Valleys, and Coast data forms version 2.0 (USACE 2010). Plant names and wetland indicator status on the data forms follow the 2018 National Wetland Plant List (USACE 2018).

The OHWM determination was based on physical characteristics observed during the site visit, as described in USACE Regulatory Guidance Letter No. 05-05 (dated December 7, 2005) and Oregon Removal-Fill Rules (Oregon Administrative Rules [OAR] 141-085-0515(3)). Streamflow duration was determined following the method described in *Streamflow Duration Assessment Method for Oregon* (Nadeau 2011).

E. DESCRIPTION OF ALL WETLANDS AND NON-WETLAND WATERS

No wetland was identified within the study area. With the exception of the drainage channel, the site is generally level. Vegetation across the site, including in the channel, is fairly uniform, dominated by non-native pasture grasses and non-native forbs. Two sample plots were documented. The first sample plot (SP1) was located in a micro-depression in the field near the drainage channel. This location was identified as the most likely to contain wetland based on proximity to the channel and localized dominance of facultative species (compared to dominance of facultative-upland species elsewhere). The second sample plot (SP2) was located in the bottom of the drainage channel. Neither plot met all three wetland parameters. SP1 met the Dominance Test for hydrophytic vegetation, but lacked hydric soil and wetland hydrology indicators. SP2 met the redox dark surface hydric soil indicator but lacked hydrophytic vegetation, due to the abundance of forbs with a Facultative-Upland rating (i.e. rough cat's ear, English plantain, and common dandelion). SP2 also lacked primary wetland hydrology indicators. Group A hydrology indicators were evaluated in the 16-inch deep soil pit and an auger hole excavated in the bottom of the pit to a depth of 24 inches below the soil surface. No surface water, water table, or saturation was present. SP2 met the Geomorphic Position indicator, but lacked other secondary indicators.

HHPR delineated one drainage channel (Drainage A) within the study area. Drainage A is an excavated channel along the east edge of the study area. North of the study area, Drainage A is a roadside ditch on the west side of Kamm Street. Drainage A then turns east around the end of Kamm Street, then south again and continues in a straight channel to a culvert under Warner Milne Road. South of Warner Milne Road (outside of the study area) Drainage A continues to the southeast in a series of open channels, pipes, and culverts, then converges with a stream and wetland complex between Warner Milne Road and Beaver Creek Road. After this, its path is difficult to trace due to long underground sections. Based on the LWI, it appears likely that water from the drainage eventually reaches Newell Creek. Drainage A is not designated as Essential Salmonid Habitat (ESH).

HHPR delineated two distinct reaches within the study area: an upstream ephemeral reach and a downstream intermittent reach. Streamflow duration assessment forms are provided in Appendix D. The location, characteristics, extent, and anticipated jurisdictional determination for each reach are described below.

E.1 Drainage A - Upstream Reach

The upstream reach of Drainage A extends for approximately 370 feet within the study area, from the Kamm Street to a point approximately 20 feet north of Warner Milne Road (see Figure 6, Appendix A). This reach includes the channel as it passes through the open field, adjacent to the garage, and by a portion of the parking lot.

Within the upstream reach, the channel of Drainage A is typically narrow (3 to 8 feet wide), straight, and u-shaped in cross-section. The channel is grass-lined with vegetation similar to the surrounding field (e.g. colonial bentgrass, tall fescue, bluegrasses [*Poa* spp.], rough cat's ear, common selfheal [*Prunella vulgaris*], common dandelion, and English plantain).

Few indicators of OHWM were present within this reach. Vegetation and substrate were fairly uniform and channel morphology appeared to be the result of excavation rather than flow. At the end of Kamm Street, where the channel bends sharply, and at the south end near the transition to the downstream reach, scour marks were observed on the bank. These were used to extend the OHWM into the rest of the channel.

The channel was dry during the field investigation and no saturation or hyporheic flow was detected in an auger hole to a depth of 24 inches (located at SP2). Where present, scour marks in this reach are interpreted as the result of high flows in response to storm events. Conversations with neighbors confirmed that the channel fills quickly in response to storm events and has been known to flood (i.e., the flow regime is flashy). No aquatic macroinvertebrates were found in this reach. The upstream reach was determined to be ephemeral using the decision tree provided on the Streamflow Duration Field Assessment Form (Nadeau 2011).

DSL is unlikely to take jurisdiction over the upstream reach of Drainage A per OAR 141-085-0515(3) because it is an ephemeral stream.

USACE is unlikely to take jurisdiction over the upstream reach of Drainage A as a Water of the US under Section 404 of the Clean Water Act as it is an ephemeral stream (33 CFR sections 328.3(b)(3)), meaning that surface water flowing and pooling is only in response to precipitation (CFR section 328.3(c)(3)).

E.2 Drainage A – Downstream Reach

The downstream reach of Drainage A extends from Warner Milne Road to a point approximately 20 feet upstream. In the downstream reach the channel is mostly bare, with slightly undercut banks, and a pool (approximately 6 feet wide by 10 feet long) at the culvert inlet. The upstream extent of this reach was defined based on the point where the channel begins to consistently exhibit a bare bed and scour on the banks, and a lip where the channel drops down into the pool area. The channel was dry during the field investigation. Standing water was observed in the channel south of Warner Milne Road, downstream of the study area.

Various sources contribute to an increased volume of water in the downstream reach. Scour marks below the garage roof and next to the parking lot indicate significant runoff from these impervious surfaces during storm events. There is also a pipe outfall from the parking lot at the upstream reach boundary, but this was clogged with debris and did not appear to convey a significant volume of water. Near the inlet to the Warner Milne Road culvert, a pipe outfall discharges into the channel from storm drains in the street and possibly the parking lot to the east. Inside the culvert, another pipe outfall discharges stormwater from the street into the channel. These additional inputs correspond to the change in the character of the stream channel.

The macroinvertebrate survey identified the shells of several dozen aquatic snails (*Juga* sp.) and one living specimen amongst the riprap in the pool area by the culvert inlet. These likely migrate into the study area from downstream in winter and were stranded. The downstream reach was determined to be intermittent using the decision tree provided on the Streamflow Duration Field Assessment Form (Nadeau 2011).

DSL will likely take jurisdiction over the downstream reach of Drainage A as a stream per OAR 141-085-0515(3) because it is intermittent.

USACE may take jurisdiction over the downstream reach of Drainage A as a Water of the US under Section 404 of the Clean Water Act if it is determined to be a naturally occurring stream that contributes intermittent surface water flow to a traditional navigable water (Willamette River) in a typical year through one or more tributaries (33 CFR Sections 328.3(a)(2) and (c)(12), USACE and EPA 2020).

F. DEVIATION FROM LWI OR NWI

The study area is located within the City of Oregon City LWI (Shapiro Inc. 1999) (Figure 3a). The LWI shows a stream feature along the eastern edge of the study area that corresponds to Drainage A. The LWI does not specify the flow regime of the stream feature.

The NWI does not show any wetlands or waters within the study area (Figure 3b).

G. REQUIRED DISCLAIMER

This report documents the investigation, best professional judgement and conclusions of the investigator. It is correct and complete to the best of my knowledge. It should be considered a Preliminary Jurisdictional Determination of wetlands and other waters and used at your own risk unless it has been reviewed and approved in writing by the DSL in accordance with OAR 141-090-0005 through 141-090-0055.

H. MAPPING METHOD

HHPR natural resources staff flagged features in the field. Each flag was surveyed by HHPR Professional Land Surveyors to sub-meter accuracy.

I. ADDITIONAL INFORMATION

None.

J. RESULTS AND CONCLUSIONS

Based on the results of the site investigation, HHPR identified one drainage channel (Drainage A) with two reaches (upstream and downstream), within the study area. Characteristics of these reaches are summarized below.

Drainage A—Upstream Reach:

- 370 linear feet within the study area
- Ephemeral
- Not designated ESH
- Likely non-jurisdictional to DSL and USACE

Drainage A—Downstream Reach:

- 20 linear feet within the study area

- Intermittent
- Not designated ESH
- Likely jurisdictional to DSL and USACE

K. REFERENCES

Agricultural Applied Climate Information System (AgACIS). 2021. Monthly, daily, and WETS climatic data from Oregon City, OR weather station. URL: <http://agacis.rcc-acis.org/>. Accessed April-May, 2021.

Google. 2021. Google Earth Pro aerial imagery 1994-2020.

MetroMap. 2021. Metro. URL: <https://gis.oregonmetro.gov/metromap/>. Accessed April 2021.

Nadeau, T.L. 2011. Stream flow Duration Assessment Method for Oregon. U.S. Environmental Protection Agency, Region 10. Document number EPA 910-R-002. November 2011.

Shapiro Inc. 1999. City of Oregon City Local Wetland Inventory. June 1999. Approved September 1999.

US Army Corps of Engineers (USACE) and the US Environmental Protection Agency (EPA). 2020. The Navigable Waters Protection Rule: Definition of “Waters of the United States.” Federal Register Vol. 85, No. 77, Pages 22250-22342. April 21, 2020.

US Army Corps of Engineers (USACE). 2018. *National Wetland Plant List: Western Mountains, Valleys and Coast 2018 Regional Wetland Plant List v3.4*.

US Army Corps of Engineers (USACE). 2010. *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region* (Version 2.0). May 2010.

US Army Corps of Engineers (USACE). 1987. *Corps of Engineers Wetlands Delineation Manual* Wetlands Research Program Technical Report Y-87-1 (on-line edition). US Army Waterways Experiment Station Environmental Laboratory. Vicksburg, Mississippi.

USDA Natural Resources Conservation Service (NRCS). 2021. Web Soil Survey. URL: <https://websoilsurvey.sc.egov.usda.gov/>. Accessed April 2021.

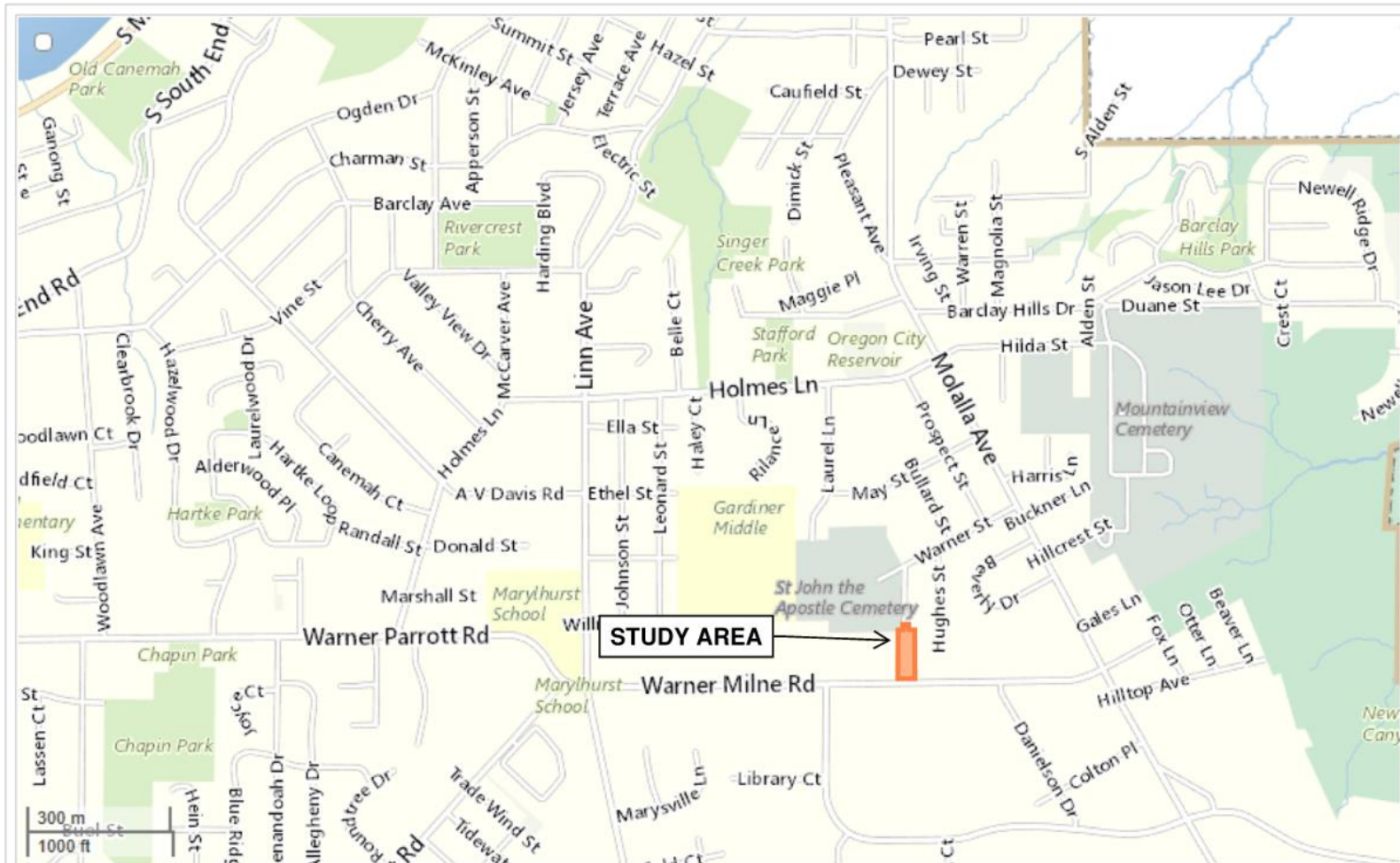
USDA Natural Resources Conservation Service (NRCS). 2015. Hydrology tools for wetland determination and analysis. Pages 90-91 in Engineering Field Handbook, Part 650.19 [Chapter 19]. (210-VI-NEH, Amend. 75, September 2015). URL: <https://directives.sc.egov.usda.gov/OpenNonWebContent.aspx?content=37808.wba>

US Fish and Wildlife Service (USFWS) National Wetland Inventory (NWI). 2021. National Wetlands Mapper. URL: <https://www.fws.gov/wetlands/Data/Mapper.html>. Accessed April 2021.

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Appendix A: Figures

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Data Resource Center
600 NE Grand Ave, Portland, OR 97232
503.797.1742 – drc@oregonmetro.gov

This Web site is offered as a public service, integrating various government records into a region-wide mapping system. The property assessment records are a multi-county integration of Clackamas, Multnomah and Washington County records. MetroMap blends each county's records into a common database on a quarterly basis. Therefore, to view each county's official records, go to their respective web sites or offices. The other MetroMap data are derived from city, county, state, federal and Metro sources. The metadata (data about the data) are included on this site, including the sources to be consulted for verification of the information contained herein. It describes some cases where Metro blends city and county records by generalizing the disparities. Metro assumes no legal responsibility for the compilation of multi-source government information displayed by Metro Map.

Figure 1: Vicinity Map

1155 Kamm Street and 279 Warner Milne Road
Oregon City, Oregon

HHPR Harper
Houf Peterson
Righellis Inc.

ENGINEERS ♦ PLANNERS
LANDSCAPE ARCHITECTS ♦ SURVEYORS



**Harper
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Righellis Inc.**

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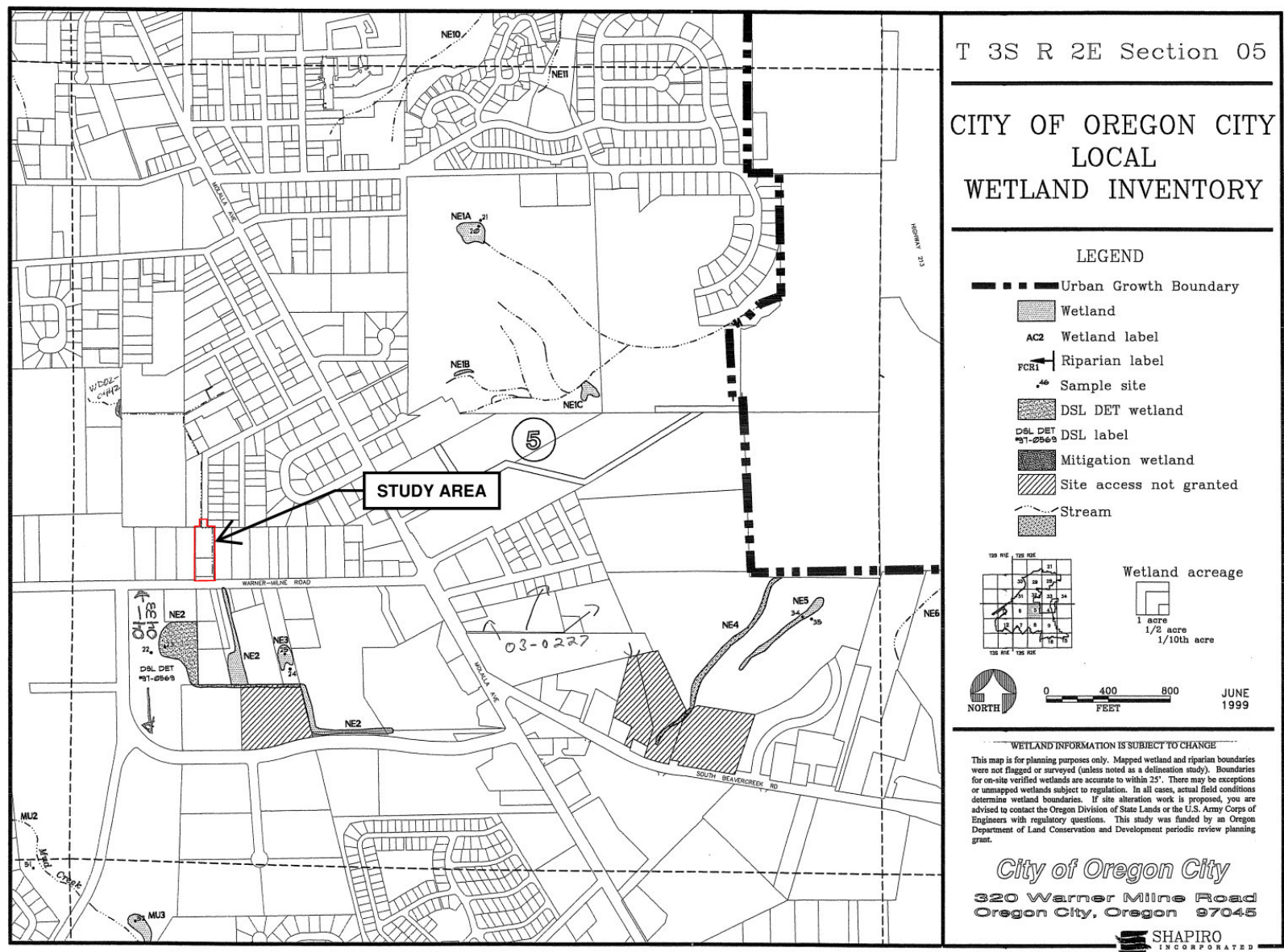


Figure 3a: Local Wetland Inventory

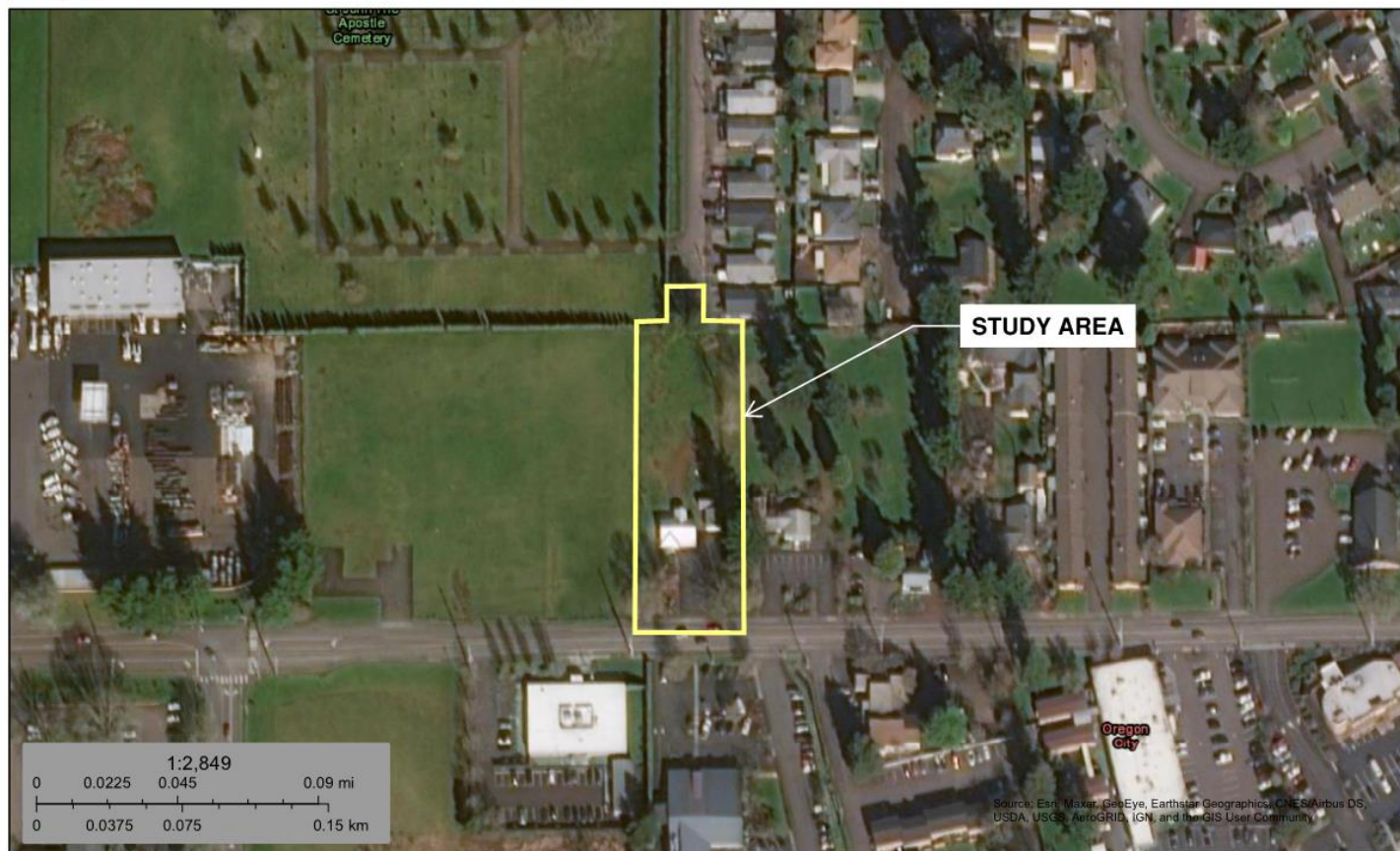
1155 Kamm Street and 279 Warner Milne Road
Oregon City, Oregon

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HHPR Houf Peterson
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LANDSCAPE ARCHITECTS ♦ SURVEYORS



Wetlands



April 26, 2021

Wetlands

	Estuarine and Marine Deepwater		Freshwater Emergent Wetland		Lake
	Estuarine and Marine Wetland		Freshwater Forested/Shrub Wetland		Other
			Freshwater Pond		Riverine

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

National Wetlands Inventory (NWI)
This page was produced by the NWI mapper

Figure 3b: National Wetland Inventory

1155 Kamm Street and 279 Warner Milne Road
Oregon City, Oregon

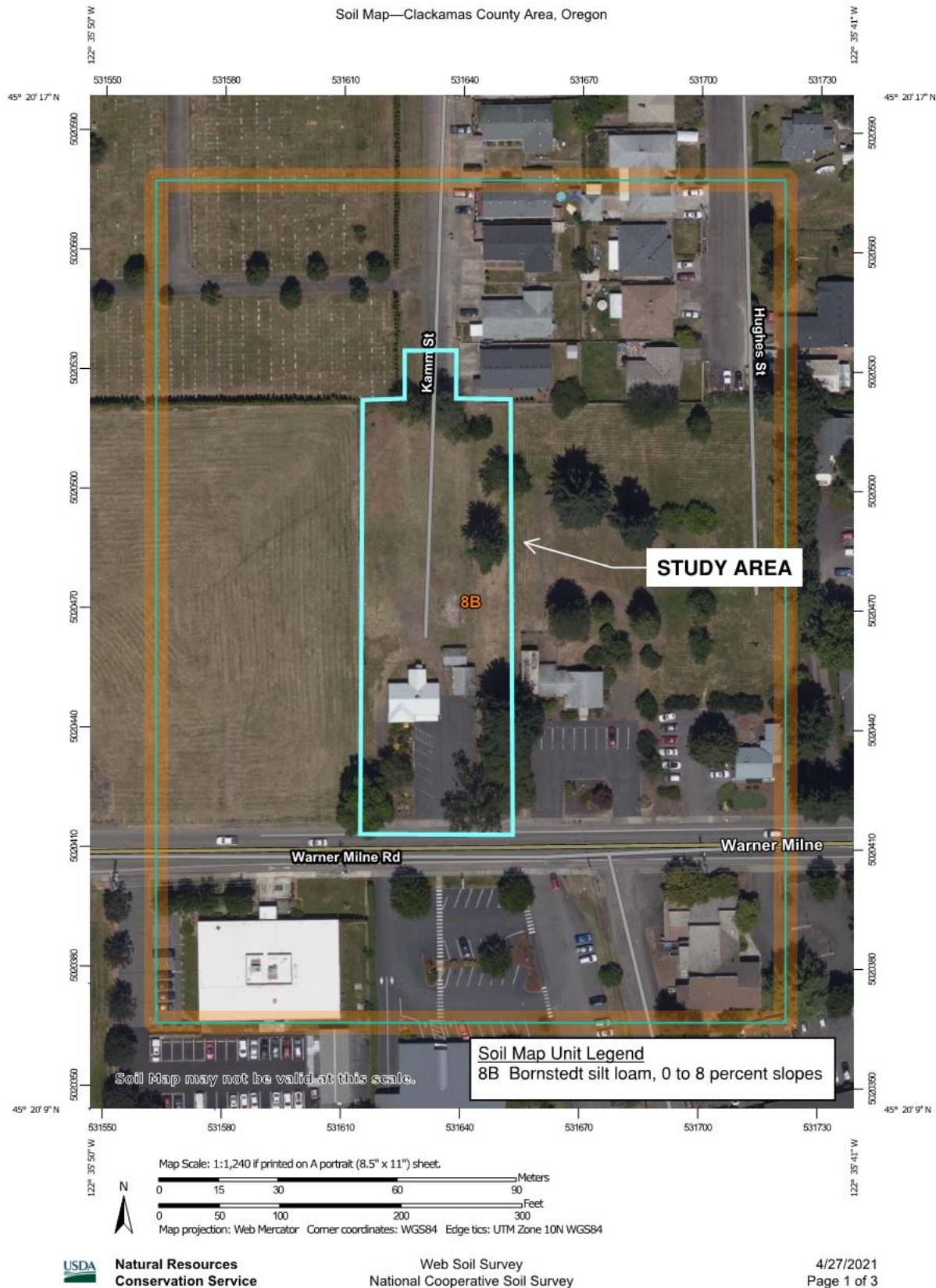


Figure 4: USDA NRCS Soil Survey Map

1155 Kamm Street and 279 Warner Milne Road
Oregon City, Oregon

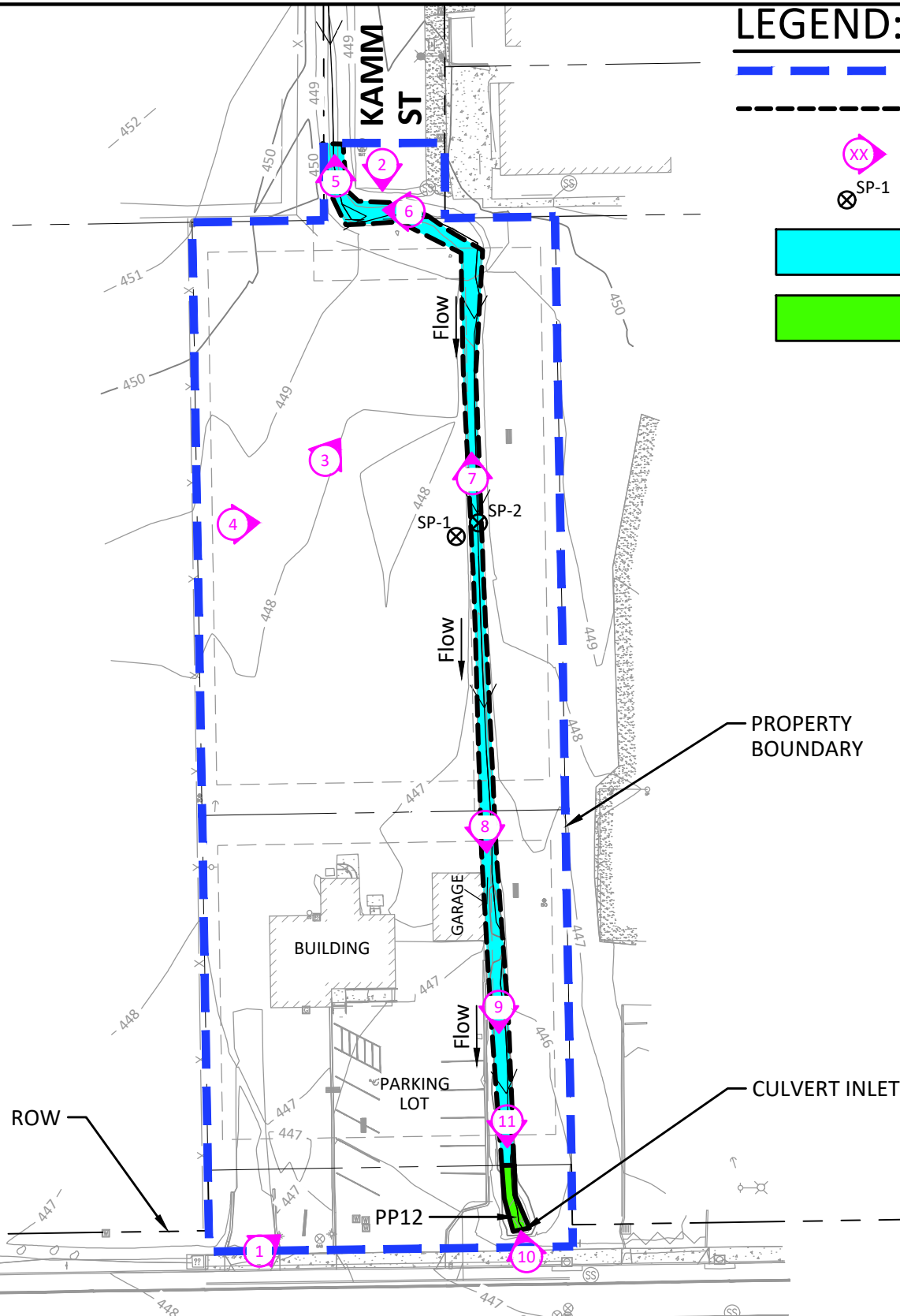


Figure 5: Aerial Image

1155 Kamm Street and 279 Warner Milne Road
Oregon City, Oregon

LEGEND:

- STUDY AREA
- OHWM
- XX PHOTO POINT
- ⊗ SP-1 SAMPLE PLOTS
- DRAINAGE A (EPHEMERAL)
- DRAINAGE A (INTERMITTENT)



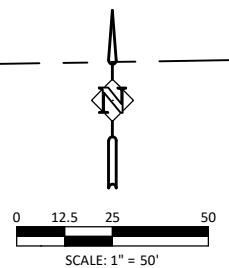
PROPERTY
BOUNDARY

CULVERT INLET

ROW

SURVEY PROVIDED BY HHPR
SURVEY ACCURACY IS SUB-METER

WARNER MILNE RD



SHEET NO.					DESIGNED:	HHPR	
1							
JOB NO.		DATE	NO.	DESCRIPTION	CHECKED:	HHPR	
JGW-01		R E V I S I O N S				DATE:	---

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FIGURE 6
KAMM STREET APARTMENTS
WETLAND DELINEATION
OREGON CITY, OREGON

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Appendix B: Data Forms

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WETLAND DETERMINATION DATA FORM – Western Mountains, Valleys, and Coast Region

Item 8c.

Project/Site: Kamm St. Apartments City/County: Oregon City Sampling Date: 4/12/2021
 Applicant/Owner: Ron Laughlin State: OR Sampling Point: SP1
 Investigator(s): Kent Snyder, Ivy Watson Section, Township, Range: 05, 3S, 2E
 Landform (hillslope, terrace, etc.): terrace Local relief (concave, convex, none): concave Slope (%): 1
 Subregion (LRR): NW Forests and Coasts Lat: 45.337192° Long: -122.596152° Datum: WGS84
 Soil Map Unit Name: Bornstedt silt loam, 0 to 8 percent slopes NWI classification: upland
 Are climatic / hydrologic conditions on the site typical for this time of year? Yes ☐ No ☐ (If no, explain in Remarks.)
 Are Vegetation ☐ , Soil ☐ , or Hydrology ☐ significantly disturbed? Are "Normal Circumstances" present? Yes ☒ No ☐
 Are Vegetation ☐ , Soil ☐ , or Hydrology ☐ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes ☒	No ☐	Is the Sampled Area within a Wetland? Yes ☐ No ☒
Hydric Soil Present?	Yes ☐	No ☒	
Wetland Hydrology Present?	Yes ☐	No ☒	
Remarks: Located on the bank on the west side of the ditch (channelized stream).			

VEGETATION – Use scientific names of plants.

Tree Stratum	(Plot size: <u>30ft</u>)	Absolute % Cover	Dominant Species?	Indicator Status	Dominance Test worksheet: Number of Dominant Species That Are OBL, FACW, or FAC: <u>2</u> (A) Total Number of Dominant Species Across All Strata: <u>2</u> (B) Percent of Dominant Species That Are OBL, FACW, or FAC: <u>100</u> (A/B)
1. <u>Populus balsamifera</u>		10	Y	FAC	
2. _____					
3. _____					
4. _____					
		10	= Total Cover		Prevalence Index worksheet: Total % Cover of: _____ Multiply by: OBL species ☐ x 1 = _____ FACW species ☐ x 2 = _____ FAC species ☐ x 3 = _____ FACU species ☐ x 4 = _____ UPL species ☐ x 5 = _____ Column Totals: _____ (A) _____ (B) Prevalence Index = B/A = _____
Sapling/Shrub Stratum (Plot size: <u>5ft</u>)					
1. <u>None</u>					
2. _____					
3. _____					
			= Total Cover		
Herb Stratum (Plot size: <u>5ft</u>)					Hydrophytic Vegetation Indicators: ☐ 1 - Rapid Test for Hydrophytic Vegetation ☒ 2 - Dominance Test is >50% ☐ 3 - Prevalence Index is ≤3.0 ¹ ☐ 4 - Morphological Adaptations ¹ (Provide supporting data in Remarks or on a separate sheet) ☐ 5 - Wetland Non-Vascular Plants ¹ ☐ Problematic Hydrophytic Vegetation ¹ (Explain) ¹ Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.
1. <u>Agrostis capillaris</u>		55	Y	FAC	
2. <u>Hypochaeris radicata</u>		15	N	FACU	
3. <u>Anthoxanthum odoratum</u>		7	N	FACU	
4. <u>Plantago lanceolata</u>		7	N	FACU	
5. <u>Taraxacum officinale</u>		7	N	FACU	
6. <u>Schedonorus arundinaceus</u>		5	N	FACU	
7. <u>Dactylis glomerata</u>		2	N	FACU	
8. <u>Poa trivialis</u>		2	N	FAC	
9. <u>Prunella vulgaris</u>		2	N	FACU	
10. <u>Ranunculus repens</u>		2	N	FAC	
11. <u>Holcus lanatus</u>		1	N	FAC	
		105	= Total Cover		
Woody Vine Stratum (Plot size: <u>30ft</u>)					
1. <u>none</u>					
2. _____					
			= Total Cover		
% Bare Ground in Herb Stratum <u>0</u>					

Remarks: A few sprouts of Himalayan blackberry (*Rubus armeniacus*) are present (trace amount). This species was previously more abundant at this site, but has been controlled. Meadow foxtail (*Alopecurus pratensis*) is also occasional in the vicinity (~1%), but not present in the plot.

Though it meets the Dominance test, 45 percent of cover in herb layer is provided by FACU-rated species, suggesting that water is limited.

SOIL

Sampling Point: SP1

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type ¹	Loc ²		
0-5	7.5YR 3/2	100					Sil/sicl	
5-7	7.5YR 3/2	96	7.5YR 3/1	2	D	M	sicl	faint
			7.5YR4/4	2	C	M		
7-16	7.5YR 4/3	70	5YR 2.5/1	10	C	M	Sicl	Mn
			7.5YR 4/6	10	C	M		
			7.5YR 4/4	5	C	M		faint
			7.5YR 3/4	5	C	M		faint

¹Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains.²Location: PL=Pore Lining, M=Matrix.**Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)****Indicators for Problematic Hydric Soils³:**

- | | |
|--|---|
| ☐ Histosol (A1) | ☐ Sandy Redox (S5) |
| ☐ Histic Epipedon (A2) | ☐ Stripped Matrix (S6) |
| ☐ Black Histic (A3) | ☐ Loamy Mucky Mineral (F1) (except MLRA 1) |
| ☐ Hydrogen Sulfide (A4) | ☐ Loamy Gleyed Matrix (F2) |
| ☐ Depleted Below Dark Surface (A11) | ☐ Depleted Matrix (F3) |
| ☐ Thick Dark Surface (A12) | ☐ Redox Dark Surface (F6) |
| ☐ Sandy Mucky Mineral (S1) | ☐ Depleted Dark Surface (F7) |
| ☐ Sandy Gleyed Matrix (S4) | ☐ Redox Depressions (F8) |

- ☐ 2 cm Muck (A10)
- ☐ Red Parent Material (TF2)
- ☐ Very Shallow Dark Surface (TF12)
- ☐ Other (Explain in Remarks)

³Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic

Restrictive Layer (if present):

Type: _____

Depth (inches): _____

Hydric Soil Present?

Yes ☐No ☒

Remarks: Bottom of this pit is at a similar elevation as bottom of adjacent ditch.

Based on landscape position and general site character, this soil is not considered a problematic hydric soil (TF2). Weathering of basalt rock fragments in the soil matrix is interpreted as the primary contributor to redox features in matrix of the 7-16 inch depth. Drainage class is considered non-hydric SPD.

HYDROLOGY**Wetland Hydrology Indicators:**

Primary Indicators (minimum of one required; check all that apply)

- | | |
|--|---|
| ☐ Surface Water (A1) | ☐ Water-Stained Leaves (B9) (except MLRA 1, 2, 4A, and 4B) |
| ☐ High Water Table (A2) | ☐ Salt Crust (B11) |
| ☐ Saturation (A3) | ☐ Aquatic Invertebrates (B13) |
| ☐ Water Marks (B1) | ☐ Hydrogen Sulfide Odor (C1) |
| | ☐ Oxidized Rhizospheres along Living |
| ☐ Sediment Deposits (B2) | ☐ Roots (C3) |
| ☐ Drift Deposits (B3) | ☐ Presence of Reduced Iron (C4) |
| | ☐ Recent Iron Reduction in Tilled |
| ☐ Algal Mat or Crust (B4) | ☐ Soils (C6) |
| | ☐ Stunted or Stressed Plants (D1) |
| ☐ Iron Deposits (B5) | ☐ (LRR A) |
| ☐ Surface Soil Cracks (B6) | ☐ Other (Explain in Remarks) |
| ☐ Inundation Visible on Aerial Imagery (B7) | |
| ☐ Sparsely Vegetated Concave Surface (B8) | |

Secondary Indicators (2 or more required)

- ☐ Water-Stained Leaves (B9) (MLRA 1, 2, 4A, and 4B)
- ☐ Drainage Patterns (B10)
- ☐ Dry-Season Water Table (C2)
- ☐ Saturation Visible on Aerial Imagery (C9)
- ☐ Geomorphic Position (D2)
- ☐ Shallow Aquitard (D3)
- ☐ FAC-Neutral Test (D5)
- ☐ Raised Ant Mounds (D6) (LRR A)
- ☐ Frost-Heave Hummocks (D7)

Field Observations:

- | | | | |
|-----------------------------|------------------------------|--|-----------------------|
| Surface Water Present? | Yes ☐ | No ☒ | Depth (inches): _____ |
| Water Table Present? | Yes ☐ | No ☒ | Depth (inches): >16 |
| Saturation Present? | Yes ☐ | No ☒ | Depth (inches): >16 |
| (includes capillary fringe) | Yes ☐ | No ☒ | Depth (inches): >16 |

Wetland Hydrology Present?

Yes ☐No ☒

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

WETLAND DETERMINATION DATA FORM – Western Mountains, Valleys, and Coast Region

Item 8c.

Project/Site: Kamm St. Apartments City/County: Oregon City Sampling Date: 4/15/2021
 Applicant/Owner: Ron Laughlin State: OR Sampling Point: SP2
 Investigator(s): Kent Snyder, Ivy Watson Section, Township, Range: 05, 3S, 2E
 Landform (hillslope, terrace, etc.): terrace Local relief (concave, convex, none): concave Slope (%): 1
 Subregion (LRR): NW Forests and Coasts Lat: 45.337192° Long: -122.596152° Datum: WGS84
 Soil Map Unit Name: Bornstedt silt loam, 0 to 8 percent slopes NWI classification: upland
 Are climatic / hydrologic conditions on the site typical for this time of year? Yes ☐ No ☐ (If no, explain in Remarks.)
 Are Vegetation ☐ , Soil ☐ , or Hydrology ☐ significantly disturbed? Are "Normal Circumstances" present? Yes ☒ No ☐
 Are Vegetation ☐ , Soil ☐ , or Hydrology ☐ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes ☐	No ☒	Is the Sampled Area within a Wetland? Yes ☐ No ☒
Hydric Soil Present?	Yes ☒	No ☐	
Wetland Hydrology Present?	Yes ☐	No ☒	

Remarks: Located in stream channel (ditch), approximately 6 feet east of SP1.

VEGETATION – Use scientific names of plants.

Tree Stratum (Plot size: <u>30ft</u>)	Absolute % Cover	Dominant Species?	Indicator Status	Dominance Test worksheet: Number of Dominant Species That Are OBL, FACW, or FAC: <u>3</u> (A) Total Number of Dominant Species Across All Strata: <u>6</u> (B) Percent of Dominant Species That Are OBL, FACW, or FAC: <u>50</u> (A/B)
1. <u>Populus balsamifera</u>	10	Y	FAC	
2. _____				
3. _____				
4. _____				
		10	= Total Cover	Prevalence Index worksheet: Total % Cover of: _____ Multiply by: OBL species ☐ x 1 = _____ FACW species ☐ x 2 = _____ FAC species ☐ x 3 = _____ FACU species ☐ x 4 = _____ UPL species ☐ x 5 = _____ Column Totals: <u> </u> (A) <u> </u> (B) Prevalence Index = B/A = <u> </u>
Sapling/Shrub Stratum (Plot size: <u>5ft</u>)				
1. <u>None</u>				
2. _____				
3. _____				
		0	= Total Cover	
Herb Stratum (Plot size: <u>5ft</u>)				Hydrophytic Vegetation Indicators: ☐ 1 - Rapid Test for Hydrophytic Vegetation ☐ 2 - Dominance Test is >50% ☐ 3 - Prevalence Index is ≤3.0 ¹ ☐ 4 - Morphological Adaptations ¹ (Provide supporting data in Remarks or on a separate sheet) ☐ 5 - Wetland Non-Vascular Plants ¹ ☐ Problematic Hydrophytic Vegetation ¹ (Explain) ¹ Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.
1. <u>Agrostis capillaris</u>	15	Y	FAC	
2. <u>Hypochaeris radicata</u>	15	Y	FACU	
3. <u>Ranunculus repens</u>	15	Y	FAC	
4. <u>Plantago lanceolata</u>	15	Y	FACU	
5. <u>Taraxacum officinale</u>	15	Y	FACU	
6. <u>Poa annua</u>	10	N	FAC	
7. <u>Poa trivialis</u>	10	N	FAC	
8. <u>Prunella vulgaris</u>	10	N	FACU	
9. <u>Schedonorus arundinaceus</u>	7	N	FAC	
10. <u>Festuca rubra</u>	5	N	FAC	
11. <u>Trifolium repens</u>	5	N	FAC	
		125	= Total Cover	
Woody Vine Stratum (Plot size: <u>30ft</u>)				
1. <u>none</u>				
2. _____				
		0	= Total Cover	
% Bare Ground in Herb Stratum <u>2</u>				

Remarks:
 Additional species in the herb stratum:
Anthoxanthum odoratum, 2%, Not dominant, FACU
Dactylis glomerata, 1%, Not dominant, FACU

SOIL

Sampling Point: SP2

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type ¹	Loc ²		
0-4	10YR 3/2	100					Sil	
4-9	10YR 3/2	58	10YR 3/3	35	C	M	sil	faint
			7.5YR 5/6	5	C	M		
			5YR 2.5/1	2	C	M		Mn
9-16	7.5YR 4/4	40	5YR 2.5/1	20	C	M	sicl	Mn
			10YR 4/1	20	D	M		
			10YR 4/3	10	C	M		Ped faces; faint
			7.5YR 5/6	5	C	M		

¹Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. ²Location: PL=Pore Lining, M=Matrix.**Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)****Indicators for Problematic Hydric Soils³:**

☐ Histosol (A1)	☐ Sandy Redox (S5)	☐ 2 cm Muck (A10)
☐ Histic Epipedon (A2)	☐ Stripped Matrix (S6)	☐ Red Parent Material (TF2)
☐ Black Histic (A3)	☐ Loamy Mucky Mineral (F1) (except MLRA 1)	☐ Very Shallow Dark Surface (TF12)
☐ Hydrogen Sulfide (A4)	☐ Loamy Gleyed Matrix (F2)	☐ Other (Explain in Remarks)
☐ Depleted Below Dark Surface (A11)	☐ Depleted Matrix (F3)	
☐ Thick Dark Surface (A12)	☒ Redox Dark Surface (F6)	
☐ Sandy Mucky Mineral (S1)	☐ Depleted Dark Surface (F7)	³ Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic
☐ Sandy Gleyed Matrix (S4)	☐ Redox Depressions (F8)	

Restrictive Layer (if present):
 Type: _____
 Depth (inches): _____

Hydric Soil Present?

Yes

☒

No

☐

Remarks: No oxidized rhizospheres (root channels or pore linings) present.

Soil below 9 inches is native subsoil, excavated into when ditch was made. Soil above (0 to 9 inches) likely a mix of post-excavation fill (based on angular rock fragments) and subsequent alluvium. Less than 2% rock fragments (pebbles) in soil.

The 9-16" depth contains the following additional redox feature: 10YR 3/3, 5%, C, M

HYDROLOGY**Wetland Hydrology Indicators:**

Primary Indicators (minimum of one required; check all that apply)

☐ Surface Water (A1)	☐ Water-Stained Leaves (B9) (except MLRA 1, 2, 4A, and 4B)
☐ High Water Table (A2)	☐ Salt Crust (B11)
☐ Saturation (A3)	☐ Aquatic Invertebrates (B13)
☐ Water Marks (B1)	☐ Hydrogen Sulfide Odor (C1)
☐ Sediment Deposits (B2)	☐ Oxidized Rhizospheres along Living Roots (C3)
☐ Drift Deposits (B3)	☐ Presence of Reduced Iron (C4)
☐ Algal Mat or Crust (B4)	☐ Recent Iron Reduction in Tilled Soils (C6)
☐ Iron Deposits (B5)	☐ Stunted or Stressed Plants (D1) (LRR A)
☐ Surface Soil Cracks (B6)	☐ Other (Explain in Remarks)
☐ Inundation Visible on Aerial Imagery (B7)	
☐ Sparsely Vegetated Concave Surface (B8)	

Secondary Indicators (2 or more required)

☐ Water-Stained Leaves (B9) (MLRA 1, 2, 4A, and 4B)
☐ Drainage Patterns (B10)
☐ Dry-Season Water Table (C2)
☐ Saturation Visible on Aerial Imagery (C9)
☒ Geomorphic Position (D2)
☐ Shallow Aquitard (D3)
☐ FAC-Neutral Test (D5)
☐ Raised Ant Mounds (D6) (LRR A)
☐ Frost-Heave Hummocks (D7)

Field Observations:
 Surface Water Present? Yes ☐ No ☒ Depth (inches): _____
 Water Table Present? Yes ☐ No ☒ Depth (inches): >24
 Saturation Present? (includes capillary fringe) Yes ☐ No ☒ Depth (inches): >24

Wetland Hydrology Present?

Yes

☐

No

☒

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks: Auger hole excavated in bottom of pit to a depth of 24 inches from the surface contained no water or saturation.

Appendix C: Photographs

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Photograph 1: View to the northeast from the southwest corner of the study area, showing landscaping, parking lot, and buildings on the Warner Milne Road tax lot. Photograph taken April 12, 2021.



Photograph 2: View to the south from Kamm Street, showing the open field and building in the study area. Blue dashes indicate the approximate location of Drainage A. Photograph taken April 12, 2021.



Photograph 3: View looking northeast from the field towards the end of Kamm Street. Photograph taken April 12, 2021.



Photograph 4: View looking east across the field towards SP1 and 2. The blue dashes indicate the approximate location of Drainage A. Photograph taken April 12, 2021.



Photograph 5: View looking north from end of the study area along Drainage A. Kamm Street can be seen on the right. Photograph taken April 12, 2021.



Photograph 6: View looking west showing the Drainage A channel at the end of Kamm Street. Kamm Street is on the right. The field is to the left. Photograph taken April 12, 2021.



Photograph 7: View looking north towards Kamm Street showing the channel of Drainage A. Vegetation and morphology within the channel is typical of the upstream reach: vegetation similar to the surrounding field and a u-shaped cross section. Photograph taken April 12, 2021.



Photograph 8: View looking south towards Warner Milne Road showing the channel of Drainage A next to the garage. The yellow dashes indicate the approximate location of the boundary between the upstream and downstream reaches. Photograph taken April 12, 2021.



Photograph 9: View looking south towards Warner Milne Road showing the lower end of the upstream reach. A bare patch in the channel, scoured out by parking lot runoff following storm events can be seen in the foreground. Photograph taken April 12, 2021.



Photograph 10: View looking north, along Drainage A from the Warner Milne Road culvert. The downstream reach, with bare bed and riprap, can be seen in the foreground. The yellow dashes indicate the reach boundary. Photograph taken April 12, 2021.



Photograph 11: View to the south showing the inlet to the Warner Milne Road culvert and the pool area in the downstream reach of Drainage A. Photograph taken April 15, 2021.



Photograph 12: The blue arrow indicates the empty shell of an aquatic snail amongst riprap in the pool area at the culvert inlet. Many shells and one living snail were found here. Photograph taken April 15, 2021.



Photograph 13: View to the north towards Warner Milne Road showing Drainage A south of the study area. Standing water can be seen in the channel. Photograph taken April 12, 2021.

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Appendix D: Streamflow Duration Data Forms

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Appendix B: Streamflow Duration Field Assessment Form

Item 8c.

Project # / Name Kamm St. Apartments		Assessor Ivy Watson																												
Address 1155 Kamm St		Date 4/15/2021																												
Waterway Name Drainage A		Coordinates at Lat. N																												
Reach Boundaries Kamm St. to Parking Lot		downstream end Long. W																												
Precipitation w/in 48 hours (cm)		Channel Width (m)																												
		☒ Disturbed Site / Difficult Situation (Describe in "Notes")																												
Observed Hydrology	% of reach w/observed surface flow <u> 0 </u>																													
	% of reach w/any flow (surface or hyporheic) <u> 0 </u>																													
	# of pools observed <u> 2 </u> shallow scour pools (~1' wide x 2' long x 2" deep), both dry																													
Observations	Observed Wetland Plants (and indicator status): Phalaris arundinacea - FACW two small clumps observed, one in channel, one in adjacent field. Presence is interpreted as result of site disturbance rather than wetland/stream hydrology. Thus, not used as indicator.		Observed Macroinvertebrates:																											
			<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Taxon</th> <th style="text-align: left;">Indicator Status</th> <th style="text-align: left;">Ephemeroptera?</th> <th style="text-align: left;"># of Individuals</th> </tr> </thead> <tbody> <tr> <td>Formicidae (ants)</td> <td>NA</td> <td>No</td> <td>~30</td> </tr> <tr> <td>Oligochaeta (earth worms)</td> <td>NA</td> <td>No</td> <td>9</td> </tr> <tr> <td>Oniscidea (sow bugs)</td> <td>NA</td> <td>No</td> <td>4</td> </tr> <tr> <td>Tipula paludosa</td> <td>NA</td> <td>No</td> <td>2</td> </tr> <tr> <td>European crane fly larva</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Anisodactylus sp. (ground beetle)</td> <td>NA</td> <td>No</td> <td>1</td> </tr> </tbody> </table>	Taxon	Indicator Status	Ephemeroptera?	# of Individuals	Formicidae (ants)	NA	No	~30	Oligochaeta (earth worms)	NA	No	9	Oniscidea (sow bugs)	NA	No	4	Tipula paludosa	NA	No	2	European crane fly larva				Anisodactylus sp. (ground beetle)	NA	No
Taxon	Indicator Status	Ephemeroptera?	# of Individuals																											
Formicidae (ants)	NA	No	~30																											
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Oniscidea (sow bugs)	NA	No	4																											
Tipula paludosa	NA	No	2																											
European crane fly larva																														
Anisodactylus sp. (ground beetle)	NA	No	1																											
Indicators	1. Are aquatic macroinvertebrates present? ☐ Yes ☒ No																													
	2. Are 6 or more individuals of the Order Ephemeroptera present? ☐ Yes ☒ No																													
	3. Are perennial indicator taxa present? (refer to Table 1) ☐ Yes ☒ No																													
	4. Are FACW, OBL, or SAV plants present? (Within ½ channel width) ☐ Yes ☒ No																													
	5. What is the slope? (In percent, measured for the valley, not the stream) <u> 1 </u> %																													
Conclusions	<pre> graph TD I1["Are aquatic macroinvertebrates present? (Indicator 1)"] --> I2["If Yes: Are 6 or more individuals of the Order Ephemeroptera present? (Indicator 2)"] I1 --> I4["If No: Are SAV, FACW, or OBL plants present? (Indicator 4)"] I2 --> I3["If Yes: Are perennial indicator taxa present? (Indicator 3)"] I2 --> I5a["If No: What is the slope? (Indicator 5)"] I3 --> P1["If Yes: PERENNIAL"] I3 --> I5a I5a --> P2["Slope < 16%: INTERMITTENT"] I5a --> P3["Slope ≥ 16%: PERENNIAL"] I4 --> I5b["If Yes: What is the slope? (Indicator 5)"] I4 --> P4["If No: EPHEMERAL"] I5b --> P5["Slope < 10.5%: INTERMITTENT"] I5b --> P6["Slope ≥ 10.5%: EPHEMERAL"] </pre>																													
	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:35%; vertical-align: top;"> Single Indicators: ☐ Fish ☐ Amphibians </td> <td style="width:65%; vertical-align: top;"> Finding: ☒ Ephemeral ☐ Intermittent ☐ Perennial </td> </tr> </table>			Single Indicators: ☐ Fish ☐ Amphibians	Finding: ☒ Ephemeral ☐ Intermittent ☐ Perennial																									
Single Indicators: ☐ Fish ☐ Amphibians	Finding: ☒ Ephemeral ☐ Intermittent ☐ Perennial																													

Notes: single indicator conclusions, description of disturbances or modifications that may interfere with indicators, etc.)

Difficult Situation:

☐ Prolonged Abnormal Rainfall / Snowpack

☐ Below Average

☐ Above Average

☒ Natural or Anthropogenic Disturbance

☐ Other: _____

Describe situation. For disturbed streams, note extent, type, and history of disturbance.

This is an urban site. Vegetation and soil within the site has been subject to anthropogenic disturbance for decades, possibly longer via ditching, fill, grading, clearing, and invasive species. Vegetation is currently dominated by non-native and invasive grasses and forbs. Two small clumps of reed canarygrass observed on site are consistent with disturbed conditions and not interpreted as an indicator of hydrology. This species regularly colonizes disturbed uplands including roadsides and waste sites. Channel morphology is the result of ditching and runoff from roofs/parking lots rather than sustained flow.

Additional Notes: (sketch of site, description of photos, comments on hydrological observations, etc.) Attach additional sheets as necessary.

An auger hole in the stream channel found no water or saturation in 24-inch deep hole. The channel is 90% vegetated with pasture grasses and forbs similar to the adjacent upland field. FACU forbs are co-dominant with FAC grasses within the channel.

Ancillary Information:

☐ Riparian Corridor

☐ Erosion and Deposition

☐ Floodplain Connectivity

Observed Amphibians, Snake, and Fish:

Taxa	Life History Stage	Location Observed	Number of Individuals Observed

Appendix B: Streamflow Duration Field Assessment Form

Item 8c.

Project # / Name Kamm St. Apartments		Assessor Ivy Watson																																	
Address 1155 Kamm St		Date 4/15/2021																																	
Waterway Name Drainage A		Coordinates at downstream end Lat. N Long. W (ddd.mm.ss)																																	
Reach Boundaries Parking Lot to Warner Milne Rd Culvert		☒ Disturbed Site / Difficult Situation (Describe in "Notes")																																	
Precipitation w/in 48 hours (cm)		Channel Width (m)																																	
Observed Hydrology	% of reach w/observed surface flow <u>0</u> % of reach w/any flow (surface or hyporheic) <u>0</u> # of pools observed <u>1 pool</u> at culvert, dry																																		
Observations	Observed Wetland Plants (and indicator status): None Observed Macroinvertebrates: <table border="1" style="width: 100%; border-collapse: collapse; font-size: small;"> <thead> <tr> <th>Taxon</th> <th>Indicator Status</th> <th>Ephemeroptera?</th> <th># of Individuals</th> </tr> </thead> <tbody> <tr> <td>Formicidae (ants)</td> <td>NA</td> <td>No</td> <td>~20</td> </tr> <tr> <td>Oligochaeta (earth worms)</td> <td>NA</td> <td>No</td> <td>5</td> </tr> <tr> <td>Oniscidea (sow bugs)</td> <td>NA</td> <td>No</td> <td>1</td> </tr> <tr> <td>Anisodactylus sp. (ground beetle)</td> <td>NA</td> <td>No</td> <td>3</td> </tr> <tr> <td>Juga sp. (aquatic snail)</td> <td>perennial</td> <td>No</td> <td>~50</td> </tr> <tr> <td>Dermaptera (earwigs)</td> <td>NA</td> <td>No</td> <td>1</td> </tr> <tr> <td>Chilopoda (centipedes)</td> <td>NA</td> <td>No</td> <td>1</td> </tr> </tbody> </table>			Taxon	Indicator Status	Ephemeroptera?	# of Individuals	Formicidae (ants)	NA	No	~20	Oligochaeta (earth worms)	NA	No	5	Oniscidea (sow bugs)	NA	No	1	Anisodactylus sp. (ground beetle)	NA	No	3	Juga sp. (aquatic snail)	perennial	No	~50	Dermaptera (earwigs)	NA	No	1	Chilopoda (centipedes)	NA	No	1
Taxon	Indicator Status	Ephemeroptera?	# of Individuals																																
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Conclusions																																			
Single Indicators: ☐ Fish ☐ Amphibians		Finding: ☐ Ephemeral ☒ Intermittent ☐ Perennial																																	

Notes: single indicator conclusions, description of disturbances or modifications that may interfere with indicators, etc.)

Difficult Situation:

☐ Prolonged Abnormal Rainfall / Snowpack

☐ Below Average

☐ Above Average

☒ Natural or Anthropogenic Disturbance

☐ Other: _____

Describe situation. For disturbed streams, note extent, type, and history of disturbance.

This is an urban site. Vegetation and soil within the site has been subject to anthropogenic disturbance for decades, possibly longer via ditching, fill, grading, clearing, and invasive species. Vegetation is currently dominated by non-native and invasive grasses and forbs. Channel morphology and hydrology is impacted by ditching and runoff from roofs/parking lots. Area has been excavated and riprapped. A stormwater pipe discharges to the scour pool by the culvert and at least one more discharges into the culvert. Some backwater from the culvert likely occurs.

Additional Notes: (sketch of site, description of photos, comments on hydrological observations, etc.) Attach additional sheets as necessary.

Signs of increased flow and runoff from parking lot, roof, and pipe outfall. Channel downstream of culvert contained shallow standing water.

Juga sp. were found in riprap in a dry pool at the Warner Milne Road culvert inlet. Only one was alive--found in wet earth under a rock.

Ancillary Information:

☐ Riparian Corridor

☐ Erosion and Deposition

☐ Floodplain Connectivity

Observed Amphibians, Snake, and Fish:

Taxa	Life History Stage	Location Observed	Number of Individuals Observed



Oregon

Kate Brown, Governor

Item 8c.

Department of State Lands

775 Summer Street NE, Suite 100

Salem, OR 97301-1279

(503) 986-5200

FAX (503) 378-4844

www.oregon.gov/dsl

State Land Board

July 15, 2021

Ron Laughlin
401 6th Street
Oregon City, OR 97045

Kate Brown
Governor

Re: WD # 2021-0272 **Approved**
Wetland Delineation Report for the Kamm Street Apartments
Clackamas County; T3S R2E S5CB TLs 1400 and 1402

Shemia Fagan
Secretary of State

Tobias Read
State Treasurer

Dear Mr. Laughlin:

The Department of State Lands has reviewed the wetland delineation report prepared by Harper Houf Peterson Righellis Inc. for the site referenced above. Based upon the information presented in the report, we concur with the waterway boundaries as mapped in Figure 6 of the report. Please replace all copies of the preliminary wetland map with this final Department-approved map.

Within the study area, one drainage, with both ephemeral and intermittent reaches, was identified. The intermittent reach is subject to the permit requirements of the state Removal-Fill Law. Under current regulations, a state permit is required for cumulative fill or annual excavation of 50 cubic yards or more in wetlands or below the ordinary high-water line (OHWL) of the waterway (or the 2-year recurrence interval flood elevation if OHWL cannot be determined). The ephemeral reach is exempt per OAR 141-085-0510(49).

This concurrence is solely for purposes of the state Removal-Fill Law. We recommend that you attach a copy of this concurrence letter to any subsequent state permit application to speed application review. Federal or local permit requirements may apply as well. The U.S. Army Corps of Engineers will determine jurisdiction under the Clean Water Act, which may require submittal of a complete Wetland Delineation Report.

Please be advised that state law establishes a preference for avoidance of wetland impacts. Since measures to avoid and minimize wetland impacts may include reconfiguring parcel layout and size or development design, we recommend that you work with Department staff on appropriate site design before completing the city or county land use approval process.

This concurrence is based on information provided to the agency. The jurisdictional determination is valid for five years from the date of this letter unless new information necessitates a revision. Circumstances under which the Department may change a determination are found in OAR 141-090-0045 (available on our web site or upon request). In addition, laws enacted by the legislature and/or rules adopted by the Department may result in a change in jurisdiction. Individuals and applicants are subject to the regulations that are in effect at the time of the removal-fill activity or complete permit application. The applicant, landowner, or agent may submit a request for reconsideration of this determination in writing within six months of the date of this letter.

Thank you for having the site evaluated. If you have any questions, please contact the Jurisdiction Coordinator for Clackamas County, Chris Stevenson, PWS, at (503) 986-5246.

Sincerely,



Peter Ryan, SPWS
Aquatic Resource Specialist

Enclosures

ec: Ivy Watson, Harper Houf Peterson Righellis Inc.
Oregon City Planning Department (Maps enclosed for updating LWI)
Trey Fraley, Corps of Engineers
Michael De Blasi, DSL

WETLAND DELINEATION / DETERMINATION REPORT COVER FORM

Item 8c.

Fully completed and signed report cover forms and applicable fees are required before report review timelines are initiated by the Department of State Lands. Make checks payable to the Oregon Department of State Lands. To pay fees by credit card, go online at: <https://apps.oregon.gov/DSL/EPS/program?key=4>.

Attach this completed and signed form to the front of an unbound report or include a hard copy with a digital version (single PDF file of the report cover form and report, minimum 300 dpi resolution) and submit to: **Oregon Department of State Lands, 775 Summer Street NE, Suite 100, Salem, OR 97301-1279**. A single PDF of the completed cover form and report may be e-mailed to: **Wetland_Delineation@dsl.state.or.us**. For submittal of PDF files larger than 10 MB, e-mail DSL instructions on how to access the file from your ftp or other file sharing website.

Contact and Authorization Information
☐ Applicant ☒ Owner Name, Firm and Address:

Ron Laughlin
401 6th Street
Oregon City, OR 97045

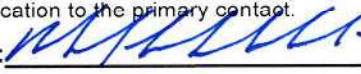
Business phone # (503) 257-8105
Mobile phone # (optional) (503) 784-0206
E-mail: ronald.laughlin.law@gmail.com

☐ Authorized Legal Agent, Name and Address (if different):

Business phone #
Mobile phone # (optional)
E-mail:

I either own the property described below or I have legal authority to allow access to the property. I authorize the Department to access the property for the purpose of confirming the information in the report, after prior notification to the primary contact.

Typed/Printed Name: Ron Laughlin

Signature: 

Date: 5-11-2021 Special instructions regarding site access:

Project and Site Information

Project Name: Kamm Street Apartments

Latitude: 45.337114° Longitude: -122.596265°
decimal degree - centroid of site or start & end points of linear project

Proposed Use:
Multi-family apartments

Tax Map # 32E05CB
Tax Lot(s) 1400, 1402
Tax Map #

Project Street Address (or other descriptive location):
1155 Kamm Street and 279 Warner Milne Road

Tax Lot(s)
Township 3S Range 2E Section 05 QQ SW 1/4
Use separate sheet for additional tax and location information

City: Oregon City County: Clackamas

Waterway: River Mile:

Wetland Delineation Information

Wetland Consultant Name, Firm and Address:
Ivy Watson, Harper Houf Peterson Righellis Inc.
205 SE Spokane Street
Suite 200
Portland, OR 97202

Phone # (503) 221-1131
Mobile phone # (if applicable)
E-mail: ivyw@hhpr.com

The information and conclusions on this form and in the attached report are true and correct to the best of my knowledge.

Consultant Signature: Ivy Watson

Digitally signed by Ivy Watson
DN: cn=Ivy Watson, o=Harper Houf Peterson Righellis Inc., c=Oregon
Date: 2021.05.11 17:20:00 -0700

Date: 05/11/2021

Primary Contact for report review and site access is ☒ Consultant ☐ Applicant/Owner ☐ Authorized Agent

Wetland/Waters Present? ☒ Yes ☐ No Study Area size: 0.86 Total Wetland Acreage: 0.0000

Check Applicable Boxes Below
☐ R-F permit application submitted

☐ Fee payment submitted \$ 475

☐ Mitigation bank site

☐ Resubmittal of rejected report (\$100)

☐ EFSC/ODOE Proj. Mgr:

☐ Request for Reissuance. See eligibility criteria. (no fee)

☐ Wetland restoration/enhancement project
(not mitigation)

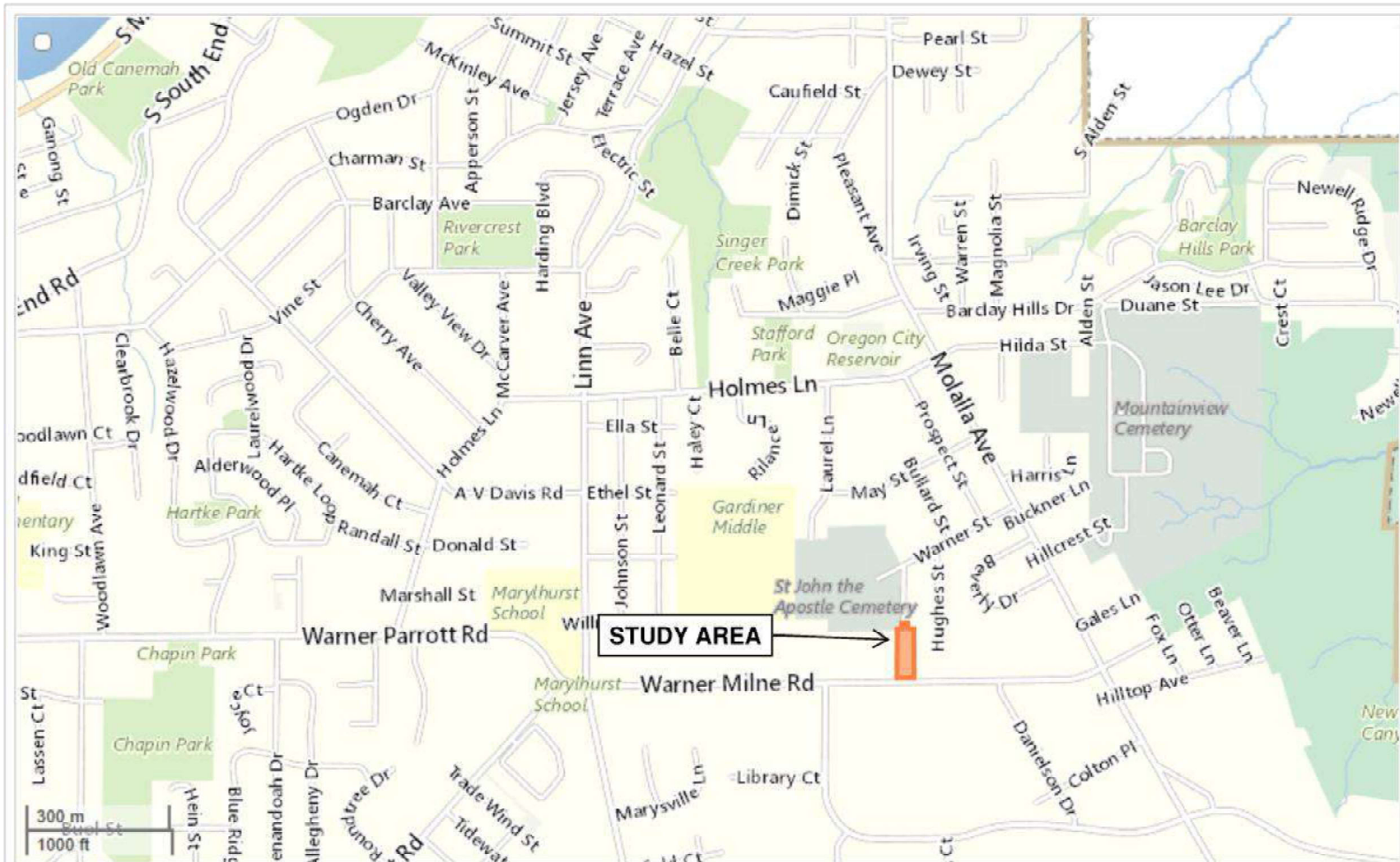
DSL # Expiration date

☐ Previous delineation/application on parcel
If known, previous DSL #

☐ LWI shows wetlands or waters on parcel
Wetland ID code
For Office Use Only

DSL Reviewer: CS Fee Paid Date: / / DSL WD # 2021-0272

Date Delineation Received: 05 / 21 / 2021 Scanned: ☐ Electronic: ☒ DSL App.#



Metro

Data Resource Center

600 NE Grand Ave, Portland, OR 97232

503.797.1742 – drc@oregonmetro.gov

This Web site is offered as a public service, integrating various government records into a region-wide mapping system. The property assessment records are a multi-county integration of Clackamas, Multnomah and Washington County records. MetroMap blends each county's records into a common database on a quarterly basis. Therefore, to view each county's official records, go to their respective web sites or offices. The other MetroMap data are derived from city, county, state, federal and Metro sources. The metadata (data about the data) are included on this site, including the sources to be consulted for verification of the information contained herein. It describes some cases where Metro blends city and county records by generalizing the disparities. Metro assumes no legal responsibility for the compilation of multi-source government information displayed by Metro Map.

Figure 1: Vicinity Map

1155 Kamm Street and 279 Warner Milne Road
Oregon City, Oregon



**Harper
Houf Peterson
Righellis Inc.**

ENGINEERS ♦ PLANNERS
LANDSCAPE ARCHITECTS ♦ SURVEYORS

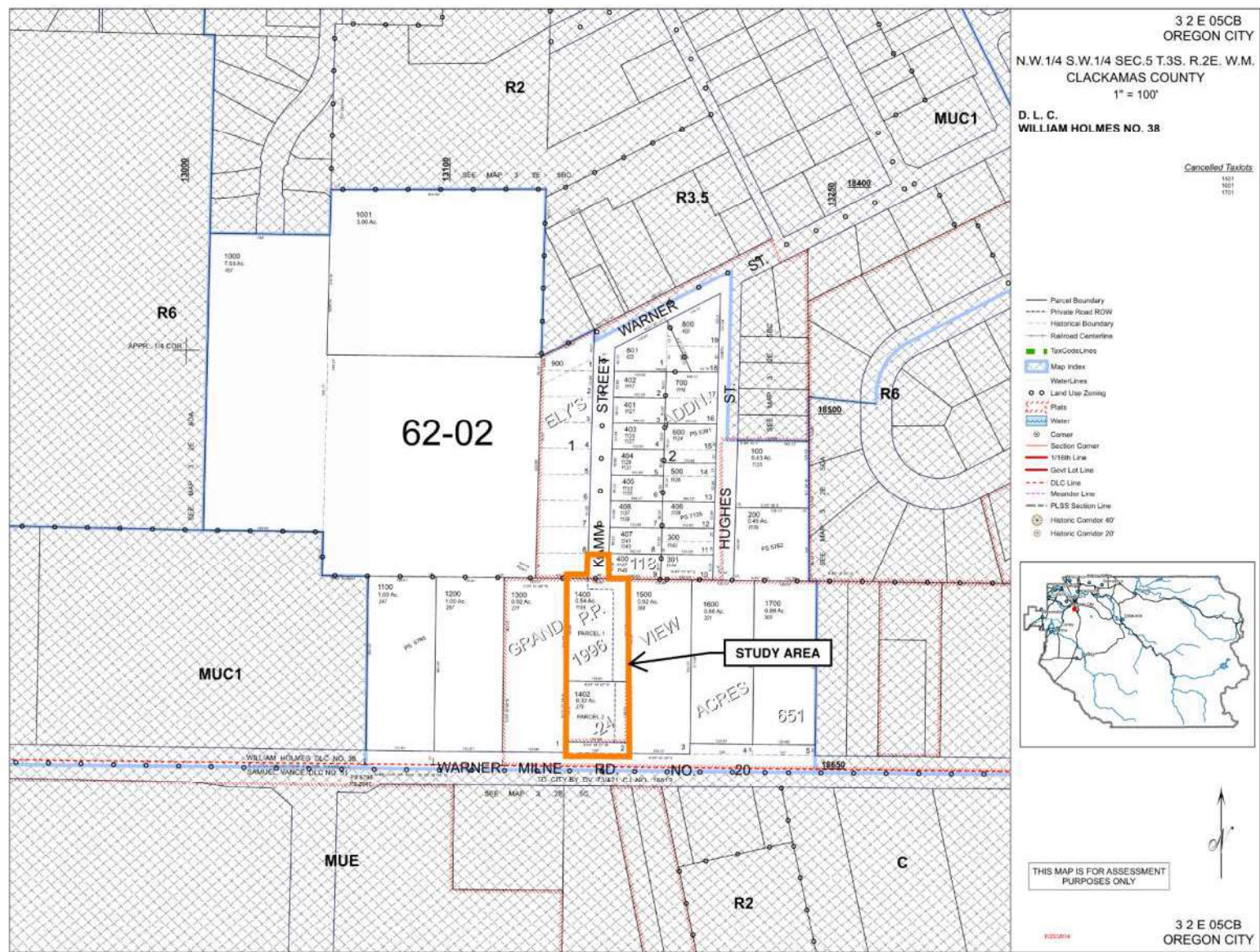


Figure 2: Tax Lot Map

1155 Kamm Street and 279 Warner Milne Road
Oregon City, Oregon

LEGEND:

-  STUDY AREA
 OHWM
 PHOTO POINT
 SP-1
 SAMPLE PLOTS
 DRAINAGE A (EPHEMERAL)
 DRAINAGE A (INTERMITTENT)

DSL WD # 2021-0272
 Approval Issued 7/15/2021
 Approval Expires 7/15/2026

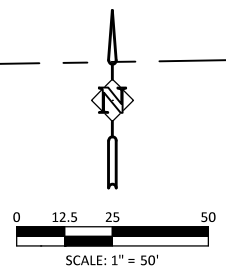
PROPERTY
BOUNDARY

CULVERT INLET

ROW

SURVEY PROVIDED BY HHPR
 SURVEY ACCURACY IS SUB-METER

WARNER MILNE RD



SHEET NO.					DESIGNED:	HHPR	
1							
JOB NO.		DATE	NO.	DESCRIPTION	CHECKED:	HHPR	
JGW-01		R E V I S I O N S				DATE:	---



Harper
 Houf Peterson
 Righellis Inc.

ENGINEERS • PLANNERS
 LANDSCAPE ARCHITECTS • SURVEYORS
 205 SE Spokane Street, Suite 200, Portland, OR 97202
 phone: 503.221.1131 www.hhpr.com fax: 503.221.1171

FIGURE 6
 KAMM STREET APARTMENTS
 WETLAND DELINEATION
 OREGON CITY, OREGON



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, PORTLAND DISTRICT
P.O. BOX 2946
PORTLAND, OR 97208-2946

Item 8c.

August 24, 2021

Regulatory Branch
Corps No. NWP-2021-308

Ms. Ivy Watson
Harper Houf Peterson Righellis Inc.
205 SE Spokane Street, Suite 200
Portland, Oregon 97202
ivyw@hhpr.com

Dear Ms. Watson:

The U.S. Army Corps of Engineers (Corps) received your request for an Approved Jurisdictional Determination (AJD) of the waters or water features, including wetlands, within the review area as shown on the enclosed drawings (Enclosure 1). The review area is located at 1155 Kamm Street and 279 Warner Milne Road Oregon City, Clackamas County, Oregon at Latitude/Longitude: 45.337114°, -122.596265°. Other waters or water features, including wetlands, that may occur on this property or on adjacent properties outside the review area are not the subject of this determination.

The Corps has determined there are no waters of the U.S. within the review area. The enclosed drawings (Enclosure 1) identify the review area for this determination. The enclosed *Approved Jurisdictional Determination Form (Interim)* (Enclosure 2) provides the basis for our determination. A copy of the AJD Form can also be found on our website at <http://www.nwp.usace.army.mil/Missions/Regulatory/Appeals/>.

If you object to the enclosed AJD, you may request an administrative appeal under 33 CFR Part 331 as described in the enclosed *Notification of Administrative Appeal Options and Process and Request for Appeal (RFA)* form (Enclosure 2). To appeal this AJD, you must submit a completed *RFA* form to the Corps Northwestern Division (NWD) office at the address listed on the form. In order for the request for appeal to be accepted, the Corps must determine that the form is complete, that the request meets the criteria for appeal under 33 CFR Part 331.5, and the form must also be received by the NWD office within 60 days from the date on the form. It is not necessary to submit the form to the NWD office if you do not object to the enclosed AJD.

The delineation included herein has been conducted to identify the location and extent of the aquatic resource boundaries and/or the jurisdictional status of aquatic resources for purposes of the Clean Water Act for the particular site identified in this request. This delineation and/or jurisdictional determination may not be valid for the Wetland Conservation Provisions of the Food Security Act of 1985, as amended. If you

- 2 -

or your tenant are U.S. Department of Agriculture (USDA) program participants, or anticipate participation in USDA programs, you should discuss the applicability of a certified wetland determination with the local USDA service center, prior to starting work.

This AJD is valid for a period of five years from the date of this letter unless new information warrants revisions of the determination.

We would like to hear about your experience working with the Portland District, Regulatory Branch. Please complete a customer service survey form at the following address: <https://regulatory.ops.usace.army.mil/customer-service-survey/>.

If you have any questions regarding our Regulatory Program or permit requirements for work in waters of the U.S., please contact Mr. Brad Johnson by telephone at (503) 808-4383 or email at brad.a.johnson2@usace.army.mil.

Sincerely,

For: William D. Abadie
Chief, Regulatory Branch

Enclosures

cc with drawings:

Oregon Department of State Lands (Michael Deblasi, Michael.DeBlasi@state.or.us)

Oregon Department of Environmental Quality (401applications@deq.state.or.us)

Harper
Houf Peterson
Righellis Inc.

Kamm Street Apartments

MSC-261

Stormwater Management Report PA-21-00007

September 3, 2021

Prepared For:

Ron Laughlin
401 Sixth Street
Oregon City, OR 97045

MSC-261

Prepared By:

Harper Houf Peterson Righellis Inc.
1220 Main Street, Suite 150
Vancouver, WA 98660
P: 360-750-1131 F: 360-750-1141

Ken Valentine, PE



HHPR

ENGINEERS ♦ PLANNERS
LANDSCAPE ARCHITECTS ♦ SURVEYORS

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Appendix

EX-1 VICINITY EXHIBIT

EX-2 PREDEVELOPED CONDITIONS

EX-3 ONSITE BASIN MAP

EX-4 UPSTREAM/DOWNSTREAM BASIN

DOWNSTREAM ANALYSIS CALCULATIONS

WES BMP PRINTOUT

HYDROGRAPHS

NRCS WEB SOIL SURVEY

OPERATIONS & MAINTENANCE - STORMWATER PLANTERS

SITE PLAN

1952 AERIAL PHOTOGRAPH



Project Description

Ron Laughlin is redeveloping the existing 0.91-acre site located at 279 Warner Milne Road, Oregon City, Oregon for the construction of a 30-unit apartment project. The proposed development will disturb approximately 0.85 acres. The south end of the site is currently developed with a single-family resident that has been converted for commercial use. The north end of the site is undeveloped and generally grass covered.

Minor sidewalk and driveway reconstruction is proposed. There is a 24" pipe that daylights onto the site on the north and follows a small ditch to the south end where it enters a 44" x 22" concrete culvert that runs under Warner Milne Road. A wetland delineation was performed by Ivy Watson at Harper Houf Peterson Righellis Inc. in May 2021. The report found that only a very small section of the ditch on the south end of the site where the drainage enters the culvert could be classified as a wetland. The report was subsequently submitted to the Oregon Department of State Lands and the US Army Corp of Engineers for review and concurrence. Both agencies agreed with the determination and confirmed that the existing ditch is not waters of the state or of the US. Therefore, the ditch will be replaced with a 24" pipe.

Low impact development site approaches (LID) "stormwater planter – infiltration" are proposed to treat the impervious surfaces and pervious runoff. The LID facilities will also provide flow control for their respective basin areas.

Proposed stormwater management improvements are detailed further in this report. Refer to the Appendix for EX-1 vicinity exhibit, EX-2 existing (pre-developed) conditions, EX-3 proposed (post-developed) basin maps, EX-4 downstream analysis, and WES BMP calculator printouts along with additional calculation and information.

Purpose and Objectives

The purpose of this drainage report is to present options for best management practices (BMP) for conveyance, detention, infiltration and water quality treatment to be installed as part of this Oregon City Public Works project. The City of Oregon City Stormwater and Grading Design Standards (July 2019) have been used as design requirements and guidelines.

Existing Site Description

The site mildly slopes from north to south. Elevations range from 451' to 447' (NAVD88). The site's highest elevation is the northwest corner and the lowest in the southeast corner near Warner Milne Road. The site contains an existing ditch that conveys stormwater from Kamm Street on the north to Warner Milne to the south. There are no known existing stormwater treatment or flow control facilities on the site. A small public street, Kamm Street, terminates about 20-feet north of the site and Warner Milne Road fronts the property to the south. There is a single-family residence that has been converted to an office space with two driveways entering Warner Milne Road and small parking area.

Soils Characteristics

The Natural Resources Conservation Services (NRCS) with the United States Department of Agriculture has classified the soils as Bornstedt silt loam. The soils are categorized into Hydrologic Soils Groups based on the estimated runoff from precipitation. The soil survey the site are in Soil Group C.



Infiltration

No infiltration testing has been performed. Based on familiarity with projects in the area and the soils survey the infiltration rate is likely to fall between 0.06 to 0.20 inches per hour.

Groundwater

Per the soil survey ground water would be at about 36" below ground surface. Please note that groundwater levels can fluctuate during the year depending on climate, irrigation season, extended periods of precipitation, drought, and other factors."

Therefore, based on this information, coupled with the low to negligible infiltration rates, stormwater infiltration is not feasible for this site. The proposed stormwater planters will be impermeable lined due to lack of soil infiltration, proximity to groundwater, and their location adjacent to building foundations.

Proposed Improvements and Impervious Surfaces

Proposed onsite impervious surface area consists of the parking lot, drive aisles, sidewalks, plazas and building. See Table 1 below for a summary of site areas:

Table 1: Total Site Area			
	Impervious Area	Pervious Area	Total
Existing	6,098 SF (0.14 ac)	33,541 SF (0.077 ac)	39,639 SF (0.91 ac)
Proposed	28,830 SF (0.66 ac)	10,806 SF (0.24 ac)	39,639 SF (0.91 ac)

Stormwater Management

Table 2: City of Oregon City Stormwater Management Requirements	
Design Requirement	City of Oregon City Criteria
Conveyance Design Storm	10-Year; 24-hour SBUH Method for Pipe
Treatment Area	All Disturbed Impervious Area + New Impervious Area
Treatment Storm	1.0" / 24-hour storm per City of Oregon City
Detention	Peak Flow Duration matching between 42% of the 2-year up through the 10-year storm event

The WES BMP calculator is an acceptable method of sizing stormwater facilities per the City's manual. This project utilizes the WES BMP calculator to size stormwater facilities and meet requirements.

Table 2a – City of Oregon City Precipitation-Frequency Estimates

Frequency	Precipitation
WQ; 24-hr	1.0 inches
2-yr; 24-hr	2.80 inches
10-yr; 24-hr	3.50 inches
25-yr; 24-hr	4.00 inches



Existing Basin Characteristics

The existing site's stormwater basins are conveyed to the low point on the southeast corner of the site and into the existing ditch. Existing basins consist primarily of pervious surfaces with impervious building roof and asphalt pavement. Section 4.3.2 of the Grading and Stormwater Standards states that the predeveloped conditions for the site will be modeled as the historic vegetation as existing prior to urban settlement. It further states that most areas of the City are modeled as forest. However, the applicant may use historic photos, reports, or other available sources to document an alternative condition of the site prior to urban settlement. A seventy-year-old aerial photo of the site and surrounding area shows the area to be grass cover, therefore the predeveloped condition of grass covered has used in this analysis. A copy of the aerial photo is included in the appendix of this report.

The required stormwater management area is determined by calculating the disturbed impervious area that is replaced with impervious area, and any new impervious area. See exhibit EX-2 in the Appendix for an illustration of this area. See Table 3 below for a summary of the required stormwater management area.

Table 3: Required Stormwater Management Area	
	Dist. + New Impervious Area
Required	28,830 SF (0.66 ac)

Proposed Basin Characteristics

The proposed site's stormwater management basins are broken into three basins A-C. These basins were thoughtfully chosen because they convey a significant amount of stormwater to an existing low point on the site. This is done in an effort to work in harmony with the existing site's topography and stormwater system, reduce grading, and provide the maximum amount of stormwater management in an economical way. See exhibit EX-3 in the Appendix for an illustration of these proposed management basin areas. See Table 4 below for a summary of the proposed basin areas depicting the treatment area is greater than the required area:

Table 4: Proposed Basin Areas			
Basin	Impervious Area	Facility Type	Facility Size
North Lot	9,100 SF	Planter	444 SF
South Lot	8,700	Planter	570 SF
Front Walk	331	Planter	To South Lot
R1	640 SF	Planter	40 SF
R1A	654 SF	Planter	40 SF
R2	640 SF	Planter	32 SF
R2A	591 SF	Planter	28 SF
R3 & R4	1,762 SF	Planter	77 SF
R5	563 SF	Planter	39 SF
R6	568 SF	Planter	32 SF
R7	565	Planter	To South Lot
R7A	565	Planter	To South Lot
R8	565	Planter	32
R8A	609 SF	Planter	To South Lot
R9	926 SF	Planter	To South Lot



R9A	510 SF	Planter	To South Lot
R10	563	Planter	48
R10A	510	Planter	To R10
TOTAL PROVIDED	28,782 SF (1.15 ac)		1,382 SF

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Water Quality

The City of Oregon City water quality treatment criteria will be met by treatment of the site runoff through LID vegetated planter facilities. Treatment will occur via biofiltration and is met through the use of the WES BMP Calculator. The proposed LID planter facilities will consist of an overflow set 12 inches above the topsoil growing media elevation. This will allow for 12" of ponding depth and filtration through the soil media prior to overflow. The planters consist of an 18" depth section of growing filtration soil media, with 15" of drain rock below, and a PVC liner at the bottom. A perforated underdrain pipe is set at the bottom to ensure full drawdown. The water quality event has been routed through each LID facility in the WES BMP calculator to ensure that the event does not cause stormwater to enter the overflow structure during the water quality storm event. Treated stormwater will be collected in the underdrain system and routed to site conveyance. Studies from the International Stormwater BMP Database (July 2012) indicate that bio filtration BMPs are good candidates for treatment of phosphorus, TSS and algae and mercury / metals.

Landscaping and trees are retained and proposed throughout the site to the maximum extent feasible. Above-ground vegetated stormwater facilities will benefit from tree canopy during the summer months to mitigate stormwater temperature rise. Underdrain systems will be necessary for collecting and routing stormwater that will filter through the proposed soil media but will not infiltrate the underlying native soils. Impervious liners are proposed on all facilities.

The WES BMP calculations can be located in the Appendix.

BMP design constrains include area limitations, existing topography, and existing soil permeability. The City of Oregon City Public Works department has strict requirements for developed sites and desire for safety, efficient use of the site, large vehicle turning movements and future opportunities.

Proper delineation and erosion and sediment control will be installed to protect the proposed facilities from potentially being compacted and/or inundated with sediment during construction.

Following treatment and detention, stormwater will ultimately discharge to the public storm system at the west side of the site. Refer to the Appendix for a proposed storm drainage schematic. See Table 4 above for a summary of stormwater management basins.

Detention / Flow Control

All proposed LID planter facilities are designed to allow for 12" of ponding to provide flow control while stormwater is infiltrating through the soil media. Each planter overflow structure has an orifice cap on the incoming perforated underdrain to limit inflow and facilitate detention storage ponding within the basin. Flow control for the site is required to meet peak flow duration matching between 42% of the 2-year up through the 10-year storm event. The WES BMP calculator has been used to size the facilities to ensure that this requirement is met. See Table 4 above for a summary of stormwater management basins.



Conveyance

The proposed storm pipe system is designed to have the capacity to convey the runoff from a 10-year storm event return frequency storm event without ponding. The site storm system was designed to convey all of the impervious area and contributing pervious area for the entire site. A minimum pipe size and slope will be maintained throughout the system. The intent is to maintain a minimum free flow velocity of 3.0 fps in all pipes. See the Appendix for pipe sizing calculations (minimum pipe slopes & sizes required to meet these conditions).

A conduit Flow Mannings “n” = 0.013 for pipe flow is used in all calculations.

The time of concentration (tc) is defined as the time for runoff to travel from the furthestmost point of the watershed to the point in question. Time of concentration can be estimated from several formulas. The minimum time of concentration is 5 minutes in developed urban areas and the maximum is 100 minutes in rural areas. A time of concentration of 5 minutes is used for design of the stormwater basins in this project.

The 100-year design storm and emergency flow routes have been analyzed for the site. Since there are multiple catchment basins for the site, each with their own piped conveyance system, this includes analyzing the “controlling” basin having the least diameter pipe size and slope and ensuring its’ flow is unrestricted during the 100-year storm event. As seen in the Appendix, the controlling conveyance link is an 8” diameter pipe with a slope of $S=0.0075$ ft/ft. This conveyance link has a flow capacity of 1.05 cfs. Assuming the entire site were impervious it would produce a peak flow of 0.75 cfs, therefore the 8” diameter pipes are adequate for the 100-year storm event.

Downstream Analysis

Per Oregon City stormwater standards section 5.2.4 a preliminary downstream analysis has been completed to ensure that the downstream stormwater infrastructure has adequate capacity to convey the 10-year/24-hours storm event. The analysis shall extend until the project contributes less than 15% of the total basin or 1,500 feet, whichever is greater. Reference exhibit EX-4 in the Appendix for a basin map and existing stormwater infrastructure.

Several sources of information were used to complete this downstream analysis. A survey was completed of the site to confirm the directly adjacent stormwater sizes. City GIS and Metro Data were also used for this analysis. Per current City of Oregon City GIS mapped storm system records, the downstream pipe system consists of 52” x 30” elliptical concrete storm pipe from the site for a distance of approximately 100 feet before out falling to an existing ditch between the Clackamas Federal Credit Union and the Willow Springs Apartments on the south side of Warner Milne Drive.

This proposed development is part of the Newell Basin, and the ultimate downstream infrastructure analyzed with this analysis (at a point 1,500 ft. downstream) conveys a basin area of approximately 83.2 acres. The proposed development site is 0.91 acres is approximately 1.09% of the total contributing basins. The project increases the total site impervious area by approximately 28,500 SF (0.654 acres) which is negligible within the overall approximate basin of 83.2 acres (0.6% increase of the basin). Therefore, the conveyance design storm is analyzed for the 10-year, 24-hour storm event per Table 5-1 Conveyance System Design Storms of the Oregon City Stormwater and Grading Design Standards. The Santa Barbara Urban Hydrograph method (SBUH) was used to estimate runoff from the overall basin, as the receiving basin is greater than 83 acres. The basin was determined by reviewing the OCCMAPS website and tracing the portion of the Newell Basin that flows through the site. Due to the variability of soil types and site coverages, a



composite curve number was calculated assuming 26% of the basin is impervious surfaces and 73% of the basin area is pervious surfaces. The lag method was used to determine the time of concentration for the basin and was determined to be approximately 40 minutes. The post developed flow was determined by increasing the impervious area by 0.65 acres and calculating the 10-year event.

Table 5 represents the flow from the basin in its existing state and post developed.

Table 5: Upstream Basin			
Basin	Impervious Area	Pervious Area	Flow cfs
Existing	22 ac	61.2 ac	19.64
Developed	22.65 ac	60.55	20.09

The 10-yr/24-hour pipe flow was computed using this overall basin area and routed it through the existing 52" x 30" elliptical culvert and then through a grassy channel south the site to check conveyance adequacy in the post developed condition. Even though only about 60% of the basin actually flows through the culvert it was analyzed using the entire basin flow. As seen in the Appendix, the existing culvert and grassy swale at the limit of 1,500 feet has sufficient capacity to convey the 10-yr/24-hour storm event. As a result, no adverse impacts to the downstream system are expected as a result of this development.

Figures 1 and 2 below are pictures taken from Google Street view of the open channels on the south side of Warner Milne Road and again where the channel meets Beaver Creek road about 1500' south of the site.

Photos of Existing Downstream Ditch



Figure 1 Open ditch south side of Warner Milne Road





Figure 2 Open Channel ditch where it meets Beavercreek Road

Appendix

EX-1 VICINITY EXHIBIT

EX-2 PREDEVELOPED CONDITIONS

EX-3 ONSITE BASIN MAP

EX-4 UPSTREAM/DOWNSTREAM BASIN

DOWNSTREAM ANALYSIS CALCULATIONS

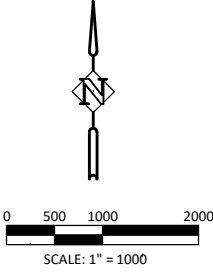
WES BMP PRINTOUT

HYDROGRAPHS

NRCS WEB SOIL SURVEY

OPERATIONS & MAINTENANCE - STORMWATER PLANTERS

SITE PLAN



PRELIMINARY

VICINITY MAP

KAMM STREET APARTMENTS

OREGON CITY, OREGON

Harper Houf Peterson

HHPR

Righellis Inc.

ENGINEERS*PLANNERS

LANDSCAPE ARCHITECTS*SURVEYORS

1220 Main Street, Suite 150, Vancouver, WA 98660

phone: 360.750.1131 www.hhpr.com fax: 360.750.1141

REGISTERED PROFESSIONAL

ENGINEER

NO. 50,102

OREGON

JOHN K. VAN LESTIE

EXPIRES: 06/30/22

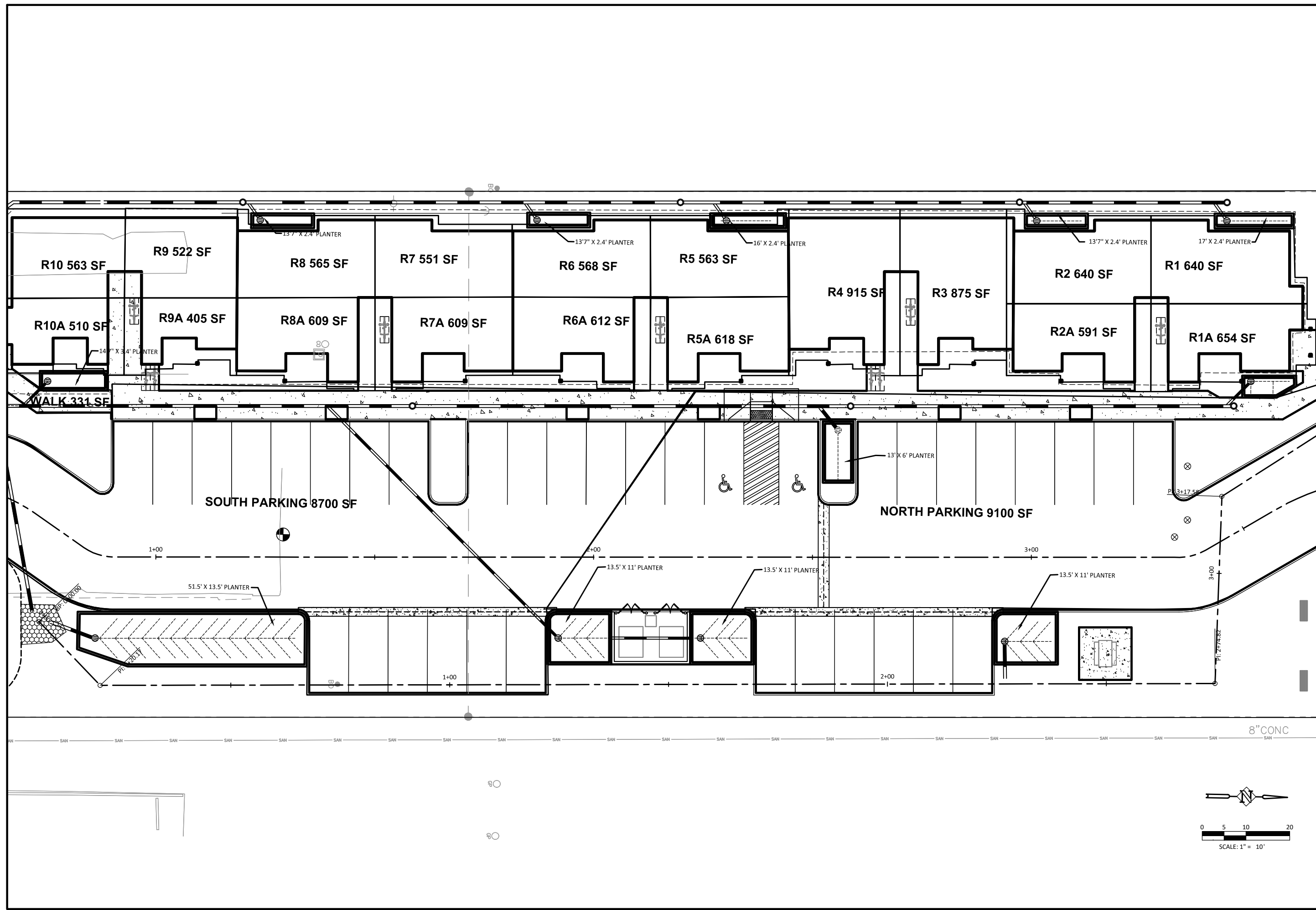
DESIGNED:	KKV
DRAWN:	HHPR TEAM
CHECKED:	KKV
DATE:	09/20/21

SHEET NO.

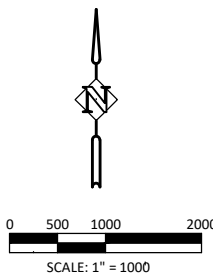
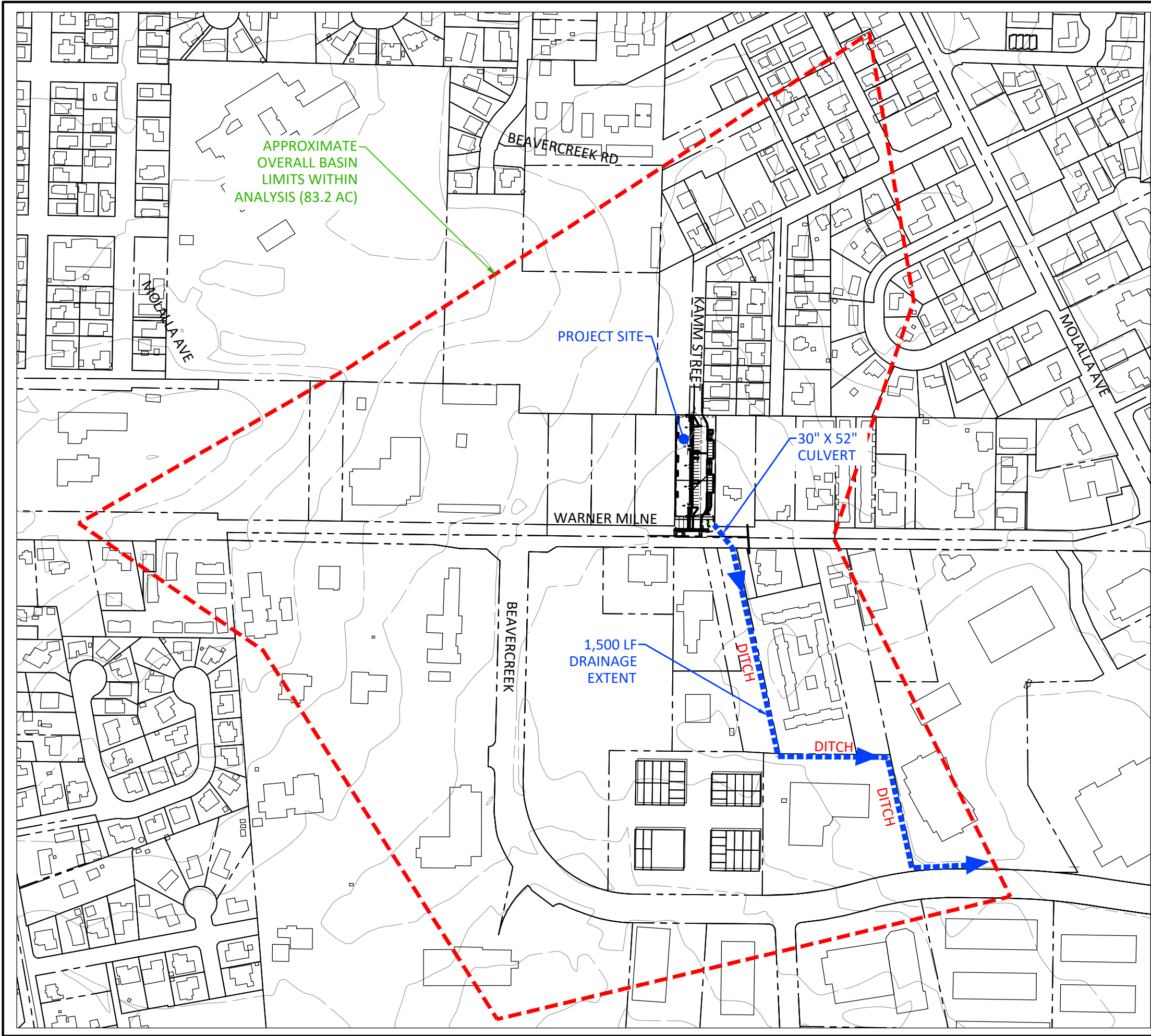
EX-1

JOB NO.

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DOWNSTREAM ANALYSIS



PRELIMINARY

DATE	NO.	DESCRIPTION

Culvert Report

Item 8c.

Hydraflow Express Extension for Autodesk® Civil 3D® by Autodesk, Inc.

Wednesday, Oct 13 2021

WARNER MILNE CULVERT

Invert Elev Dn (ft) = 441.38
Pipe Length (ft) = 96.00
Slope (%) = 0.50
Invert Elev Up (ft) = 441.86
Rise (in) = 30.0
Shape = Elliptical
Span (in) = 52.0
No. Barrels = 1
n-Value = 0.013
Culvert Type = Horizontal Ellipse Concrete
Culvert Entrance = Groove end projecting (H)
Coeff. K,M,c,Y,k = 0.0045, 2, 0.0317, 0.69, 0.2

Embankment

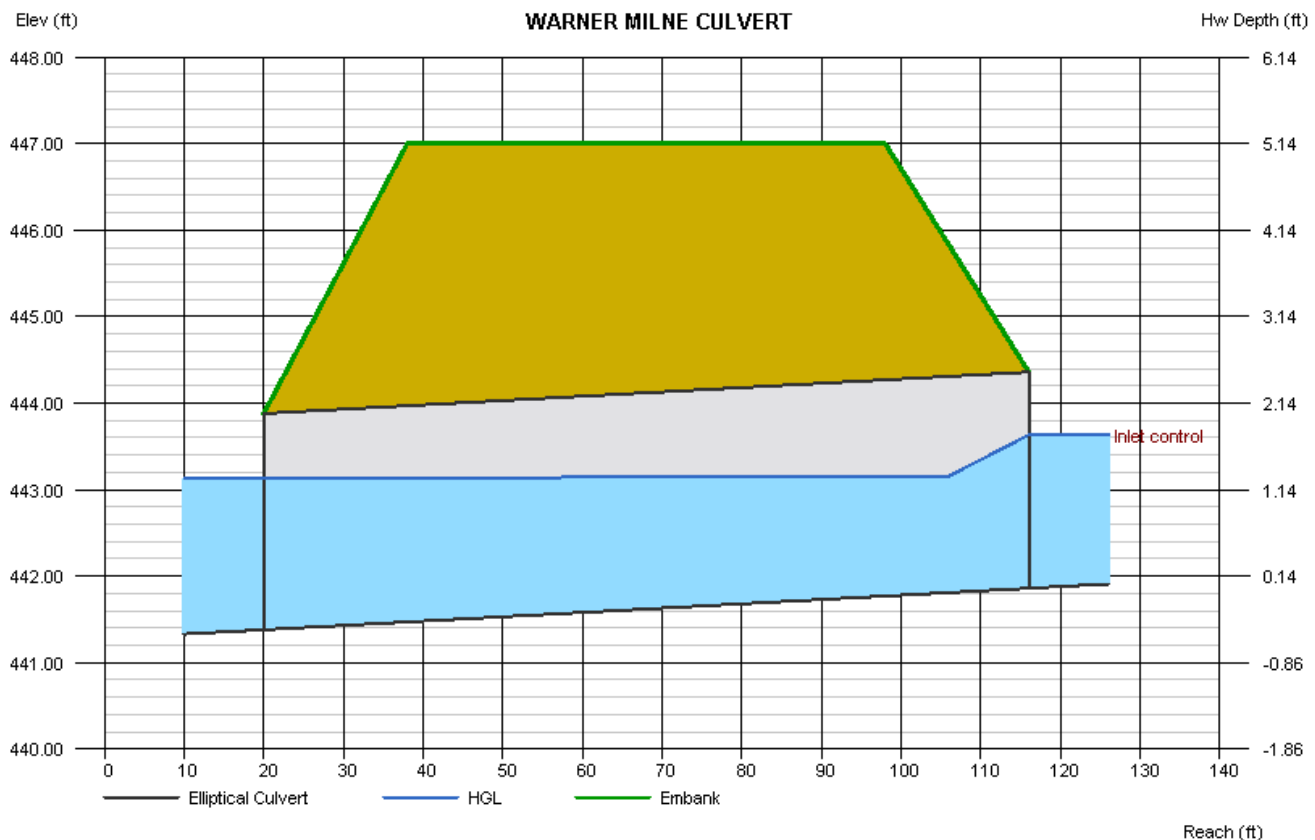
Top Elevation (ft) = 447.00
Top Width (ft) = 60.00
Crest Width (ft) = 10.00

Calculations

Qmin (cfs) = 0.00
Qmax (cfs) = 21.00
Tailwater Elev (ft) = (dc+D)/2

Highlighted

Qtotal (cfs) = 21.00
Qpipe (cfs) = 21.00
Qovertop (cfs) = 0.00
Veloc Dn (ft/s) = 3.10
Veloc Up (ft/s) = 4.75
HGL Dn (ft) = 443.13
HGL Up (ft) = 443.16
Hw Elev (ft) = 443.63
Hw/D (ft) = 0.71
Flow Regime = Inlet Control



Channel Report

Item 8c.

Hydraflow Express Extension for Autodesk® Civil 3D® by Autodesk, Inc.

Wednesday, Oct 13 2021

DOWNSTREAM DITCH ANALYSIS

Trapezoidal

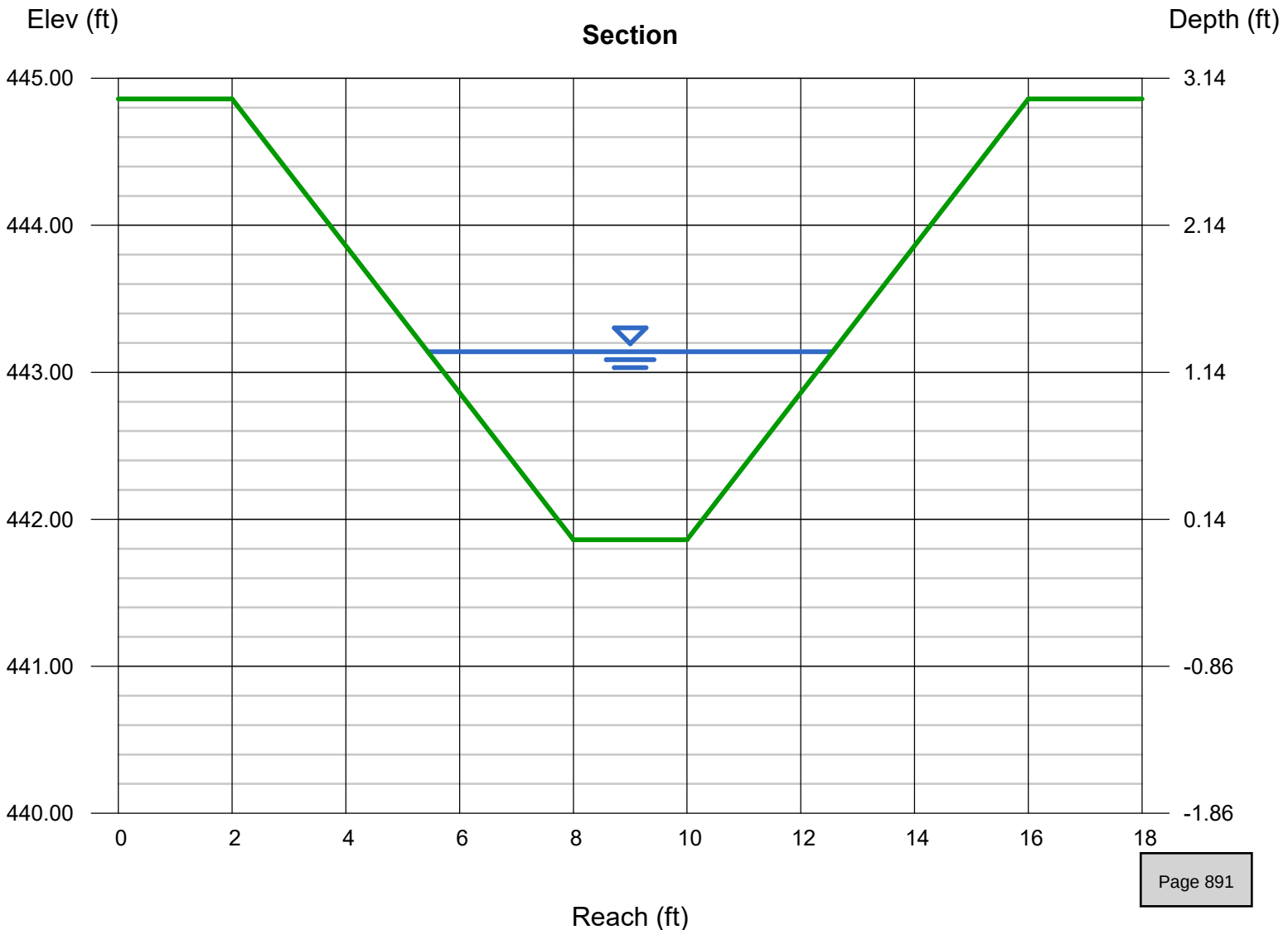
Bottom Width (ft) = 2.00
Side Slopes (z:1) = 2.00, 2.00
Total Depth (ft) = 3.00
Invert Elev (ft) = 441.86
Slope (%) = 0.50
N-Value = 0.025

Highlighted

Depth (ft) = 1.28
Q (cfs) = 20.09
Area (sqft) = 5.84
Velocity (ft/s) = 3.44
Wetted Perim (ft) = 7.72
Crit Depth, Yc (ft) = 1.05
Top Width (ft) = 7.12
EGL (ft) = 1.46

Calculations

Compute by: Known Q
Known Q (cfs) = 20.09



BASIN HYDROGRAPHS

10 - Year

Summary Report.....

Hydrograph Reports.....

Hydrograph No. 1, SBUH Runoff, Complete Basin.....

Hydrograph No. 2, SBUH Runoff, Existing Site.....

Hydrograph No. 3, SBUH Runoff, Proposed Site.....

Hydrograph No. 5, Combine, Basin with existing site.....

Hydrograph No. 6, Combine, Basin with Site.....

1

2

2

3

4

5

6

100 - Year

Summary Report.....

Hydrograph Reports.....

Hydrograph No. 1, SBUH Runoff, Complete Basin.....

Hydrograph No. 2, SBUH Runoff, Existing Site.....

Hydrograph No. 3, SBUH Runoff, Proposed Site.....

Hydrograph No. 5, Combine, Basin with existing site.....

Hydrograph No. 6, Combine, Basin with Site.....

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IDF Report.....

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Hydraflow Hydrographs Extension for Autodesk® Civil 3D® by Autodesk, Inc. v2020

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Hydrograph Report

2

Item 8c.

Hydraflow Hydrographs Extension for Autodesk® Civil 3D® by Autodesk, Inc. v2020

Wednesday, 10 / 13 / 2021

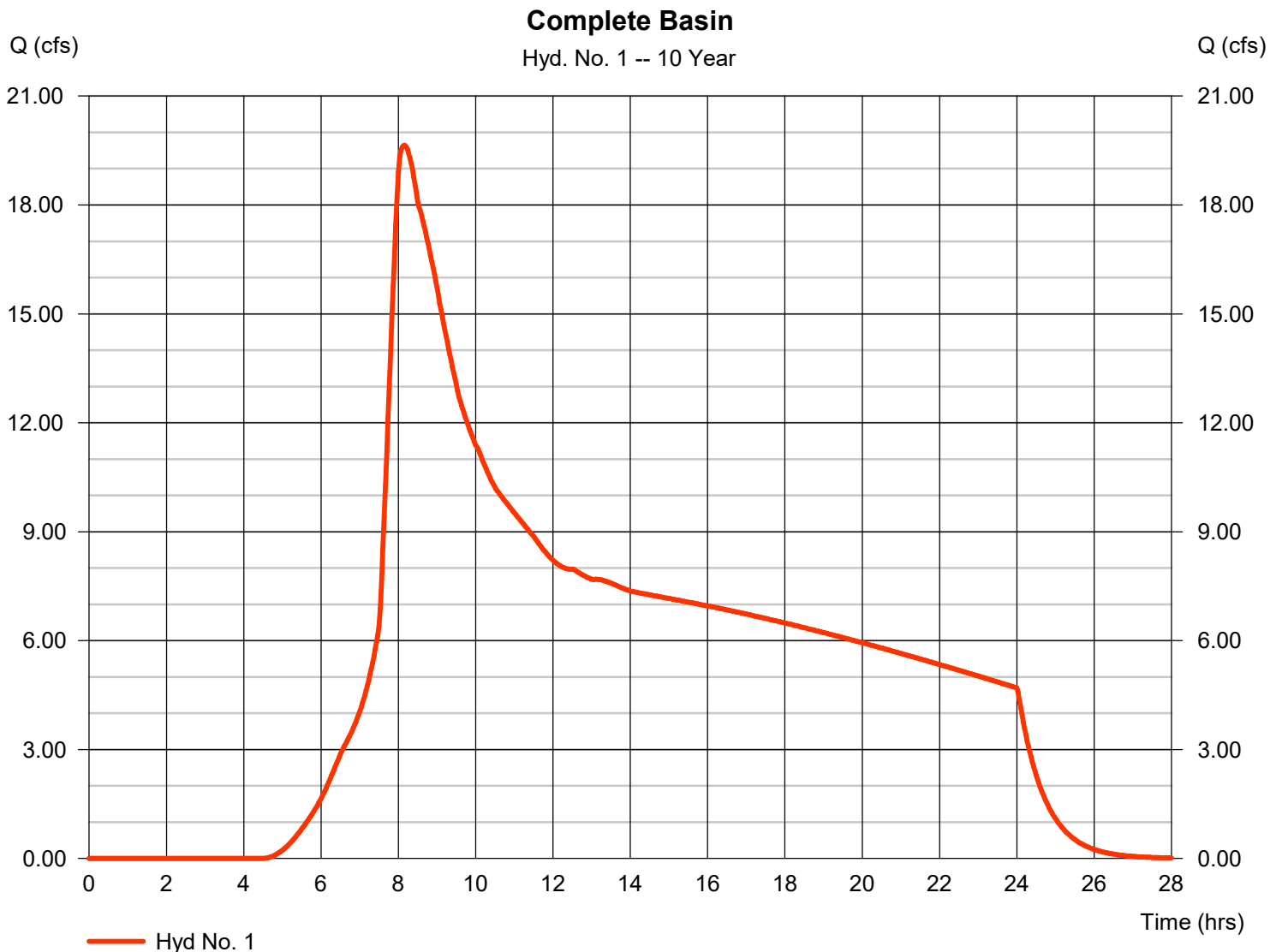
Hyd. No. 1

Complete Basin

Hydrograph type = SBUH Runoff
Storm frequency = 10 yrs
Time interval = 2 min
Drainage area = 83.200 ac
Basin Slope = 3.0 %
Tc method = LAG
Total precip. = 3.50 in
Storm duration = 24 hrs

Peak discharge = 19.64 cfs
Time to peak = 8.17 hrs
Hyd. volume = 516,012 cuft
Curve number = 81*
Hydraulic length = 2800 ft
Time of conc. (Tc) = 40.50 min
Distribution = Type IA
Shape factor = n/a

* Composite (Area/CN) = $[(22.000 \times 98) + (61.200 \times 75)] / 83.200$



Hydrograph Report

3

Item 8c.

Hydraflow Hydrographs Extension for Autodesk® Civil 3D® by Autodesk, Inc. v2020

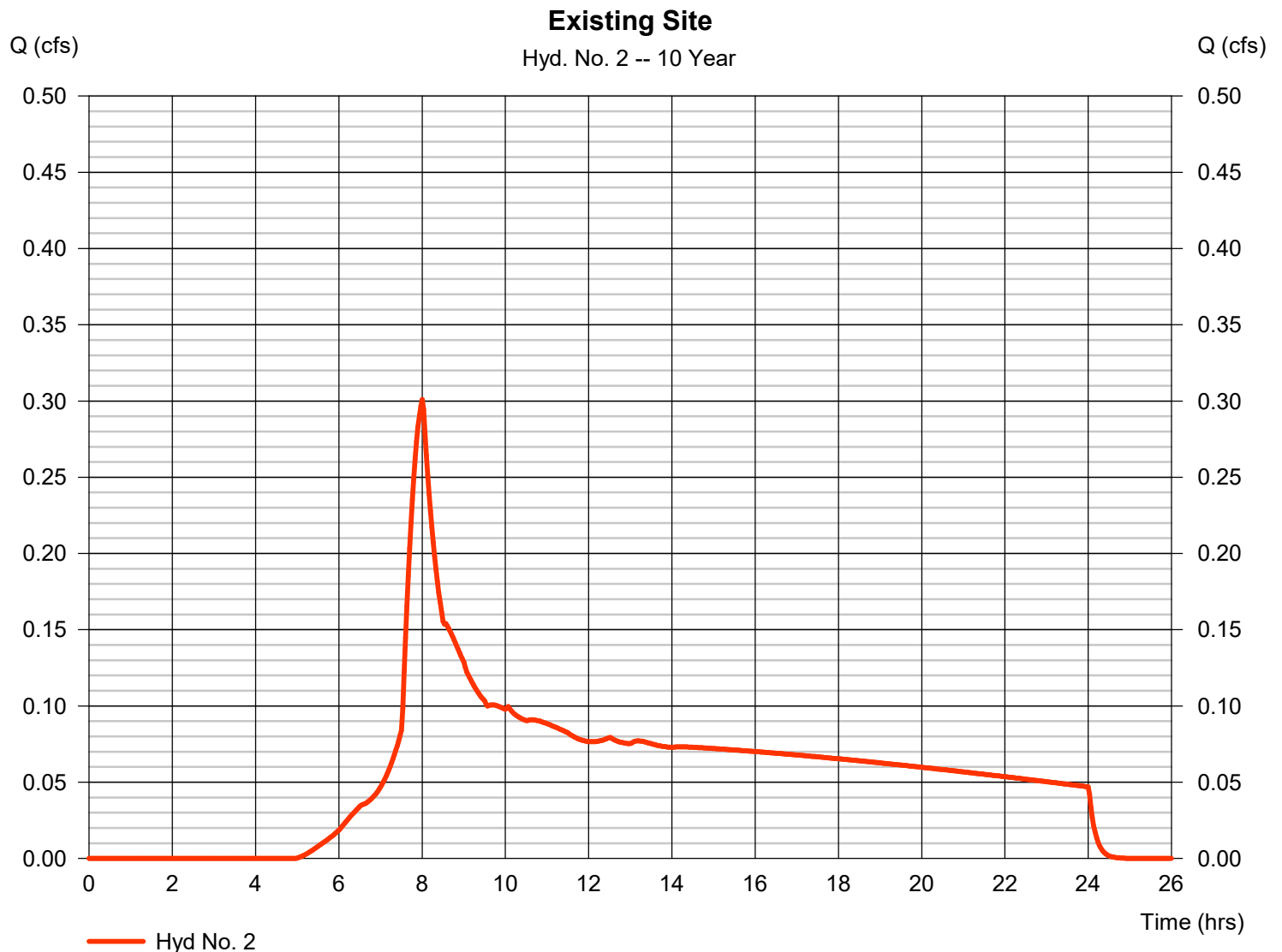
Wednesday, 10 / 13 / 2021

Hyd. No. 2

Existing Site

Hydrograph type	= SBUH Runoff	Peak discharge	= 0.301 cfs
Storm frequency	= 10 yrs	Time to peak	= 8.00 hrs
Time interval	= 2 min	Hyd. volume	= 5,116 cuft
Drainage area	= 0.900 ac	Curve number	= 79*
Basin Slope	= 2.0 %	Hydraulic length	= 300 ft
Tc method	= LAG	Time of conc. (Tc)	= 8.80 min
Total precip.	= 3.50 in	Distribution	= Type IA
Storm duration	= 24 hrs	Shape factor	= n/a

* Composite (Area/CN) = $[(0.140 \times 98) + (0.760 \times 75)] / 0.900$



Hydrograph Report

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Item 8c.

Hydraflow Hydrographs Extension for Autodesk® Civil 3D® by Autodesk, Inc. v2020

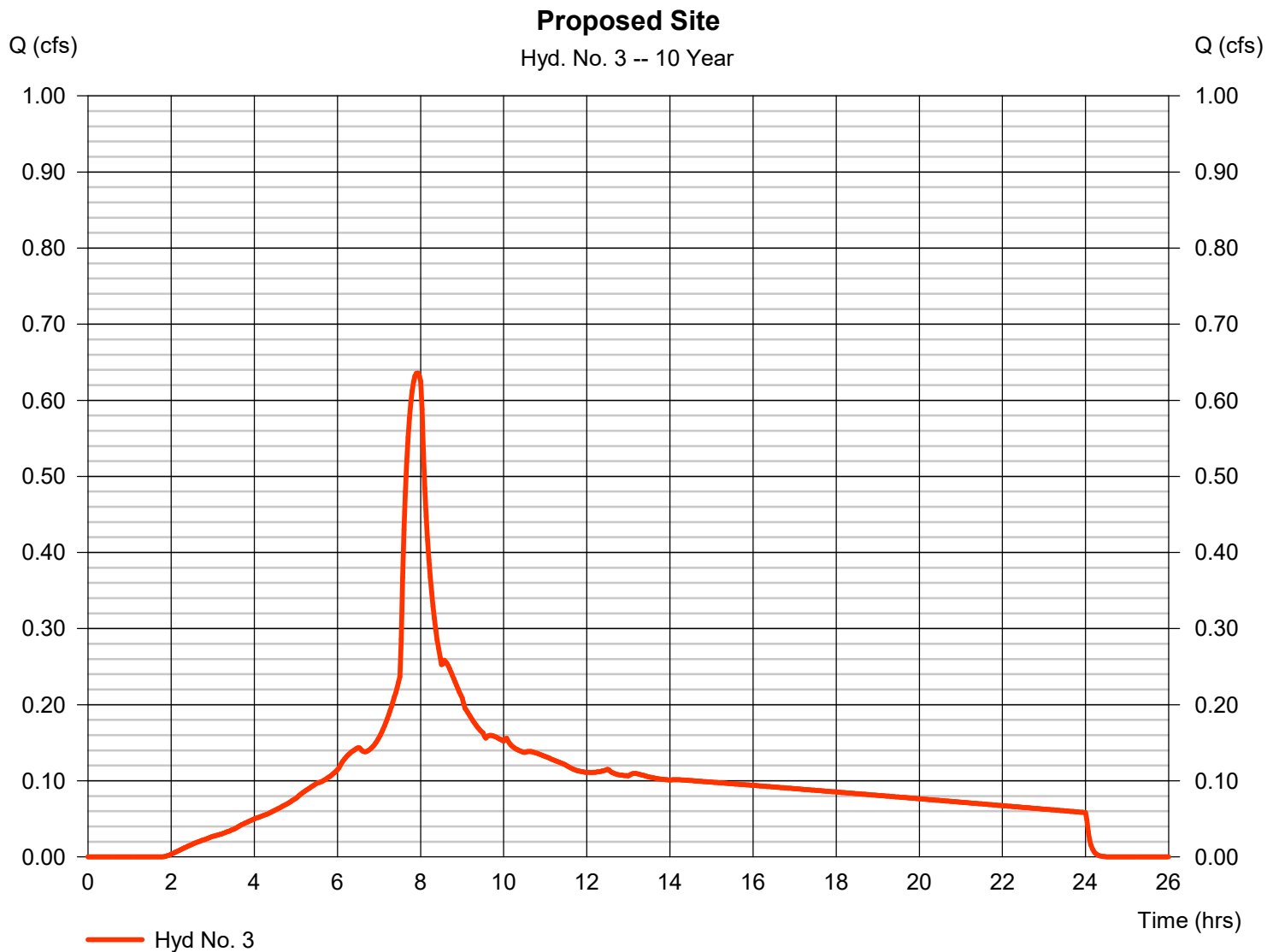
Wednesday, 10 / 13 / 2021

Hyd. No. 3

Proposed Site

Hydrograph type	= SBUH Runoff	Peak discharge	= 0.636 cfs
Storm frequency	= 10 yrs	Time to peak	= 7.93 hrs
Time interval	= 2 min	Hyd. volume	= 8,935 cuft
Drainage area	= 0.900 ac	Curve number	= 93*
Basin Slope	= 2.0 %	Hydraulic length	= 300 ft
Tc method	= LAG	Time of conc. (Tc)	= 5.20 min
Total precip.	= 3.50 in	Distribution	= Type IA
Storm duration	= 24 hrs	Shape factor	= n/a

* Composite (Area/CN) = $[(0.650 \times 98) + (0.250 \times 80)] / 0.900$



Hydrograph Report

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Item 8c.

Hydraflow Hydrographs Extension for Autodesk® Civil 3D® by Autodesk, Inc. v2020

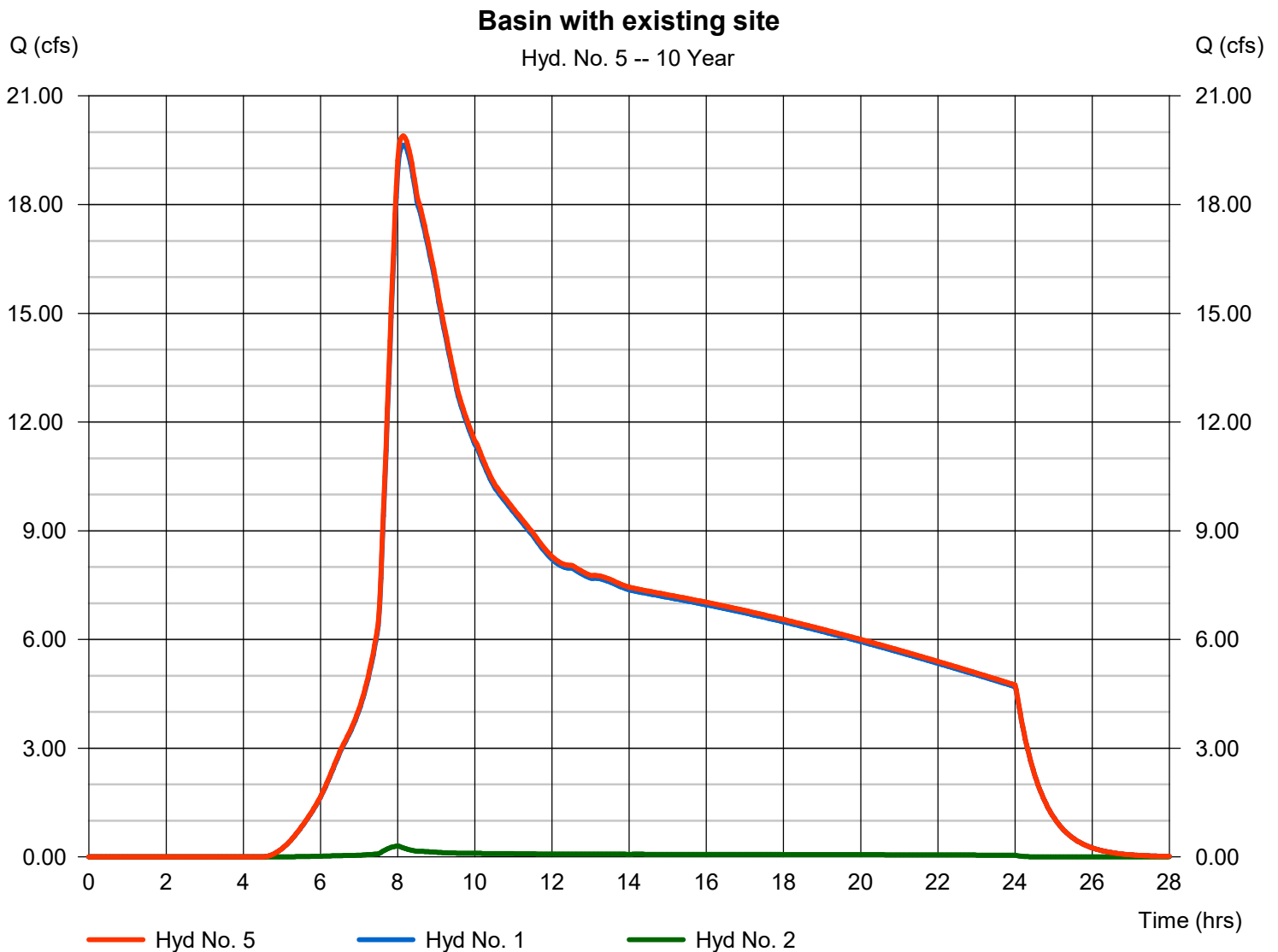
Wednesday, 10 / 13 / 2021

Hyd. No. 5

Basin with existing site

Hydrograph type = Combine
Storm frequency = 10 yrs
Time interval = 2 min
Inflow hyds. = 1, 2

Peak discharge = 19.89 cfs
Time to peak = 8.13 hrs
Hyd. volume = 521,128 cuft
Contrib. drain. area = 84.100 ac



Hydrograph Report

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Item 8c.

Hydraflow Hydrographs Extension for Autodesk® Civil 3D® by Autodesk, Inc. v2020

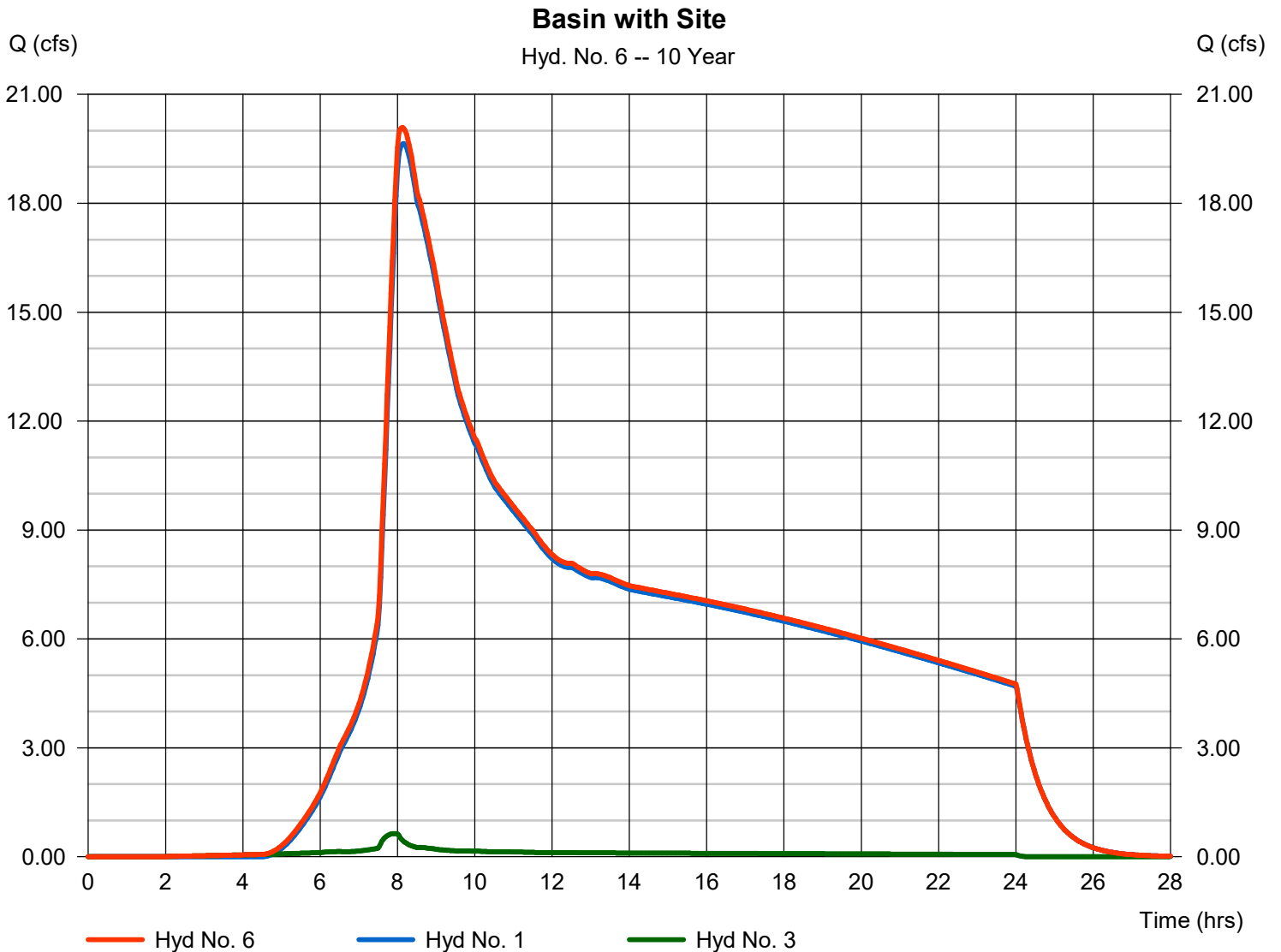
Wednesday, 10 / 13 / 2021

Hyd. No. 6

Basin with Site

Hydrograph type = Combine
Storm frequency = 10 yrs
Time interval = 2 min
Inflow hyds. = 1, 3

Peak discharge = 20.09 cfs
Time to peak = 8.13 hrs
Hyd. volume = 524,946 cuft
Contrib. drain. area = 84.100 ac



Hydrograph Summary Report

Hydraflow Hydrographs Extension for Autodesk® Civil 3D® by Autodesk, Inc. v2020

Hyd. No.	Hydrograph type (origin)	Peak flow (cfs)	Time interval (min)	Time to Peak (min)	Hyd. volume (cuft)	Inflow hyd(s)	Maximum elevation (ft)	Total strge used (cuft)	Hydrograph Description
1	SBUH Runoff	31.52	2	488	769,556	-----	-----	-----	Complete Basin
2	SBUH Runoff	0.489	2	480	7,764	-----	-----	-----	Existing Site
3	SBUH Runoff	0.862	2	474	12,113	-----	-----	-----	Proposed Site
5	Combine	31.94	2	486	777,321	1, 2,	-----	-----	Basin with existing site
6	Combine	32.17	2	486	781,671	1, 3,	-----	-----	Basin with Site
Basin Analysis.gpw					Return Period: 100 Year			Wednesday, 10 / 13 / 2021	

Hydrograph Report

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Item 8c.

Hydraflow Hydrographs Extension for Autodesk® Civil 3D® by Autodesk, Inc. v2020

Wednesday, 10 / 13 / 2021

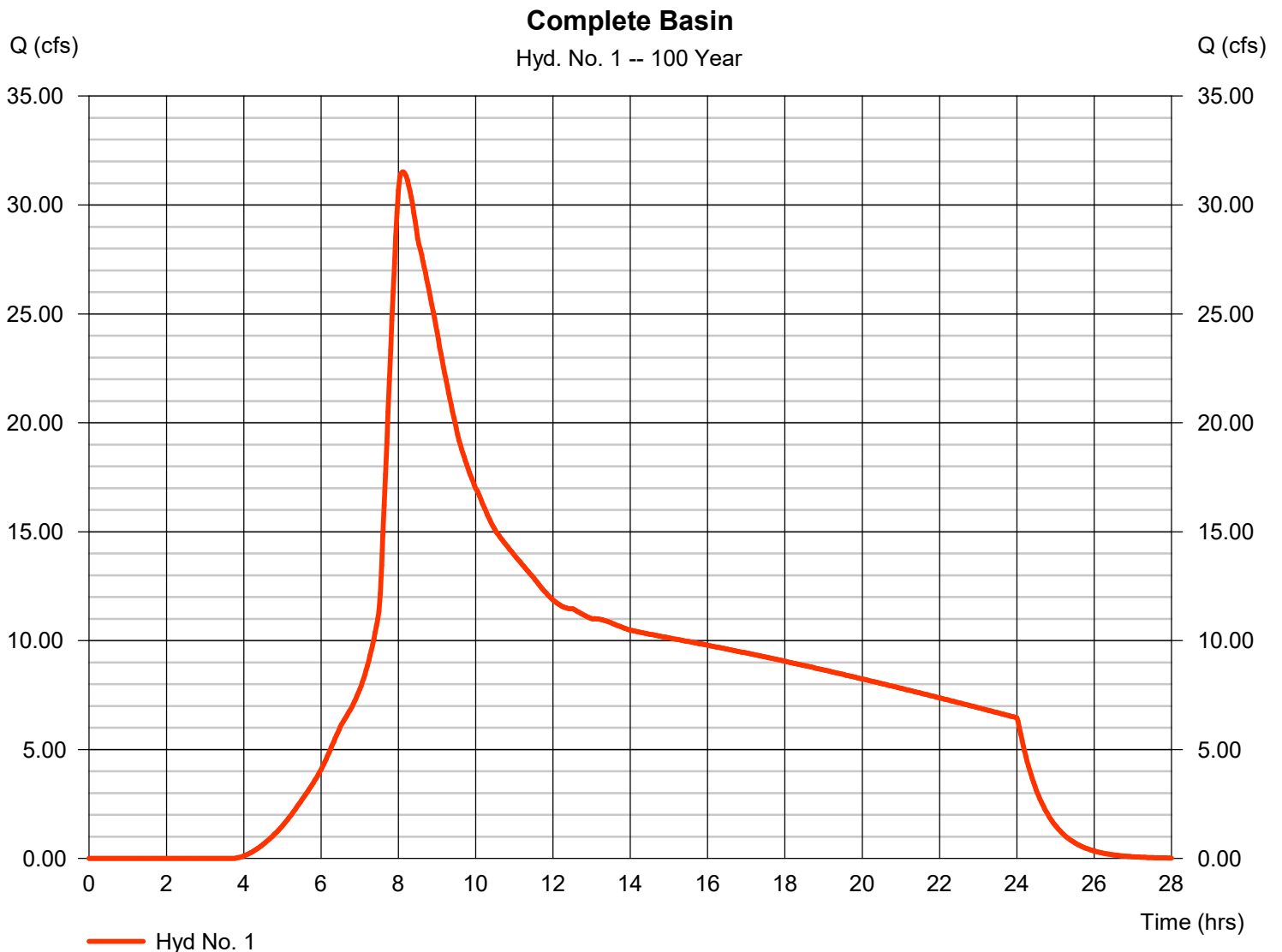
Hyd. No. 1

Complete Basin

Hydrograph type = SBUH Runoff
Storm frequency = 100 yrs
Time interval = 2 min
Drainage area = 83.200 ac
Basin Slope = 3.0 %
Tc method = LAG
Total precip. = 4.50 in
Storm duration = 24 hrs

Peak discharge = 31.52 cfs
Time to peak = 8.13 hrs
Hyd. volume = 769,556 cuft
Curve number = 81*
Hydraulic length = 2800 ft
Time of conc. (Tc) = 40.50 min
Distribution = Type IA
Shape factor = n/a

* Composite (Area/CN) = $[(22.000 \times 98) + (61.200 \times 75)] / 83.200$



Hydrograph Report

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Item 8c.

Hydraflow Hydrographs Extension for Autodesk® Civil 3D® by Autodesk, Inc. v2020

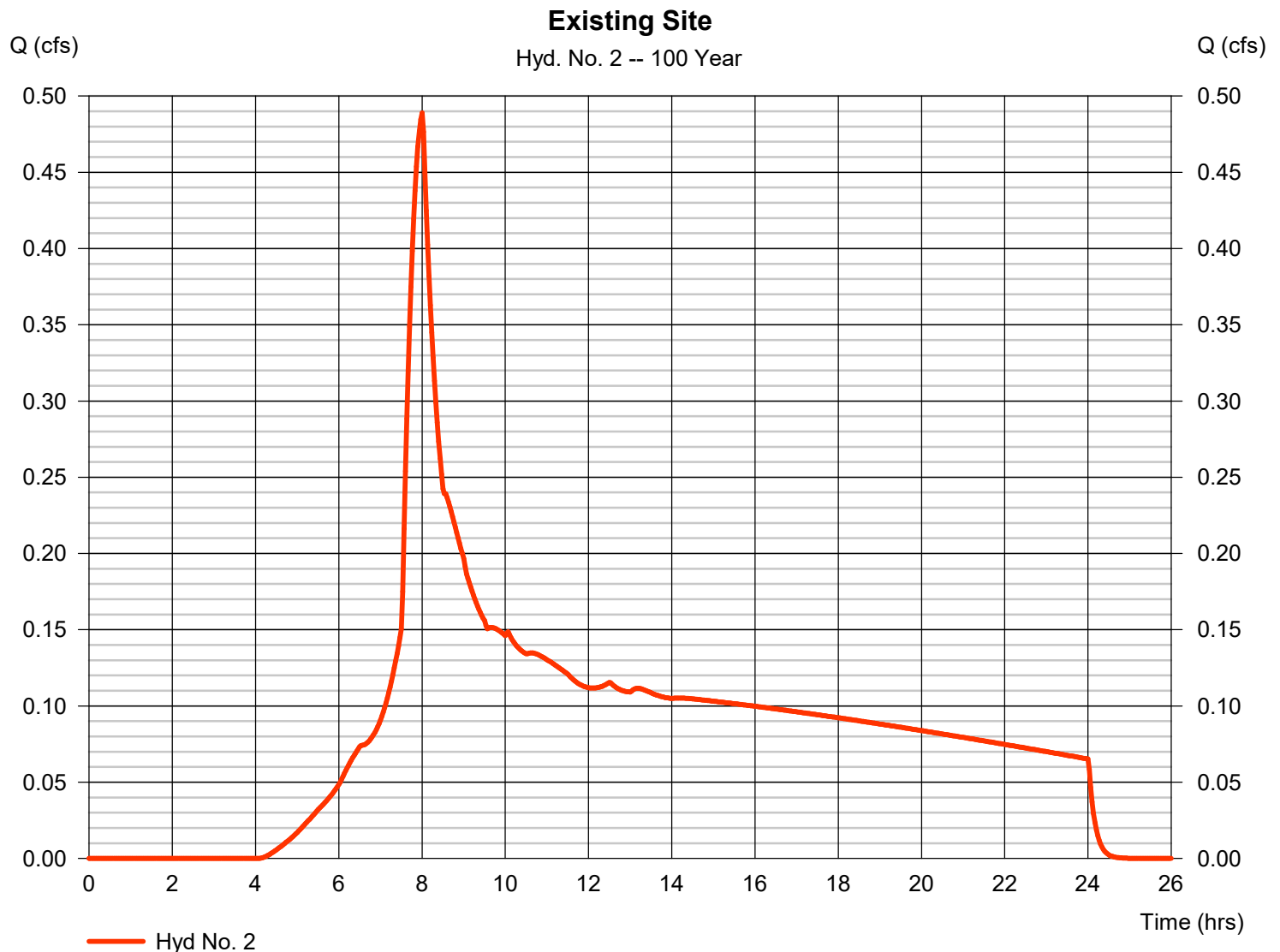
Wednesday, 10 / 13 / 2021

Hyd. No. 2

Existing Site

Hydrograph type	= SBUH Runoff	Peak discharge	= 0.489 cfs
Storm frequency	= 100 yrs	Time to peak	= 8.00 hrs
Time interval	= 2 min	Hyd. volume	= 7,764 cuft
Drainage area	= 0.900 ac	Curve number	= 79*
Basin Slope	= 2.0 %	Hydraulic length	= 300 ft
Tc method	= LAG	Time of conc. (Tc)	= 8.80 min
Total precip.	= 4.50 in	Distribution	= Type IA
Storm duration	= 24 hrs	Shape factor	= n/a

* Composite (Area/CN) = $[(0.140 \times 98) + (0.760 \times 75)] / 0.900$



Hydrograph Report

10

Item 8c.

Hydraflow Hydrographs Extension for Autodesk® Civil 3D® by Autodesk, Inc. v2020

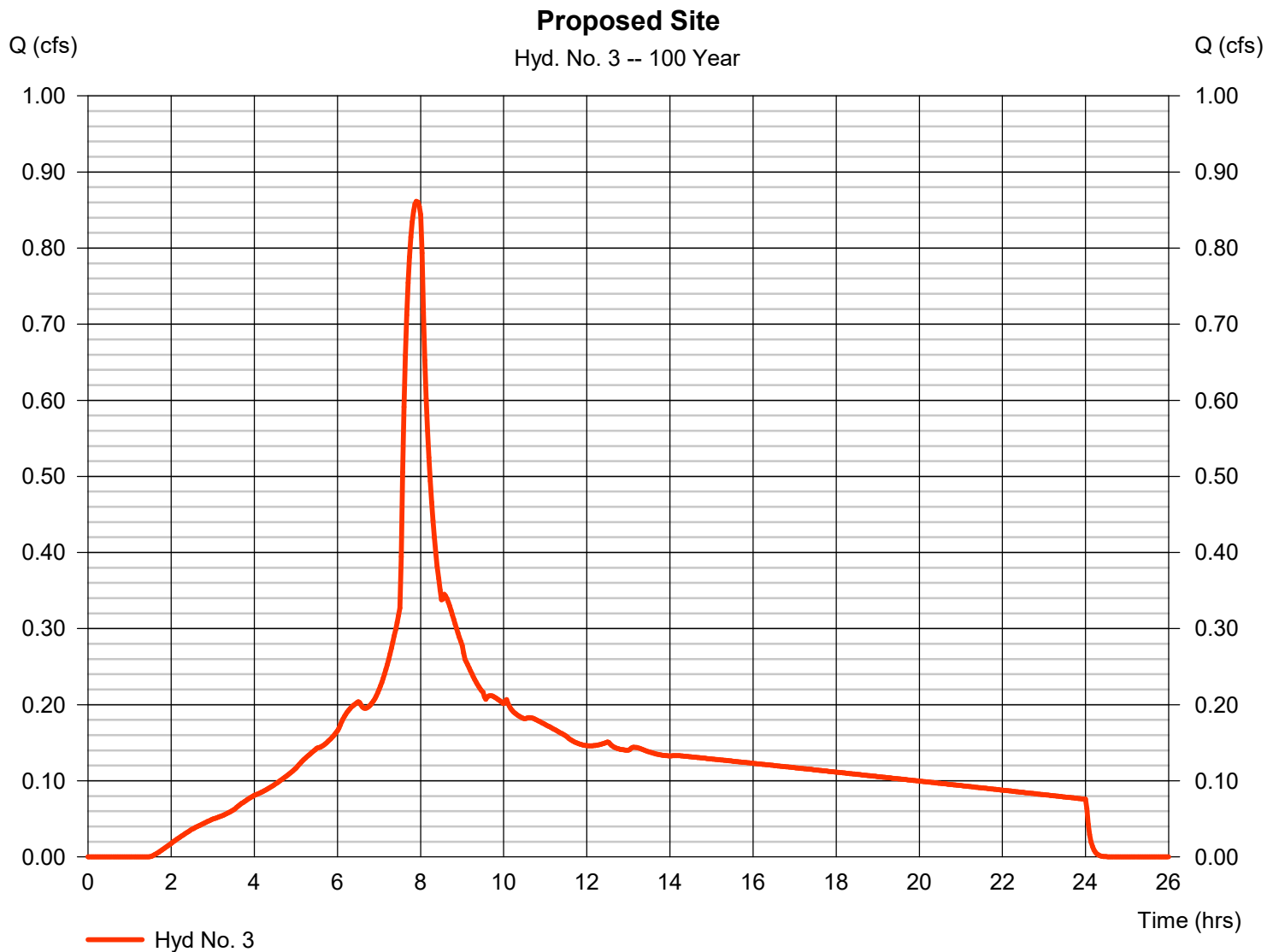
Wednesday, 10 / 13 / 2021

Hyd. No. 3

Proposed Site

Hydrograph type	= SBUH Runoff	Peak discharge	= 0.862 cfs
Storm frequency	= 100 yrs	Time to peak	= 7.90 hrs
Time interval	= 2 min	Hyd. volume	= 12,113 cuft
Drainage area	= 0.900 ac	Curve number	= 93*
Basin Slope	= 2.0 %	Hydraulic length	= 300 ft
Tc method	= LAG	Time of conc. (Tc)	= 5.20 min
Total precip.	= 4.50 in	Distribution	= Type IA
Storm duration	= 24 hrs	Shape factor	= n/a

* Composite (Area/CN) = $[(0.650 \times 98) + (0.250 \times 80)] / 0.900$



Hydrograph Report

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Item 8c.

Hydraflow Hydrographs Extension for Autodesk® Civil 3D® by Autodesk, Inc. v2020

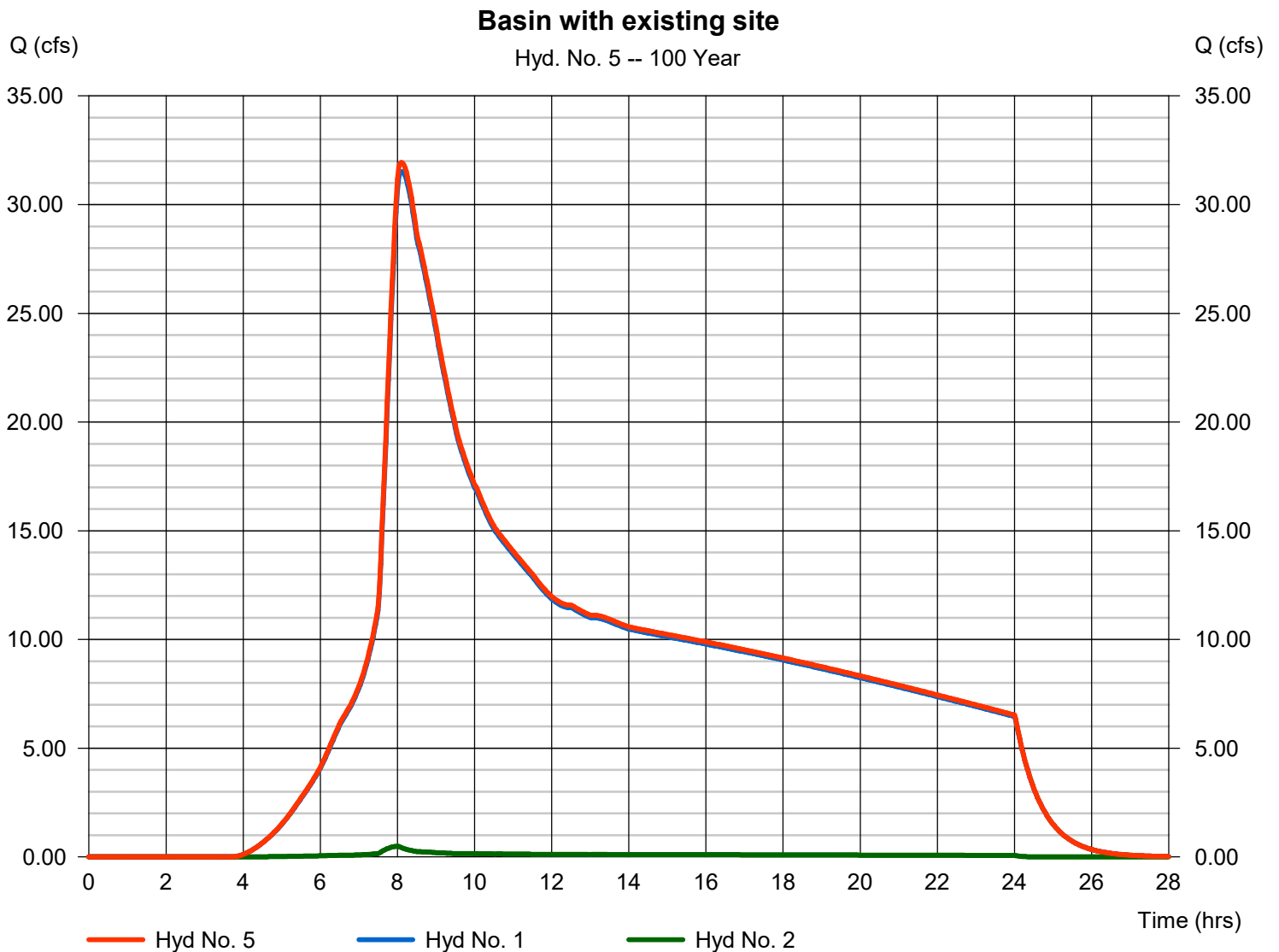
Wednesday, 10 / 13 / 2021

Hyd. No. 5

Basin with existing site

Hydrograph type = Combine
Storm frequency = 100 yrs
Time interval = 2 min
Inflow hyds. = 1, 2

Peak discharge = 31.94 cfs
Time to peak = 8.10 hrs
Hyd. volume = 777,321 cuft
Contrib. drain. area = 84.100 ac



Hydrograph Report

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Item 8c.

Hydraflow Hydrographs Extension for Autodesk® Civil 3D® by Autodesk, Inc. v2020

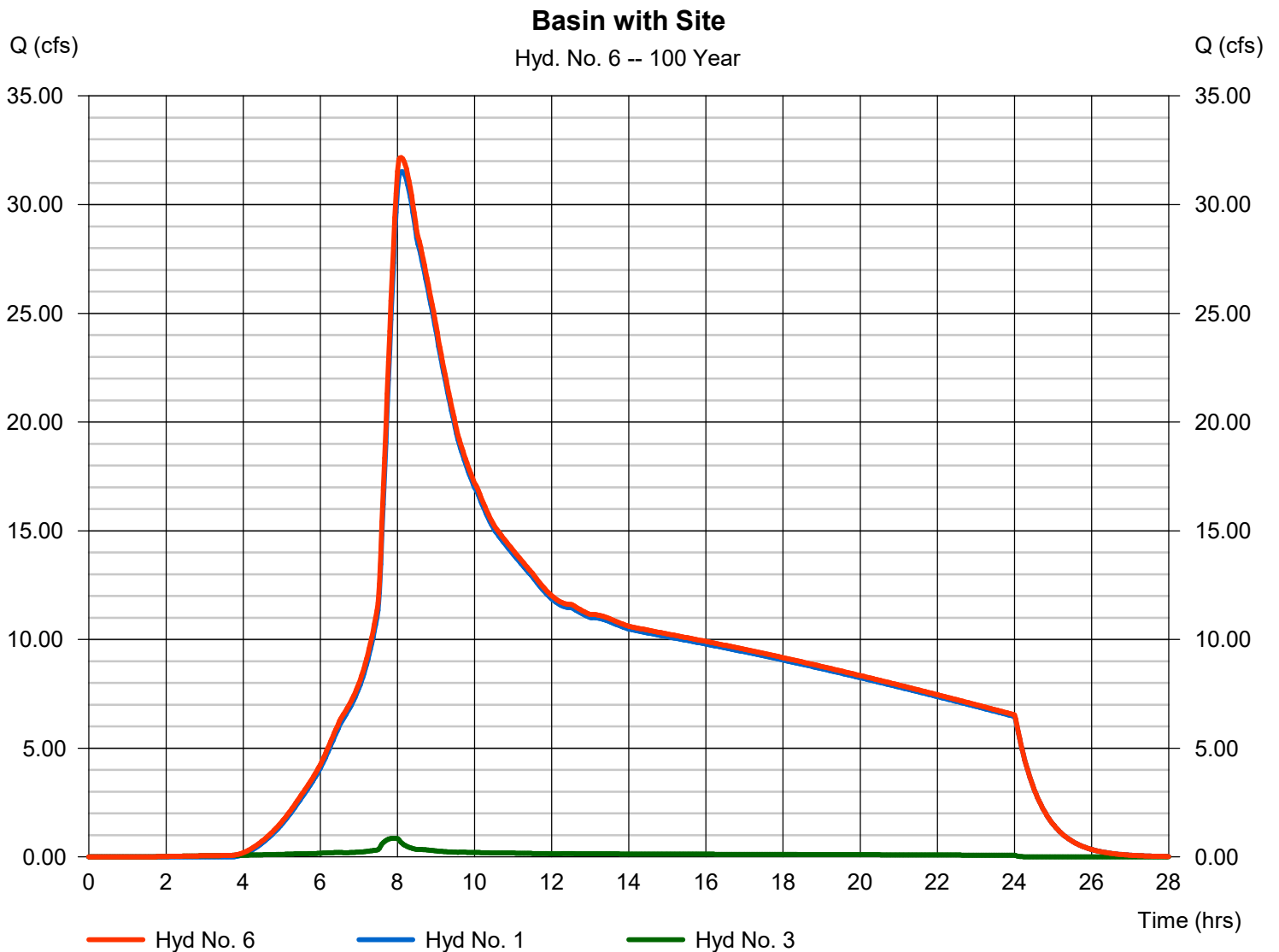
Wednesday, 10 / 13 / 2021

Hyd. No. 6

Basin with Site

Hydrograph type = Combine
Storm frequency = 100 yrs
Time interval = 2 min
Inflow hyds. = 1, 3

Peak discharge = 32.17 cfs
Time to peak = 8.10 hrs
Hyd. volume = 781,671 cuft
Contrib. drain. area = 84.100 ac



Hydraflow Rainfall Report

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Item 8c.

Hydraflow Hydrographs Extension for Autodesk® Civil 3D® by Autodesk, Inc. v2020

Wednesday, 10 / 13 / 2021

Return Period (Yrs)	Intensity-Duration-Frequency Equation Coefficients (FHA)			
	B	D	E	(N/A)
1	0.0000	0.0000	0.0000	-----
2	69.8703	13.1000	0.8658	-----
3	0.0000	0.0000	0.0000	-----
5	79.2597	14.6000	0.8369	-----
10	88.2351	15.5000	0.8279	-----
25	102.6072	16.5000	0.8217	-----
50	114.8193	17.2000	0.8199	-----
100	127.1596	17.8000	0.8186	-----

File name: SampleFHA.idf

$$\text{Intensity} = B / (T_c + D)^E$$

Return Period (Yrs)	Intensity Values (in/hr)											
	5 min	10	15	20	25	30	35	40	45	50	55	60
1	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2	5.69	4.61	3.89	3.38	2.99	2.69	2.44	2.24	2.07	1.93	1.81	1.70
3	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
5	6.57	5.43	4.65	4.08	3.65	3.30	3.02	2.79	2.59	2.42	2.27	2.15
10	7.24	6.04	5.21	4.59	4.12	3.74	3.43	3.17	2.95	2.77	2.60	2.46
25	8.25	6.95	6.03	5.34	4.80	4.38	4.02	3.73	3.48	3.26	3.07	2.91
50	9.04	7.65	6.66	5.92	5.34	4.87	4.49	4.16	3.88	3.65	3.44	3.25
100	9.83	8.36	7.30	6.50	5.87	5.36	4.94	4.59	4.29	4.03	3.80	3.60

T_c = time in minutes. Values may exceed 60.

Precip. file name: Sample.pcp

Storm Distribution	Rainfall Precipitation Table (in)							
	1-yr	2-yr	3-yr	5-yr	10-yr	25-yr	50-yr	100-yr
SCS 24-hour	0.00	2.20	0.00	3.30	3.50	5.77	6.80	4.50
SCS 6-Hr	0.00	1.80	0.00	0.00	2.60	0.00	0.00	4.00
Huff-1st	0.00	1.55	0.00	2.75	4.00	5.38	6.50	8.00
Huff-2nd	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Huff-3rd	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Huff-4th	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Huff-Indy	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Custom	0.00	1.75	0.00	2.80	3.90	5.25	6.00	7.10

WES BMP PRINTOUT

WES BMP Sizing Software Version 1.6.0.2, May 2018

WES BMP Sizing Report

Project Information

Project Name	KAMM STREET APARTMENTS
Project Type	MultiFamily
Location	279 WARNER MILNER ROAD
Stormwater Management Area	1382
Project Applicant	RON LAUGHLIN
Jurisdiction	OutofDistrict

Drainage Management Area

Name	Area (sq-ft)	Pre-Project Cover	Post-Project Cover	DMA Soil Type	BMP
R1	640	Grass	Roofs	C	R1
R1A	654	Grass	Roofs	C	R1A
R2	640	Grass	Roofs	C	R2
R2A	591	Grass	Roofs	C	R2A
R3	847	Grass	Roofs	C	R3 & R4
R4	915	Grass	Roofs	C	R3 & R4
R5	563	Grass	Roofs	C	R5
R5A	618	Grass	Roofs	C	SOUTH PARKING
R6	568	Grass	Roofs	C	R6
R6A	612	Grass	Roofs	B	NA
R7	551	Grass	Roofs	C	SOUTH PARKING
R7A	609	Grass	Roofs	C	SOUTH PARKING
R8	565	Grass	Roofs	C	R8
R8A	609	Grass	Roofs	C	SOUTH PARKING
R9	522	Grass	Roofs	C	SOUTH PARKING
R9A	405	Grass	Roofs	C	SOUTH PARKING
R10	563	Grass	Roofs	C	R10
R10A	510	Grass	Roofs	C	R10
NORTH	9,100	Grass	ConventionalCo	C	NORTH

PARKING			Concrete		PARKING
SOUTH PARKING	8,700	Grass	Conventional Concrete	C	SOUTH PARKING
FRONT WALK	331	Grass	Conventional Concrete	C	SOUTH PARKING

LID Facility Sizing Details

LID ID	Design Criteria	BMP Type	Facility Soil Type	Minimum Area (sq-ft)	Planned Areas (sq-ft)	Orifice Diameter (in)
R1	Flow Control and Treatment	Stormwater Planter - Filtration	C3	25.6	40.0	0.2
R1A	Flow Control and Treatment	Stormwater Planter - Filtration	C3	26.2	40.0	0.2
R2	Flow Control and Treatment	Stormwater Planter - Filtration	C3	25.6	32.0	0.2
R2A	Flow Control and Treatment	Stormwater Planter - Filtration	C3	23.6	28.0	0.2
R3 & R4	Flow Control and Treatment	Stormwater Planter - Filtration	C3	70.5	77.0	0.4
R5	Flow Control and Treatment	Stormwater Planter - Filtration	C3	22.5	39.0	0.2
R6	Flow Control and Treatment	Stormwater Planter - Filtration	C3	22.7	32.0	0.2
R8	Flow Control and Treatment	Stormwater Planter - Filtration	C3	22.6	32.0	0.2
R10	Flow Control and Treatment	Stormwater Planter - Filtration	C3	42.9	48.0	0.3
NORTH PARKING	Flow Control and Treatment	Stormwater Planter - Filtration	C3	364.0	444.0	0.9
SOUTH PARKING	Flow Control and Treatment	Stormwater Planter - Filtration	C3	493.8	570.0	1.1
R8A	Flow Control and Treatment	Stormwater Planter - Infiltration	A1	0.0	0.0	0.0

Pond Sizing Details

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.

NRCS WEB SOIL SURVEY



United States
Department of
Agriculture

NRCS

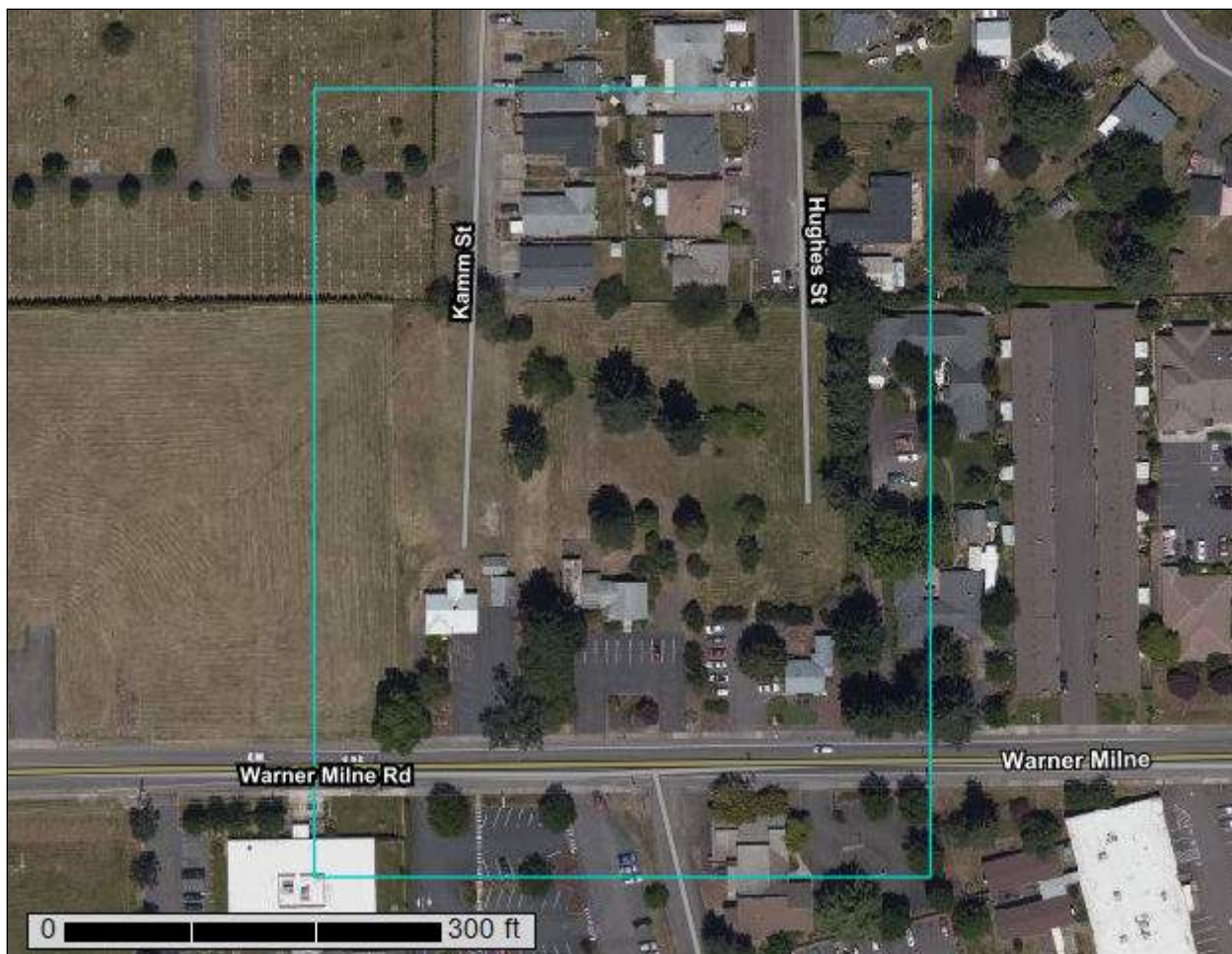
Natural
Resources
Conservation
Service

A product of the National
Cooperative Soil Survey,
a joint effort of the United
States Department of
Agriculture and other
Federal agencies, State
agencies including the
Agricultural Experiment
Stations, and local
participants

Item 8c.

Custom Soil Resource Report for Clackamas County Area, Oregon

Kamm Street Apartments



Preface

Soil surveys contain information that affects land use planning in survey areas. They highlight soil limitations that affect various land uses and provide information about the properties of the soils in the survey areas. Soil surveys are designed for many different users, including farmers, ranchers, foresters, agronomists, urban planners, community officials, engineers, developers, builders, and home buyers. Also, conservationists, teachers, students, and specialists in recreation, waste disposal, and pollution control can use the surveys to help them understand, protect, or enhance the environment.

Various land use regulations of Federal, State, and local governments may impose special restrictions on land use or land treatment. Soil surveys identify soil properties that are used in making various land use or land treatment decisions. The information is intended to help the land users identify and reduce the effects of soil limitations on various land uses. The landowner or user is responsible for identifying and complying with existing laws and regulations.

Although soil survey information can be used for general farm, local, and wider area planning, onsite investigation is needed to supplement this information in some cases. Examples include soil quality assessments (<http://www.nrcs.usda.gov/wps/portal/nrcs/main/soils/health/>) and certain conservation and engineering applications. For more detailed information, contact your local USDA Service Center (<https://offices.sc.egov.usda.gov/locator/app?agency=nrcs>) or your NRCS State Soil Scientist (http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/contactus/?cid=nrcs142p2_053951).

Great differences in soil properties can occur within short distances. Some soils are seasonally wet or subject to flooding. Some are too unstable to be used as a foundation for buildings or roads. Clayey or wet soils are poorly suited to use as septic tank absorption fields. A high water table makes a soil poorly suited to basements or underground installations.

The National Cooperative Soil Survey is a joint effort of the United States Department of Agriculture and other Federal agencies, State agencies including the Agricultural Experiment Stations, and local agencies. The Natural Resources Conservation Service (NRCS) has leadership for the Federal part of the National Cooperative Soil Survey.

Information about soils is updated periodically. Updated information is available through the NRCS Web Soil Survey, the site for official soil survey information.

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How Soil Surveys Are Made

Soil surveys are made to provide information about the soils and miscellaneous areas in a specific area. They include a description of the soils and miscellaneous areas and their location on the landscape and tables that show soil properties and limitations affecting various uses. Soil scientists observed the steepness, length, and shape of the slopes; the general pattern of drainage; the kinds of crops and native plants; and the kinds of bedrock. They observed and described many soil profiles. A soil profile is the sequence of natural layers, or horizons, in a soil. The profile extends from the surface down into the unconsolidated material in which the soil formed or from the surface down to bedrock. The unconsolidated material is devoid of roots and other living organisms and has not been changed by other biological activity.

Currently, soils are mapped according to the boundaries of major land resource areas (MLRAs). MLRAs are geographically associated land resource units that share common characteristics related to physiography, geology, climate, water resources, soils, biological resources, and land uses (USDA, 2006). Soil survey areas typically consist of parts of one or more MLRA.

The soils and miscellaneous areas in a survey area occur in an orderly pattern that is related to the geology, landforms, relief, climate, and natural vegetation of the area. Each kind of soil and miscellaneous area is associated with a particular kind of landform or with a segment of the landform. By observing the soils and miscellaneous areas in the survey area and relating their position to specific segments of the landform, a soil scientist develops a concept, or model, of how they were formed. Thus, during mapping, this model enables the soil scientist to predict with a considerable degree of accuracy the kind of soil or miscellaneous area at a specific location on the landscape.

Commonly, individual soils on the landscape merge into one another as their characteristics gradually change. To construct an accurate soil map, however, soil scientists must determine the boundaries between the soils. They can observe only a limited number of soil profiles. Nevertheless, these observations, supplemented by an understanding of the soil-vegetation-landscape relationship, are sufficient to verify predictions of the kinds of soil in an area and to determine the boundaries.

Soil scientists recorded the characteristics of the soil profiles that they studied. They noted soil color, texture, size and shape of soil aggregates, kind and amount of rock fragments, distribution of plant roots, reaction, and other features that enable them to identify soils. After describing the soils in the survey area and determining their properties, the soil scientists assigned the soils to taxonomic classes (units). Taxonomic classes are concepts. Each taxonomic class has a set of soil characteristics with precisely defined limits. The classes are used as a basis for comparison to classify soils systematically. Soil taxonomy, the system of taxonomic classification used in the United States, is based mainly on the kind and character of soil properties and the arrangement of horizons within the profile. After the soil

scientists classified and named the soils in the survey area, they compared the individual soils with similar soils in the same taxonomic class in other areas so that they could confirm data and assemble additional data based on experience and research.

The objective of soil mapping is not to delineate pure map unit components; the objective is to separate the landscape into landforms or landform segments that have similar use and management requirements. Each map unit is defined by a unique combination of soil components and/or miscellaneous areas in predictable proportions. Some components may be highly contrasting to the other components of the map unit. The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The delineation of such landforms and landform segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, onsite investigation is needed to define and locate the soils and miscellaneous areas.

Soil scientists make many field observations in the process of producing a soil map. The frequency of observation is dependent upon several factors, including scale of mapping, intensity of mapping, design of map units, complexity of the landscape, and experience of the soil scientist. Observations are made to test and refine the soil-landscape model and predictions and to verify the classification of the soils at specific locations. Once the soil-landscape model is refined, a significantly smaller number of measurements of individual soil properties are made and recorded. These measurements may include field measurements, such as those for color, depth to bedrock, and texture, and laboratory measurements, such as those for content of sand, silt, clay, salt, and other components. Properties of each soil typically vary from one point to another across the landscape.

Observations for map unit components are aggregated to develop ranges of characteristics for the components. The aggregated values are presented. Direct measurements do not exist for every property presented for every map unit component. Values for some properties are estimated from combinations of other properties.

While a soil survey is in progress, samples of some of the soils in the area generally are collected for laboratory analyses and for engineering tests. Soil scientists interpret the data from these analyses and tests as well as the field-observed characteristics and the soil properties to determine the expected behavior of the soils under different uses. Interpretations for all of the soils are field tested through observation of the soils in different uses and under different levels of management. Some interpretations are modified to fit local conditions, and some new interpretations are developed to meet local needs. Data are assembled from other sources, such as research information, production records, and field experience of specialists. For example, data on crop yields under defined levels of management are assembled from farm records and from field or plot experiments on the same kinds of soil.

Predictions about soil behavior are based not only on soil properties but also on such variables as climate and biological activity. Soil conditions are predictable over long periods of time, but they are not predictable from year to year. For example, soil scientists can predict with a fairly high degree of accuracy that a given soil will have a high water table within certain depths in most years, but they cannot predict that a high water table will always be at a specific level in the soil on a specific date.

After soil scientists located and identified the significant natural bodies of soil in the survey area, they drew the boundaries of these bodies on aerial photographs and

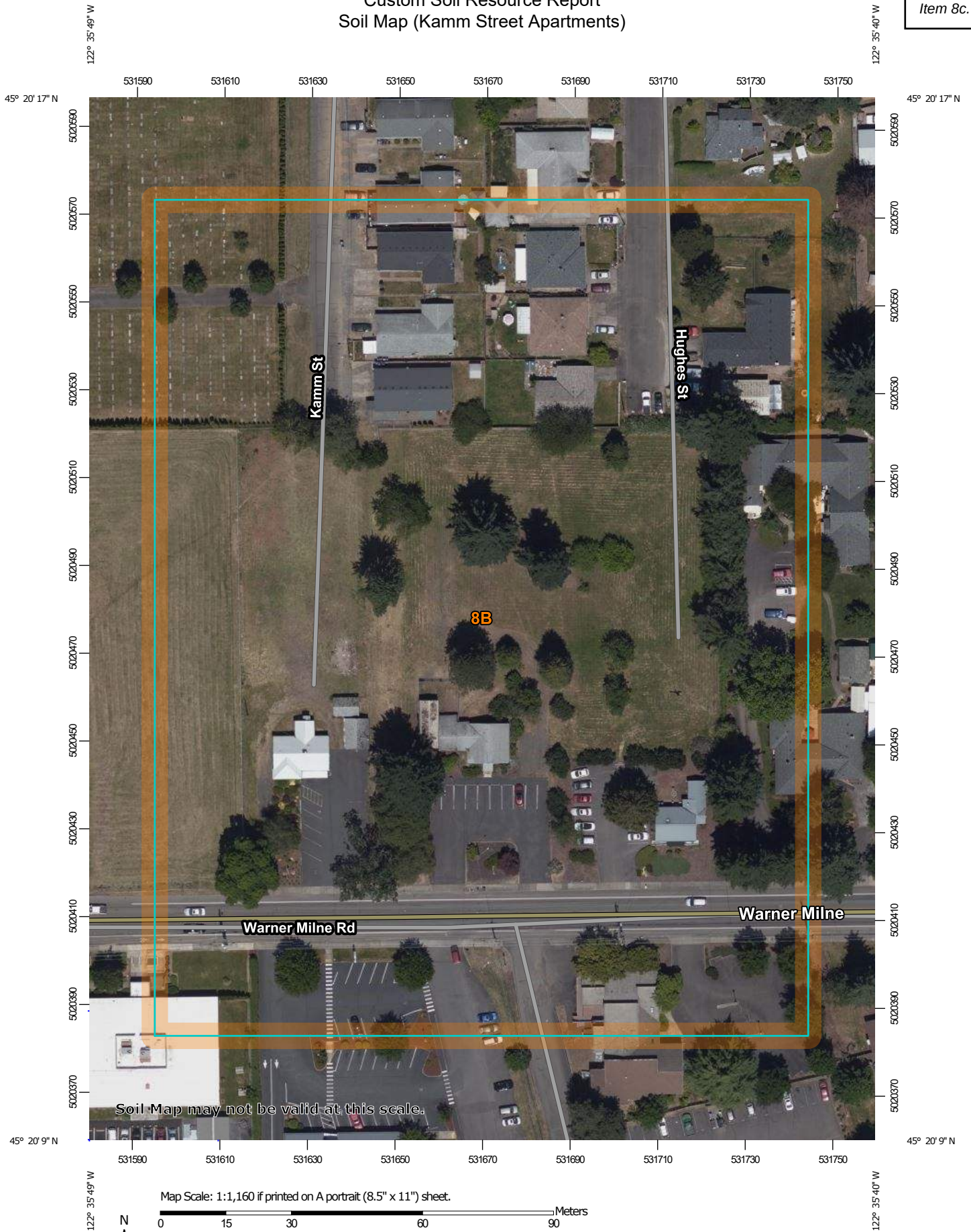
identified each as a specific map unit. Aerial photographs show trees, buildings, fields, roads, and rivers, all of which help in locating boundaries accurately.

Soil Map

The soil map section includes the soil map for the defined area of interest, a list of soil map units on the map and extent of each map unit, and cartographic symbols displayed on the map. Also presented are various metadata about data used to produce the map, and a description of each soil map unit.

Custom Soil Resource Report Soil Map (Kamm Street Apartments)

Item 8c.



MAP LEGEND**Area of Interest (AOI)**

Area of Interest (AOI)

Soils

-  Soil Map Unit Polygons
-  Soil Map Unit Lines
-  Soil Map Unit Points

Special Point Features

-  Blowout
-  Borrow Pit
-  Clay Spot
-  Closed Depression
-  Gravel Pit
-  Gravelly Spot
-  Landfill
-  Lava Flow
-  Marsh or swamp
-  Mine or Quarry
-  Miscellaneous Water
-  Perennial Water
-  Rock Outcrop
-  Saline Spot
-  Sandy Spot
-  Severely Eroded Spot
-  Sinkhole
-  Slide or Slip
-  Sodic Spot

-  Spoil Area
-  Stony Spot
-  Very Stony Spot
-  Wet Spot
-  Other
-  Special Line Features

Water Features

-  Streams and Canals

Transportation

-  Rails
-  Interstate Highways
-  US Routes
-  Major Roads
-  Local Roads

Background

-  Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:20,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Clackamas County Area, Oregon
Survey Area Data: Version 16, Jun 11, 2020

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jun 13, 2019—Jul 25, 2019

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend (Kamm Street Apartments)

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
8B	Bornstedt silt loam, 0 to 8 percent slopes	7.1	100.0%
Totals for Area of Interest		7.1	100.0%

Map Unit Descriptions (Kamm Street Apartments)

The map units delineated on the detailed soil maps in a soil survey represent the soils or miscellaneous areas in the survey area. The map unit descriptions, along with the maps, can be used to determine the composition and properties of a unit.

A map unit delineation on a soil map represents an area dominated by one or more major kinds of soil or miscellaneous areas. A map unit is identified and named according to the taxonomic classification of the dominant soils. Within a taxonomic class there are precisely defined limits for the properties of the soils. On the landscape, however, the soils are natural phenomena, and they have the characteristic variability of all natural phenomena. Thus, the range of some observed properties may extend beyond the limits defined for a taxonomic class. Areas of soils of a single taxonomic class rarely, if ever, can be mapped without including areas of other taxonomic classes. Consequently, every map unit is made up of the soils or miscellaneous areas for which it is named and some minor components that belong to taxonomic classes other than those of the major soils.

Most minor soils have properties similar to those of the dominant soil or soils in the map unit, and thus they do not affect use and management. These are called noncontrasting, or similar, components. They may or may not be mentioned in a particular map unit description. Other minor components, however, have properties and behavioral characteristics divergent enough to affect use or to require different management. These are called contrasting, or dissimilar, components. They generally are in small areas and could not be mapped separately because of the scale used. Some small areas of strongly contrasting soils or miscellaneous areas are identified by a special symbol on the maps. If included in the database for a given area, the contrasting minor components are identified in the map unit descriptions along with some characteristics of each. A few areas of minor components may not have been observed, and consequently they are not mentioned in the descriptions, especially where the pattern was so complex that it was impractical to make enough observations to identify all the soils and miscellaneous areas on the landscape.

The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The objective of mapping is not to delineate pure taxonomic classes but rather to separate the landscape into landforms or landform segments that have similar use and management requirements. The

delineation of such segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, however, onsite investigation is needed to define and locate the soils and miscellaneous areas.

An identifying symbol precedes the map unit name in the map unit descriptions. Each description includes general facts about the unit and gives important soil properties and qualities.

Soils that have profiles that are almost alike make up a *soil series*. Except for differences in texture of the surface layer, all the soils of a series have major horizons that are similar in composition, thickness, and arrangement.

Soils of one series can differ in texture of the surface layer, slope, stoniness, salinity, degree of erosion, and other characteristics that affect their use. On the basis of such differences, a soil series is divided into *soil phases*. Most of the areas shown on the detailed soil maps are phases of soil series. The name of a soil phase commonly indicates a feature that affects use or management. For example, Alpha silt loam, 0 to 2 percent slopes, is a phase of the Alpha series.

Some map units are made up of two or more major soils or miscellaneous areas. These map units are complexes, associations, or undifferentiated groups.

A *complex* consists of two or more soils or miscellaneous areas in such an intricate pattern or in such small areas that they cannot be shown separately on the maps. The pattern and proportion of the soils or miscellaneous areas are somewhat similar in all areas. Alpha-Beta complex, 0 to 6 percent slopes, is an example.

An *association* is made up of two or more geographically associated soils or miscellaneous areas that are shown as one unit on the maps. Because of present or anticipated uses of the map units in the survey area, it was not considered practical or necessary to map the soils or miscellaneous areas separately. The pattern and relative proportion of the soils or miscellaneous areas are somewhat similar. Alpha-Beta association, 0 to 2 percent slopes, is an example.

An *undifferentiated group* is made up of two or more soils or miscellaneous areas that could be mapped individually but are mapped as one unit because similar interpretations can be made for use and management. The pattern and proportion of the soils or miscellaneous areas in a mapped area are not uniform. An area can be made up of only one of the major soils or miscellaneous areas, or it can be made up of all of them. Alpha and Beta soils, 0 to 2 percent slopes, is an example.

Some surveys include *miscellaneous areas*. Such areas have little or no soil material and support little or no vegetation. Rock outcrop is an example.

Clackamas County Area, Oregon

8B—Bornstedt silt loam, 0 to 8 percent slopes

Map Unit Setting

National map unit symbol: 227t
Elevation: 300 to 650 feet
Mean annual precipitation: 48 to 65 inches
Mean annual air temperature: 50 to 52 degrees F
Frost-free period: 140 to 200 days
Farmland classification: All areas are prime farmland

Map Unit Composition

Bornstedt and similar soils: 85 percent
Minor components: 6 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Bornstedt

Setting

Landform: Hillslopes, terraces
Landform position (two-dimensional): Summit, footslope
Landform position (three-dimensional): Interfluve, tread
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Mixed old alluvium

Typical profile

H1 - 0 to 8 inches: silt loam
H2 - 8 to 33 inches: silty clay loam
H3 - 33 to 71 inches: silty clay

Properties and qualities

Slope: 0 to 8 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Moderately well drained
Capacity of the most limiting layer to transmit water (Ksat): Moderately low to moderately high (0.06 to 0.20 in/hr)
Depth to water table: About 24 to 36 inches
Frequency of flooding: None
Frequency of ponding: None
Available water supply, 0 to 60 inches: Moderate (about 8.8 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 2e
Hydrologic Soil Group: C
Forage suitability group: Moderately Well Drained < 15% Slopes (G002XY004OR)
Other vegetative classification: Moderately Well Drained < 15% Slopes (G002XY004OR)
Hydric soil rating: No

Minor Components

Borges

Percent of map unit: 5 percent

Landform: Hillslopes, depressions on terraces
Landform position (two-dimensional): Footslope
Landform position (three-dimensional): Base slope, tread
Down-slope shape: Linear
Across-slope shape: Linear
Other vegetative classification: Poorly Drained (G002XY006OR)
Hydric soil rating: Yes

Aquults

Percent of map unit: 1 percent
Landform: Depressions
Hydric soil rating: Yes

References

- American Association of State Highway and Transportation Officials (AASHTO). 2004. Standard specifications for transportation materials and methods of sampling and testing. 24th edition.
- American Society for Testing and Materials (ASTM). 2005. Standard classification of soils for engineering purposes. ASTM Standard D2487-00.
- Cowardin, L.M., V. Carter, F.C. Golet, and E.T. LaRoe. 1979. Classification of wetlands and deep-water habitats of the United States. U.S. Fish and Wildlife Service FWS/OBS-79/31.
- Federal Register. July 13, 1994. Changes in hydric soils of the United States.
- Federal Register. September 18, 2002. Hydric soils of the United States.
- Hurt, G.W., and L.M. Vasilas, editors. Version 6.0, 2006. Field indicators of hydric soils in the United States.
- National Research Council. 1995. Wetlands: Characteristics and boundaries.
- Soil Survey Division Staff. 1993. Soil survey manual. Soil Conservation Service. U.S. Department of Agriculture Handbook 18. http://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/soils/?cid=nrcs142p2_054262
- Soil Survey Staff. 1999. Soil taxonomy: A basic system of soil classification for making and interpreting soil surveys. 2nd edition. Natural Resources Conservation Service, U.S. Department of Agriculture Handbook 436. http://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/soils/?cid=nrcs142p2_053577
- Soil Survey Staff. 2010. Keys to soil taxonomy. 11th edition. U.S. Department of Agriculture, Natural Resources Conservation Service. http://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/soils/?cid=nrcs142p2_053580
- Tiner, R.W., Jr. 1985. Wetlands of Delaware. U.S. Fish and Wildlife Service and Delaware Department of Natural Resources and Environmental Control, Wetlands Section.
- United States Army Corps of Engineers, Environmental Laboratory. 1987. Corps of Engineers wetlands delineation manual. Waterways Experiment Station Technical Report Y-87-1.
- United States Department of Agriculture, Natural Resources Conservation Service. National forestry manual. http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/home/?cid=nrcs142p2_053374
- United States Department of Agriculture, Natural Resources Conservation Service. National range and pasture handbook. <http://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/landuse/rangepasture/?cid=stelprdb1043084>

United States Department of Agriculture, Natural Resources Conservation Service. National soil survey handbook, title 430-VI. http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/scientists/?cid=nrcs142p2_054242

United States Department of Agriculture, Natural Resources Conservation Service. 2006. Land resource regions and major land resource areas of the United States, the Caribbean, and the Pacific Basin. U.S. Department of Agriculture Handbook 296. http://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/soils/?cid=nrcs142p2_053624

United States Department of Agriculture, Soil Conservation Service. 1961. Land capability classification. U.S. Department of Agriculture Handbook 210. http://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/nrcs142p2_052290.pdf

**OPERATIONS AND MAINTENANCE
STORMWATER PLANTERS**

Stormwater Planters Operations & Maintenance Plan

What to Look For	What to Do
Structural Components , including inlets and outlets/overflows, shall freely convey stormwater.	
Clogged inlets or outlets	-Remove sediment and debris from catch basins, trench drains and curb inlets and pipes to maintain at least 50% conveyance capacity at all times.
Cracked Drain Pipes	-Repair/seal cracks. Replace when repair is insufficient.
Check Dams	-Maintain 4 to 10 inch deep rock check dams at design intervals.
Vegetation	
Dead or strained vegetation	-Replant per original planting plan, or substitute from Appendix A. -Irrigate as needed. Mulch banks annually. DO NOT apply fertilizers, herbicides, or pesticides.
Tall Grass and Vegetation	-Cut back grass and prune overgrowth 1-2 times per year. Remove cuttings.
Weeds	-Manually remove weeds. Remove all plant debris.
Growing/Filter Medium , including soil and gravels, shall sustain healthy plant cover and infiltrate within 72 hours.	
Gullies	-Fill, lightly compact, and plant vegetation to disperse flow.
Erosion	-Replace splash blocks or inlet gravel/rock.
Slope Slippage	-Stabilize 3:1 slopes/banks with plantings from Appendix A.
Ponding	-Rake, till, or amend to restore infiltration rate.

Annual Maintenance Schedule:

Summer. Make any structural repairs. Improve filter medium as needed. Clear drain. Irrigate as needed.

Fall. Replant exposed soil and replace dead plants. Remove sediment and plant debris.

Winter. Monitor infiltration/flow-through rates. Clear inlets and outlets/overflows to maintain conveyance.

Spring. Remove sediment and plant debris. Replant exposed soil and replace dead plants. Mulch.

All seasons. Weed as necessary. Clean scuppers or curb inlets as needed.

Maintenance Records: Record date, description, and contractor (if applicable) for all structural repairs, landscape maintenance, and facility cleanout activities. Keep work orders and invoices on file and make available upon request of the inspector.

Access: Maintain ingress/egress to design standards.

Infiltration/Flow Control: All facilities shall drain within 72 hours. Record time/date, weather, and site conditions when ponding occurs.

Pollution Prevention: All sites shall implement best management practices to prevent hazardous or solid wastes or excessive oil and sediment from contaminating stormwater. Contact emergency response agencies for immediate assistance responding to spills. Record time/date, weather, and site conditions if site activities contaminate stormwater.

Vectors (Mosquitoes & Rodents): Stormwater facilities shall not harbor mosquito larvae or rats that pose a threat to public health or that undermine the facility structure. Monitor standing water for small wiggling sticks perpendicular to the water's surface. Note holes/burrows in and around facilities. Call Clackamas County Vector Control for immediate assistance to eradicate vectors. Record time/date, weather, and site conditions when vector activity observed.



Stormwater Planters Operations & Maintenance Plan

What to Look For	What to Do
Structural Components , including inlets and outlets/overflows, shall freely convey stormwater.	
Clogged inlets or outlets	-Remove sediment and debris from catch basins, trench drains and curb inlets and pipes to maintain at least 50% conveyance capacity at all times.
Cracked Drain Pipes	-Repair/seal cracks. Replace when repair is insufficient.
Check Dams	-Maintain 4 to 10 inch deep rock check dams at design intervals.
Vegetation	
Dead or strained vegetation	-Replant per original planting plan, or substitute from Appendix A. -Irrigate as needed. Mulch banks annually. DO NOT apply fertilizers, herbicides, or pesticides.
Tall Grass and Vegetation	-Cut back grass and prune overgrowth 1-2 times per year. Remove cuttings.
Weeds	-Manually remove weeds. Remove all plant debris.
Growing/Filter Medium , including soil and gravels, shall sustain healthy plant cover and infiltrate within 72 hours.	
Gullies	-Fill, lightly compact, and plant vegetation to disperse flow.
Erosion	-Replace splash blocks or inlet gravel/rock.
Slope Slippage	-Stabilize 3:1 slopes/banks with plantings from Appendix A.
Ponding	-Rake, till, or amend to restore infiltration rate.

Annual Maintenance Schedule:

Summer. Make any structural repairs. Improve filter medium as needed. Clear drain. Irrigate as needed.

Fall. Replant exposed soil and replace dead plants. Remove sediment and plant debris.

Winter. Monitor infiltration/flow-through rates. Clear inlets and outlets/overflows to maintain conveyance.

Spring. Remove sediment and plant debris. Replant exposed soil and replace dead plants. Mulch.

All seasons. Weed as necessary. Clean scuppers or curb inlets as needed.

Maintenance Records: Record date, description, and contractor (if applicable) for all structural repairs, landscape maintenance, and facility cleanout activities. Keep work orders and invoices on file and make available upon request of the inspector.

Access: Maintain ingress/egress to design standards.

Infiltration/Flow Control: All facilities shall drain within 72 hours. Record time/date, weather, and site conditions when ponding occurs.

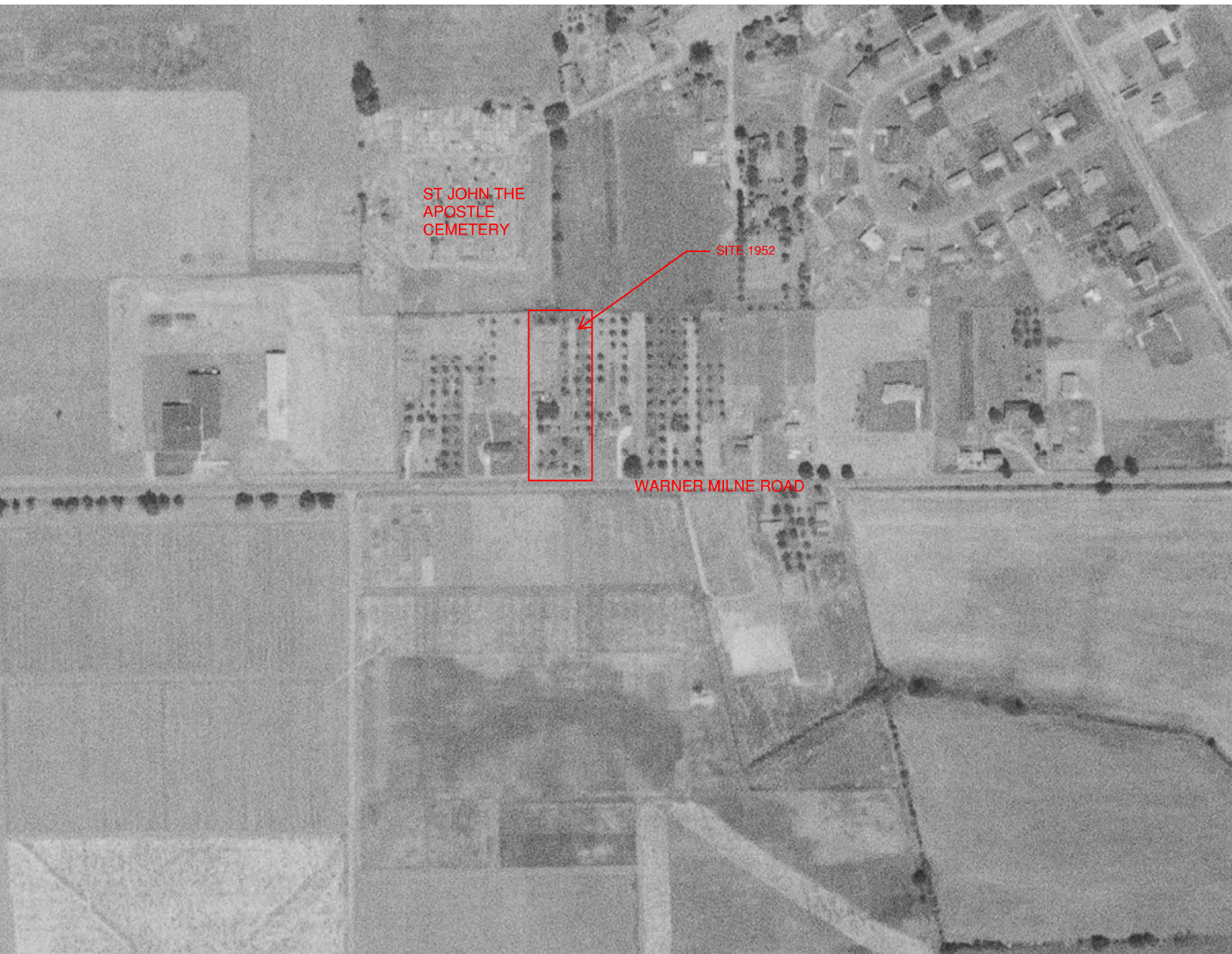
Pollution Prevention: All sites shall implement best management practices to prevent hazardous or solid wastes or excessive oil and sediment from contaminating stormwater. Contact emergency response agencies for immediate assistance responding to spills. Record time/date, weather, and site conditions if site activities contaminate stormwater.

Vectors (Mosquitoes & Rodents): Stormwater facilities shall not harbor mosquito larvae or rats that pose a threat to public health or that undermine the facility structure. Monitor standing water for small wiggling sticks perpendicular to the water's surface. Note holes/burrows in and around facilities. Call Clackamas County Vector Control for immediate assistance to eradicate vectors. Record time/date, weather, and site conditions when vector activity observed.



SITE PLAN

1952 AERIAL PHOTO





Pre-Application Conference Notes

PA- 21-00007: *Site Plan and Design Review Application with Natural Resources Overlay District Review for a Multi-Family Development*

Pre-Application Conference Date: **3/24/20219**

These non-binding pre-application conference notes reflect the applicant's submission to the City along with the discussion at the meeting. The applicant has one week from the receipt of the notes to notify City staff of any perceived mistake or omission in the notes; staff will then review and respond to the inquiry, and the inquiry will be added to the City's file. If no notification is received within 7 business days, the notes will be considered final and will not be modified. See additional disclaimers at the end of this document.

Applicant:

Ron Laughlin

Proposed Project:

Multi-Family Development with NROD Review



FRONT (EAST) ELEVATION



REAR (WEST) ELEVATION



PARTIAL FRONT ELEVATION



SIDE (SOUTH) ELEVATION
(WARNER MILNE ROAD)



SIDE (NORTH) ELEVATION



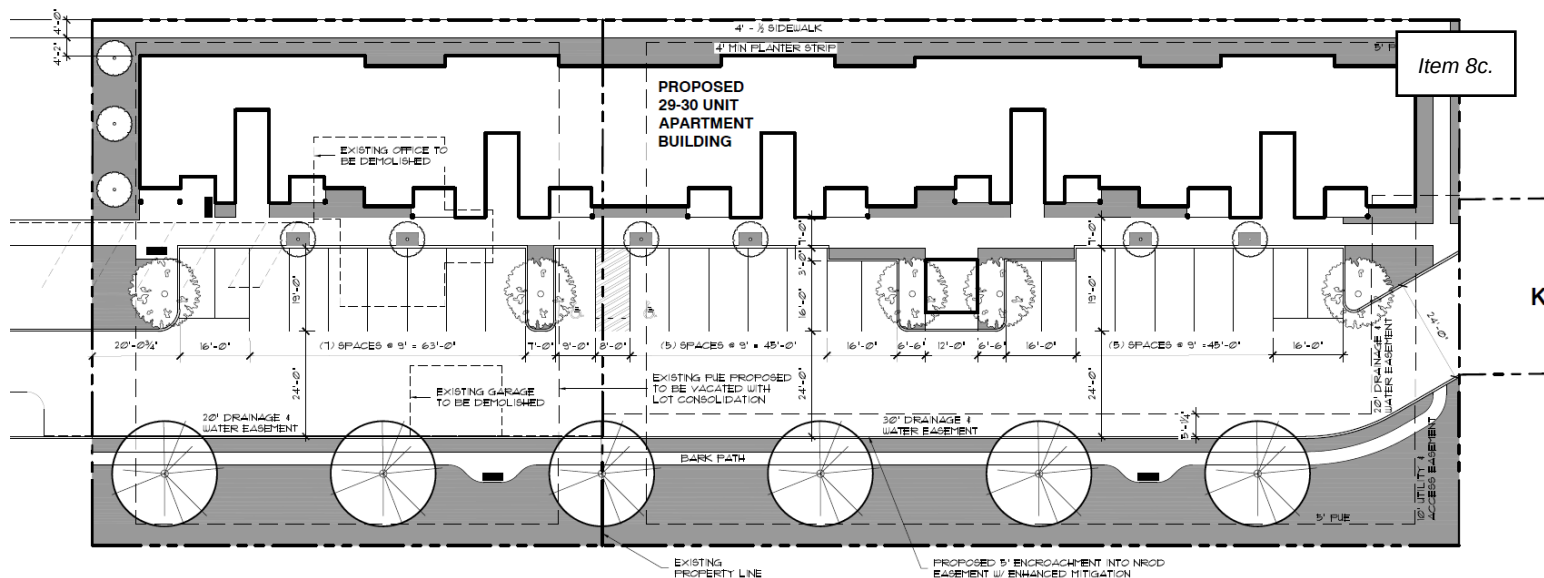
NOT FOR
PRELIMINARY
CONSTRUCTION

KAMM STREET APARTMENTS
279 WARNER MILNE RD
OREGON CITY, OR 97045

PROJ. NO.: 2108
FILE: A1517
DATE: 03/01/2021

SHEET #
A2.1

BUILDING ELEVATIONS



Staff Overview

The proposed site plan and design review should stay at a staff level if the site circulation, front façade elements, frontage modification, and NROD delineation are resolved.

Modifications anticipated:

- Vehicular connections to adjoining properties in OCMC 17.62.050.B.2;
- Building location in OCMC 17.62.055.D;

General Information:

- Zoning: "MUC-1" Mixed Use Corridor District
- Applicable overlay districts:
 - Natural Resource Overlay District
- Applications and Fees: ([see 2021fee sheet](#))
 - Site Plan and Design Review
 - Transportation Impact Analysis
 - Natural Resource Overlay District
 - Mailing labels for \$17

Items Needed for Land Use Application Review:

- [Land use application form](#) with property owner signature
- Fees (see above)
- Copy of Title Report or TRIO
- Narrative description of project
- Code responses (see template)
- Copy of pre-application conference notes

Applicable Code:

Oregon City Municipal Code Criteria:

The following chapters of the Oregon City Municipal Code (OCMC) may be applicable to this proposal (Note – Chapters are from the latest code amendments):

OCMC 12.04 - Streets, Sidewalks and Public Places

OCMC 12.08 - Public and Street Trees

OCMC 13.12 – Stormwater Management

OCMC 15.48 – Grading, Filling and Excavating

OCMC 16.12 - Minimum Public Improvements and Design Standards for Development

OCMC 17.29 – “MUC” Mixed Use Corridor District

OCMC 17.41 – Tree Protection, Preservation, Removal and Replanting Standards

OCMC 17.49 – Natural Resources Overlay District

OCMC 17.50 – Administrative and Procedures

OCMC 17.52 – Off-Street parking and Loading

OCMC 17.62 – Site Plan and Design Review

OCMC 17.54 – Supplemental Zoning Regulations and Exceptions

OCMC 17.65 - Master Plans

Timing and Process:

This application is a Type II decision process for site plan and design review. Pursuant to OCMC Section 17.50.050, a pre-application conference is valid for a period of six months. The applicant has 180 days from the date of submittal of a land use application to have a complete application.

Upon a complete application submittal, the applicant is entitled to a decision from the city of approval, approval with conditions, or denial within 120 days by state law. Type II decisions are rendered by the Community Development Director, with appeal on the record to the City Commission, and then LUBA.

Type II decisions are based on the code approval criteria and require limited discretion by the Community Development staff for approval. Staff is not authorized to waive any requirements of the code except for modifications to Public Improvement Standards through Section 16.12.013, modifications that will better meet design standards of site plan and design review through Section 17.62.015, and alternative parking lot landscaping plans through sections 17.52.070.

Transportation Impact Analysis:

The applicant will need to have a traffic engineer conduct a transportation study in conformance with the City’s Guidelines for Transportation Impact Analyses available on the Oregon City website. The proposal looks to be right at the threshold for a TIA rather than a traffic analysis letter (TAL). Please coordinate with John Replinger to confirm.

The applicant’s traffic engineer is welcome to contact the city’s traffic engineering consultant, John Replinger, at Replinger-Associates@comcast.net or at 503-719-3383.

Planning Division

Christina Robertson-Gardiner AICP, Sr. Planner with the Oregon City Planning Division reviewed your pre-application. You may contact Christina at 503.496.1564 or by email at crobertson@orc.org

Development Services Division (Utilities/Public Improvements/SDC’s, etc):

See separate notes from Public Works Development Services Division.

Site Plan and Design Review Comments:

17.62.050 - General standards.

B. Vehicular Access and Connectivity.

2. Existing or future connections to adjacent sites through the use of vehicular and pedestrian access easements that provide a connection from the right-of-way to the adjoining property shall be provided.

Staff comment: A vehicular and/ or pedestrian connection to the property to the west (3-2E-05CB-013) may be required in lieu of the shared-use path. Staff will be confirming with the Community Development Director and will have a clear direction by the week of March 29, 2021.

April 2, 2021 Update: After conversations with the the Community Development director and staff, if the applicant requests a modification of the standards, they will need to show findings to support the intent of the modification. As the abutting lot is a flat empty commercially zoned lot, the applicant will need to show that the connection does not accomplish the goals of the code anymore than the proposed layout. The applicant should use an alternative analysis for these finding, looking at the abutting lots, existing and future drive connections and other means needed to make these findings.

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.

Staff comment: The site is 117 feet of frontage. A modification will need to be submitted for this application. The NROD buffer is a good reason for this modification request.

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.

Staff comment: It is not clear that the Warner Milne and Kamm Street frontages can both be the front elevation.

F. Entryways. Entrances shall include a doorway and a minimum of four of the following elements:

1. Display windows; recesses or projections; peaked roof or raised parapet over the door; canopy of at least five feet in depth; porch; distinct materials; architectural details such as tile work and moldings; pedestrian amenities such as benches, planters or planter boxes; landscape treatments integrating arbors, low walls, trellis work; or similar elements. Trellises, canopies and fabric awnings may project up to five feet into front setbacks and public rights-of-way, provided that the base is not less than eight feet at the lowest point and no higher than ten feet above the sidewalk.

G. Corner Lots. For buildings located at the corner of intersections, the primary entrance of the building shall be located at the corner of the building or within twenty-five feet of the corner of the building. Additionally, one of the following treatments shall be required:

1. Incorporate prominent architectural elements, such as increased building height or massing, cupola, turrets, or pitched roof, at the corner of the building or within twenty-five feet of the corner of the building.

2. Chamfer the corner of the building (i.e. cut the corner at a forty-five degree angle and a minimum of ten feet from the corner) and incorporate extended weather protection (arcade or awning), special paving materials, street furnishings, or plantings in the chamfered area.

3. Standards 1 and 2 above do not apply to vertically attached 3—4 plexes, multi-family buildings or multi-family portions of residential mixed-use buildings.

Staff comment: A main entrance door above to at least one unit must face Warner Milne Road and Kamm Street meeting the design requirements above.

Parking layout:

The number of spaces required for this proposal are found in the table below. 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.

Land Use	Parking Requirements	
	Minimum	Maximum
Multi-family residential	1.00 per unit	2.5 per unit

Windows:

Front and street facing facades must provide 15% windows at all levels.

Side and rear facing facades must provide 10% windows at all levels.

Usable Open Space:

A min. of 50 sf per unit is required. Plans must identify useable open space per OCMC 17.62.057. Portions of the NROD area may be used to meet this requirement in addition to landscaped courtyards, decks, gardens with pathways, children's play areas, common rooftop decks and terraces, and other multipurpose recreational or green spaces.

Outdoor Lighting:

Exterior lighting plans shall comply with OCMC 17.62.065.

Natural Resource Overlay District (NROD) – OCMC 17.49:

The Natural Resource Overlay District (formally the Water Quality Resources Overlay District) protects natural resources through the use of a vegetated corridor. For the locations in which development is proposed, a site-specific stream and wetland delineation, a study of impacts, and associated mitigation are required to be prepared by a qualified environmental professional. It is the responsibility of the applicant to receive an additional review from all other applicable agencies such as the Department of State Lands (DSL) and the Army Corps of Engineers. Please look at 17.49.090 - *Uses allowed under prescribed conditions modified A. Alteration to existing structures within the NROD when not exempted by OCMC 17.49.080, subject to OCMC 17.49.130.* to verify if the culvert will need to be expanded and if mitigation will be required.



Building Division:

You may contact Mike Roberts, our Building Official at 503.496.1517 or by email at mroberts@orcify.org.

Clackamas Fire District:

See comments from CCFD. Questions can be directed to Mike Boumann, Captain Deputy Fire Marshal of Clackamas Fire District #1. You may contact Mr. Boumann at (503)742-2660 or michaelbou@ccfd1.com.

Yes, unfortunately I couldn't attend the pre-app this morning. With the proposed multi-family apartment complex the building will be required to be fire sprinklered and we have a 100' requirement from hydrant to FDC. Since the new building will require sprinklers, I would like to see a public hydrant added just before the new underground DDCV vault.

Thanks for asking!

Mike Boumann

Captain Deputy Fire Marshal | Fire Prevention

direct: 503.742.2673

Neighborhood Association Meeting

- Please see OCMC 17.50.055 for details.
- A Neighborhood Association meeting is required prior to a complete application. The site is in the [Barclay Hills Neighborhood Association](#).
 - Please include the Citizen Involvement Committee Chair, Bob La Salle, in any Neighborhood Association meeting requests, notifications or correspondence. Bob can be reached at jeanbob06@comcast.net.
 - Please note, the land use application must be submitted within one year of the neighborhood association meeting. A second neighborhood association meeting must be held if the land use application is not submitted within one year of attending a neighborhood association meeting.
 - OCMC 17.50.055 requires submittal of the meeting sign-in sheet, a summary of issues discussed, and a letter from the neighborhood association indicating that a meeting was held.

Tree Removal outside of the NROD

- See OCMC 17.41. A tree removal, protection and mitigation plan is required. Any trees > 6" DBH on site should be indicated on the plan. Trees may be removed, but are required to be replaced if they are healthy pursuant to the replacement ratios specified in the code.

Additional Code

- Show any walls, fences or retailing walls proposed to be in accordance with OCMC 17.54.100.
- Signs must comply with the sign code - OCMC 15.28.

Oregon City Municipal Code Criteria:

The following chapters of the Oregon City Municipal Code (OCMC) may be applicable to this proposal:

OCMC 12.04 - Streets, Sidewalks and Public Places

OCMC 12.08 - Public and Street Trees

OCMC 13.12 – Stormwater Management

OCMC 15.48 – Grading, Filling and Excavating

OCMC 17.29 – MUC Mixed Use Corridor District

OCMC 17.41 – Tree Preservation, Removal and Replanting Standards

OCMC 17.49 – Natural Resource Overlay District

OCMC 17.50 – Administrative Processes

OCMC 17.52 – Off-Street parking and Loading

OCMC 17.62 – Site Plan and Design Review

OCMC 17.54 – Supplemental Zoning Regulations and Exceptions

OCMC 17.65 - Master Plans

MS-Word versions of the code are available for download on-line from the municipal code website.

Pre-application conferences are required by Section 17.50.050 of the City Code, as follows:

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

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

NOTICE TO APPLICANT: A property owner may apply for any permit they wish for their property. **HOWEVER, THERE ARE NO GUARANTEES THAT ANY APPLICATION WILL BE APPROVED.** No decisions are made until all reports and testimony have been submitted. This form will be kept by the Community Development Department. A copy will be given to the applicant. IF the applicant does not submit an application within six (6) months from the Pre-application Conference meeting date, a NEW Pre-Application Conference will be required.



DEVELOPMENT SERVICES PRE-APPLICATION MEETING NOTES

Planning Project Number: PA 21-07
Address: 279 Warner Milne Rd & 1155 Kamm St
Map Number(s): 3-2E-05CB
Tax Lot(s): 01400, 01402
Project Name: 29-30 Unit Multifamily on Warner Milne Rd
Meeting Date: March 24, 2021
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 all relevant applicable land use requirements to an applicant 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 the Oregon City Municipal Code, and any omission or failure by staff to recite all relevant or 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. All applicable System Development Charges (SDC) shall be due and payable upon building permit issuance. The applicant will need to complete an SDC request form, found on the City's website.

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 permit must be obtained prior to issuance of construction permits (see following website for permit application). <https://www.orcity.org/publicworks/erosion-control-0>

Streets

1. Kamm Street is functionally classified as a “Local” road and the development property is zoned “Mixed-Use”. 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	Mixed Use	40’	22’	None	None	None	None	None	(2) 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	Mixed Use	31’	20’	0.5’	10’	0.5’ (5’x5’ tree wells within sidewalk)	None	8’	(1) 12’	None

City standards require that Kamm Street be extended to connect with Warner Milne Road; however, the city recognizes that this may not be possible. If the development wishes to eliminate the extension of Kamm Street as a public road, the development must provide an alternative public access way from Kamm Street to Warner Milne Road (E.G. a public access easement). The applicant must make a formal request if deviation from city code is desired (see note 3).

2. Warner Milne Road is functionally classified as a “Minor Arterial” road and the development property is zoned “Mixed-Use”. 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
Minor Arterial	Mixed Use	50’	17’	Unknown	5’	None	6’	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
Minor Arterial	Mixed Use	58'	47'	0.5'	10'	0.5' (5'x5' tree wells within sidewalk)	6'	8'	(2) 12' & (1) 6' half	3' (half)

The city recognizes that it may not be possible for Warner Milne Road to be improved to the level required by city code. The applicant must make a formal request if deviation from city code is desired (see note 3). At a minimum, the existing sidewalk along the frontage must be improved to city standard and be Americans with Disabilities Act compliant.

3. It is the responsibility of the applicant to request a reduction to the standard improvements, ROW dedication and other deviations from the City's street design standards through the modification process outlined in Section 16.12.013 of the Oregon City Municipal Code. Proposed modifications may require additional evidence and analysis for review.

4. One street tree is required for every thirty-five feet of property frontage. Since the pedestrian corridor does not have a planter strip, and the sidewalk is curb-tight, trees may be planted within ten feet of the public ROW.
5. Kamm Street is a dead-end road. Therefore, a fire access road through the private drive must meet the requirements of, and be approved by, Clackamas County Fire District No. 1.
6. Existing property plat shows that there is an existing 10-foot-wide Public Utility Easement (PUE) along all property line fronting Warner Milne Rad. The development will be required to provide a 10-foot-wide Public Utility Easement (PUE) along proposed ROW, where possible (zoning maximum setbacks may limit PUE size).
7. Street lighting along the frontage of the development will be required along the extension of Kamm Street. 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

Private Utilities (Gas, Electric, Telephone, Telecommunication, Cable, Fiberoptic, Etc.)

1. There are no overhead utilities along the frontage of the development property. However, there is an existing overhead utility service connecting to a utility pole on the property. This utility service will be required to be placed underground. New utilities services are required to be relocated underground.
2. The applicant should be aware that utility coordination with these entities can be costly and substantially affect timelines. Early discussion with the utility company is imperative for a timely project.
3. The City does not provide coordination with these utilities. Staff may provide suggestions or guidance for utility locations such as relocation of poles, but the design is ultimately up to the applicant's consultant and the private utility. However, the city must approve the design.

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 , B and C (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.
 - B. Development activities that will result in the **creation of more than 500 square feet of new impervious surface within a Natural Resource Overlay District (NROD)** (as defined by Oregon City Municipal Code [OCMC] 17.49), cumulative over a 5-year period.
 - C. Development activities that will **disturb 1,000 square feet of existing impervious surface within a Natural Resource Overlay District (NROD)** (as defined by Oregon City Municipal Code [OCMC] 17.49), 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 size of the development may need to be reduced to accommodate placement of a vegetated stormwater facility.
 5. The nearest downstream public stormwater facility is an NROD stream along the east side of the development which flows south to a culvert in Warner Milne Road. This culvert directs flows south to the "Newell" basin.

Water

1. There is an existing 4-inch ductile iron water main that runs to the end of Kamm Street and a 16-inch main within Warner Milne Road. The main within Kamm Street will be required to be extended through the development to connect with the 16-inch main within Warner Milne Road to create a loop in the system. The main will need to 6-inch to accommodate a future hydrant (see note #4). A 15' foot-wide easement will be required through the development for the water main extension.
2. There is an existing service from the 16-inch main within Warner Milne Road. This service line may be utilized if it can support the proposed development. Otherwise, it must be abandoned at its connection to the main. The development may be required to provide a new water service line and meter per City standards.
3. The new water service line may require a back flow preventor per City standards.
4. A new fire hydrant shall be provided as required or recommended by Clackamas Fire District # 1.
5. The proposal provided with the pre-application submittal has not conceptually provided the required water infrastructure improvements.

6. The following are notes from Mike Boumann Captain Deputy Fire Marshal of Clackamas Fire District #1.

With the proposed multi-family apartment complex the building will be required to be fire sprinklered and we have a 100' requirement from hydrant to FDC. Since the new building will require sprinklers, I would like to see a public hydrant added just before the new underground DDCV vault.

Sanitary Sewer

1. There is an 8" concrete sanitary main within Warner Milne Road that may be deep enough to serve the development. There is also an 8-inch sanitary sewer main within an easement east of the development property (on the east side of the NROD stream).
2. The development will be required to provide a sanitary service lateral and two-way cleanout per City standards.
3. The proposal provided with the pre-application submittal has not conceptually provided the required sanitary sewer infrastructure improvements.

Occupancy

1. Development Services will not recommend final occupancy of the building until construction of public improvements and private stormwater management facilities is completed with all construction punchlist items addressed and all required documents are provided.

Other

4. All public improvements and stormwater management facilities will need inspection by the applicant's civil engineer. The City only provides inspection oversight.
5. The proposed development resides within the Natural Resource Overlay District (NROD); therefore, additional requirements from Planning shall be addressed.
6. 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. Fish and Wildlife Permit (to be determined by Planning)
 - f. Department of State Lands Permit (to be determined by Planning)
 - g. USCOE Permit (if work is proposed in the NROD stream)
 - h. 120% Performance Bond
 - i. Developer/Engineer Agreement
 - j. R.O.W. Dedication / Deed of Dedication
 - k. PGE approved streetlight plan
 - l. Fee-in-lieu

- III. Documentation required before Public Works will recommend Certificate of Occupancy:
 - 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

Barclay Hills Neighborhood Association (BHNA) Minutes

September 14, 2021 7:00-8:00PM

Where: Saint John the Apostle Cemetery 451 Warner St, Oregon City

Call to Order & Introductions 7:07PM

Oregon City Police updates: homeless liaison not available for this meeting. Discussed home at Pearl near Molalla attracting a lot of people, homeless, and possible drug use. Discussed traffic on Holmes Ln, constant major speeding, they have undercover police cars at New China watching intersection at Molalla & Holmes. No infrastructure to properly monitor speed and traffic safety as it is. Planning to step it up (before potential Holmes development) but short staffed (so also aren't able to respond to all the community needs). Residents voiced concern about Mountainview & Molalla, lacking safety updates/improvements. Officer agreed with concerns. John Lewis, Public Works Director, suggested residents comment at the Transportation Advisory Committee.

BHNA reports and maintenance

1. approve minutes for July 2021: motion by Didi Dahsrud, 2nd by Jim Donnelly - all approved
2. Treasurer's report: \$84.50 cash & \$50 gift certificate at Grocery Outlet
3. CIC update - no meeting in August

BHNA Chair Karla Laws asked for 5 min for public comment at city commission re: 535 & 545 Holmes. Motioned approval by Jim Donnelly, 2nd by DeAnn Beal - all approve, no opposed.

John Lewis, Director of Public Works, presented on separate ballot issues for November 2021. Normal 3% water increase will happen, not related to vote. Ballot measure is to allow the City to borrow (at a low Interest rate) \$38 million for infrastructure improvements. The City is asking for a temporary 6% utility bill increase until infrastructure debt paid off. John shared contact info for any further questions and was asked to leave prior to discussion of 535 & 545 Holmes.

Land Use Presentation: presenter Todd Iselin, Selin Architects PC at 1155 Kamm St and 279 Warner Milne Rd

The proposal 30 units with 30 parking spots, 3 story, 32 ft high. 6 x 1-BR, 24 x 2-BR. City mandated at least 28 units (initially owner proposed 20). The developer owns other local apartments, noted the one across Warner Milne. He is an attorney by trade but also a property owner. New development must pay a large fee for more capacity and requires approval by the transportation advisory committee. The city does not support a crosswalk across Warner Milne at the development. Proposal includes 25ft x 75ft green space with a picnic area, no play structure. In 2018, the property was sold based on tax records, but the architect relayed that the property was owned by the current owner for 10 yr or so (his understanding). In 2018, older large canopy trees were taken out, and only smaller trees are proposed for planting. Troy Brummell, a resident, expressed concerned over lack of permit for lost trees, multiple residents expressed importance of cedars and other large native trees. The owner had the natural resource overlay removed at the state level and wants to redesign the westside of the property as the natural resource overlay. The large Oak tree is to be preserved on the property. Owner's intention is to try to be sensitive to the wetland and environment of the area. Asked re: owner's name (Ron Laughlin [spelling?]). No detention pond but water pipeline engineering with a 3 ft pipe, other stormwater plans to filter the water, no specifics. Fire department requires a fire emergency connection to Kaam. The developer hoped not to connect to Kamm but city code is requiring it. Hoped for entrance with a gate and barricades for the fire dept only. Residents concerned about cars, traffic, child safety on Kaam. City has no plans to improve Kaam infrastructure but proposes a privately owned exit with no gate or barricades (but fire dept would accept barricades or gate). Saint John Cemetery rep expressed concern about room and safety generally and room for funeral hearses. Todd was unable to finish his entire presentation. COVID precautions meant meetings outside and the meeting was completely dark by 8PM.

Renaming Barclay Hills to Elyville. Historical information was presented informally. Light was lacking to share maps and periodical and geographical data. Technically our area was owned by the Holmes Family entirely and land was donated to the City of Oregon City when Elyville incorporated. Charles and Duane Ely owned a significant amount of Oregon City including the original post stop near 808 Molalla (in front of Elyville natural water reservoir and initially owned significant property of what is currently Barclay Hills. Barclay Hills Dr was Duane St up until the subdivision/development redirecting Barclay Hills Dr. More information will be presented and discussed in the future. Aaron Wolf proposed a committee explore the questions and ramifications of potential renaming, motioned by Aaron Wolf and 2nd by Kristina Franklin - all approve, no opposed. Karla Laws volunteered to chair the name-change-exploration committee.

Meeting Adjourn 8:21PM

Next Meetings (2nd Tuesdays), open to all:

Planning Meeting **October 12, 2021** 7:00 pm

General Meeting **November 9 , 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>

~~PLEASE PRINT~~

[illegible]

August 21, 2021

Todd Iselin
Iselin Architects, P.C.
1307 7th Street
Oregon City, OR 97045

Subject: Traffic analysis letter for Kamm Street multi-family project

Dear Mr. Iselin,

The purpose of this letter is to address the requirements of the City of Oregon City's Traffic Analysis Letter ("TAL") in support of the proposed construction of a 30 unit multi-family development at 279 Warner-Milne Road in Oregon City, Oregon.

A TAL is required to address the information listed below. The requirements are provided below in bold italics, while our responses are provided in regular typeface.

- 1. The expected trip generation of the proposed development including the AM peak hour, the PM peak hour, daily traffic, and other germane periods as may be appropriate, together with appropriate documentation and references.***

Most recently, the site was occupied by a dentures business which has ceased operations. The structures associated with that business will be demolished as part of the proposed development. A trip credit for that previous business is warranted. Based upon a review of the 10th Edition of the Institute of Transportation Engineers' *Trip Generation Manual*, the most similar land use to the previously operating business is Small Office Building (ITE land use code #712).

The trip generation presented below in Table 1 is based upon the *Trip Generation Manual* and illustrates the trip difference between the previously operating business and the proposed multi-family housing.

Table 1. Projected trip generation

ITE Land Use	Units	Weekday						
		ADT	AM Peak Hour			PM Peak Hour		
			Total	Enter	Exit	Total	Enter	Exit
Proposed Use								
Multifamily Housing (Mid-Rise) (#221) ¹	30	162	11	3	8	14	9	5
ITE Land Use	Size (ksf)	Weekday						
		ADT	AM Peak Hour			PM Peak Hour		
			Total	Enter	Exit	Total	Enter	Exit
Previous Use								
Small Office Building (#712) ¹	1.6	26	3	2	1	4	1	3
Net Trips		136	8	1	7	10	8	2

¹Trip Generation Manual, 10th Edition

- 2. Site plan showing the location of all access driveways, private streets, or alleys where they intersect with public streets plus driveways of abutting properties and driveways on the opposite side of the street from the proposed development. Dimensions of driveway spacing as measured at the right of way from edge to edge of driveway shall be shown and shall meet or exceed the minimum driveway spacing standards.**

A preliminary site plan that illustrates the site accesses is included in Appendix A.

There is existing access to Warner-Milne Road that serves the site. The City of Oregon City has requested that access be provided to Kamm Street. In order for the site to function acceptably, the site access to Warner-Milne Road must be relocated to the east. Additionally, it will be narrowed from approximately 36 feet to 24 feet in width.

The centerline of the driveway will be approximately 80 feet west of the centerline of the nearest existing driveway to the abutting property to the east, which serves an accounting office. There is not a nearby driveway on the abutting property to the west.

The centerline of the driveway will be located approximately 60 feet east and 65 feet west of the nearest driveways on the south side of Warner-Milne Road. Both driveways serve the Clackamas Federal Credit Union.

The City of Oregon City's Transportation System Plan classifies Warner-Milne Road as a minor arterial. Table 16.12.035.A of the Oregon City Municipal Code ("OCMC") requires a 175 foot "Minimum distance from a street corner to a driveway for all uses other than detached single- and two-family dwellings." The Warner-Milne Road site access is compliant with this requirement as there are no nearby street corners.

Additionally, Section 16.12.035(D) requires:

"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."

The property fronts on both Kamm Street and Warner-Milne Road. Kamm Street is classified as a local street and is of a lower functional classification than Warner-Milne Road, a minor arterial. The city has requested access to be provided to Kamm Street and have not raised concerns about retaining access to Warner-Milne Road. As previously noted, in order to accommodate the connection to Kamm Street and still allow adequate function of the site, the Warner-Milne Road access will be relocated to the east.

Kamm Street currently terminates without a turnaround and is not ideal from a vehicular, pedestrian, and bicycle circulation and fire access perspective. The connection to Warner-Milne Road mitigates issues associated with poor connectivity. As noted herein, the relocated access to Warner-Milne Road meets safety requirements.

Access will also be provided to the existing terminus of Kamm Street. There will be no conflicting traffic at this access to Kamm Street and access spacing requirements do not apply.

3. Site plan showing width of all driveways and shall meet Oregon City Driveway Approach Size Standards.

Section 16.12.035 of the Oregon City Municipal Code (“OCMC”) addresses the requirements for minimum and maximum driveway width and requires that multi-family developments have a minimum driveway width of 18 feet and a maximum driveway width of 30 feet. The proposed driveway width to both Warner-Milne Road and Kamm Street is 24 feet.

Both site driveways will comply with this requirement.

4. Site plan showing that all public roads meet Oregon City’s Street Design Standards including alignment, intersection angles, cul-de-sacs, and block standards.

No public roads are proposed as part of this development.

5. Documentation that all new site accesses and/or public street intersections meet AASHTO intersection sight distance guidelines.

Warner-Milne Road has a posted speed of 30 MPH. A site visit was conducted to determine compliance with sight distance standards at the proposed relocated Warner-Milne Road site access location. According to AASHTO's *A Policy on Geometric Design of Highways and Streets*, recommended intersection sight distance is 335 feet along a road with a design speed of 30 MPH. Looking both to the east and west along Warner-Milne Road, adequate sight distance in excess of 335 feet will be available.



Warner-Milne Road looking west from the driveway location



Warner-Milne Road looking east from the driveway location

6. Preliminary analysis that all new streets comply with traffic sight obstructions in OCMC 10.32.

No new streets are proposed as part of this development.

7. Documentation that there are no inherent safety issues associated with the design and location of the site access driveways.

The proposed relocated driveway to Warner-Milne Road will have adequate intersection sight distance and stopping sight distance.

According to 2017 traffic counts, Warner-Milne Road has an average daily traffic of approximately 5,000 vehicles per day. Due to the low trip generation of the site, a left turn lane on Warner-Milne Road at the site driveway would not be warranted.

A review of the crash history of Warner-Milne Road from Beaver Creek Road to Molalla Avenue doesn't illustrate a robust history of traffic crashes near the project site or at driveways in this section. The crash history report is included in Appendix B.

The Kamm Street driveway will intersect Kamm Street at its terminus and there will be no traffic conflicts due to its configuration.

8. Documentation that the applicant has reviewed the City's TSP and that proposed streets and frontage improvements do or will comply with any applicable standards regarding the functional classification, typical sections, access management, traffic calming and other attributes as appropriate.

As a separate document, the applicant will fully address proportionality of frontage improvements along Warner-Milne Road. Should a requirement be upheld that Warner-Milne Road improvements are proportional, any required improvements will be in compliance with the Transportation System Plan (as applicable) or otherwise be addressed with the city.

The existing frontage improvements consist of an approximate six foot wide bike lane, approximate six inch curb and approximate five foot wide sidewalk. These improvements appear to be consistent with most of the remainder of the existing frontage improvements along Warner-Milne Road. The sidewalk and curb are in good condition as illustrated in the picture below. Existing driveway ADA cross-slope issues across the driveway will be addressed with the construction of the new driveway.



Warner-Milne Road looking west along the project frontage

According to Oregon City Standard Drawing 502, the standard cross section for a minor arterial without a landscape strip includes a 7-10 foot wide sidewalk and curb. The existing sidewalk improvements are slightly narrower than the standard cross section.

Access management requirements are addressed earlier in this report.

9. When required of the development, documentation that no inherent safety issues are associated with the design and location of pedestrian, bicycle, or transit safety.

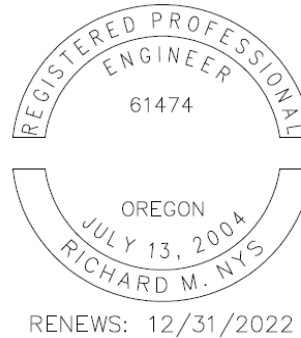
There are no safety issues associated with the design and location of pedestrian, bicycle or transit safety.

Conclusion

We trust that this letter addresses the criteria of the City's "Traffic Analysis Letter" requirements. There are no safety issues associated with this proposed development and the requirements of the city can be met. Should you have any questions, please contact me at rick@greenlightengineering.com or 503-317-4559.

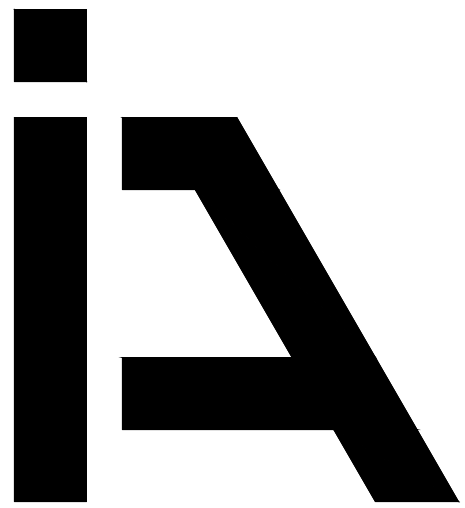
Sincerely,

Rick Nys, P.E.
Principal Traffic Engineer



Appendix A

Preliminary Site Plan



ISELIN
ARCHITECTS
P.C.

1307 Seventh Street
Oregon City, OR 97045
503-656-1942
www.iseleinarchitects.com

NOT FOR
PRELIMINARY
CONSTRUCTION

KAMM STREET APARTMENTS

279 WARNER MILNE ROAD
OREGON CITY, OR 97045

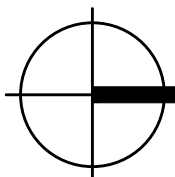
PROJ. NO. : 2106
FILE : A-SIT
DATE : 07/15/2021

SHEET #

A1.1

WARNER MILNE RD

KAMM ST.



SITE PLAN

1/16" = 1'-0"

Appendix B

Crash Data

CDS380
08/14/2021OREGON.. DEPARTMENT OF TRANSPORTATION - TRANSPORTATION DEVELOPMENT DIVISION
TRANSPORTATION DATA SECTION - CRASH ANALYSIS AND REPORTING UNIT
URBAN NON-SYSTEM CRASH LISTING

CITY OF OREGON CITY, CLACKAMAS COUNTY

WARNER-MILNE RD and Intersectional Crashes at WARNER-MILNE RD, City of Oregon City, Clackamas County, 01/01/2015 to 12/31/2019

6 - 9 of 65 Crash records shown.

SER#	P	R	J	S	W	DATE	CLASS	CITY STREET	RD CHAR	INT-TYPE	INT-REL	OPFRD	WTHR	CRASH	SPCL USE	MOVE	A	S	PED	ERROR	ACT	EVENT	CAUSE	
INVEST	E	A	U	I	C	O	DIST	FIRST STREET	DIRECT	(MEDIAN)	TRAF-	RNDBT	SURF	COLL	OWNER	FROM								
RD DPT	E	L	G	N	H	R	TIME	SECOND STREET	DIRECT	LEGS	CONTL	DRVWY	LIGHT	SVRTRY	V#	TYPE	TO							
UNLOC?	D	C	S	V	L	K	LAT	LRS	LOCTN	(#LANES)	CONTL	DRVWY	LIGHT	SVRTRY	V#	TYPE	TO	P#	TYPE	SVRTRY	E	X	RES	LOC
01118	N	N	N	N	N	03/22/2017	16	BEAVERCREEK RD	INTER	3-LEG	N	N	CLD	O-1 L-TURN	01	NONE	0	STRGHT						
CITY						WE	0	WARNER-MILNE RD	CN		TRF SIGNAL	N	WET	TURN		PRVTE	W -E							
N						3P			02	0		N	DAY	INJ		PSNGR CAR		01	DRVR	INJC	45	F	OR-Y	
N						45 20 11.28	-122 35 54.21																	
																02	NONE	0	TURN-L					
																PRVTE	E -S							
																PSNGR CAR		01	DRVR	NONE	60	F	OR-Y	
																02	NONE	0	TURN-L					
																PRVTE	E -S							
																PSNGR CAR		02	PSNG	INJB	27	F		
00612	N	N	N	N	N	02/15/2017	16	BEAVERCREEK RD	INTER	3-LEG	N	N	RAIN	ANGL-OTH	01	NONE	9	STRGHT						
NO RPT						WE	0	WARNER-MILNE RD	CN		TRF SIGNAL	N	WET	TURN		N/A	W -E							
N						1P			04	0		N	DAY	PDO		PSNGR CAR		01	DRVR	NONE	00	Unk	UNK	
N						45 20 11.28	-122 35 54.21																	
																02	NONE	9	TURN-L					
																N/A	S -W							
																PSNGR CAR		01	DRVR	NONE	00	Unk	UNK	
00071	N	N	N	N	N	01/02/2019	16	BEAVERCREEK RD	INTER	3-LEG	N	N	CLR	ANGL-OTH	01	NONE	0	STRGHT						
STATE						WE	0	WARNER-MILNE RD	CN		TRF SIGNAL	N	DRY	TURN		PRVTE	S -N							
N						12P			02	0		N	DAY	INJ		PSNGR CAR		01	DRVR	NONE	41	M	OR-Y	
N						45 20 11.29	-122 35 54.22																	
																02	NONE	0	TURN-L					
																PRVTE	E -S							
																PSNGR CAR		01	DRVR	INJB	58	M	SUSP	
02599	N	N	N	N	N	07/31/2019	16	WARNER-MILNE RD	STRGHT		N	N	CLR	S-1STOP	01	NONE	0	STRGHT						
NONE						WE	70	BEAVERCREEK RD	E	(NONE)	NONE	N	DRY	REAR		PRVTE	W -E							
N						5P			07			N	DAY	INJ		PSNGR CAR		01	DRVR	NONE	27	M	OR-Y	
N						45 20 11.3	-122 35 53.24			(02)														
																02	NONE	0	STOP					
																PRVTE	W -E							
																PSNGR CAR		01	DRVR	INJC	61	F	OR-Y	
00115	N	N	N	N	N	01/12/2019	16	WARNER-MILNE RD	STRGHT		N	N	CLR	S-1STOP	01	NONE	0	STRGHT						
NONE						SA	800	BEAVERCREEK RD	W	(NONE)	NONE	N	DRY	REAR		PRVTE	E -W							
N						5P			07			N	DARK	INJ		PSNGR CAR		01	DRVR	NONE	49	M	OR-Y	
N						45 20 11.19	-122 36 5.52			(02)														

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CDS380
08/14/2021

OREGON.. DEPARTMENT OF TRANSPORTATION - TRANSPORTATION DEVELOPMENT DIVISION
TRANSPORTATION DATA SECTION - CRASH ANALYSIS AND REPORTING UNIT
URBAN NON-SYSTEM CRASH LISTING

CITY OF OREGON CITY, CLACKAMAS COUNTY

WARNER-MILNE RD and Intersectional Crashes at WARNER-MILNE RD, City of Oregon City, Clackamas County, 01/01/2015 to 12/31/2019

10 - 14 of 65 Crash records shown.

SER#	P	R	J	S	W	DATE	CLASS	CITY STREET	INT-TYPE	SPCL USE	TRLR QTY	MOVE	PRTC	INJ	A	S	G	E	LICNS	PED	ERROR	ACT	EVENT	CAUSE					
INVEST	E	A	U	I	C	O	DAY	DIST	FIRST STREET	RD CHAR	(MEDIAN)	INT-REL	OPFRD	WTHR	CRASH	OWNER	FROM												
RD DPT	E	L	G	N	H	R	TIME	FROM	SECOND STREET	DIRECT	LEGS	TRAF-	RNDBT	SURF	COLL														
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	ERROR	ACT	EVENT	CAUSE
																02	NONE	0	STOP										
																	PRVTE	E -W									011	00	
																	PSNGR	CAR	01	DRVR	INJC	28	M	OR-Y		000	000	00	
																02	NONE	0	STOP										
																	PRVTE	E -W									011	00	
																	PSNGR	CAR	02	PSNG	INJC	26	F	OR<25		000	000	00	
02120	N	N	N				06/19/2018	16	WARNER-MILNE RD	STRGHT		N	N	CLR	S-1STOP	01	NONE	0	STRGHT									29	
NONE							TU	250	DANIELSON DR	W	(NONE)	UNKNOWN	N	DRY	REAR		PRVTE	E -W									000	00	
N							1P			07			N	DAY	INJ		PSNGR	CAR	01	DRVR	NONE	32	F	OR-Y		026	000	29	
N							45 20 11.43	-122 35			(02)																		
							40.45																						
																01	NONE	0	STRGHT									00	
																	PRVTE	E -W									000	00	
																	PSNGR	CAR	02	PSNG	NONE	01	F	OR<25		000	000	00	
																02	NONE	0	STRGHT									00	
																	PRVTE	E -W									000	00	
																	PSNGR	CAR	01	DRVR	INJC	34	F	OR-Y		000	000	00	
00278	Y	Y	N				N N 01/23/2018	19	FOX LN	INTER	2-LEG	N	Y	RAIN	FIX OBJ	01	NONE	9	STRGHT									066	01
CITY							TU	0	WARNER-MILNE RD	E		WARNING	N	WET	FIX		N/A	W -E									000	00	
N							6P			05	0		N	DLIT	PDO		PSNGR	CAR	01	DRVR	NONE	00	Unk	UNK		000	000	00	
N							45 20 14.57	-122 35																					
							21.02																						
00052	N	N	N				01/03/2016	16	LINN AVE	INTER	CROSS	N	N	SNOW	ANGL-STP	01	NONE	9	TURN-R									124	08
NONE							SU	0	WARNER-MILNE RD	N		TRF SIGNAL	N	ICE	TURN		N/A	E -N									000	00	
N							11A			06	0		N	DAY	PDO		UNKNOWN		01	DRVR	NONE	00	Unk	UNK		000	000	00	
N							45 20 11.1	-122 36																					
							17.81																						
																02	NONE	9	STOP									012	00
																	N/A	N -S									000	00	
																	PSNGR	CAR	01	DRVR	NONE	00	Unk	UNK		000	000	00	
00627	N	N	N				02/07/2016	16	LINN AVE	INTER	CROSS	N	N	CLR	S-1STOP	01	NONE	9	STRGHT									29	
NO RPT							SU	0	WARNER-MILNE RD	N		TRF SIGNAL	N	DRY	REAR		N/A	N -S									000	00	
N							3P			06	0		N	DAY	PDO		PSNGR	CAR	01	DRVR	NONE	00	Unk	UNK		000	000	00	
N							45 20 11.1	-122 36																					
							17.81																						
																02	NONE	9	STOP									011	00
																	N/A	N -S									000	00	
																	PSNGR	CAR	01	DRVR	NONE	00	Unk	UNK		000	000	00	

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08/14/2021

OREGON.. DEPARTMENT OF TRANSPORTATION - TRANSPORTATION DEVELOPMENT DIVISION

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URBAN NON-SYSTEM CRASH LISTING

CITY OF OREGON CITY, CLACKAMAS COUNTY

WARNER-MILNE RD and Intersectional Crashes at WARNER-MILNE RD, City of Oregon City, Clackamas County, 01/01/2015 to 12/31/2019

52 - 56 of 65 Crash records shown.

SER#	P	R	J	S	W	DATE	CLASS	CITY STREET	RD CHAR	INT-TYPE	INT-REL	OPFRD	WTHR	CRASH	SPCL USE	MOVE	A	S	PED	ERROR	ACT	EVENT	CAUSE						
INVEST	E	A	U	I	C	O	DAY	FIRST STREET	DIST	(MEDIAN)	INT-REL	OPFRD	WTHR	CRASH	TRLR QTY	FROM	G	E	LICNS	LOC									
RD DPT	E	L	G	N	H	R	TIME	SECOND STREET	FROM	LEGS	TRAF-	RNDBT	SURF	COLL	OWNER	TO	P#	TYPE	SVRTY	E	X	RES	LOC						
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	ERROR	ACT	EVENT	CAUSE
																02	NONE	9	STRGHT										
																N/A		UN-UN									000	000	00
																PSNGR	CAR		01	DRVR	NONE	00	Unk	UNK		000	000	00	00
00906	N	N	N				03/13/2018	16	MOLALLA AVE	INTER	CROSS	N	N	RAIN	O-1 L-TURN	01	NONE	0	STRGHT										
NO RPT							TU	0	WARNER-MILNE RD	CN				WET	TURN	PRVTE	N	-S									000		00
N							9A			01	0			DAY	INJ	PSNGR	CAR		01	DRVR	INJC	59	F	OR-Y		000	000		00
N							45 20 12.36	-122 35	26.89																				
																02	NONE	0	TURN-L										
																PRVTE	S	-W		01	DRVR	INJB	22	F	OR-Y		028,004	000	00
																PSNGR	CAR												00
																02	NONE	0	TURN-L										00
																PRVTE	S	-W		02	PSNG	INJB	40	M			000	000	00
																PSNGR	CAR												00
01640	N	N	N				05/14/2018	16	MOLALLA AVE	INTER	CROSS	N	N	CLR	O-1 L-TURN	01	NONE	9	STRGHT										
NONE							MO	0	WARNER-MILNE RD	CN				DRY	TURN	N/A		NW-SE									000		00
N							6P			01	0			DAY	PDO	PSNGR	CAR		01	DRVR	NONE	00	Unk	UNK		000	000		00
N							45 20 12.36	-122 35	26.89																				
																02	NONE	9	TURN-L										00
																N/A		SE-SW		01	DRVR	NONE	00	Unk	UNK		000	000	00
																PSNGR	CAR												00
01555	N	N	N				05/11/2019	16	MOLALLA AVE	INTER	CROSS	N	N	CLR	S-1STOP	01	NONE	9	STRGHT										
NONE							SA	0	WARNER-MILNE RD	CN				DRY	REAR	N/A		NW-SE									000		00
N							3P			03	0			DAY	PDO	PSNGR	CAR		01	DRVR	NONE	00	Unk	UNK		000	000		00
N							45 20 12.36	-122 35	26.89																				
																02	NONE	9	STOP										00
																N/A		NW-SE		01	DRVR	NONE	00	Unk	UNK		000	000	00
																PSNGR	CAR												00
00610	N	N	N				02/17/2015	19	WARNER-MILNE RD	ALLEY		N	N	CLR	ANGL-OTH	01	NONE	0	TURN-R										02
NONE							TU	178	MOLALLA AVE	E	(NONE)	UNKNOWN	N	DRY	TURN	PRVTE	N	-W									018		00
N							12P			08				DAY	PDO	PSNGR	CAR		01	DRVR	NONE	88	F	OR-Y		028	000		02
N							45 20 13.17	-122 35	24.67		(02)																		
																02	NONE	0	STRGHT										00
																PRVTE	E	-W		01	DRVR	NONE	31	M	OR-Y		000	000	00
																PSNGR	CAR												00

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OREGON.. DEPARTMENT OF TRANSPORTATION - TRANSPORTATION DEVELOPMENT DIVISION
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WARNER-MILNE RD and Intersectional Crashes at WARNER-MILNE RD, City of Oregon City, Clackamas County, 01/01/2015 to 12/31/2019

57 - 60 of 65 Crash records shown.

[illegible]

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CDS380

08/14/2021

OREGON.. DEPARTMENT OF TRANSPORTATION - TRANSPORTATION DEVELOPMENT DIVISION

TRANSPORTATION DATA SECTION - CRASH ANALYSIS AND REPORTING UNIT

URBAN NON-SYSTEM CRASH LISTING

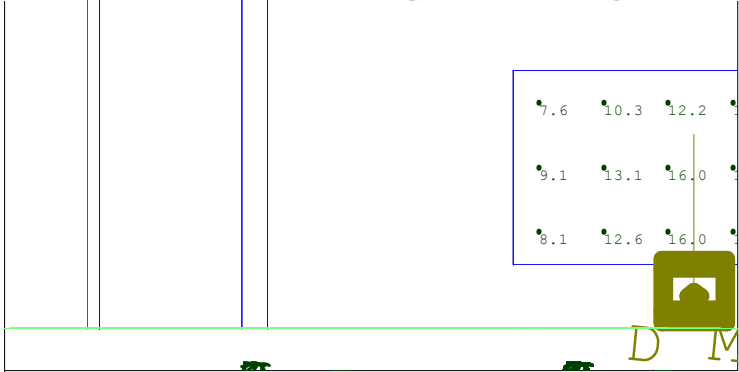
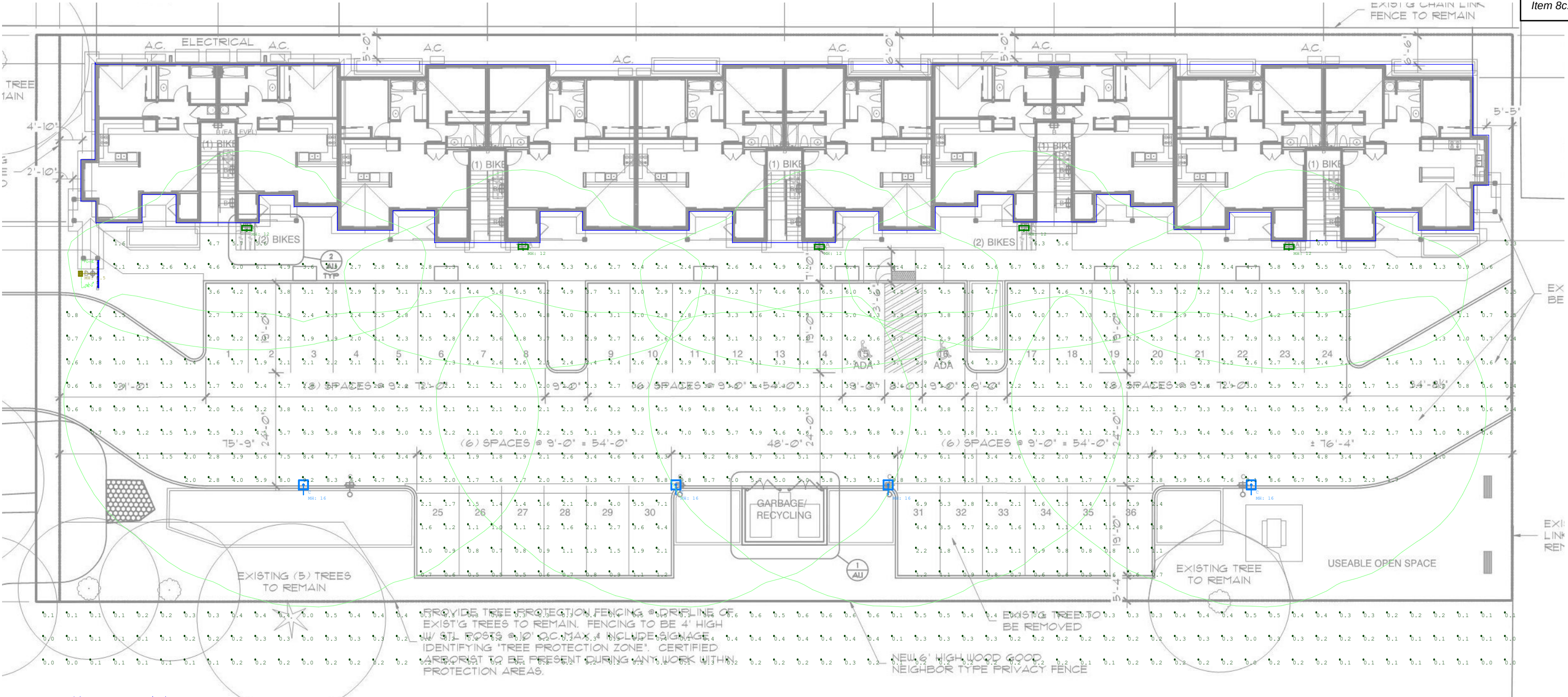
CITY OF OREGON CITY, CLACKAMAS COUNTY

WARNER-MILNE RD and Intersectional Crashes at WARNER-MILNE RD, City of Oregon City, Clackamas County, 01/01/2015 to 12/31/2019

61 - 65 of 65 Crash records shown.

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	FIRST STREET	DIST	(MEDIAN)	TRAF-	RNDBT	SURF	COLL	OWNER	FROM	PRTC	INJ	G	E	LICNS	LOC	ERROR	ACT	EVENT	CAUSE			
RD DPT	E	L	G	N	H	R	TIME	SECOND STREET	DIRECT	LEGS	CONTL	DRVWY	LIGHT	SVRTY	V#	TYPE	TO	P#	TYPE	SVRTY	E	X	RES	LOC	ERROR	ACT	EVENT	CAUSE	
UNLOC?	D	C	S	V	L	K	LAT	LRS	LOCTN	(#LANES)																			
															02	NONE	0	STOP											
															PRVTE	S -W										012		00	
															PSNGR	CAR		01	DRVR	NONE	17	F	OR-Y		000	000		00	
05445	N	N	N				11/23/2016	16	WARNER-MILNE RD	ALLEY		N	N	RAIN	S-STRGHT	01	NONE	0	STRGHT								29		
CITY							WE	740	MOLALLA AVE	W	(NONE)	UNKNOWN	N	WET	REAR	PRVTE	W -E									000		00	
N							6A			08			N	DLIT	INJ	PSNGR	CAR		01	DRVR	INJB	69	M	OR-Y		026	000		29
N							45 20 11.47	-122 35 37.01			(02)																		
															02	NONE	0	STRGHT									006		00
															PRVTE	W -E		01	DRVR	NONE	50	F	OR-Y		000	000		00	
															PSNGR	CAR													
02597	N	N	N				06/29/2017	19	WARNER-MILNE RD	STRGHT		N	N	UNK	S-1STOP	01	NONE	9	STRGHT								29		
NONE							TH	100	MOLALLA AVE	E	(NONE)	UNKNOWN	N	UNK	REAR	N/A	W -E									000		00	
N							7P			07			N	DAY	PDO	PSNGR	CAR		01	DRVR	NONE	00	Unk	UNK		000	000		00
N							45 20 12.79	-122 35 25.64			(02)																		
															02	NONE	9	STOP									011		00
															N/A	W -E		01	DRVR	NONE	00	Unk	UNK		000	000		00	
															PSNGR	CAR													
03793	N	N	N				09/15/2017	16	WARNER-MILNE RD	STRGHT		Y	N	CLR	S-1STOP	01	NONE	9	STRGHT								29		
NONE							FR	105	MOLALLA AVE	W	(NONE)	TRF SIGNAL	N	DRY	REAR	N/A	W -E									000		00	
N							5P			06	0		N	DAY	PDO	PSNGR	CAR		01	DRVR	NONE	00	Unk	UNK		000	000		00
N							45 20 11.9	-122 35 28.26			(02)																		
															02	NONE	9	STOP									011		00
															N/A	W -E		01	DRVR	NONE	00	Unk	UNK		000	000		00	
															PSNGR	CAR													
01392	N	N	N				05/01/2019	16	WARNER-MILNE RD	STRGHT		N	N	CLR	S-1STOP	01	NONE	0	STRGHT								29		
NONE							WE	120	MOLALLA AVE	W	(NONE)	NONE	N	DRY	REAR	PRVTE	E -W									000		00	
N							4P			07			N	DAY	INJ	PSNGR	CAR		01	DRVR	NONE	19	M	OR-Y		026	000		29
N							45 20 11.89	-122 35 28.39			(02)																		
															02	NONE	0	STOP									012		00
															PRVTE	E -W		01	DRVR	NONE	18	F	OR-Y		000	000		00	
															PSNGR	CAR													
															02	NONE	0	STOP									012		00
															PRVTE	E -W		02	PSNG	INJC	14	F			000	000		00	
															PSNGR	CAR													

Disclaimer: The information contained in this report is compiled from individual driver and police crash reports submitted to the Oregon Department of Transportation as required in ORS 811.720. The Crash Analysis and Reporting Unit is committed to providing the highest quality crash data to customers. However, because submittal of crash report forms is the responsibility of the individual driver, the Crash Analysis and Reporting Unit can not guarantee that all qualifying crashes are represented nor can assurances be made that all details pertaining to a single crash are accurate. Note: Legislative changes to DMV's vehicle crash reporting requirement, effective 01/01/2004, may result in fewer property damage only crashes being eligible for inclusion in the Statewide Crash Data File.



Sign

Luminaire Schedule							
Symbol	Qty	Label	LLF	Description	Lum. Lumens	Lum. Watts	[MANUFAC]
	5	A	0.890	VNTW-5500L-30K-DIM-3M-BZ	5903	55.7	XtraLight Manufacturing
	4	C	0.900	LAP-2G-108LED-TYPE+4+Medium	13650	107.3	UTOPIA LIGHTING
	1	D	0.900	ACCS-35K-90x60	617	9.4	Amerlux, LLC

Calculation Summary							
Label	CalcType	Units	Avg	Max	Min	Avg/Min	Max/Min
Beyond Property Line	Illuminance	Fc	0.24	0.6	0.0	N.A.	N.A.
Parking	Illuminance	Fc	3.08	9.8	0.4	7.70	24.50
Sidewalk	Illuminance	Fc	3.93	6.8	0.0	N.A.	N.A.
Sign_Side_3	Illuminance	Fc	10.93	16.0	6.3	1.73	2.54



COLUMBIA PACIFIC SALES
LIGHTING REPRESENTATIVES

Columbia Pacific Sales

Phone: (360) 256-8745

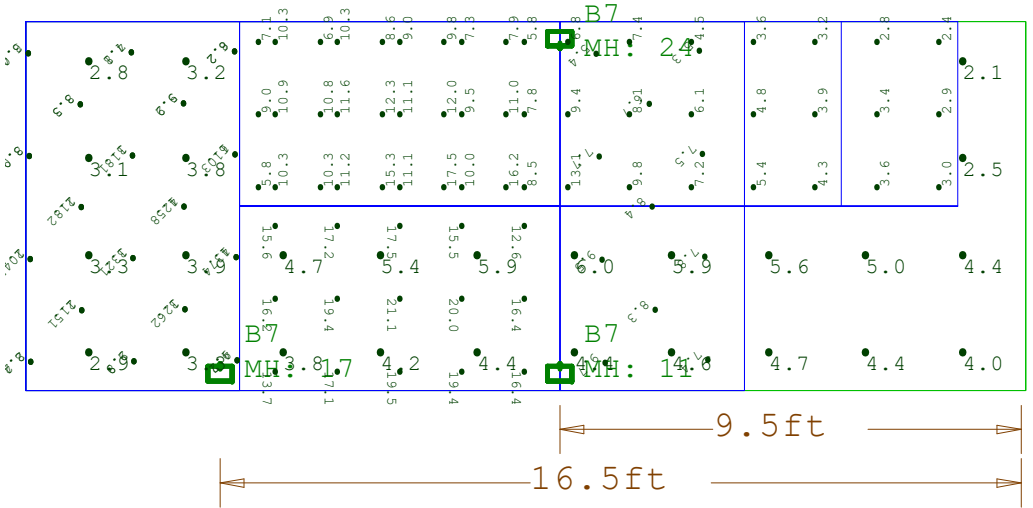
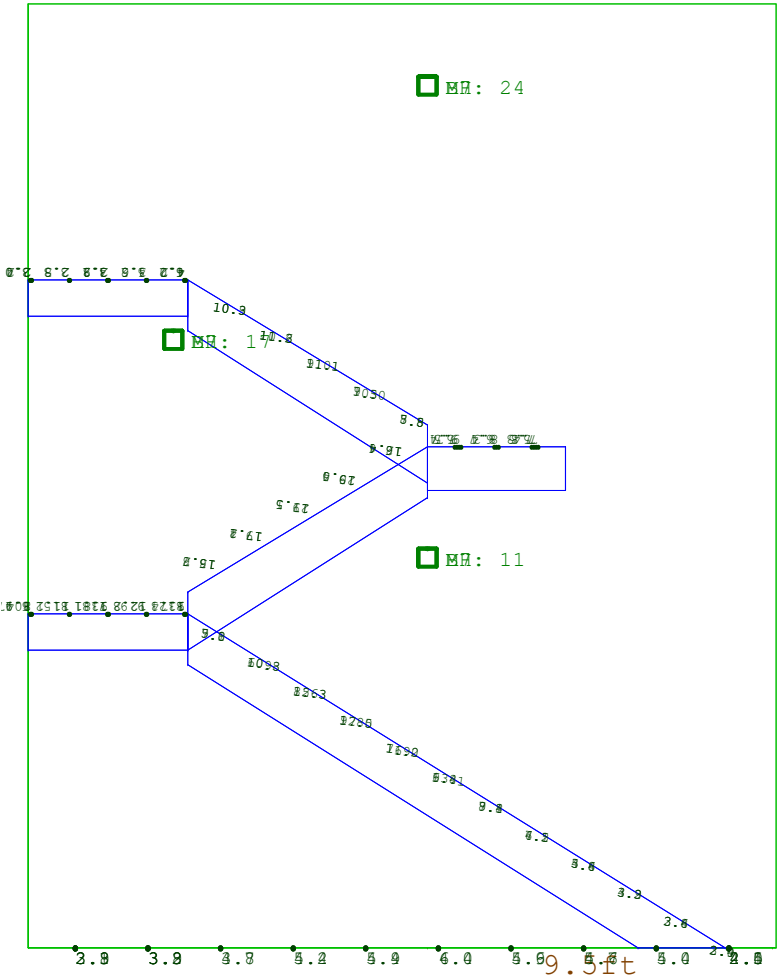
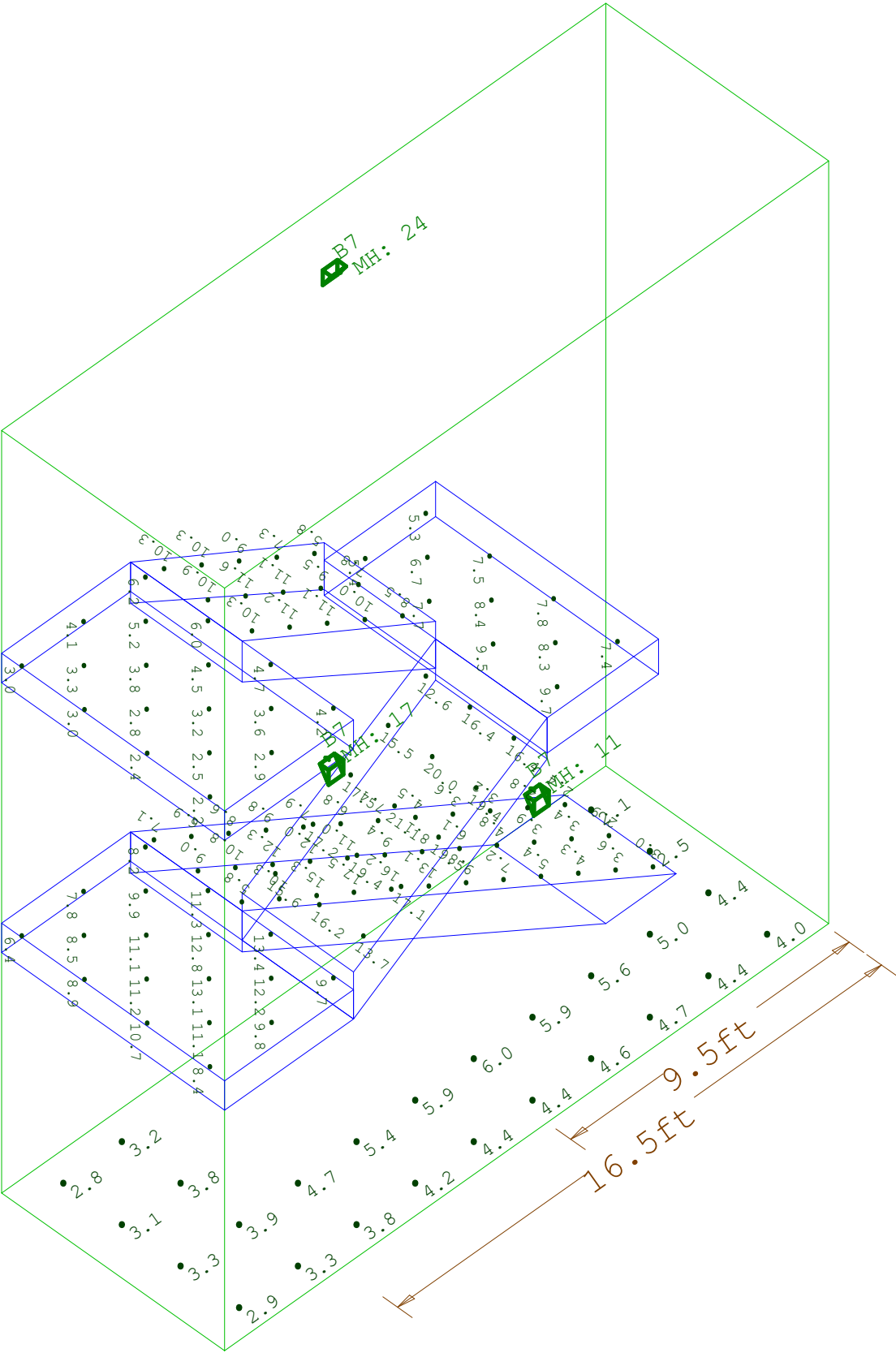
Email: dawn@columbiapacificsales.com

Kamm Street Apartments

Exterior Lighting

062-13

10.25.2021



Top View

Side view

Luminaire Schedule							
Symbol	Qty	Label	LLF	Description	Lum. Lumens	Lum. Watts	[MANUFAC]
	3	B7	0.900	CREST35C1X23U3KC	2251	27	PEMCO

Calculation Summary							
Label	CalcType	Units	Avg	Max	Min	Avg/Min	Max/Min
1st Floor	Illuminance	Fc	4.17	6.0	2.1	1.99	2.86
2nd floor Side 4	Illuminance	Fc	10.25	13.4	6.4	1.60	2.09
3rd floor Side 4	Illuminance	Fc	3.76	6.2	2.2	1.71	2.82
landing Side 4	Illuminance	Fc	7.61	9.7	5.3	1.44	1.83
stairs A Side 3	Illuminance	Fc	7.67	17.5	2.4	3.20	7.29
stairs B Side 1	Illuminance	Fc	17.17	21.1	12.6	1.36	1.67
stairs C Side 3	Illuminance	Fc	9.65	11.6	5.8	1.66	



Columbia Pacific Sales
Phone: (360) 256-8745
Email: dawn@columbiapacificsales.com

Kamm Street Apartments Stairwells

062-25
10.29.2021

Project Name

Type

Catalog #

Date

VIENTO LED WALL PACK

VNTW LED

Viento
WALL PACK


APPLICATIONS

- Building Facades
- Entry Ways
- Sidewalks
- Security Lighting
- Accent Lighting
- General Exterior Lighting

APPROVALS

- ETL listed. Complies with UL1598 and CSA C22.2#250.0.0:2008
- Suitable for Wet Locations.
- IP66 rated
- BAA Compliant
- RoHS Compliant
- Select models DLC Qualified. For a complete list of DLC Qualified products, please visit: <http://www.xtralight.com/dlc> or www.designlights.org/qpl
- Appropriate parts/test guidelines were performed by ATAL www.atal-labs.com

FEATURES

- Uniform light distribution, ideal for building facades, entry ways, sidewalks and general security or accent lighting.
- LED provides a significant energy savings over HID.
- Custom colors are available (consult factory).
- Designed for ease of installation.
- Operating temperature: -40°C to +50°C (-40°F to +122°F)

OPTICS

- Optical grade polymer is UV stabilized and impact resistant.
- IP66 rated LED light engines prevent dust and moisture from degrading performance.
- Distributions: Type II Short, Type II Medium, Type III Medium and Type IV Short.
- Best in class LEDs with 3000K (min 80 CRI), 4000K, and 5000K CCT (min 70 CRI).
- Lumen Maintenance: >100,000hrs L70 @ 25°C.
- Precision molded optics for superior uniformity, minimal light trespass and maximum spacing.
- Zero uplight (UO) is night sky friendly, reduces wasted light.

WARRANTY

- Backed by XtraLight's industry leading 10-year warranty.

CONSTRUCTION

- Housing: Two-piece die-cast aluminum has integral heat sink fins to optimize thermal management through conductive and convective cooling.
- Housing and back box are protected with a thermoset TGIC-polyester powder coat finish.
- The LED driver is mounted in direct contact with the casting to promote low operating temperature and long life.
- Silicone gasket is included to prevent leakage and provide weather-tight protection.
- All fasteners are stainless steel.

ELECTRICAL

- Voltage: 120-277V 50/60Hz driver (standard);
- 48D: 347-480V 50/60Hz driver with (optional).
- Class 2 electronic drivers are designed to have a power factor >90%, THD <20%, and an expected life of 100,000 hours with <1% failure rate.
- Dimming: 0-10v dimmable driver standard.
- Passive Infrared (PIR) Photo/Motion Sensor optional.
- Emergency battery backup option (EM) is available for some models; CEM suited for cold weather, has external test button and LED indicator light to notify when the heater is on.

ORDER LOGIC

SAMPLE CATALOG NUMBER: VNTW-8000L-40K-DIM-2M-BZ

VNTW	-	-	-	-	-	-	-	-	-	-
MODEL	CCT	DRIVER	OPTICS	FINISH	CONTROLS & OPTIONS					
3500L	30K 3000K	DIM Dimmable	2S Type II Short	WH White	EM ¹² Emergency Battery Back-Up					
5500L	40K 4000K	120-277V	2M Type II Medium	BZ Bronze	CEM ² Cold Weather Emergency Battery Back-Up					
8000L	50K 5000K	48D Dimmable	3M Type III Medium		FSP2 Programmable Occupancy Sensor, 8'H/40'D					
11000L		347-480V	4S Type IV Short		FSP3 Programmable Occupancy Sensor, 20'H/40'D					
					PC Photocell, Button, 120-277V					
					GTD Generator Transfer Device					

1. EM not available with 11000L. Maximum operating temperature with EM for 3500L (40°C/104°F), 5500L (35°C/95°F), 8000L (30°C/86°F).
2. Minimum temperature for EM (0°C/32°F).
3. Minimum temperature for CEM (-20°C/-4°F).



VIENTO LED WALL PACK

Item 8c.

VNTW LED

DIMENSIONAL DATA

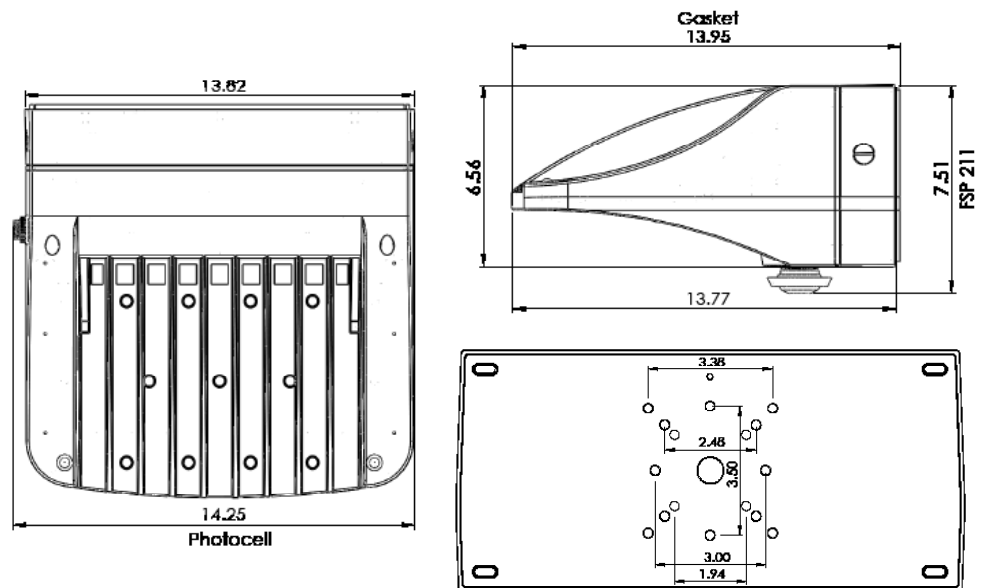
Weights By Model

3500L - 17.3 lbs. (20.1 lbs. with EM)

5500L - 17.3 lbs.

8000L - 18.0 lbs.

11000L - 18.0 lbs.



SMART ENGINEERING DESIGN EASY TO INSTALL CONTEMPORARY APPEARANCE

- Make necessary holes in Back Plate gasket included with the luminaire.
- Peel adhesive and adhere gasket to back of Back Plate.
- Mount luminaire Back Plate to wall as needed using surface mounted conduit or existing junction box.
- Hang luminaire housing back on hinges.
- Connect supply wires to quick disconnect provided.
- Swing luminaire up and close up.
- Replace housing screws and power on.

For more detailed installation instructions, please visit www.xtralight.com and download the PDF from our VNTW product page.

VIENTO LED WALL PACK

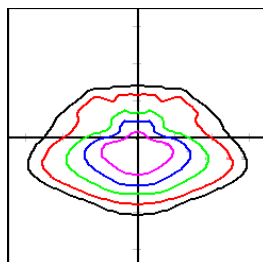
VNTW LED

IES DISTRIBUTION TYPES

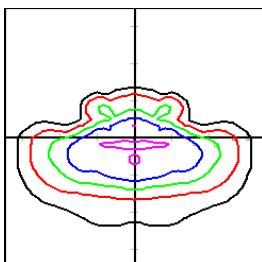
ISO Lines

Distance in Units of Mounting Height Values Based on 25 Foot Mounting Height.

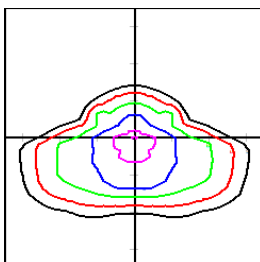
**Type II
Short**



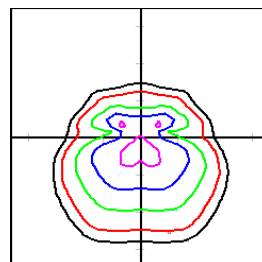
**Type II
Medium**



**Type III
Medium**



**Type IV
Short**



PHOTOMETRIC DATA

4000K CCT

Model	Type II Short				
	IES Report	Lumens	Watts	Lm/W	B U G
3500L	SCALED	3798	27.6	137.7	1--1--1
5500L	ATALO28652	6490	55.3	117.4	1--1--1
8000L	SCALED	9166	79.0	116.1	2--1--2
11000L	ATALO28653	10071	92.7	108.6	2--1--2

Model	Type III Medium				
	IES Report	Lumens	Watts	Lm/W	B U G
3500L	SCALED	3741	27.6	135.6	1--1--1
5500L	SCALED	6418	55.3	116.1	1--1--2
8000L	SCALED	9018	79.0	114.2	2--1--2
11000L	SCALED	9891	92.7	106.7	2--1--2

Model	Type II Medium				
	IES Report	Lumens	Watts	Lm/W	B U G
3500L	SCALED	3744	27.6	135.8	1--1--1
5500L	SCALED	6462	55.3	116.9	1--1--2
8000L	SCALED	9109	79.0	115.4	2--1--2
11000L	SCALED	9982	92.7	107.7	2--1--2

Model	Type IV Short				
	IES Report	Lumens	Watts	Lm/W	B U G
3500L	SCALED	3774	27.6	136.8	1--1--1
5500L	SCALED	6542	55.3	118.4	2--1--2
8000L	SCALED	9242	79.0	117.0	2--1--2
11000L	SCALED	10158	92.7	109.6	2--1--2

Additional CCT Information

Lumen Multiplier vs CCT

CCT	Multiplier
3000K	0.83
4000K	1.0
5000K	0.98

VIENTO LED WALL PACK

VNTW LED
LIGHTING CONTROLS



LINE VOLTAGE HIGH/LOW/OFF PIR FIXTURE INTEGRATED OUT-DOOR PHOTO/MOTION SENSOR

| FSP-211

Fully adjustable high and low dimmed light levels; optional dusk to dawn control

Designed for LED fixtures; rated for extreme temperatures and up to 200,000 on/off cycles

Hold off setpoint with automatic calibration option for convenience and added energy savings



Adjustable via handheld wireless configuration tool

IP66 rated with choice of lenses for wet and outdoor locations, and mounting heights from 8' to 40'

Adjustable time delay and cut off delay



Description

The FSP-211 mounts in an outdoor lighting fixture and provides multi-level control based on motion and/or daylight contribution. It controls 0-10 VDC LED drivers or dimming ballasts, as well as non-dimming ballasts and, with an FSP-Lx Lens, is rated for wet and cold locations. All control parameters are adjustable via a wireless configuration tool capable of storing and transmitting sensor profiles.

Operation

Typically, the sensor ramps lighting On to the selected High mode level when motion is detected and the ambient light level is below the hold off setpoint. After the sensor stops detecting movement and the time delay elapses, lights fade to the Low mode level. If there is no motion during the subsequent cut off time delay, the lights will turn Off. For dusk to dawn control, the integral photocell can switch the lights On and Off based on the ambient light level so that lighting remains on overnight even without motion detection.

Wireless Handheld Configuration Tool

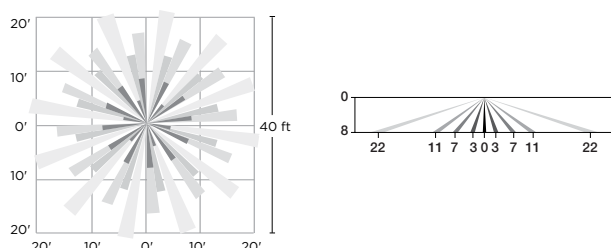
Initial setup and subsequent sensor adjustments are made using a handheld configuration tool (FSIR-100). This tool enables adjustment of parameters including high and low modes, sensitivity, time delay, cut off and more. The FSIR-100 is also used to initiate automatic calibration of the FSP-211 ambient light level setpoint. The setpoint is used to hold the controlled lighting off or at low level when there is sufficient daylight. The wireless tool stores up to six sensor parameter profiles to speed configuration of multiple sensors.

Applications

The slim, low-profile FSP-211 is designed for installation inside the bottom of a light fixture body. When fully assembled and installed in an IP66-rated fixture, the sensor and FSP-Lx lenses are IP66 outdoor rated. The sensor is ideal for areas such as parking facilities, gas stations, pedestrian pathways and warehouses. A choice of four lenses ensures complete coverage for mounting heights up to 40'.

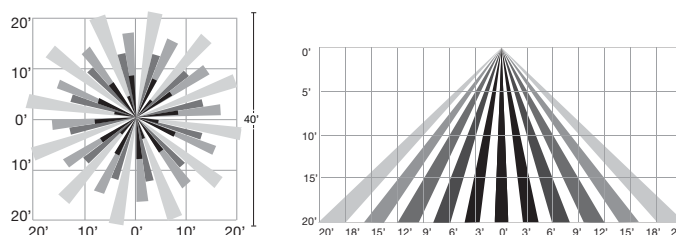
OPTION FSP2 FSP-211 L2

8' Mounting Height
44' Diameter



OPTION FSP3 FSP-211 L3

20' Mounting Height
40' Diameter



VNTW LED
212004

www.XLM.com • (800) 678-6960 • customerservice@XLM.com

All information is believed to be accurate at the time of publication. Please contact customer service or visit www.XLM.com for the most updated product specifications. XtraLight® reserves the right to change specifications without notice.

WORKING HARDER. LIGHTING SMARTER.®



CRESCENT WALL SCONCE DOWN LIGHT

L70
25°C 347,000 Hours



Pemco's CREST35 cut-off architectural wall luminaire is available with IES Type III distribution designed to replace HID lighting systems from 150w to 250 MH or HPS. Typical wall mounted lighting applications include retail centers, industrial parks, schools and universities, public transit and airports, office buildings and medical facilities. Mounting heights of 12 to 20 feet can be used based on light level and uniformity requirements.

Specifications and Features:

Housing:

Die Cast Aluminum Housing with Full Cutoff Front Frame. Nickel-Plated Stainless Steel Hardware.

Listing & Ratings:

CSA: Listed for Wet Locations, ANSI/UL 1598, 8750; IP65 Sealed LED Compartment.

Finish:

Textured Bronze Powdercoat Finish Over a Chromate Conversion Coating. Custom Colors Available Upon Request.

Lens:

Tempered Clear Flat Glass Lens

Mounting Options:

Mount Directly Over a 4" Recessed Outlet Box, Includes Easy-Hang "Two Hands Free" Wall Mounting Bracket with Built-In Level.

EasyLED LED:

Aluminum Boards

Wattage:

23w Array: 26w, System: 26w
47w Array: 46.5w, System: 52w

Driver:

Electronic Driver, 120-277V, 50/60Hz or 347-480V, 50/60Hz; Less Than 20% THD and PF>0.90. Standard Internal Surge Protection 6kV. 0-10V Dimming Standard for a Dimming Range of 100% to 10%; Dimming Source Current is 150 Microamps.

Controls:

Fixtures Ordered with Factory-Installed Photocell or Motion Sensor Controls are Internally Wired for Switching and/or 1-10V Dimming Within the Housing. Remote Direct Wired Interface of 1-10V Dimming is Not Implied and May Not Be Available, Please Consult Factory. Fixtures are Tested with LEPC Controls and May Not Function Properly With Controls Supplied By Others. Fixtures are NOT Designed for Use with Line Voltage Dimmers.

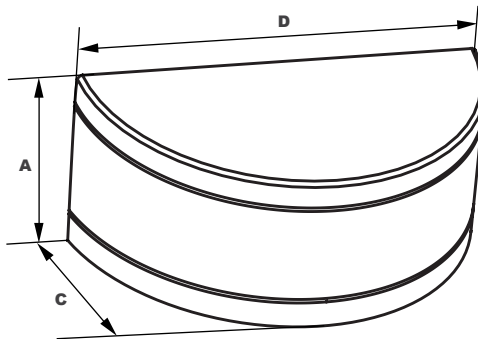
Warranty:

5-Year Warranty for -40°C to +40°C Environment.

See Page 3 for Projected Lumen Maintenance Table.

Dimensions

Width (D)	18" (458mm)
Length (B)	7 1/8" (181mm)
Height (A)	9 3/8" (232mm)



DesignLights Consortium™
Contact factor for qualified
part numbers





CRESCENT WALL SCONCE DOWN LIGHT

Order Information Example:

CREST35C1X47U5KCZSP

CREST35	C				C		
Model	Optics	Wattage	Driver	CCT	Lens	Color	Options
CREST35 = EasyLED Crescent Wall Sconce Down Light	C =Type III	1X23 =23w 1X47 =47w	U =120-277V H =347-480V	3K =3000K 4K =4000K 5K =5000K	C =Clear Flat Glass Lens	Z =Bronze C =Custom (Consult Factory)	SF =Single Fuse* DF =Double Fuse* SP =Surge Protection PC3 =Photocell, 120-277VAC BU =Battery Backup, 90 Minutes* BUC =Cold Start Battery Backup, -20°C, 90 Minutes* *120-277V Models Only.

Accessories & Replacement Parts:

Replacement Parts (Order Separately, Field Installed)

WP35GLC Tempered Clear Flat Glass Lens

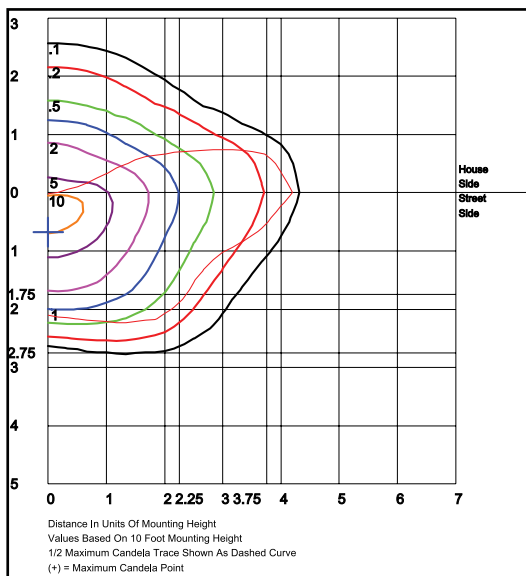
P18103 120-277VAC Photocell

For Replacement Battery Backup, see the LEPG LED Battery Backup Specification Sheet.



P18103

Photometric Data



CREST35C1X47U5KC

Type III
Grid in MH
MH=10 Feet



CRESCENT WALL SCONCE DOWN LIGHT

Photometric Performance

Optic	Wattage (Catalog Logic)		Delivered Lumens
	23W (1X23)	47W (1X37)	
	Input Watts	26W	52.9W
C = Type III	CCT		
	3000K	2,228	4,552
	4000K	2,318	4,736
	5000K	2,408	4,921
	BUG Rating	B1-U1-G1	B1-U1-G1

Projected Lumen Maintenance

Data shown for 5000 CCT			Compare to MH			
TM-21-11	Input Watts	Initial	25,000 Hrs	50,000 Hrs	100,000 Hrs	Calculated LED Life
L70 Lumen Maintenance @ 25°C / 77°F	All wattages up to and including 53w	1.00	0.98	0.96	0.91	347,000
L70 Lumen Maintenance @ 50°C / 122°F		1.00	0.96	0.91	0.82	168,000
L80 Lumen Maintenance @ 40°C / 104°F		1.00	0.97	0.94	0.88	160,000

NOTES:

1. Projected per IESNA TM-21-11. Data references the extrapolated performance projections for the 525mA base model in a 25°C ambient, based on 10,000 hours of LED testing per IESNA LM-80-08.
2. Compare to MH box indicates suggested Light Loss Factor (LLF) to be used when comparing to Metal Halide (MH) systems.

LAP-2G

Project Name:	
Type:	C

**APPLICATION**

For all applications in site, area, and general lighting requiring high uniformity, excellent vertical light distribution, reduced offsite visibility, reduced on-site glare and effective security light levels. The LAP luminaire delivers exceptional performance in a low-profile design.

FEATURES:

- Die-cast aluminium construction body on which electrical components.
- Die-cast integral heat sink to provide thermal management.

MOUNTING:

- PMS: Pole mount arm available for 3", 4" and 5" square pole.
- PMR: Pole mount arm available for 3" (PMR3), 4" (PMR4) and 5" (PMR5) dia. round pole.
- SF: Adjustable slip fitter mount available for pipe installation (1-21/32" O.D to 2-3/8" O.D)
- WM: Wall mount plate.
- Mounting arm bolts are 304 stainless steel and zinc-plated steel.
- MA: Available for 2.375"(O.D) sized Mast Arm Pole.
- MA2: Available for 1.900"(O.D) sized Mast Arm Pole.

LED:

- Color Temperature: 3000 / 4000 / 5000K
- Color Rendering Index: 70+ CRI.
- Nichia LED.
- Lifetime: over 50,000 hours.
- Optical lens is used to reduce glare.

ELECTRICAL:

- UL, FCC certified input voltage range: 100V-277V, 50/60Hz
- Power factor >90%, THD <20%
- 72LED: Class 2 LED electronic driver.
- 108LED, 141LED, 188LED: Class 1 electronic driver.
- Operating temperature: -40°C to 40°C (110W can reach +50°C).
- Provided with integrated surge protection (6kV line-line, 10kV line-earth).
- Optional integrated 10kV/10kA surge protection available (SP10).
- Over Voltage Protect : Hiccup mode. The power supply shall return to normal operation only after the power is turn-on again.
- Short Circuit Protect : No damage shall occur when any output operating in a short circuit condition. The power supply shall be self-recovery when the fault condition is removed.
- Over Temperature Protect : 110°C
- Meets ANSI/IEEE C62.41 Category C (outdoors) High.
- Waterproof (IP67) and UL Dry / Damp / Wet Location outdoor LED driver.
- RoHS compliant.
- Complies with Part 15 of the FCC Rules (meets 47 CFR 15, Class B).

OPTIC:

- UV stabilized polycarbonate lens.

LISTING:

- UL / CUL listed.
- Listed to UL 1598 and UL 8750.
- DLC listed. ³
- ARRA compliant. (optional)
- Suitable for wet location.
- Tested to IESNA LM80 standards.
- LM79, LM80.
- 5 years limited warranty.
- 7 or 10 years limited warranty. (optional) ⁴
- IP66 Rating.
- Certified to ANSI C136.31-2010, 3.0G Level 2 for Bridge/Overpass Applications.

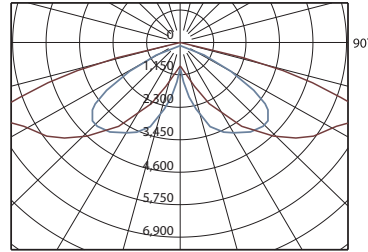
CONFIGURATIONS

	Type	Input Rating	Lumen Output (lm/w)	Total Lumen Output	Drive Current per LED	EPA Rating (w/o photocell)	EPA Rating (w/ photocell)	B.U.G. Rating	Weight (lbs/kg)
72	T2	72W	106.1 lm	7644 lm	1.4 A	0.64	0.651	B3-U0-G3	23.17 lbs / 10.51 kg
	T3		123.3 lm	8977 lm				B2-U0-G2	
	T4M		124.5 lm	9064 lm				B2-U0-G2	
	T5S		127.4 lm	9251 lm				B3-U0-G2	
108	T2	108W	107.8 lm	12359 lm	2.1 A	0.7	0.71	B3-U0-G3	25.38 lbs / 11.51 kg
	T3		109.7 lm	11753 lm				B3-U0-G3	
	T4M		127.2 lm	13650 lm				B3-U0-G3	
	T5S		129.6 lm	13932 lm				B4-U0-G3	
141	T2	137.9W	123.59 lm	17048 lm	2.8 A	0.77	0.782	B3-U0-G3	26.7 lbs / 12.11 kg
	T3		115.5 lm	16370 lm				B3-U0-G3	
	T4M		126.8 lm	17854 lm				B3-U0-G3	
	T5S		131.9 lm	18831 lm				B4-U0-G1	
188	T2	188W	112.3 lm	21554 lm	3.8 A	0.9	0.914	B4-U0-G4	27.36 lbs / 12.41 kg
	T3		131.9 lm	24645 lm				B4-U0-G4	
	T4M		121.6 lm	22862 lm				B3-U0-G3	
	T5S		137.2 lm	25856 lm				B5-U0-G3	

LAP-2G

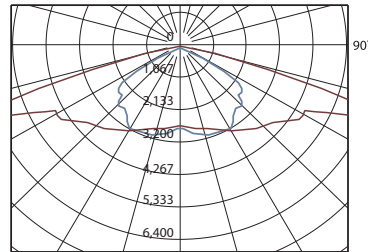


Polar Candela Distribution (TYPE 3 medium + House Shield)



Downward Street Side	8,120.0	92.1%
Downward House Side	701.5	8%
Downward Total	8,821.5	100%

Polar Candela Distribution (TYPE 3 medium)



Downward Street Side	7,304.4	62.2%
Downward House Side	4,448.7	37.9%
Downward Total	11,753.1	100%

ORDERING INFORMATION

EXAMPLE: LAP-2G-108LED-50K-T3-UNV-DM-BZ-WM

MODEL	LED		COLOR TEMP.		DISTRIBUTION			VOLTAGE		DIMMING		FINISH	
LAP-2G	72LED	72W (40LEDs)	-30K	3000K	T2	Type II		UNV	120-277V (Std.)	DM	0-10V Dimming (Std.)	BZ	Dark Bronze RAL#8019 (Std.)
	108LED	108W (60LEDs)	-40K	4000K				347	347V			GR	Gray RAL#7036
	141LED	141W (80LEDs)	-50K	5000K (Std.)	T3	Type III		480	480V			WH	White RAL#9003
	188LED	188W (120LEDs)										BK	Black RAL#9011
	xxxLED	Customized Wattage/ Lumen package ⁹			T4M	Type IV Medium							
					T5S	Type V Short							
													[*] Available custom color (RAL)
													Please provide us with the RAL number.
													[*] Non-standard finish with extra charge.

⁹ Available custom color (RAL).
Please provide us with the RAL number.
⁸ Non-standard finish with extra charge.

MOUNTING	OPTIONS
SF Slip Fitter WM Wall Mount PMS Square Pole Mount Arm PMR3 3" Round Pole Mount Arm PMR4 4" Round Pole Mount Arm PMR5 5" Round Pole Mount Arm MA Horizontal Tenon Mount (Mounts to 2" IP, 2.375" O.D.) MA2 Horizontal Tenon Mount (Mounts to 1-1/2" IP, 1.900" O.D.)	HS House Shield RC NEMA twist-lock receptacle only (no controls) RC7 NEMA 7-wire receptacle only (no controls) TLPC1 3-Pin Receptacle and Twist Lock Photocell Installed 120V TLPC2 3-Pin Receptacle and Twist Lock Photocell Installed 277V TLPC3 3-Pin Receptacle and Twist Lock Photocell Installed 120V-277V TLPC4 3-Pin Receptacle and Twist Lock Photocell Installed 480V TLPC-SC Shorting Cap RS Remote handheld configuration tool for FSP-211 * Contact Factory for more options SP10 Integrated 10kV/10kA surge protection FSP-211 0-10V Dimming Control Occupancy Sensor ^{1,2} (L2) FSP-L2 Lens @ 8' height (up to 44' diameter) (L3) FSP-L3 Lens @ 20' height (up to 40' diameter) (L7) FSP-L7 Lens @ 40' height (up to 100' diameter)

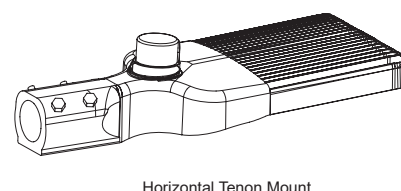
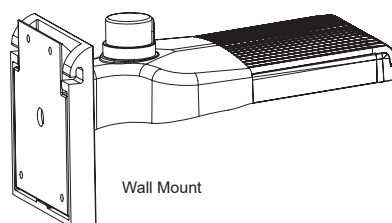
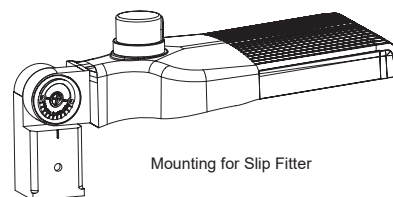
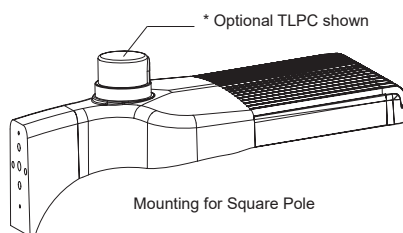
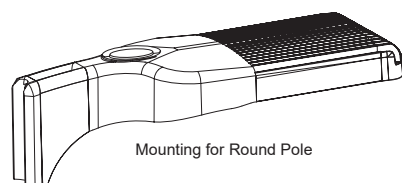
LRD-309S-x	0-10V Dimming Control Multi-level high/low step dim and Smart dim Occupancy Sensor (*IR remote programmable), (See note 7 to select lens for "x") ^{6,8}
LRD-509S-x	IP-66 rated integrated 0-10V SmartDIM or multi-level high/low dim control occupancy sensor (*IR remote programmable), (See note 7 to select lens for "x") ^{6,8}
RS-LRD	Remote programmer for LRD-509S and LRD-309S
PSC-BLE-SR	McWong 0-10V Bi-level passive infrared (PIR) occupancy sensor with dim-to-off for Bluetooth Mesh in Silvalair enabled
ARRA	Assembled in USA for Buy American act
BR	Bird Guard, Stainless Steel Spikes
O7W	Optional 7 Years Limited Warranty ⁴
O10W	Optional 10 Years Limited Warranty ⁴
REM16	Remote 16W Emergency Battery Backup (CEC Compliant EM) in black finish ^{10,11}
316	316 Stainless steel mounting arm bolts

NOTES:

- Must specify lens. (L2, L3, L7)
- Default settings are Title 24 compliant for all spaces that do not require daylighting.
For spaces that do require it, adjustments will be necessary for the Hold Off Setpoint and the Photocell functions.
- DesignLights Consortium® (DLC) qualified product. Not all versions of this product may be DLC qualified.
Please check the DLC Qualified Products List at www.designlights.org/QPL to confirm which versions are qualified.
- This limited warranty covers electrical parts only and does not apply to labor, equipment lease, or defect from improper installation or operation.
- Standard dimming 0-10V, ANSI C136.41, Photocell and shorting cap by others.
- Its default setting can be found on the IR-TEC installation instructions.

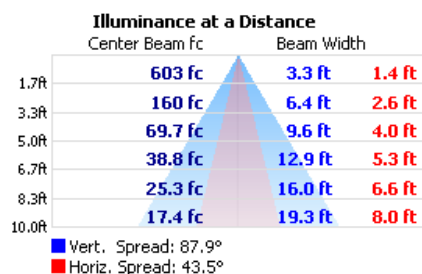
- Standard cone shape Lens @ 15' height (up to 30' coverage)
- Extra wide cone shape Lens @ 10' height (up to 60' coverage)
- High bay cone shape Lens @ 30' height (up to 90' coverage)
- Standard round shape Lens @ 20' height (up to 40' coverage)
- Extra wide dome shape Lens @ 20' height (up to 80' coverage)
- Aisle way arch shape Lens @ 40' height (up to 120' coverage)
- High bay dome shape Lens @ 50' height (up to 50' coverage)
- Order "RS-LRD" to adjust sensor setting.
- DLC is not available.
- Only available with Wall Mount.
- Remote Box is UL1598 recognized, IP66, IP67 rated, and ambient temperature up to 55°C.

LAP-2G

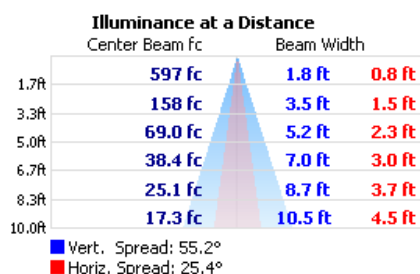


* Effective Projected Area (EPA) with Square Pole Mounting.

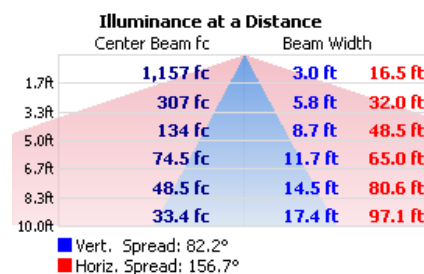
LAP-2G-72LED-T2



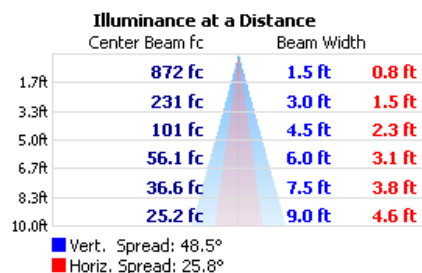
LAP-2G-72LED-T4M



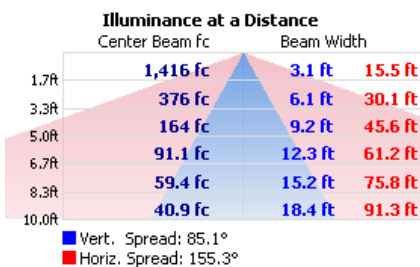
LAP-2G-108LED-T2



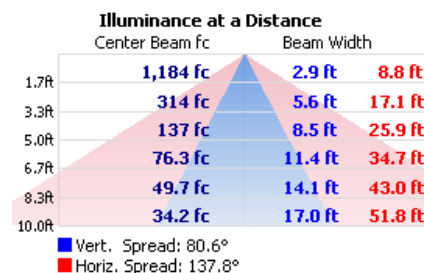
LAP-2G-108LED-T4M



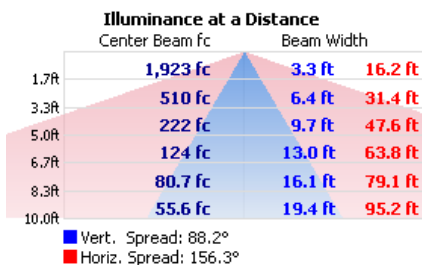
LAP-2G-141LED-T2



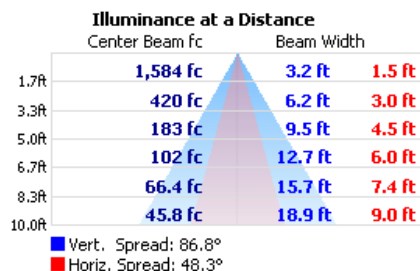
LAP-2G-141LED-T4M



LAP-2G-188LED-T2



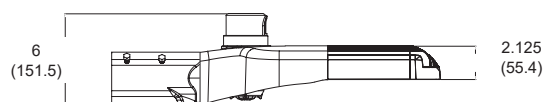
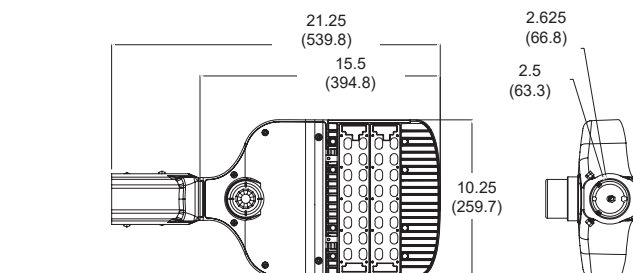
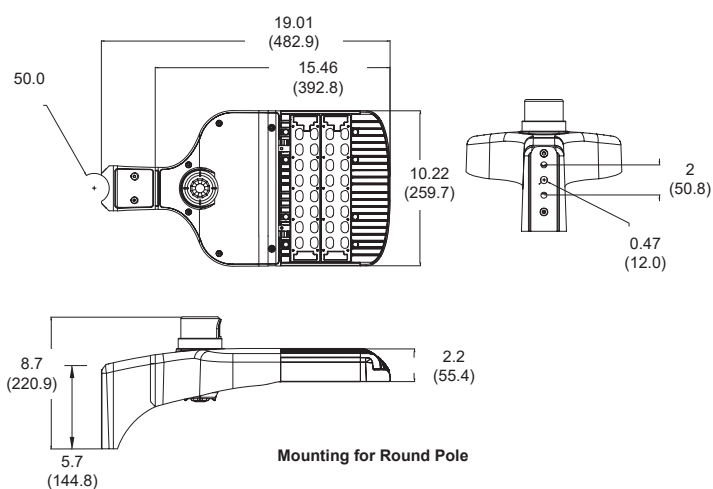
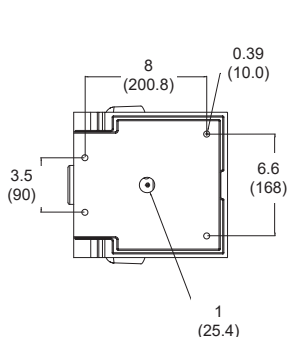
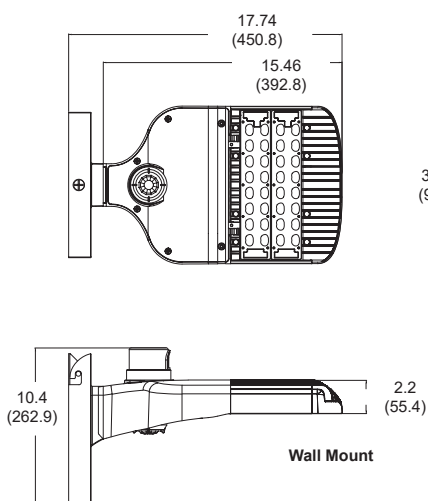
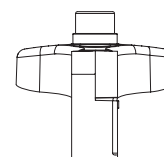
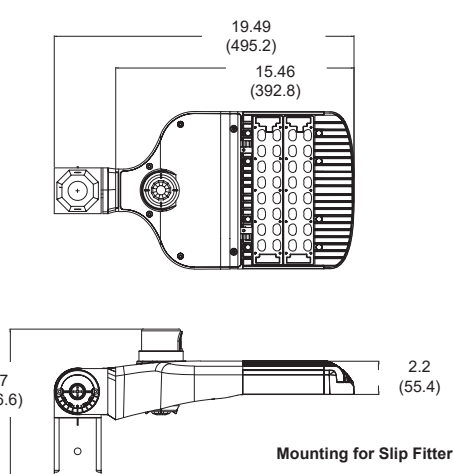
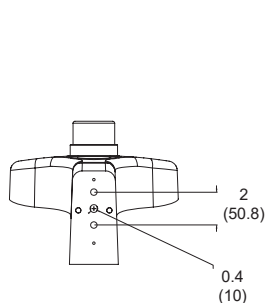
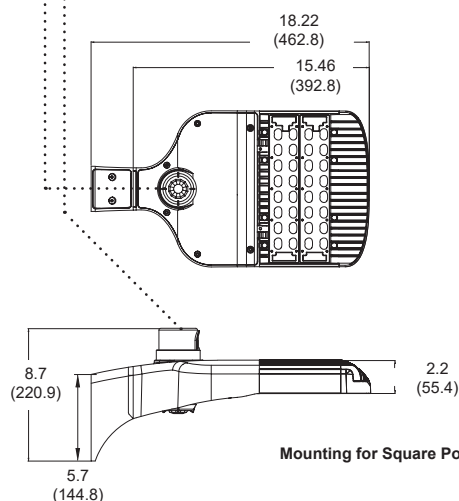
LAP-2G-188LED-T4M



LAP-2G

72W

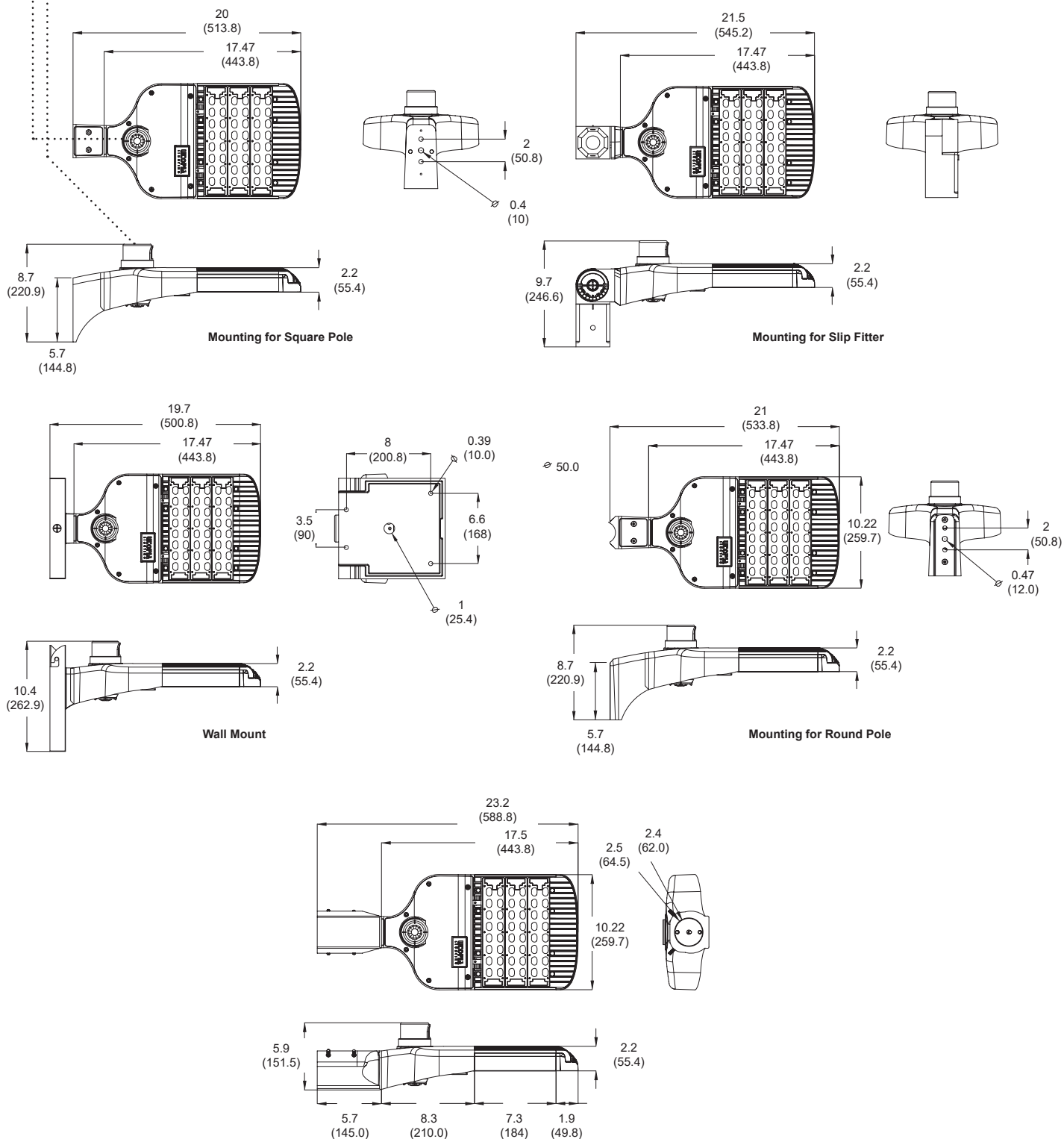
- * Optional FSP-211 shown
- * Optional TLPC shown



LAP-2G

108W

- * Optional FSP-211 shown
- * Optional TLPC shown

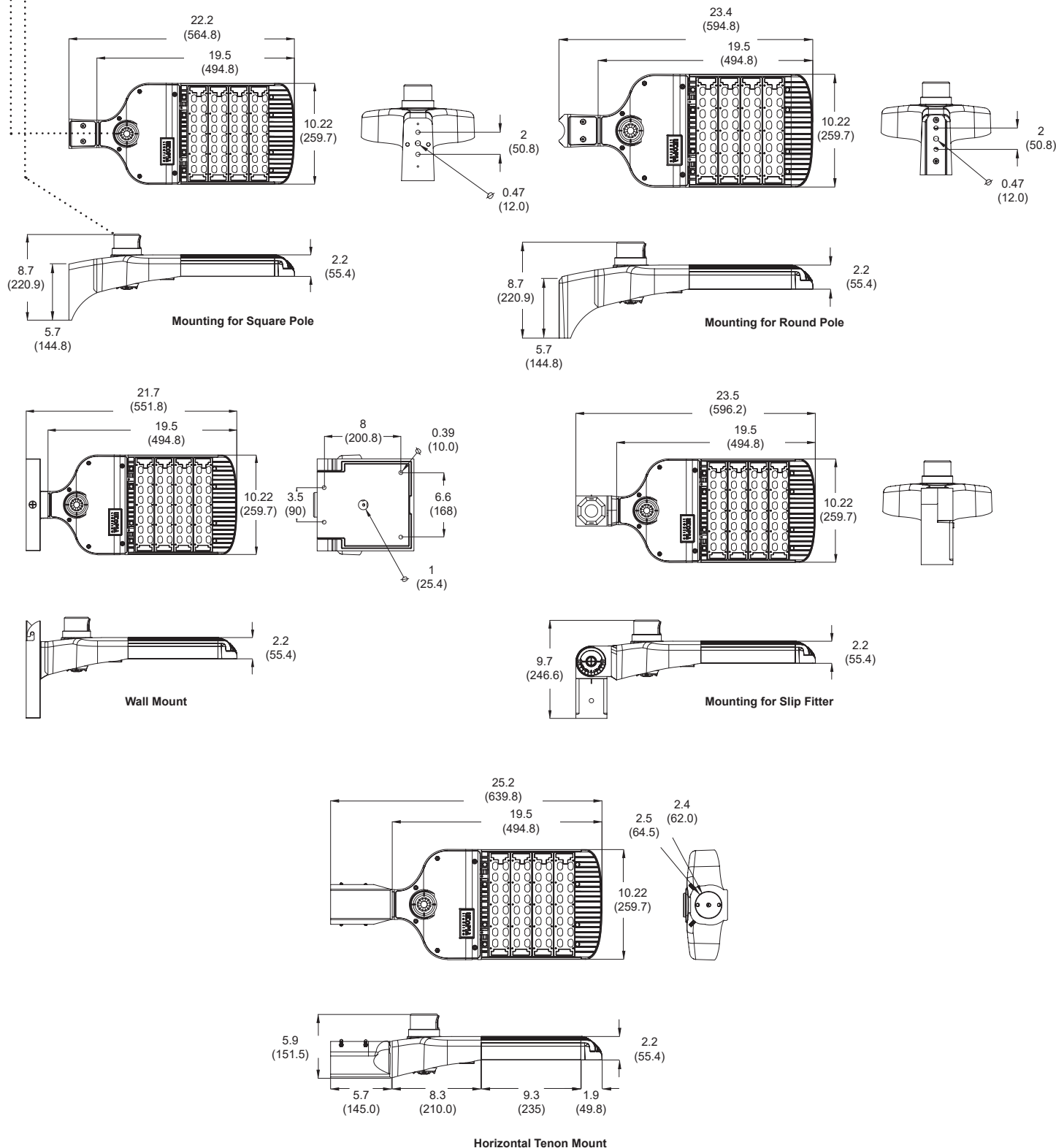


LAP-2G

141W

* Optional FSP-211 shown

* Optional TLPC shown



Acion

Small LED Accent



ACOS.x.x.BLK

Features

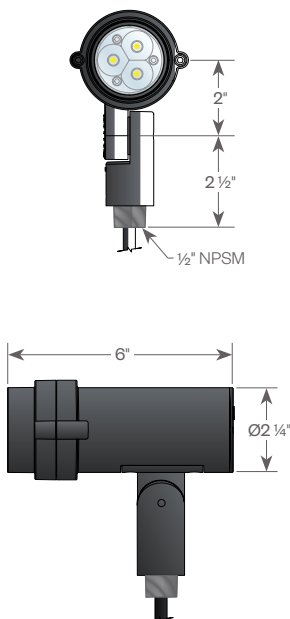
The Amerlux Acion accent luminaire employs solid state technology and precision engineering to provide small scale LED solutions in landscape and architectural layouts. All components are encapsulated inside a single attractive enclosure designed for superior performance in weather resistant applications. Offered in a choice of beam spreads, finishes, and color temperatures, two mounting options and glare shield are also available.

Product Overview

Type:	Exterior Accent
Wattage:	10W
Lumen Output :	710 lm
Color Temp:	2700K, 3000K, 3500K, 4000K
Dimming:	ELV trailing edge dimming only

PROJECT:

TYPE:



Application:

Exterior accent lighting for landscapes, including small signs and features.

Construction:

- Die-cast aluminum
- IP67 sealed optical chamber and integral driver chamber
- Easy "two-screw" integral driver access, does not disturb optical chamber seal
- Flush lens prevents puddles/water deposits in upward facing applications
- 180° Knuckle mount
- Vertical aiming lock, with tamper-resistant tooled locking after final aiming

Optics:

- Lumen maintenance: 70% @ 50,000 hours
- 10°, 15°, 30°, 40°, 60°, 60x10, 60x30, 90x60 beam spreads are available with secondary shaping lens

Electrical:

- Integral driver
- Input voltage 120V-277V auto-sensing
- 1/2" NPSM wire entry
- Drive current 700mA
- Power consumption 10W
- ELV trailing edge dimming only

ETL listed, suitable for wet locations.

Mounting Accessories:

- (order separately)
- Ground Stake (**GSP17**)
 - Junction Box (**JBOX**)
 - Junction Mount (**JCOV**)

Optical Accessories:

- Hexocell Louver (**HCS**)
- Half Glare Shield (**HGS**)

Finish:

Premium quality thermoset polyester powdercoat for a durable finish.



5 year limited warranty
AMERLUX LED

POWDER COATED TOUGH



PROJECT:

TYPE:

Luminaire Ordering Information

ACCS

1

2

3

4

5

1

Model
ACCS

2

Color Temp
27 - 2700K
30 - 3000K
35 - 3500K
40 - 4000K

3

Beam Spread
10 - 10°
15 - 15°
30 - 30°
40 - 40°
60 - 60°
H6010 - 60° x 10°
H6030 - 60° x 30°
H9060 - 90° x 60°
V6010 - 60° x 10°
V6030 - 60° x 30°
V9060 - 90° x 60°

4

Finish
BLK - Satin Black
CLB - Classic Bronze
GRN - Green
WHT - White
CSTM - Custom

5

Optical Accessories
HCS - Hexcell Louver
HGS - Half Glare Shield

Mounting Accessories Ordering Information (order separately)

1

2

1

Mounting Accessories
GSP17 - Ground Stake (black polycarbonate)
JBOX - Junction Box (finish matches fixture finish)
JCOV - Junction Mount (finish matches fixture finish)

2

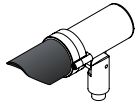
Finish
BLK - Satin Black
CLB - Classic Bronze
GRN - Green
WHT - White
CSTM - Custom

PROJECT:

TYPE:

Optical Accessories

HGS
(Half Glare Shield)

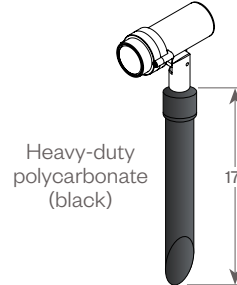


HCS
(Hexcell Louver)

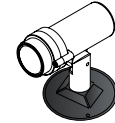


Mounting Accessories (order separately)

GSP17
(Ground Stake)



JCOV
(Junction Mount)



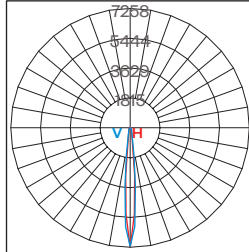
JBOX
(Junction Box)



Finish will match luminaire color

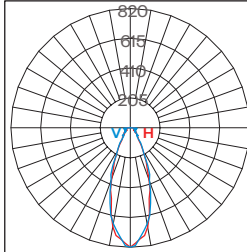
Optical Performance - Polar Graphs

ACCS-27-10



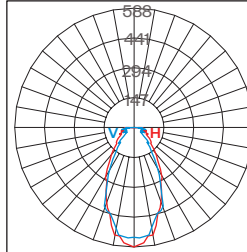
Maximum Candela = 7258
Horizontal Beam Angle(50%) = 11
Vertical Beam Angle(50%) = 11
Horizontal Field Angle (10%) = 21
Vertical Field Angle (10%) = 22

ACCS-27-30



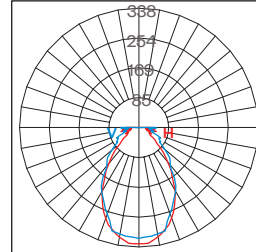
Maximum Candela = 820
Horizontal Beam Angle(50%) = 38
Vertical Beam Angle(50%) = 36
Horizontal Field Angle (10%) = 77
Vertical Field Angle (10%) = 76

ACCS-27-40



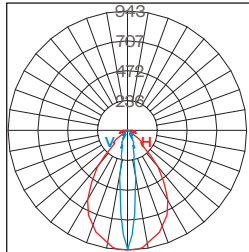
Maximum Candela = 588
Horizontal Beam Angle(50%) = 47
Vertical Beam Angle(50%) = 46
Horizontal Field Angle (10%) = 92
Vertical Field Angle (10%) = 130

ACCS-27-60



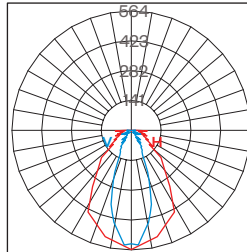
Maximum Candela = 388
Horizontal Beam Angle(50%) = 70
Vertical Beam Angle(50%) = 66
Horizontal Field Angle (10%) = 148
Vertical Field Angle (10%) = 142

ACCS-27-60X10



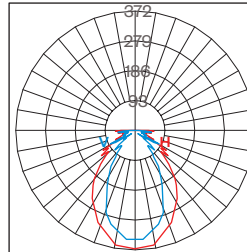
Maximum Candela = 943
Horizontal Beam Angle(50%) = 66
Vertical Beam Angle(50%) = 18
Horizontal Field Angle (10%) = 98
Vertical Field Angle (10%) = 52

ACCS-27-60X30



Maximum Candela = 564
Horizontal Beam Angle(50%) = 65
Vertical Beam Angle(50%) = 35
Horizontal Field Angle (10%) = 115
Vertical Field Angle (10%) = 99

ACCS-27-90X60



Maximum Candela = 372
Horizontal Beam Angle(50%) = 78
Vertical Beam Angle(50%) = 66
Horizontal Field Angle (10%) = 152
Vertical Field Angle (10%) = 142

NOTE: Data represents the use of light shaping filters.
Complete photometric data (ies format) available upon request.

Performance Chart

Pattern	Beam Spread	Approx. Lumens	Total Efficacy
Symmetrical	10 (10°)	630-710	63-71 lm/W
	15 (15°)	600-680	60-68 lm/W
	30 (30°)	570-650	57-65 lm/W
	40 (40°)	570-650	57-65 lm/W
	60 (60°)	540-620	54-62 lm/W
Horizontal	H6010 (60°x10°)	630-570	63-57 lm/W
	H6030 (60°x30°)	570-590	57-59 lm/W
	H9060 (90°x60°)	580-610	58-61 lm/W
Vertical	V6010 (60°x10°)	630-570	63-57 lm/W
	V6030 (60°x30°)	570-590	57-59 lm/W
	V9060 (90°x60°)	580-610	58-61 lm/W

Harper
Houf Peterson
Righellis Inc.

Kamm Street Apartments

MSC-261

Stormwater Management Report PA-21-00007

September 3, 2021

Prepared For:

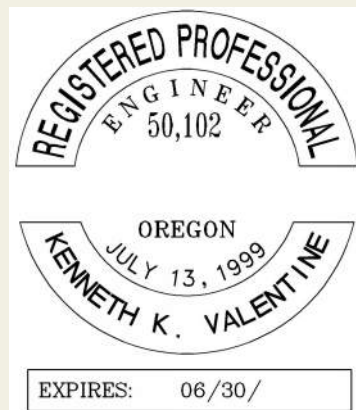
Ron Laughlin
401 Sixth Street
Oregon City, OR 97045

MSC-261

Prepared By:

Harper Houf Peterson Righellis Inc.
1220 Main Street, Suite 150
Vancouver, WA 98660
P: 360-750-1131 F: 360-750-1141

Ken Valentine, PE



HHPR

ENGINEERS ♦ PLANNERS
LANDSCAPE ARCHITECTS ♦ SURVEYORS

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Stormwater Management	3
Existing Basin Characteristics.....	4
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Water Quality	5
Detention / Flow Control	5
Conveyance	5
Downstream Analysis.....	6
Photos of Existing Downstream Ditch	7

Appendix

EX-1 VICINITY EXHIBIT
EX-2 PREDEVELOPED CONDITIONS
EX-3 ONSITE BASIN MAP
EX-4 UPSTREAM/DOWNSTREAM BASIN
DOWNSTREAM ANALYSIS CALCULATIONS
WES BMP PRINTOUT
HYDROGRAPHS
NRCS WEB SOIL SURVEY
OPERATIONS & MAINTENANCE - STORMWATER PLANTERS
SITE PLAN



Project Description

Ron Laughlin is redeveloping the existing 0.91-acre site located at 279 Warner Milne Road, Oregon City, Oregon for the construction of a 30-unit apartment project. The proposed development will disturb approximately 0.85 acres. The south end of the site is currently developed with a single-family resident that has been converted for commercial use. The north end of the site is undeveloped and generally grass covered.

Minor sidewalk and driveway reconstruction is proposed. There is a 24" pipe that daylights onto the site on the north and follows a small ditch to the south end where it enters a 44" x 22" concrete culvert that runs under Warner Milne Road. A wetland delineation was performed by Ivy Watson at Harper Houf Peterson Righellis Inc. in May 2021. The report found that only a very small section of the ditch on the south end of the site where the drainage enters the culvert could be classified as a wetland. The report was subsequently submitted to the Oregon Department of State Lands and the US Army Corp of Engineers for review and concurrence. Both agencies agreed with the determination and confirmed that the existing ditch is not waters of the state or of the US. Therefore, the ditch will be replaced with a 24" pipe.

Low impact development site approaches (LID) "stormwater planter – infiltration" are proposed to treat the impervious surfaces and pervious runoff. The LID facilities will also provide flow control for their respective basin areas.

Proposed stormwater management improvements are detailed further in this report. Refer to the Appendix for EX-1 vicinity exhibit, EX-2 existing (pre-developed) conditions, EX-3 proposed (post-developed) basin maps, EX-4 downstream analysis, and WES BMP calculator printouts along with additional calculation and information.

Purpose and Objectives

The purpose of this drainage report is to present options for best management practices (BMP) for conveyance, detention, infiltration and water quality treatment to be installed as part of this Oregon City Public Works project. The City of Oregon City Stormwater and Grading Design Standards (July 2019) have been used as design requirements and guidelines.

Existing Site Description

The site mildly slopes from north to south. Elevations range from 451' to 447' (NAVD88). The site's highest elevation is the northwest corner and the lowest in the southeast corner near Warner Milne Road. The site contains an existing ditch that conveys stormwater from Kamm Street on the north to Warner Milne to the south. There are no known existing stormwater treatment or flow control facilities on the site. A small public street, Kamm Street, terminates about 20-feet north of the site and Warner Milne Road fronts the property to the south. There is a single-family residence that has been converted to an office space with two driveways entering Warner Milne Road and small parking area.

Soils Characteristics

The Natural Resources Conservation Services (NRCS) with the United States Department of Agriculture has classified the soils as Bornstedt silt loam. The soils are categorized into Hydrologic Soils Groups based on the estimated runoff from precipitation. The soil survey the site are in Soil Group C.



Infiltration

No infiltration testing has been performed. Based on familiarity with projects in the area and the soils survey the infiltration rate is likely to fall between 0.06 to 0.20 inches per hour.

Groundwater

Per the soil survey ground water would be at about 36" below ground surface. Please note that groundwater levels can fluctuate during the year depending on climate, irrigation season, extended periods of precipitation, drought, and other factors."

Therefore, based on this information, coupled with the low to negligible infiltration rates, stormwater infiltration is not feasible for this site. The proposed stormwater planters will be impermeable lined due to lack of soil infiltration, proximity to groundwater, and their location adjacent to building foundations.

Proposed Improvements and Impervious Surfaces

Proposed onsite impervious surface area consists of the parking lot, drive aisles, sidewalks, plazas and building. See Table 1 below for a summary of site areas:

Table 1: Total Site Area			
	Impervious Area	Pervious Area	Total
Existing	6,098 SF (0.14 ac)	33,541 SF (0.77 ac)	39,639 SF (0.91 ac)
Proposed	186,535 SF (4.28 ac)	22,976 SF (0.53 ac)	209,511 SF (4.81 ac)

Stormwater Management

Table 2: City of Oregon City Stormwater Management Requirements	
Design Requirement	City of Oregon City Criteria
Conveyance Design Storm	10-Year; 24-hour SBUH Method for Pipe
Treatment Area	All Disturbed Impervious Area + New Impervious Area
Treatment Storm	1.0" / 24-hour storm per City of Oregon City
Detention	Peak Flow Duration matching between 42% of the 2-year up through the 10-year storm event

The WES BMP calculator is an acceptable method of sizing stormwater facilities per the City's manual. This project utilizes the WES BMP calculator to size stormwater facilities and meet requirements.

Table 2a – City of Oregon City Precipitation-Frequency Estimates

Frequency	Precipitation
WQ; 24-hr	1.0 inches
2-yr; 24-hr	2.80 inches
10-yr; 24-hr	3.50 inches
25-yr; 24-hr	4.00 inches



Existing Basin Characteristics

The existing site's stormwater basins are conveyed to the low point on the southeast corner of the site and into the existing ditch. Existing basins consist primarily of pervious surfaces with impervious building roof and asphalt pavement.

The required stormwater management area is determined by calculating the disturbed impervious area that is replaced with impervious area, and any new impervious area. See exhibit EX-2 in the Appendix for an illustration of this area. See Table 3 below for a summary of the required stormwater management area.

Table 3: Required Stormwater Management Area	
	Dist. + New Impervious Area
Required	28,830 SF (0.66 ac)

Proposed Basin Characteristics

The proposed site's stormwater management basins are broken into three basins A-C. These basins were thoughtfully chosen because they convey a significant amount of stormwater to an existing low point on the site. This is done in an effort to work in harmony with the existing site's topography and stormwater system, reduce grading, and provide the maximum amount of stormwater management in an economical way. See exhibit EX-3 in the Appendix for an illustration of these proposed management basin areas. See Table 4 below for a summary of the proposed basin areas depicting the treatment area is greater than the required area:

Table 4: Proposed Basin Areas			
Basin	Impervious Area	Facility Type	Facility Size
North Lot	9,100 SF	Planter	444 SF
South Lot	8,700	Planter	570 SF
Front Walk	331	Planter	To South Lot
R1	640 SF	Planter	40 SF
R1A	654 SF	Planter	40 SF
R2	640 SF	Planter	32 SF
R2A	591 SF	Planter	28 SF
R3 & R4	1,762 SF	Planter	77 SF
R5	563 SF	Planter	39 SF
R6	568 SF	Planter	32 SF
R7	565	Planter	To South Lot
R7A	565	Planter	To South Lot
R8	565	Planter	32
R8A	609 SF	Planter	To South Lot
R9	926 SF	Planter	To South Lot
R9A	510 SF	Planter	To South Lot
R10	563	Planter	48
R10A	510	Planter	To R10
TOTAL PROVIDED	28,782 SF (1.15 ac)		1,382 SF



Water Quality

The City of Oregon City water quality treatment criteria will be met by treatment of the site runoff through LID vegetated planter facilities. Treatment will occur via biofiltration and is met through the use of the WES BMP Calculator. The proposed LID planter facilities will consist of an overflow set 12 inches above the topsoil growing media elevation. This will allow for 12" of ponding depth and filtration through the soil media prior to overflow. The planters consist of an 18" depth section of growing filtration soil media, with 15" of drain rock below, and a PVC liner at the bottom. A perforated underdrain pipe is set at the bottom to ensure full drawdown. The water quality event has been routed through each LID facility in the WES BMP calculator to ensure that the event does not cause stormwater to enter the overflow structure during the water quality storm event. Treated stormwater will be collected in the underdrain system and routed to site conveyance. Studies from the International Stormwater BMP Database (July 2012) indicate that bio filtration BMPs are good candidates for treatment of phosphorus, TSS and algae and mercury / metals.

Landscaping and trees are retained and proposed throughout the site to the maximum extent feasible. Above-ground vegetated stormwater facilities will benefit from tree canopy during the summer months to mitigate stormwater temperature rise. Underdrain systems will be necessary for collecting and routing stormwater that will filter through the proposed soil media but will not infiltrate the underlying native soils. Impervious liners are proposed on all facilities.

The WES BMP calculations can be located in the Appendix.

BMP design constraints include area limitations, existing topography, and existing soil permeability. The City of Oregon City Public Works department has strict requirements for developed sites and desire for safety, efficient use of the site, large vehicle turning movements and future opportunities.

Proper delineation and erosion and sediment control will be installed to protect the proposed facilities from potentially being compacted and/or inundated with sediment during construction.

Following treatment and detention, stormwater will ultimately discharge to the public storm system at the west side of the site. Refer to the Appendix for a proposed storm drainage schematic. See Table 4 above for a summary of stormwater management basins.

Detention / Flow Control

All proposed LID planter facilities are designed to allow for 12" of ponding to provide flow control while stormwater is infiltrating through the soil media. Each planter overflow structure has an orifice cap on the incoming perforated underdrain to limit inflow and facilitate detention storage ponding within the basin. Flow control for the site is required to meet peak flow duration matching between 42% of the 2-year up through the 10-year storm event. The WES BMP calculator has been used to size the facilities to ensure that this requirement is met. See Table 4 above for a summary of stormwater management basins.

Conveyance

The proposed storm pipe system is designed to have the capacity to convey the runoff from a 10-year storm event return frequency storm event without ponding. The site storm system was designed to convey all of the impervious area and contributing pervious area for the entire site. A minimum pipe size and slope will



be maintained throughout the system. The intent is to maintain a minimum free flow velocity of 3.0 fps in all pipes. See the Appendix for pipe sizing calculations (minimum pipe slopes & sizes required to meet these conditions).

A conduit Flow Mannings “n” = 0.013 for pipe flow is used in all calculations.

The time of concentration (t_c) is defined as the time for runoff to travel from the furthestmost point of the watershed to the point in question. Time of concentration can be estimated from several formulas. The minimum time of concentration is 5 minutes in developed urban areas and the maximum is 100 minutes in rural areas. A time of concentration of 5 minutes is used for design of the stormwater basins in this project.

The 100-year design storm and emergency flow routes have been analyzed for the site. Since there are multiple catchment basins for the site, each with their own piped conveyance system, this includes analyzing the “controlling” basin having the least diameter pipe size and slope and ensuring its’ flow is unrestricted during the 100-year storm event. As seen in the Appendix, the controlling conveyance link is an 8” diameter pipe with a slope of $S=0.0075$ ft/ft. This conveyance link has a flow capacity of 1.05 cfs. Assuming the entire site were impervious it would produce a peak flow of 0.75 cfs, therefore the 8” diameter pipes are adequate for the 100-year storm event.

Downstream Analysis

Per Oregon City stormwater standards section 5.2.4 a preliminary downstream analysis has been completed to ensure that the downstream stormwater infrastructure has adequate capacity to convey the 10-year/24-hours storm event. The analysis shall extend until the project contributes less than 15% of the total basin or 1,500 feet, whichever is greater. Reference exhibit EX-4 in the Appendix for a basin map and existing stormwater infrastructure.

Several sources of information were used to complete this downstream analysis. A survey was completed of the site to confirm the directly adjacent stormwater sizes. City GIS and Metro Data were also used for this analysis. Per current City of Oregon City GIS mapped storm system records, the downstream pipe system consists of 52” x 30” elliptical concrete storm pipe from the site for a distance of approximately 100 feet before out falling to an existing ditch between the Clackamas Federal Credit Union and the Willow Springs Apartments on the south side of Warner Milne Drive.

This proposed development is part of the Newell Basin, and the ultimate downstream infrastructure analyzed with this analysis (at a point 1,500 ft. downstream) conveys a basin area of approximately 83.2 acres. The proposed development site is 0.91 acres is approximately 1.09% of the total contributing basins. The project increases the total site impervious area by approximately 28,500 SF (0.654 acres) which is negligible within the overall approximate basin of 83.2 acres (0.6% increase of the basin). Therefore, the conveyance design storm is analyzed for the 10-year, 24-hour storm event per Table 5-1 Conveyance System Design Storms of the Oregon City Stormwater and Grading Design Standards. The Santa Barbara Urban Hydrograph method (SBUH) was used to estimate runoff from the overall basin, as the receiving basin is greater than 83 acres. The basin was determined by reviewing the OCCMAPS website and tracing the portion of the Newell Basin that flows through the site. Due to the variability of soil types and site coverages, a composite curve number was calculated assuming 26% of the basin is impervious surfaces and 73% of the basin area is pervious surfaces. The lag method was used to determine the time of concentration for the basin and was determined to be approximately 40 minutes. The post developed flow was determined by increasing the impervious area by 0.65 acres and calculating the 10-year event.



Table 5 represents the flow from the basin in its existing state and post developed.

Table 5: Upstream Basin			
Basin	Impervious Area	Pervious Area	Flow cfs
Existing	22 ac	61.2 ac	19.64
Developed	22.65 ac	60.55	20.09

The 10-yr/24-hour pipe flow was computed using this overall basin area and routed it through the existing 52" x 30" elliptical culvert and then through a grassy channel south the site to check conveyance adequacy in the post developed condition. Even though only about 60% of the basin actually flows through the culvert it was analyzed using the entire basin flow. As seen in the Appendix, the existing culvert and grassy swale at the limit of 1,500 feet has sufficient capacity to convey the 10-yr/24-hour storm event. As a result, no adverse impacts to the downstream system are expected as a result of this development.

Figures 1 and 2 below are pictures taken from Google Street view of the open channels on the south side of Warner Milne Road and again where the channel meets Beaver Creek road about 1500' south of the site.

Photos of Existing Downstream Ditch



Figure 1 Open ditch south side of Warner Milne Road





Figure 2 Open Channel ditch where it meets Beavercreek Road

Appendix

EX-1 VICINITY EXHIBIT

EX-2 PREDEVELOPED CONDITIONS

EX-3 ONSITE BASIN MAP

EX-4 UPSTREAM/DOWNSTREAM BASIN

DOWNSTREAM ANALYSIS CALCULATIONS

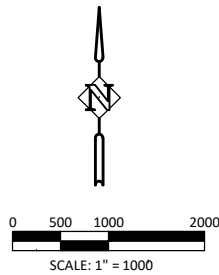
WES BMP PRINTOUT

HYDROGRAPHS

NRCS WEB SOIL SURVEY

OPERATIONS & MAINTENANCE - STORMWATER PLANTERS

SITE PLAN



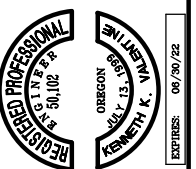
PRELIMINARY

VICINITY MAP

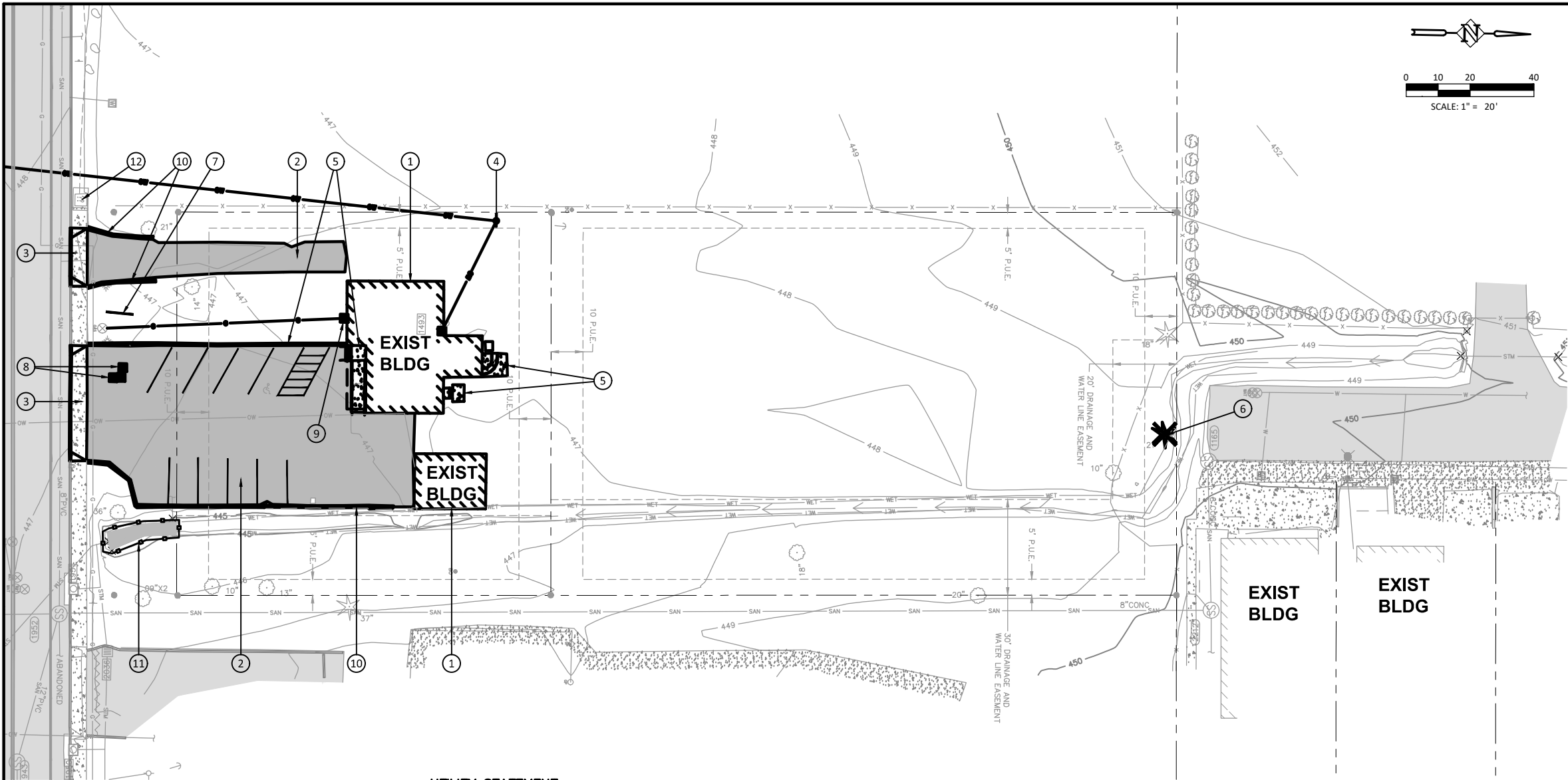
KAMM STREET APARTMENTS

OREGON CITY, OREGON

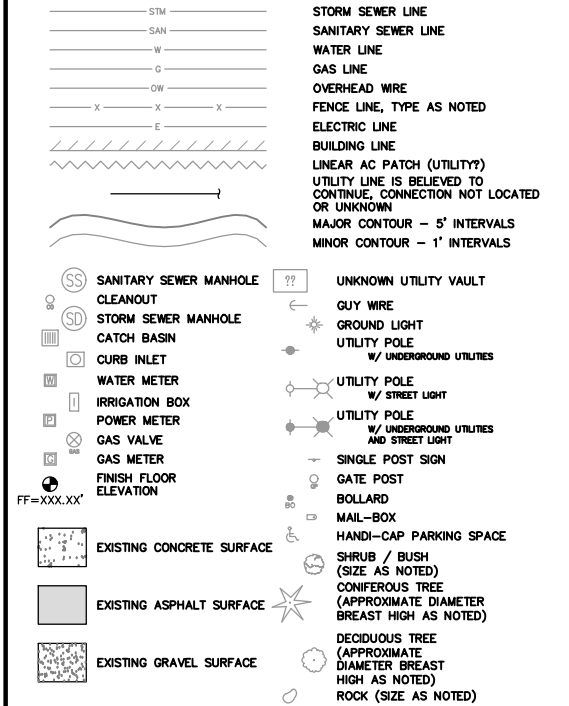
Harper Houf Peterson
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DESIGNED:	KKV	
DRAWN:	HHPR TEAM	
CHECKED:	KKV	
DATE:	09/20/2021	
R E V I S I O N S		
DATE	NO.	DESCRIPTION



TOPOGRAPHIC LEGEND:



NOTE: SYMBOLS SHOWN HEREON ARE FOR GRAPHICAL REPRESENTATION PURPOSES AND DO NOT NECESSARILY SHOW SHAPE, SIZE, ROTATION, CONDITION, TYPE, ETC. OF THE ACTUAL PHYSICAL IMPROVEMENTS THAT THEY REPRESENT. CONDITION, TYPE, ROTATION, ETC. MAY VARY AMONGST ITEMS SHOWN BY THE SAME SYMBOL.

UTILITY STATEMENT:

THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM LOCATE PAINT MARKINGS TIED IN THE FIELD SURVEY AND AS-BUILT DRAWINGS PROVIDED BY UTILITY COMPANIES. THIS SURVEY DOES NOT SHOW ANY PAINT MARKINGS PROVIDED AFTER THE FIELD SURVEY WAS COMPLETED. AS-BUILT DRAWING INFORMATION THAT WAS NOT PROVIDED IS NOT REFLECTED ON THIS SURVEY. AS-BUILT INFORMATION, IF PROVIDED, WAS USED TO IDENTIFY UNDERGROUND PIPE SIZE AND TYPE (IF SHOWN, AND NOT MEASURED). PAINTED SIZE INFORMATION, IF PROVIDED, WAS USED TO IDENTIFY UNDERGROUND PIPE SIZE AND TYPE (IF SHOWN, AND NOT MEASURED). IF NO LOCATE PAINT MARKINGS WERE PROVIDED, AS-BUILT INFORMATION WAS USED TO HORIZONTALLY LOCATE THE UNDERGROUND UTILITIES.

THIS SURVEY MAKES NO GUARANTEES THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE OF ALL SUCH UTILITIES IN THE AREA. THE UNDERGROUND UTILITIES SHOWN MAY NOT BE IN THE EXACT LOCATION AS NOTED ON THIS SURVEY, BUT ARE LOCATED AS ACCURATELY AS POSSIBLE FROM THE INFORMATION PROVIDED. MANHOLES OTHER THAN SANITARY AND STORM SEWER WERE IDENTIFIED BY MANHOLE LIDS AND MAY NOT BE LABELED CORRECTLY.

UTILITY LOCATES MUST BE VERIFIED BY THE STATE UTILITY NOTIFICATION CENTER IMMEDIATELY PRIOR TO ANY EXCAVATION.

UTILITY LOCATES WERE REQUESTED 2/9/2021 UNDER TICKET NUMBERS 21038042 AND 21038079 FOLLOWING IS A LIST OF UTILITY PROVIDERS NOTIFIED:

BCTO BEAVER CREEK TELEPHONE (800)778-9140(503)632-3113(503)632-4114
*CDDOT05 CLACK CO DOT-TELECOM SRVCS (503)655-8828(503)655-8322(503)655-8828
*CDDOT06 CLACKAMAS COUNTY- DOT- CBX (503)722-6663(503)722-6663(503)940-6940
CMCST01 COMCAST CABLE COMM. MNGT, LLC(800)778-9140(800)34-6489(503)617-1212
COC01 CITY OF OREGON CITY(503)657-8241(503)657-8241(503)657-8241
*NWN01 NW NATURAL(503)220-2415(503)220-2415(800)882-3377
PGE01 PORTLAND GENERAL ELECTRIC(503)255-4634(800)544-1793(503)464-7777
PGEF01 PORTLAND GENERAL ELECTRIC(503)255-4634(800)544-1793(503)464-7777
QLNOR01 CTLQ-CENTURYLINK(800)778-9140(800)283-4237(800)573-1311

* - DENOTES ASBUILT MAPS RECEIVED

MANHOLE LOCATION INFORMATION:

DUE TO THE HAZARDOUS NATURE AND APPLICABLE OSHA REQUIREMENTS REGARDING CONFINED SPACES, IT IS COMPANY POLICY TO NOT SEND OUR FIELD STAFF INTO UTILITY MANHOLES TO RETRIEVE DEPTH AND SIZE INFORMATION (PIPE SIZES AND DEPTHS ARE OBTAINED THROUGH ABOVE GROUND METHODS). THEREFORE, ANY MANHOLE ELEVATION INFORMATION SHOWN HEREON IS SUBJECT TO AN UNCERTAINTY IN ACCURACY OF PLUS OR MINUS 0.1' OR GREATER (DEPENDING ON DEPTH, SIZE, FLOW, AND CONSTRUCTION OF MANHOLE). MANHOLE PIPE SIZES ARE ALSO SUBJECT TO AN UNCERTAINTY OF TWO INCHES OR MORE (DEPENDING ON DEPTH, SIZE, FLOW, AND CONSTRUCTION OF MANHOLE). IF A HIGHER ACCURACY IS NEEDED, ADDITIONAL TIME, EQUIPMENT, AND PERSONNEL WILL BE REQUIRED TO ENTER THE MANHOLE AND RETRIEVE SAID INFORMATION.

MANHOLE LOCATIONS SHOWN ARE TO CENTER OF LID, NOT CENTER OF STRUCTURE.

VERTICAL DATUM:

ELEVATION DATUM:
BENCHMARK:
LOCATION:
ELEVATION:

HORIZONTAL DATUM

[ADD HORIZONTAL REFERENCE FRAME HERE]

THIS IS AN EXAMPLE:

HORIZONTAL COORDINATES ARE BASED ON WASHINGTON STATE PLANE (SOUTH ZONE) - REFERENCE FRAME: NAD 83 (CORS96)(EPOCH: 2002.0000). US SURVEY FEET. ALL DISTANCES ARE GROUND, SO STATE PLANE COORDINATES ARE APPROXIMATE, AND WERE DETERMINED FROM AN OPUS SOLUTION (THROUGH NGS) FOR CONTROL POINTS AT THE NORTH (CP-5) AND SOUTH (CP-1) ENDS OF THE PROJECT. THE CONTROL POINT AT THE SOUTH END OF THE PROJECT WAS HELD FOR ITS COORDINATES (CP-1), AND THE PROJECT WAS ROTATED TO THE LINE BETWEEN SAID CONTROL POINTS (PER THEIR OPUS SOLUTIONS).]

TOPOGRAPHIC SURVEY
LOCATED IN THE NORTHEAST ONE-QUARTER OF THE
NORTHWEST ONE-QUARTER OF SECTION 5,
TOWNSHIP 3 SOUTH, RANGE 2 EAST, WILLAMETTE MERIDIAN
CITY OF OREGON CITY, CLACKAMAS COUNTY, OREGON

FIELD WORK DATES: FEBRUARY AND MARCH 2021

CONSTRUCTION NOTES:

- 1 REMOVE EXISTING BUILDING.
- 2 REMOVE EXISTING ASPHALT.
- 3 REMOVE EXISTING DRIVEWAY APRON.
- 4 REMOVE EXISTING POWER POLE AND OVERHEAD WIRES. COORDINATE WITH PGE.
- 5 REMOVE EXISTING CONCRETE.
- 6 REMOVE EXISTING TREE.
- 7 REMOVE EXISTING SIGN.
- 8 REMOVE EXISTING WATER METERS. CLOSE CORP STOP AT MAIN.
- 9 REMOVE EXISTING GAS METER. COORDINATE WITH NWN.
- 10 REMOVE EXISTING RETAINING WALL.
- 11 PROTECT EXISTING WETLAND. INSTALL ORANGE CONSTRUCTION FENCE.
- 12 PROTECT EXISTING VAULT.

SANITARY SEWER NOTES

- 1185 SANITARY MANHOLE
RIM=449.08'
IE 8"CONC(N)=441.93'
IE 8"CONC(E)=441.78'
BOTTOM=441.88'
- 1267 SANITARY MANHOLE
RIM=452.15'
IE 8"CONC(N)=442.75'
IE 8"CONC(S)=442.70'
BOTTOM=442.75'
- 1843 SANITARY MANHOLE
RIM=446.75'
IE 12"PVC(NW)=438.85'
IE 12"CONC(E)=438.70'
BOTTOM=438.75'
- 1952 SANITARY MANHOLE
RIM= 446.70'
IE 8"PVC(S)= 440.40'
IE 8"PVC(N)= 439.70'
IE 8"PVC(W)= 439.65'
IE 12"PVC(SE)=439.40'
BOTTOM=439.55'
- 2210 SANITARY MANHOLE
RIM=450.50'
IE 8"CONC(W)=441.40'
IE 8"CONC(E)=441.30'
BOTTOM=441.35'
- 2212 SANITARY MANHOLE
RIM=450.85'
IE 8"CONC(W)=441.55'
IE 8"CONC(E)=441.55'
IE 8"CONC(S)=441.35'
BOTTOM=441.45'

STORM SEWER NOTES

- 1493 CLEANOUT
RIM=447.12'
- 1950 CURB INLET
RIM= 446.98'
IE 12" HDPE(N)= 444.18'
SUMP= 442.58'
- 1951 CURB INLET
RIM=447.14'
IE 12"HDPE(N)=443.94'
SUMP=442.44'
- 2036 CATCH BASIN
RIM=446.69'
- 2050 STORM MANHOLE OVER BOX CULVERT
RIM=446.48'
IE 18"CONC(W)=442.48'
IE BOX CULVERT(NW)=441.98'
IE BOX CULVERT(SE)=441.98'
BOTTOM=441.98'
- 2051 CURB INLET
RIM= 446.98'
IE 12" HDPE(S)= 444.18'
BOTTOM= 444.48'
- 2169 CATCH BASIN
RIM=450.50'
IE 18"CONC(W)=447.80'
IE 18"CONC(E)=447.70'
BOTTOM=447.40'

Item 8c.

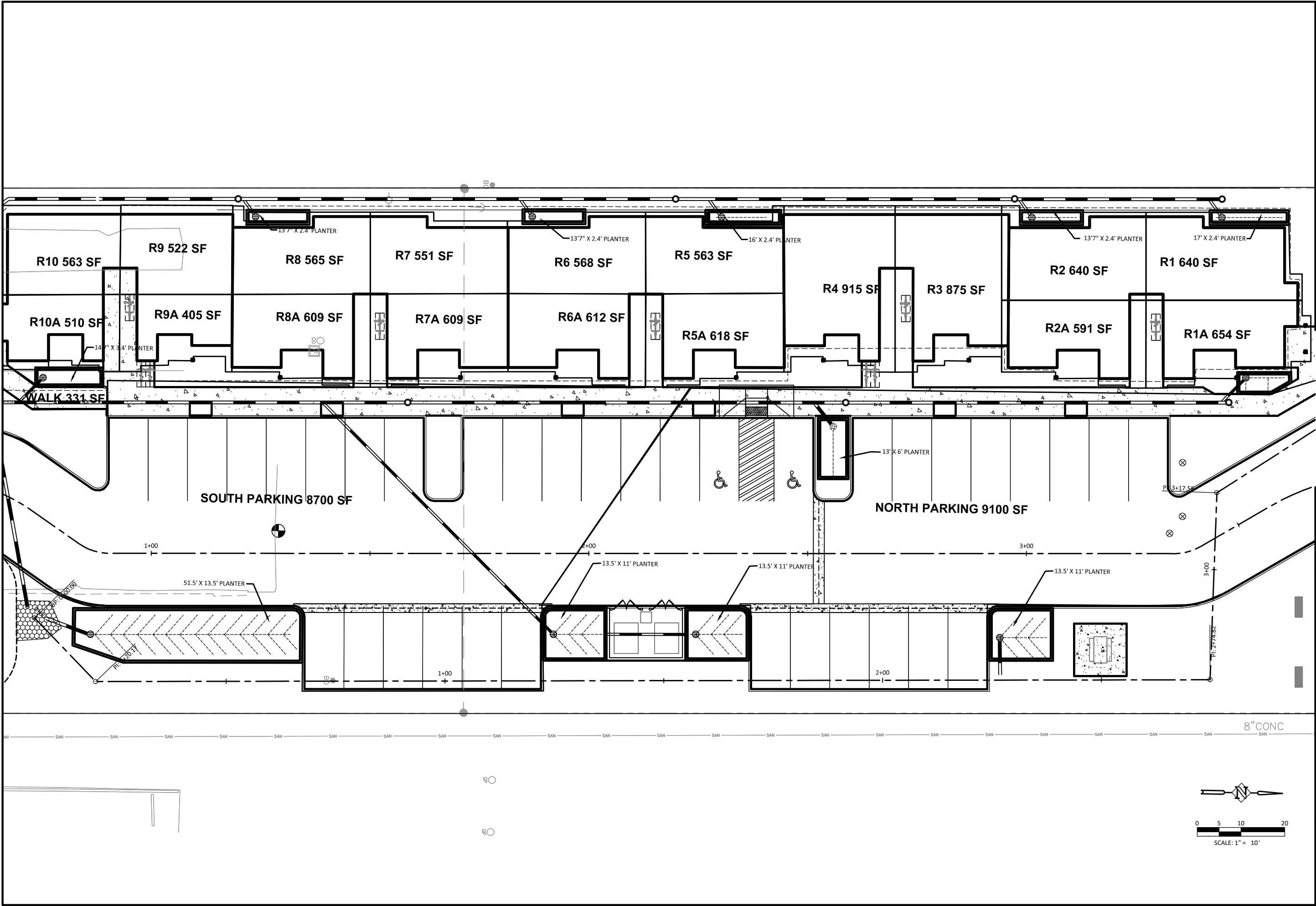
EXISTING CONDITIONS & DEMO PLAN
KAMM STREET APARTMENTS
OREGON CITY, OREGON

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REGISTERED PROFESSIONAL
ENGINEER
PRELIMINARY
EX-2
SHEET NO.
JOB NO.
Page 997

DESIGNED:	DRAWN:	CHECKED:	DATE:
KKV	HHPR TEAM	KKV	09/2021

DATE	NO.	DESCRIPTION
		R E V I S I O N S



Item 8c.

BASIN MAP

KAMM STREET APARTMENTS

OREGON CITY, OREGON

Harper Houf Peterson
Righellis Inc.

ENGINEERS PLANNERS
LANDSCAPE ARCHITECTS & SURVEYORS
1220 Main Street, Suite 150, Vancouver, WA 98660
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REGISTERED PROFESSIONAL
LANDSCAPE ARCHITECT
OREGON
JULY 13, 2013
K. VAN NEST
PRELIMINARY
EXPIRES: 06/30/22

DESIGNED:	KKV	DATE:	09/20/21
DRAWN:	HHPR TEAM	DESCRIPTION	
CHECKED:	KKV	NO.	
DATE:		DATE	

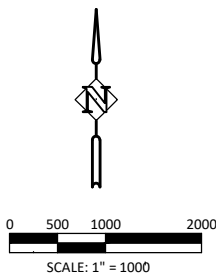
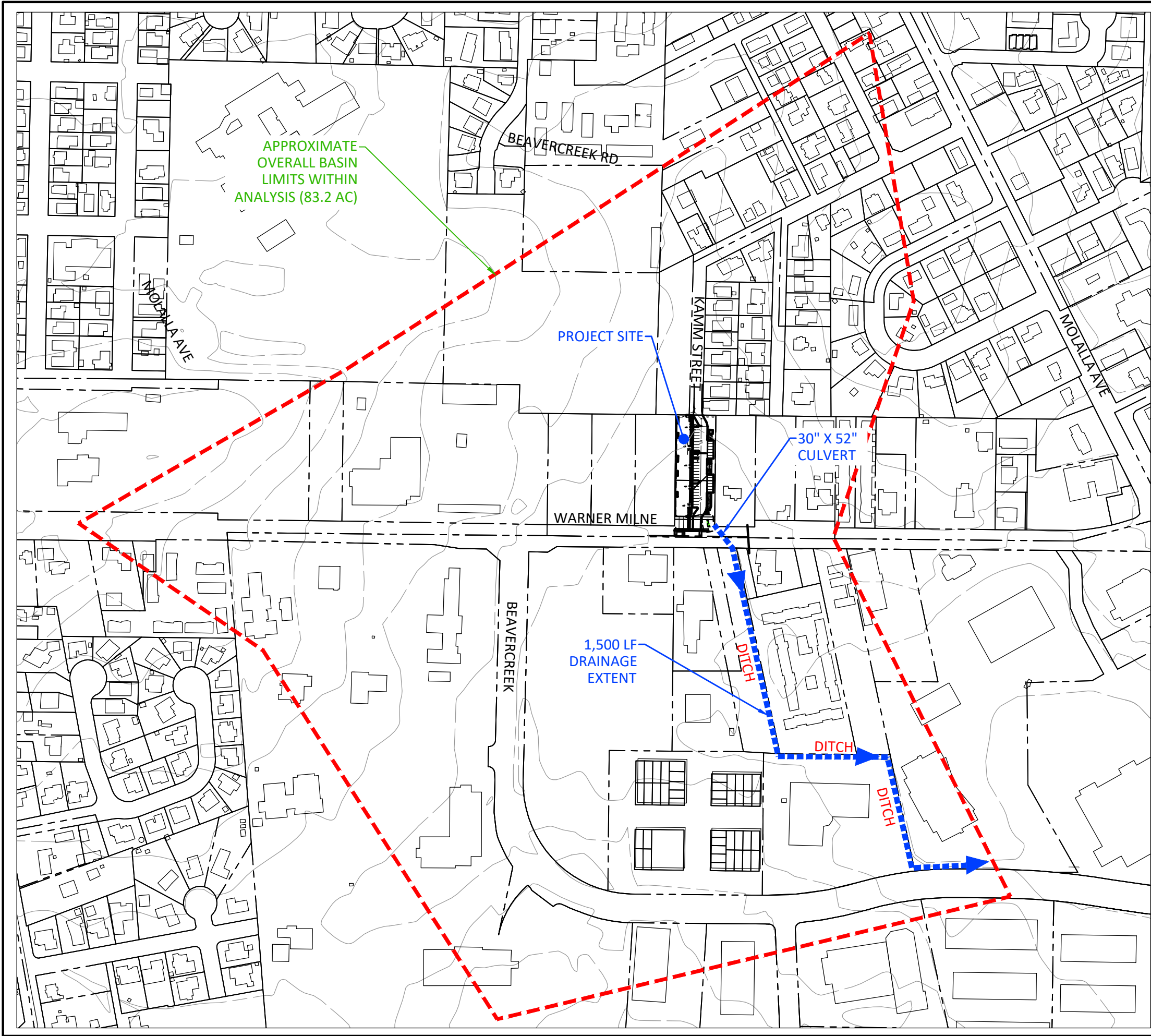
SHEET NO.

EX-3

JOB NO.

Page 998

DOWNSTREAM ANALYSIS



PRELIMINARY

DATE	NO.	DESCRIPTION

Culvert Report

Item 8c.

Hydraflow Express Extension for Autodesk® Civil 3D® by Autodesk, Inc.

Wednesday, Oct 13 2021

WARNER MILNE CULVERT

Invert Elev Dn (ft) = 441.38
Pipe Length (ft) = 96.00
Slope (%) = 0.50
Invert Elev Up (ft) = 441.86
Rise (in) = 30.0
Shape = Elliptical
Span (in) = 52.0
No. Barrels = 1
n-Value = 0.013
Culvert Type = Horizontal Ellipse Concrete
Culvert Entrance = Groove end projecting (H)
Coeff. K,M,c,Y,k = 0.0045, 2, 0.0317, 0.69, 0.2

Embankment

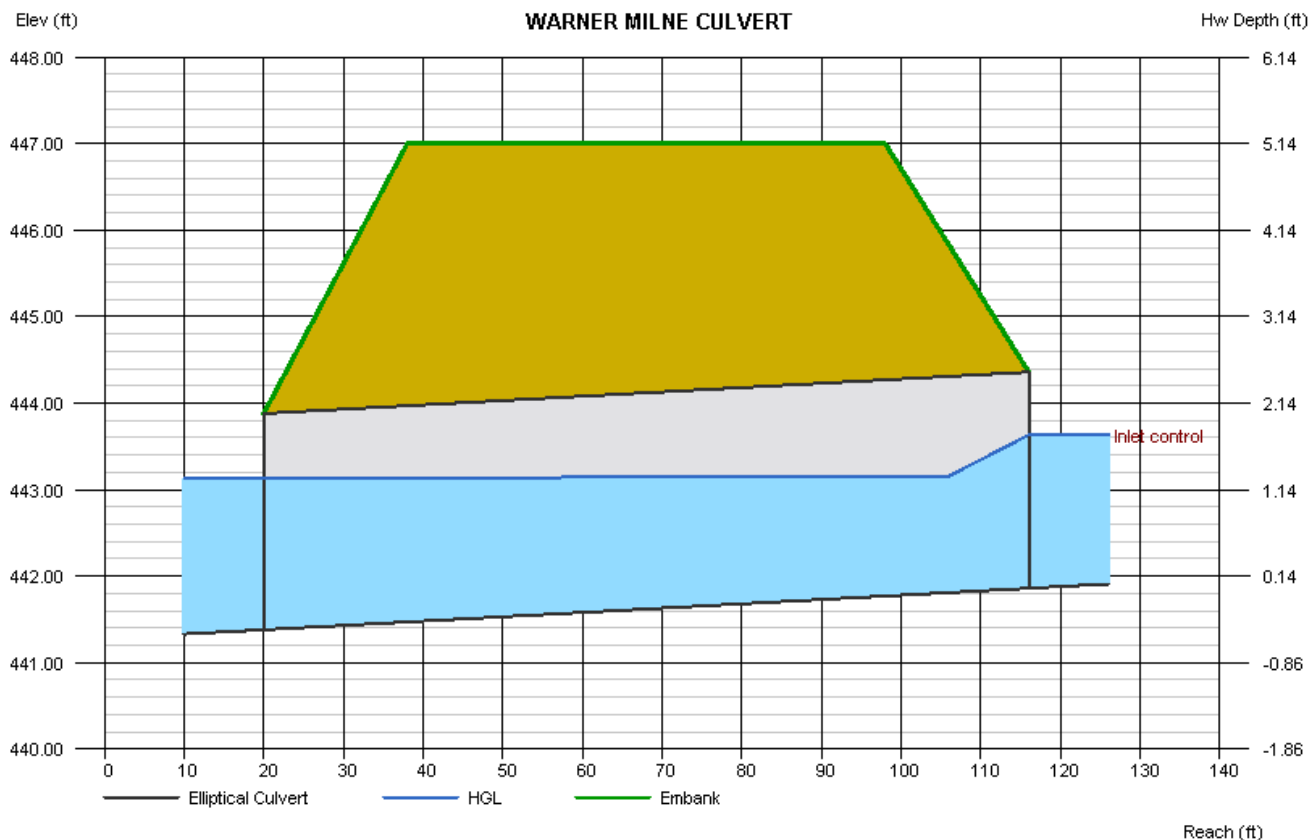
Top Elevation (ft) = 447.00
Top Width (ft) = 60.00
Crest Width (ft) = 10.00

Calculations

Qmin (cfs) = 0.00
Qmax (cfs) = 21.00
Tailwater Elev (ft) = (dc+D)/2

Highlighted

Qtotal (cfs) = 21.00
Qpipe (cfs) = 21.00
Qovertop (cfs) = 0.00
Veloc Dn (ft/s) = 3.10
Veloc Up (ft/s) = 4.75
HGL Dn (ft) = 443.13
HGL Up (ft) = 443.16
Hw Elev (ft) = 443.63
Hw/D (ft) = 0.71
Flow Regime = Inlet Control



Channel Report

Item 8c.

Hydraflow Express Extension for Autodesk® Civil 3D® by Autodesk, Inc.

Wednesday, Oct 13 2021

DOWNSTREAM DITCH ANALYSIS

Trapezoidal

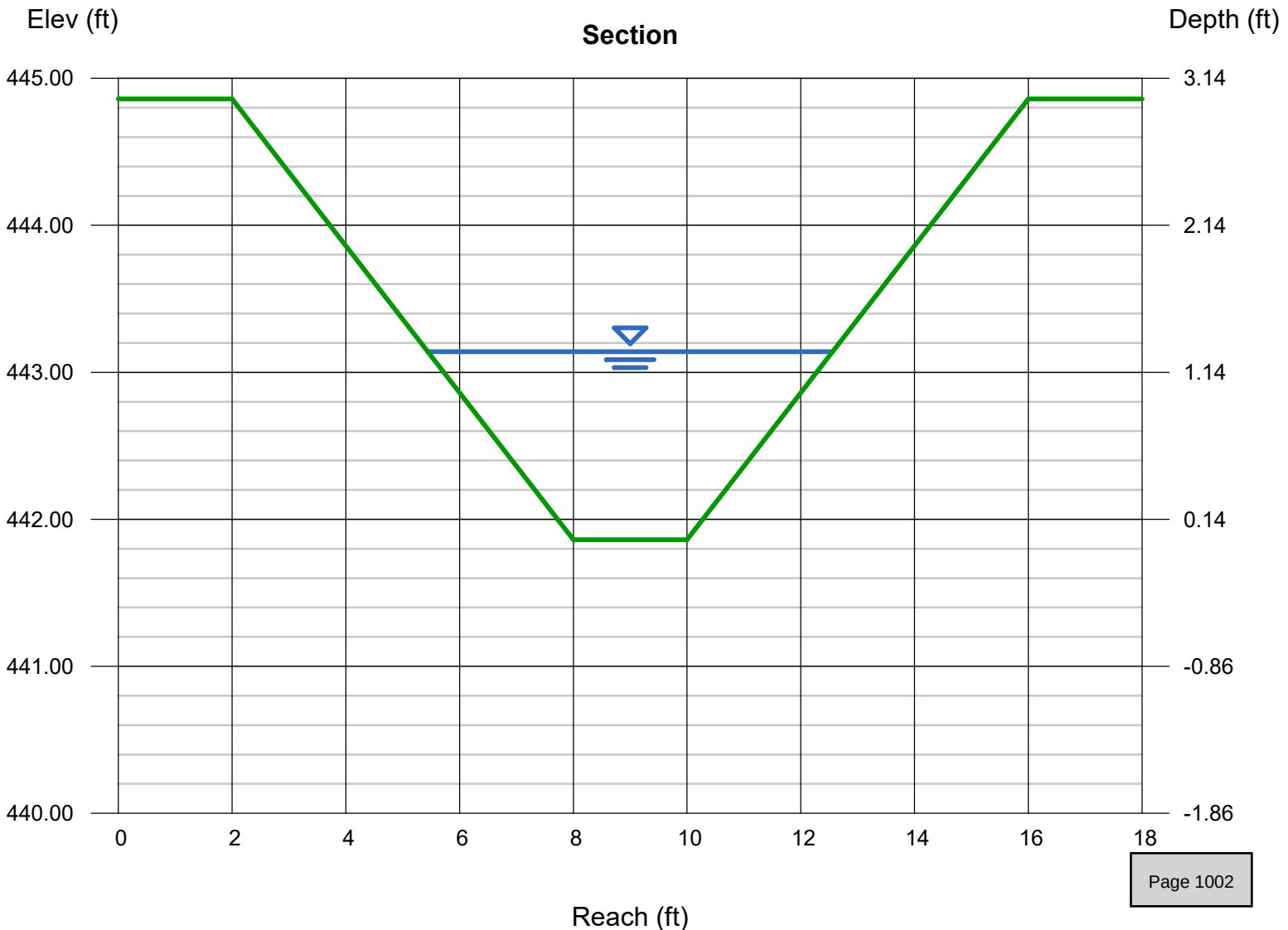
Bottom Width (ft) = 2.00
Side Slopes (z:1) = 2.00, 2.00
Total Depth (ft) = 3.00
Invert Elev (ft) = 441.86
Slope (%) = 0.50
N-Value = 0.025

Highlighted

Depth (ft) = 1.28
Q (cfs) = 20.09
Area (sqft) = 5.84
Velocity (ft/s) = 3.44
Wetted Perim (ft) = 7.72
Crit Depth, Yc (ft) = 1.05
Top Width (ft) = 7.12
EGL (ft) = 1.46

Calculations

Compute by: Known Q
Known Q (cfs) = 20.09



BASIN HYDROGRAPHS

10 - Year

Summary Report.....

Hydrograph Reports.....

Hydrograph No. 1, SBUH Runoff, Complete Basin.....

Hydrograph No. 2, SBUH Runoff, Existing Site.....

Hydrograph No. 3, SBUH Runoff, Proposed Site.....

Hydrograph No. 5, Combine, Basin with existing site.....

Hydrograph No. 6, Combine, Basin with Site.....

100 - Year

Summary Report.....

Hydrograph Reports.....

Hydrograph No. 1, SBUH Runoff, Complete Basin.....

Hydrograph No. 2, SBUH Runoff, Existing Site.....

Hydrograph No. 3, SBUH Runoff, Proposed Site.....

Hydrograph No. 5, Combine, Basin with existing site.....

Hydrograph No. 6, Combine, Basin with Site.....

IDF Report.....

Hydrograph Summary Report

Hydraflow Hydrographs Extension for Autodesk® Civil 3D® by Autodesk, Inc. v2020

Hyd. No.	Hydrograph type (origin)	Peak flow (cfs)	Time interval (min)	Time to Peak (min)	Hyd. volume (cuft)	Inflow hyd(s)	Maximum elevation (ft)	Total strge used (cuft)	Hydrograph Description
1	SBUH Runoff	19.64	2	490	516,012	-----	-----	-----	Complete Basin
2	SBUH Runoff	0.301	2	480	5,116	-----	-----	-----	Existing Site
3	SBUH Runoff	0.636	2	476	8,935	-----	-----	-----	Proposed Site
5	Combine	19.89	2	488	521,128	1, 2,	-----	-----	Basin with existing site
6	Combine	20.09	2	488	524,946	1, 3,	-----	-----	Basin with Site

Hydrograph Report

2

Item 8c.

Hydraflow Hydrographs Extension for Autodesk® Civil 3D® by Autodesk, Inc. v2020

Wednesday, 10 / 13 / 2021

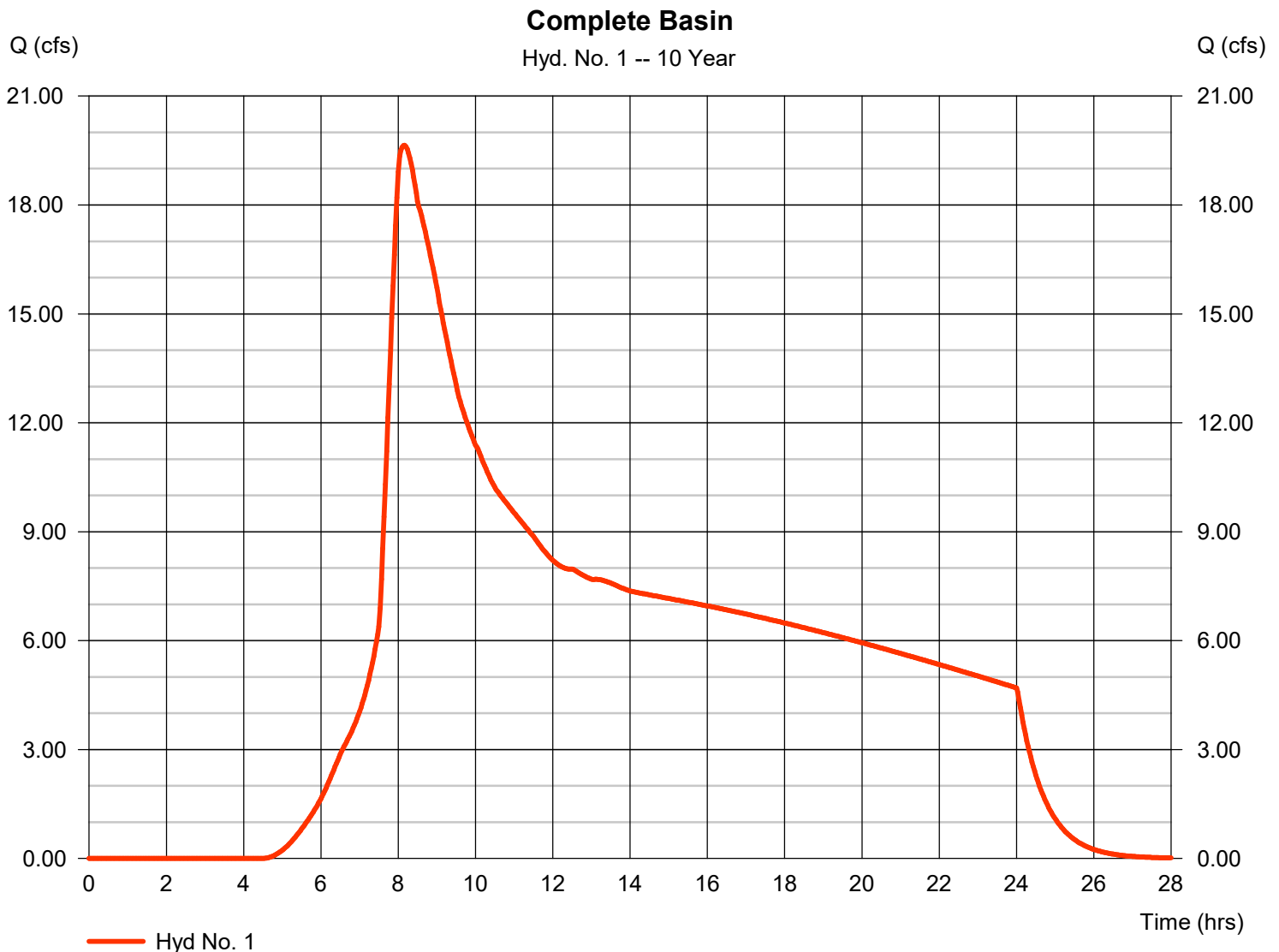
Hyd. No. 1

Complete Basin

Hydrograph type = SBUH Runoff
Storm frequency = 10 yrs
Time interval = 2 min
Drainage area = 83.200 ac
Basin Slope = 3.0 %
Tc method = LAG
Total precip. = 3.50 in
Storm duration = 24 hrs

Peak discharge = 19.64 cfs
Time to peak = 8.17 hrs
Hyd. volume = 516,012 cuft
Curve number = 81*
Hydraulic length = 2800 ft
Time of conc. (Tc) = 40.50 min
Distribution = Type IA
Shape factor = n/a

* Composite (Area/CN) = $[(22.000 \times 98) + (61.200 \times 75)] / 83.200$



Hydrograph Report

3

Item 8c.

Hydraflow Hydrographs Extension for Autodesk® Civil 3D® by Autodesk, Inc. v2020

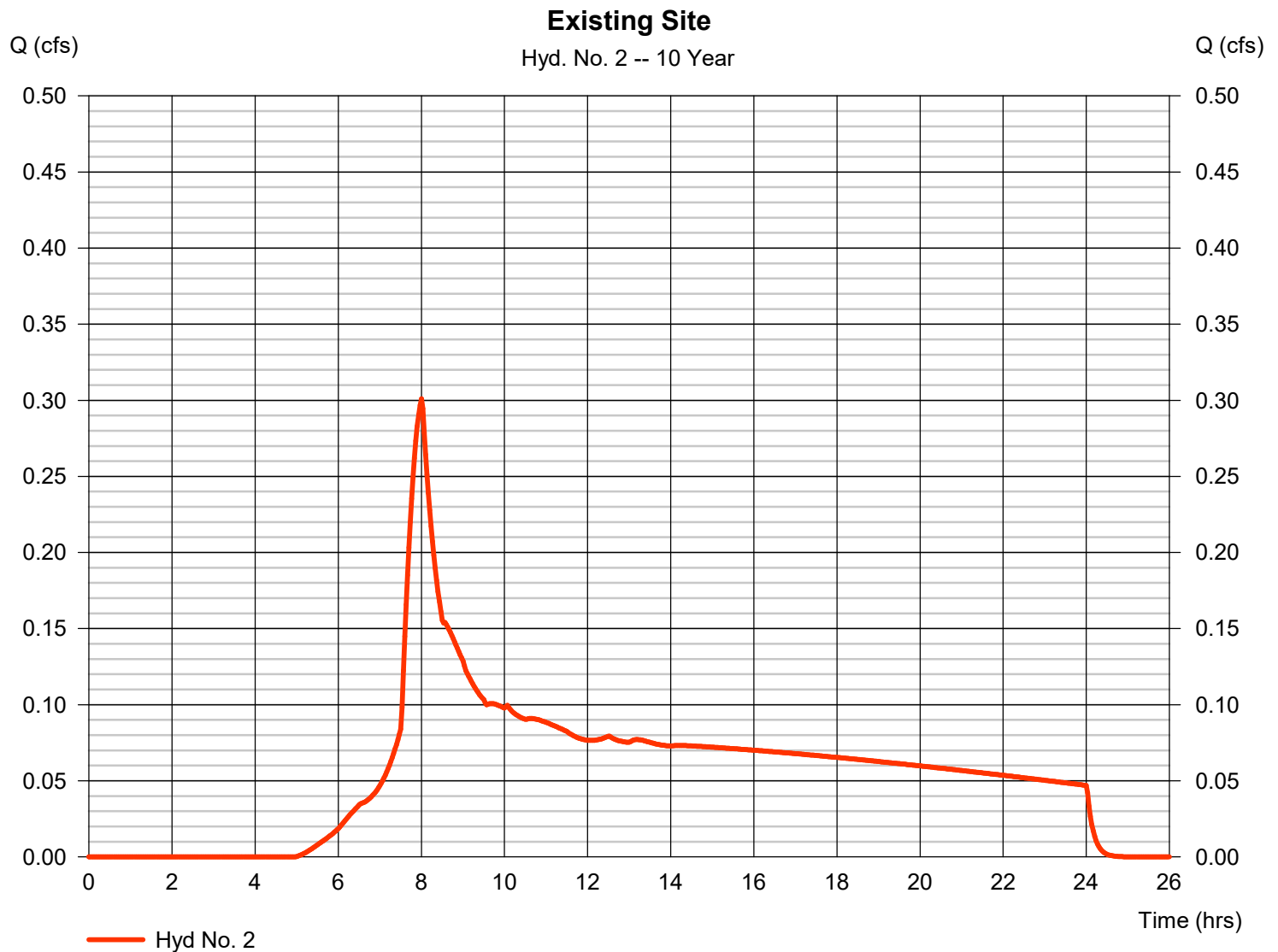
Wednesday, 10 / 13 / 2021

Hyd. No. 2

Existing Site

Hydrograph type	= SBUH Runoff	Peak discharge	= 0.301 cfs
Storm frequency	= 10 yrs	Time to peak	= 8.00 hrs
Time interval	= 2 min	Hyd. volume	= 5,116 cuft
Drainage area	= 0.900 ac	Curve number	= 79*
Basin Slope	= 2.0 %	Hydraulic length	= 300 ft
Tc method	= LAG	Time of conc. (Tc)	= 8.80 min
Total precip.	= 3.50 in	Distribution	= Type IA
Storm duration	= 24 hrs	Shape factor	= n/a

* Composite (Area/CN) = $[(0.140 \times 98) + (0.760 \times 75)] / 0.900$



Hydrograph Report

4

Item 8c.

Hydraflow Hydrographs Extension for Autodesk® Civil 3D® by Autodesk, Inc. v2020

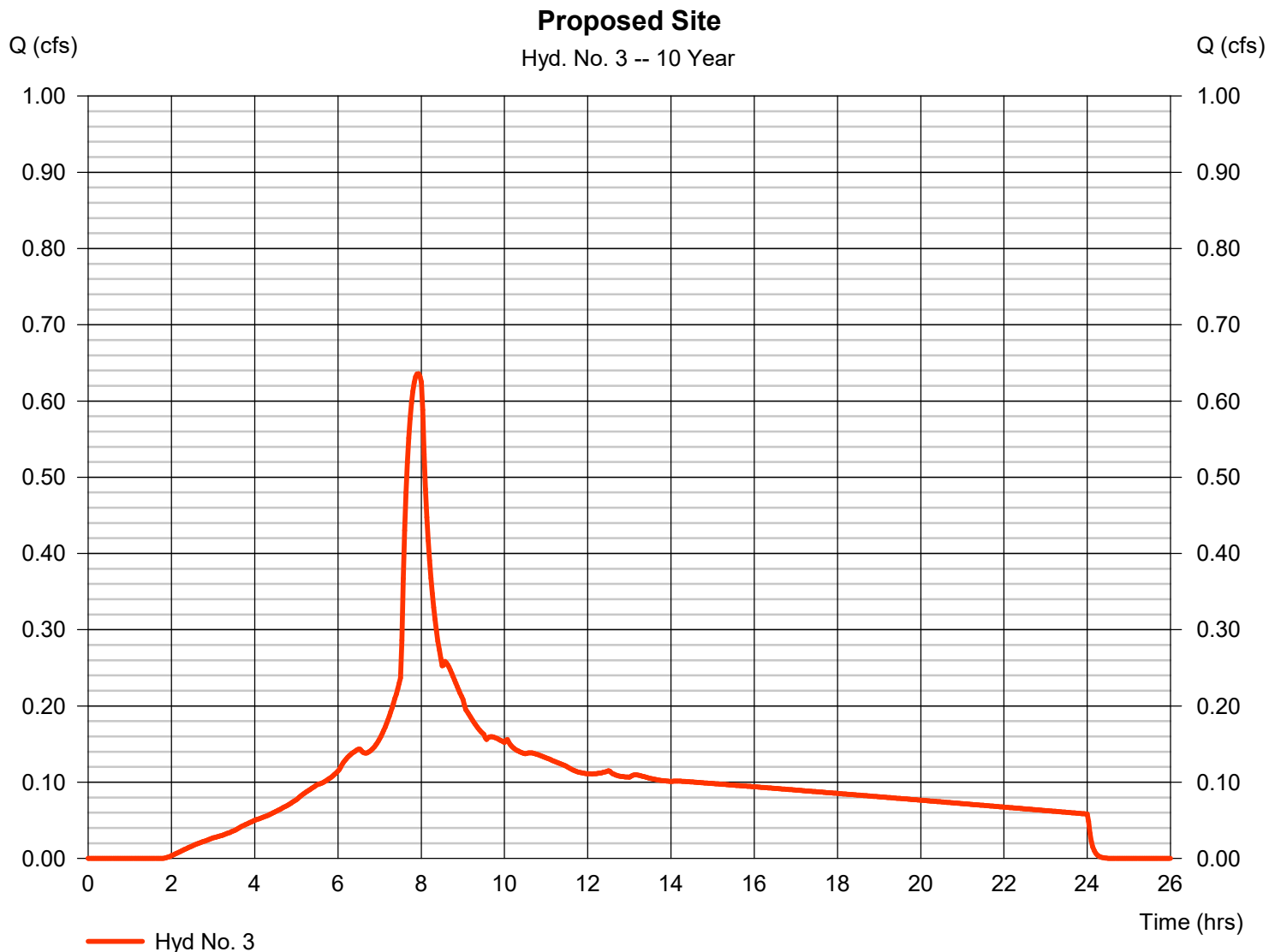
Wednesday, 10 / 13 / 2021

Hyd. No. 3

Proposed Site

Hydrograph type	= SBUH Runoff	Peak discharge	= 0.636 cfs
Storm frequency	= 10 yrs	Time to peak	= 7.93 hrs
Time interval	= 2 min	Hyd. volume	= 8,935 cuft
Drainage area	= 0.900 ac	Curve number	= 93*
Basin Slope	= 2.0 %	Hydraulic length	= 300 ft
Tc method	= LAG	Time of conc. (Tc)	= 5.20 min
Total precip.	= 3.50 in	Distribution	= Type IA
Storm duration	= 24 hrs	Shape factor	= n/a

* Composite (Area/CN) = $[(0.650 \times 98) + (0.250 \times 80)] / 0.900$



Hydrograph Report

5

Item 8c.

Hydraflow Hydrographs Extension for Autodesk® Civil 3D® by Autodesk, Inc. v2020

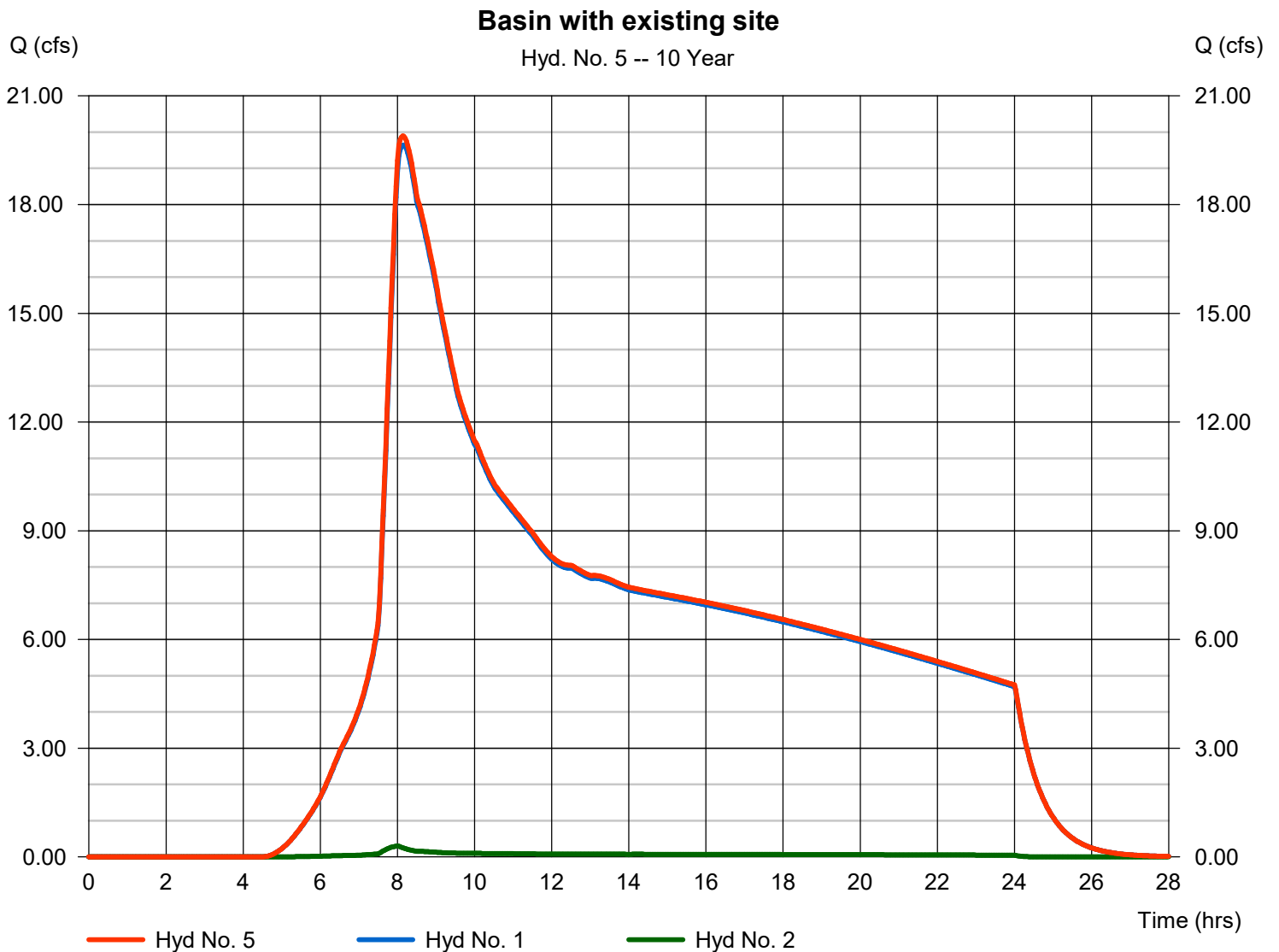
Wednesday, 10 / 13 / 2021

Hyd. No. 5

Basin with existing site

Hydrograph type = Combine
Storm frequency = 10 yrs
Time interval = 2 min
Inflow hyds. = 1, 2

Peak discharge = 19.89 cfs
Time to peak = 8.13 hrs
Hyd. volume = 521,128 cuft
Contrib. drain. area = 84.100 ac



Hydrograph Report

6

Item 8c.

Hydraflow Hydrographs Extension for Autodesk® Civil 3D® by Autodesk, Inc. v2020

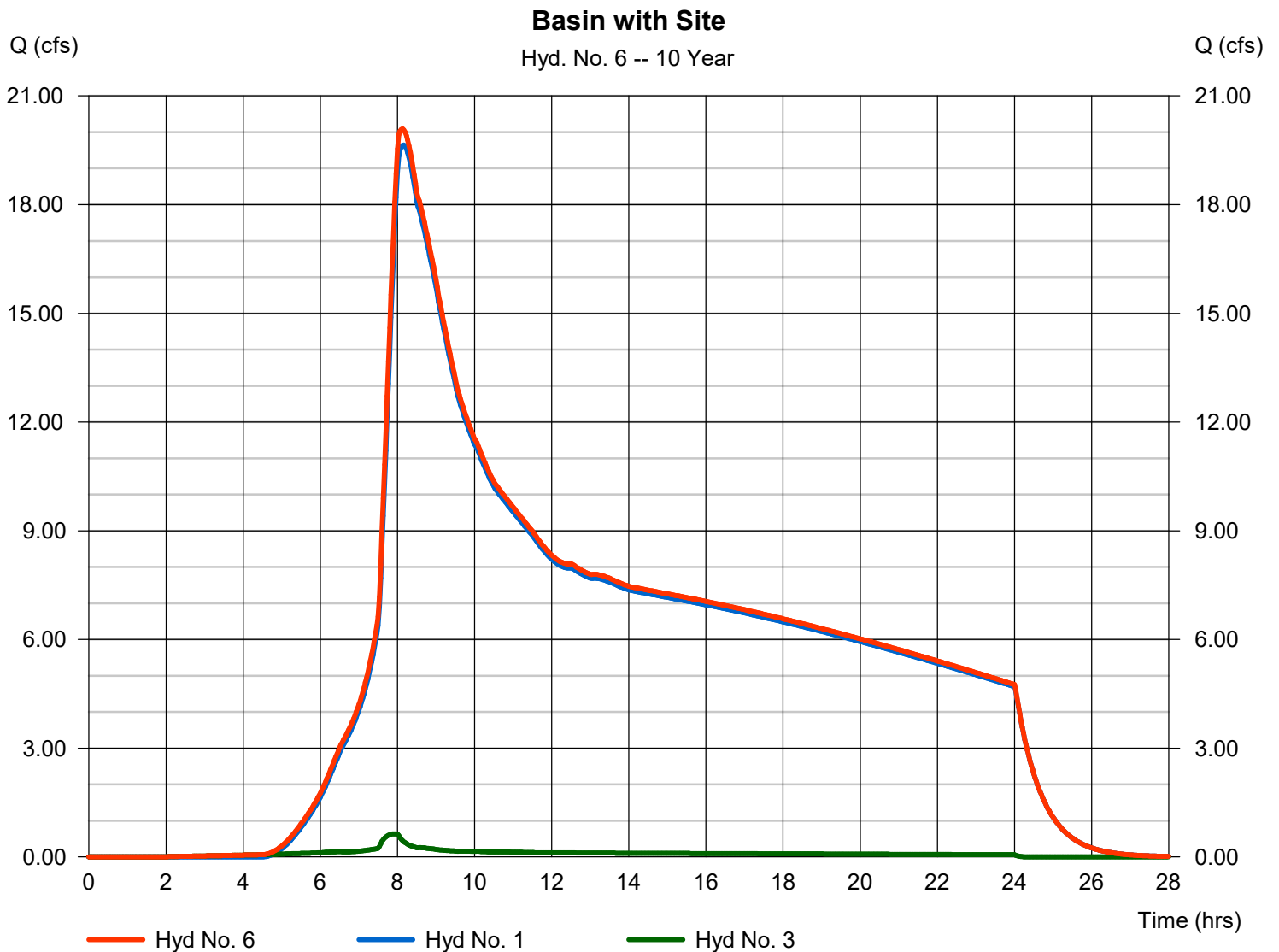
Wednesday, 10 / 13 / 2021

Hyd. No. 6

Basin with Site

Hydrograph type = Combine
Storm frequency = 10 yrs
Time interval = 2 min
Inflow hyds. = 1, 3

Peak discharge = 20.09 cfs
Time to peak = 8.13 hrs
Hyd. volume = 524,946 cuft
Contrib. drain. area = 84.100 ac



Hydrograph Summary Report

Hydraflow Hydrographs Extension for Autodesk® Civil 3D® by Autodesk, Inc. v2020

Hyd. No.	Hydrograph type (origin)	Peak flow (cfs)	Time interval (min)	Time to Peak (min)	Hyd. volume (cuft)	Inflow hyd(s)	Maximum elevation (ft)	Total strge used (cuft)	Hydrograph Description
1	SBUH Runoff	31.52	2	488	769,556	-----	-----	-----	Complete Basin
2	SBUH Runoff	0.489	2	480	7,764	-----	-----	-----	Existing Site
3	SBUH Runoff	0.862	2	474	12,113	-----	-----	-----	Proposed Site
5	Combine	31.94	2	486	777,321	1, 2,	-----	-----	Basin with existing site
6	Combine	32.17	2	486	781,671	1, 3,	-----	-----	Basin with Site
Basin Analysis.gpw					Return Period: 100 Year			Wednesday, 10 / 13 / 2021	

Hydrograph Report

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Item 8c.

Hydraflow Hydrographs Extension for Autodesk® Civil 3D® by Autodesk, Inc. v2020

Wednesday, 10 / 13 / 2021

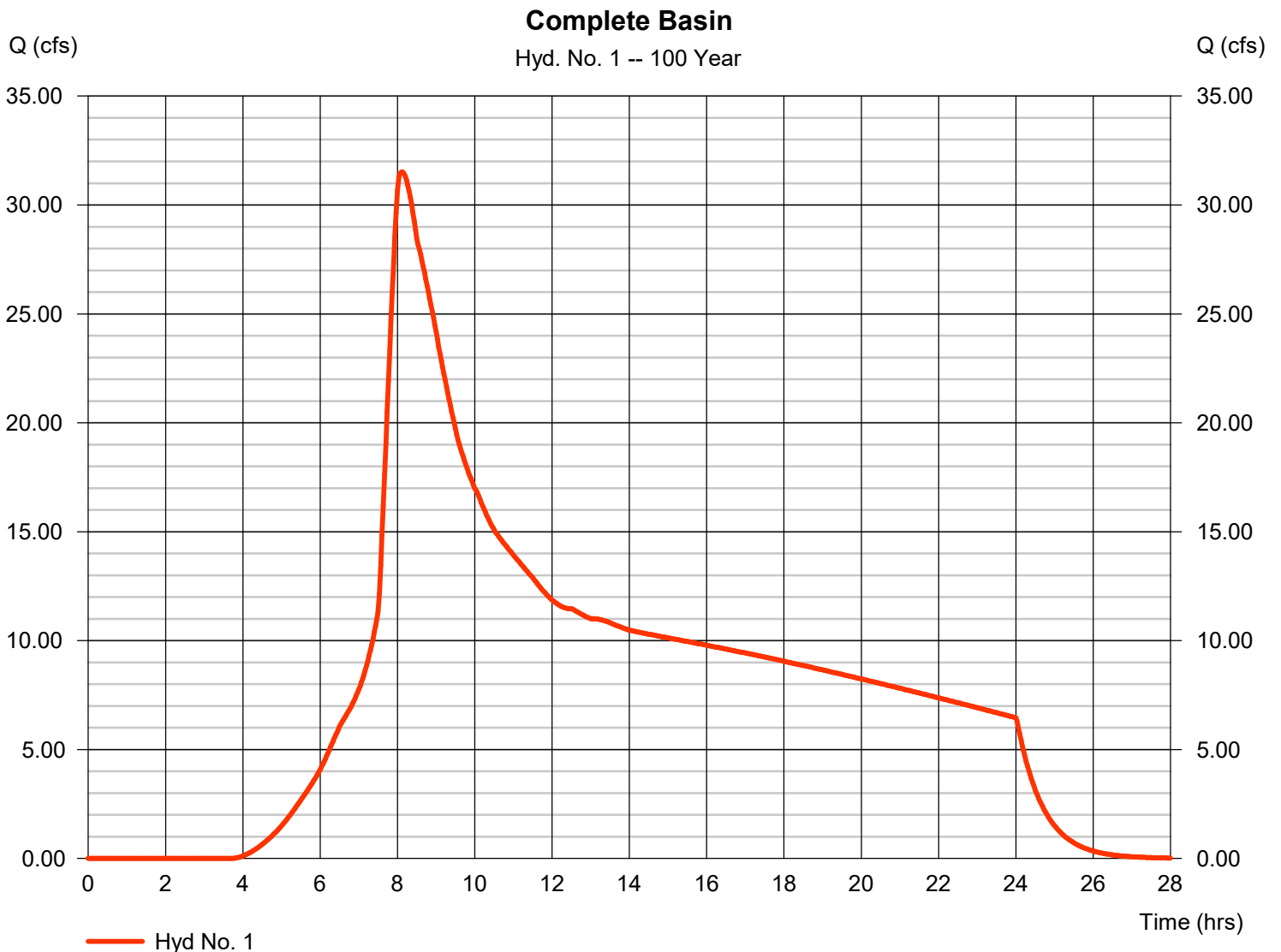
Hyd. No. 1

Complete Basin

Hydrograph type = SBUH Runoff
Storm frequency = 100 yrs
Time interval = 2 min
Drainage area = 83.200 ac
Basin Slope = 3.0 %
Tc method = LAG
Total precip. = 4.50 in
Storm duration = 24 hrs

Peak discharge = 31.52 cfs
Time to peak = 8.13 hrs
Hyd. volume = 769,556 cuft
Curve number = 81*
Hydraulic length = 2800 ft
Time of conc. (Tc) = 40.50 min
Distribution = Type IA
Shape factor = n/a

* Composite (Area/CN) = $[(22.000 \times 98) + (61.200 \times 75)] / 83.200$



Hydrograph Report

9

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Hydraflow Hydrographs Extension for Autodesk® Civil 3D® by Autodesk, Inc. v2020

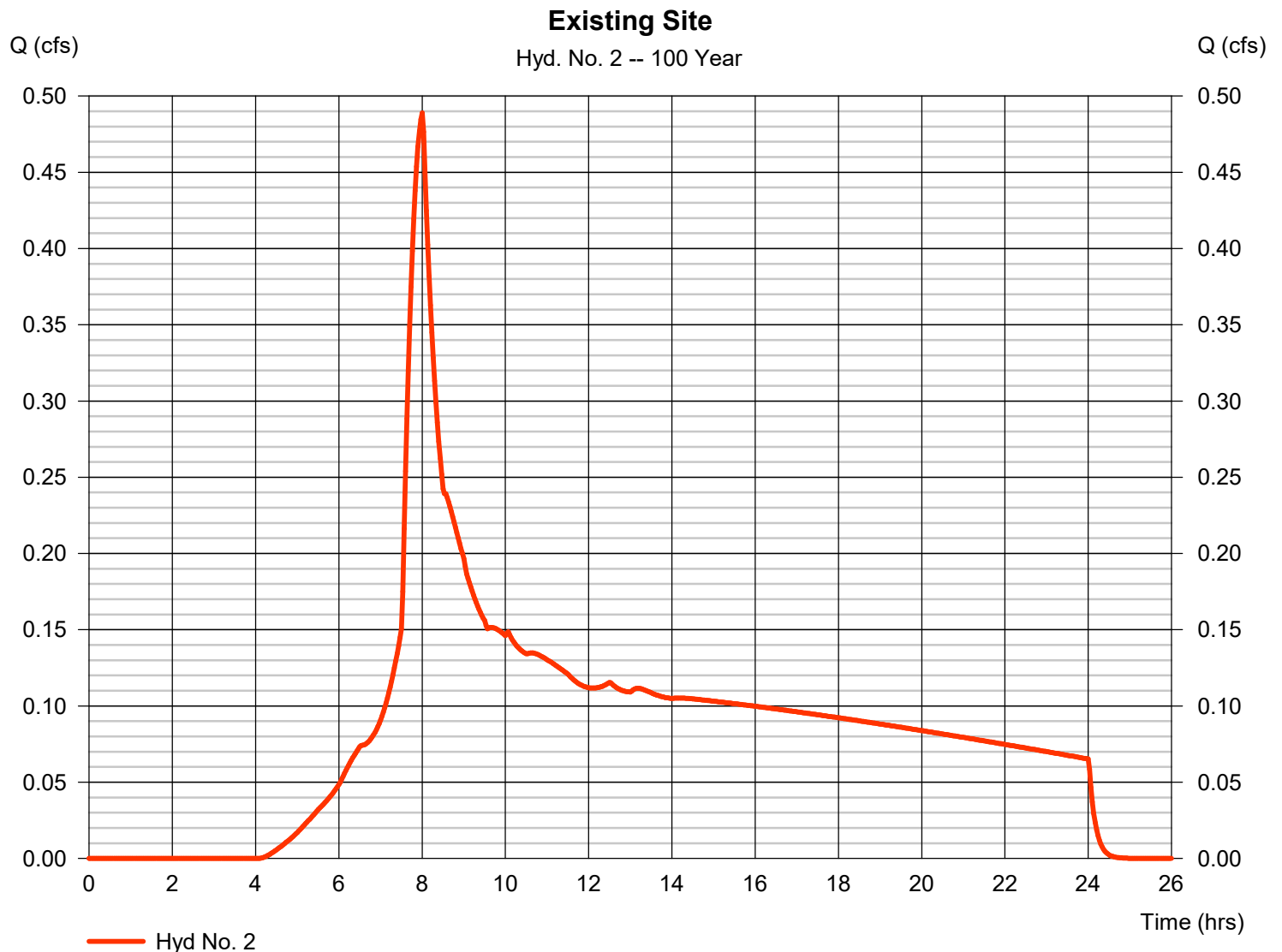
Wednesday, 10 / 13 / 2021

Hyd. No. 2

Existing Site

Hydrograph type	= SBUH Runoff	Peak discharge	= 0.489 cfs
Storm frequency	= 100 yrs	Time to peak	= 8.00 hrs
Time interval	= 2 min	Hyd. volume	= 7,764 cuft
Drainage area	= 0.900 ac	Curve number	= 79*
Basin Slope	= 2.0 %	Hydraulic length	= 300 ft
Tc method	= LAG	Time of conc. (Tc)	= 8.80 min
Total precip.	= 4.50 in	Distribution	= Type IA
Storm duration	= 24 hrs	Shape factor	= n/a

* Composite (Area/CN) = $[(0.140 \times 98) + (0.760 \times 75)] / 0.900$



Hydrograph Report

10

Item 8c.

Hydraflow Hydrographs Extension for Autodesk® Civil 3D® by Autodesk, Inc. v2020

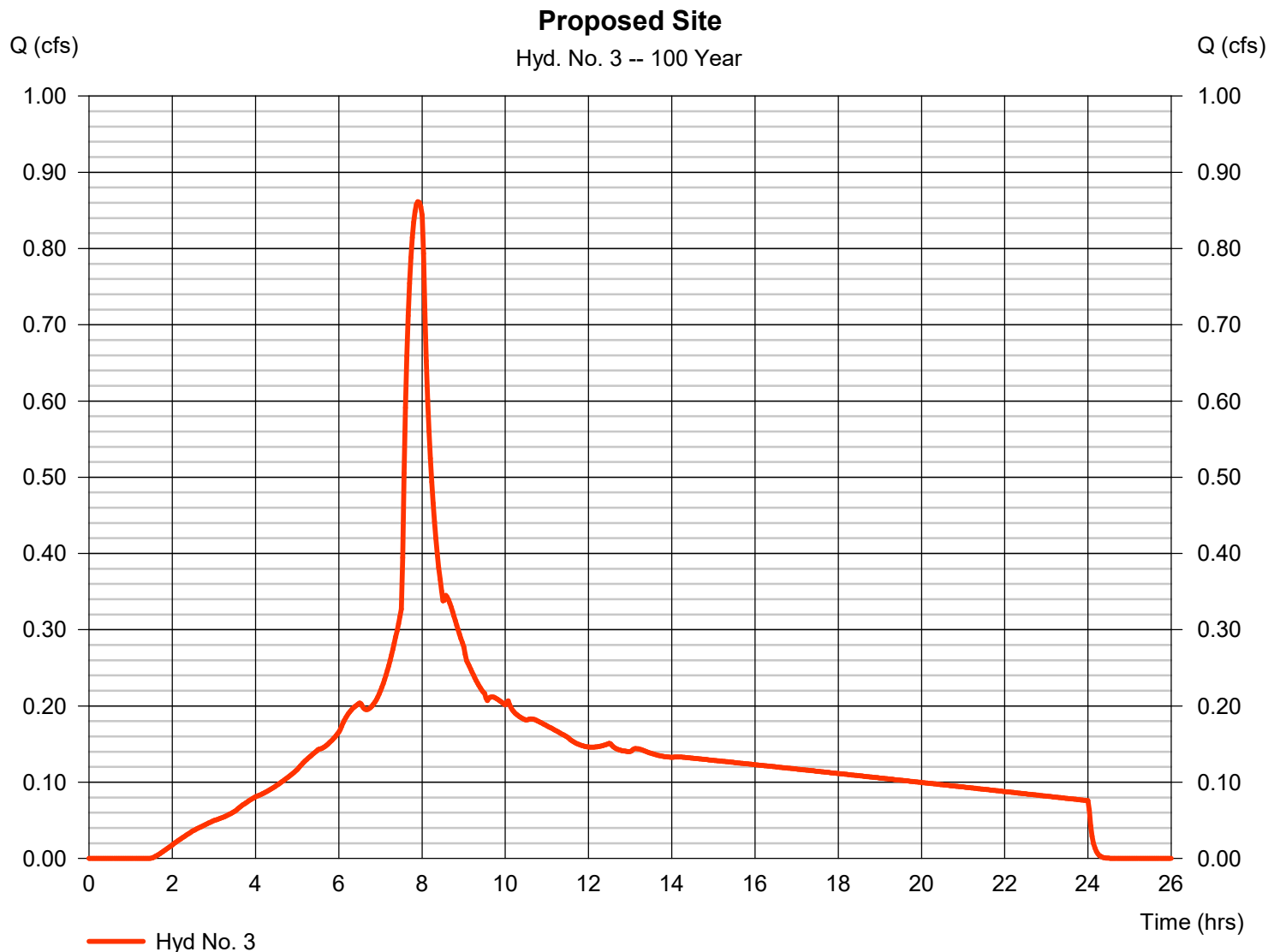
Wednesday, 10 / 13 / 2021

Hyd. No. 3

Proposed Site

Hydrograph type	= SBUH Runoff	Peak discharge	= 0.862 cfs
Storm frequency	= 100 yrs	Time to peak	= 7.90 hrs
Time interval	= 2 min	Hyd. volume	= 12,113 cuft
Drainage area	= 0.900 ac	Curve number	= 93*
Basin Slope	= 2.0 %	Hydraulic length	= 300 ft
Tc method	= LAG	Time of conc. (Tc)	= 5.20 min
Total precip.	= 4.50 in	Distribution	= Type IA
Storm duration	= 24 hrs	Shape factor	= n/a

* Composite (Area/CN) = $[(0.650 \times 98) + (0.250 \times 80)] / 0.900$



Hydrograph Report

11

Item 8c.

Hydraflow Hydrographs Extension for Autodesk® Civil 3D® by Autodesk, Inc. v2020

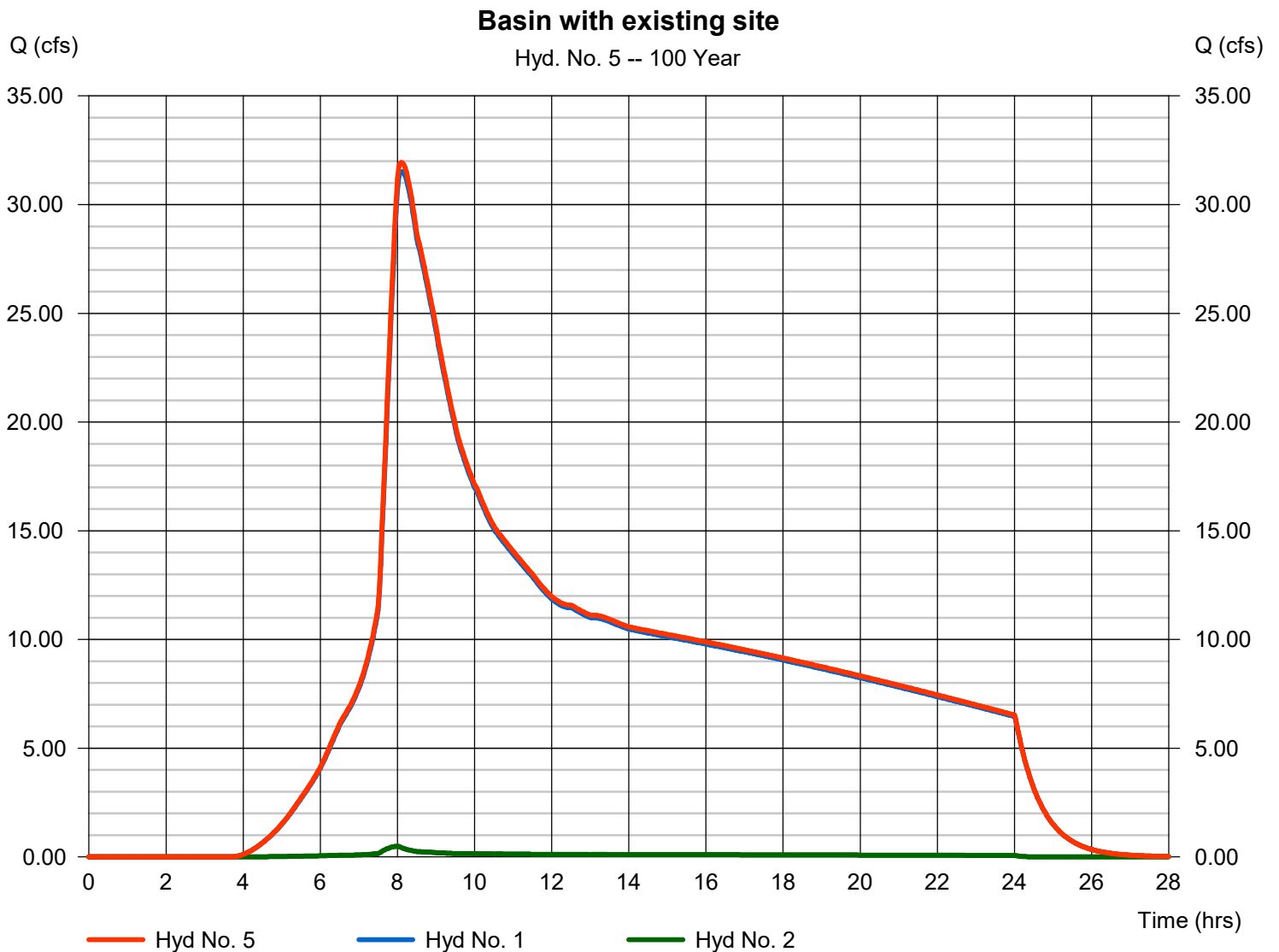
Wednesday, 10 / 13 / 2021

Hyd. No. 5

Basin with existing site

Hydrograph type = Combine
Storm frequency = 100 yrs
Time interval = 2 min
Inflow hyds. = 1, 2

Peak discharge = 31.94 cfs
Time to peak = 8.10 hrs
Hyd. volume = 777,321 cuft
Contrib. drain. area = 84.100 ac



Hydrograph Report

12

Item 8c.

Hydraflow Hydrographs Extension for Autodesk® Civil 3D® by Autodesk, Inc. v2020

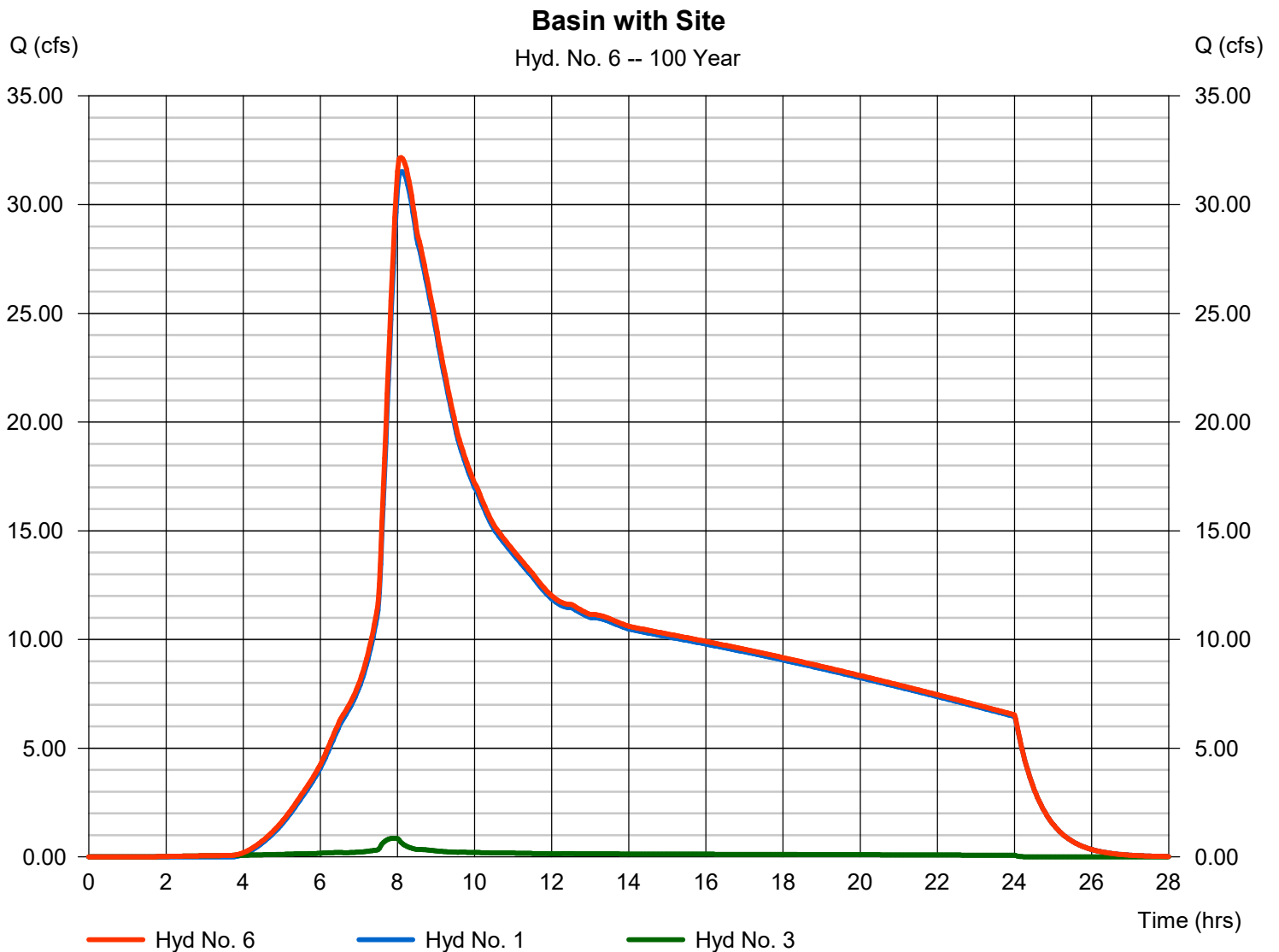
Wednesday, 10 / 13 / 2021

Hyd. No. 6

Basin with Site

Hydrograph type = Combine
Storm frequency = 100 yrs
Time interval = 2 min
Inflow hyds. = 1, 3

Peak discharge = 32.17 cfs
Time to peak = 8.10 hrs
Hyd. volume = 781,671 cuft
Contrib. drain. area = 84.100 ac



Hydraflow Rainfall Report

13

Item 8c.

Hydraflow Hydrographs Extension for Autodesk® Civil 3D® by Autodesk, Inc. v2020

Wednesday, 10 / 13 / 2021

Return Period (Yrs)	Intensity-Duration-Frequency Equation Coefficients (FHA)			
	B	D	E	(N/A)
1	0.0000	0.0000	0.0000	-----
2	69.8703	13.1000	0.8658	-----
3	0.0000	0.0000	0.0000	-----
5	79.2597	14.6000	0.8369	-----
10	88.2351	15.5000	0.8279	-----
25	102.6072	16.5000	0.8217	-----
50	114.8193	17.2000	0.8199	-----
100	127.1596	17.8000	0.8186	-----

File name: SampleFHA.idf

$$\text{Intensity} = B / (T_c + D)^E$$

Return Period (Yrs)	Intensity Values (in/hr)											
	5 min	10	15	20	25	30	35	40	45	50	55	60
1	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2	5.69	4.61	3.89	3.38	2.99	2.69	2.44	2.24	2.07	1.93	1.81	1.70
3	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
5	6.57	5.43	4.65	4.08	3.65	3.30	3.02	2.79	2.59	2.42	2.27	2.15
10	7.24	6.04	5.21	4.59	4.12	3.74	3.43	3.17	2.95	2.77	2.60	2.46
25	8.25	6.95	6.03	5.34	4.80	4.38	4.02	3.73	3.48	3.26	3.07	2.91
50	9.04	7.65	6.66	5.92	5.34	4.87	4.49	4.16	3.88	3.65	3.44	3.25
100	9.83	8.36	7.30	6.50	5.87	5.36	4.94	4.59	4.29	4.03	3.80	3.60

T_c = time in minutes. Values may exceed 60.

Precip. file name: Sample.pcp

Storm Distribution	Rainfall Precipitation Table (in)							
	1-yr	2-yr	3-yr	5-yr	10-yr	25-yr	50-yr	100-yr
SCS 24-hour	0.00	2.20	0.00	3.30	3.50	5.77	6.80	4.50
SCS 6-Hr	0.00	1.80	0.00	0.00	2.60	0.00	0.00	4.00
Huff-1st	0.00	1.55	0.00	2.75	4.00	5.38	6.50	8.00
Huff-2nd	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Huff-3rd	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Huff-4th	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Huff-Indy	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Custom	0.00	1.75	0.00	2.80	3.90	5.25	6.00	7.10

WES BMP PRINTOUT

WES BMP Sizing Software Version 1.6.0.2, May 2018

WES BMP Sizing Report

Project Information

Project Name	KAMM STREET APARTMENTS
Project Type	MultiFamily
Location	279 WARNER MILNER ROAD
Stormwater Management Area	1382
Project Applicant	RON LAUGHLIN
Jurisdiction	OutofDistrict

Drainage Management Area

Name	Area (sq-ft)	Pre-Project Cover	Post-Project Cover	DMA Soil Type	BMP
R1	640	Grass	Roofs	C	R1
R1A	654	Grass	Roofs	C	R1A
R2	640	Grass	Roofs	C	R2
R2A	591	Grass	Roofs	C	R2A
R3	847	Grass	Roofs	C	R3 & R4
R4	915	Grass	Roofs	C	R3 & R4
R5	563	Grass	Roofs	C	R5
R5A	618	Grass	Roofs	C	SOUTH PARKING
R6	568	Grass	Roofs	C	R6
R6A	612	Grass	Roofs	B	NA
R7	551	Grass	Roofs	C	SOUTH PARKING
R7A	609	Grass	Roofs	C	SOUTH PARKING
R8	565	Grass	Roofs	C	R8
R8A	609	Grass	Roofs	C	SOUTH PARKING
R9	522	Grass	Roofs	C	SOUTH PARKING
R9A	405	Grass	Roofs	C	SOUTH PARKING
R10	563	Grass	Roofs	C	R10
R10A	510	Grass	Roofs	C	R10
NORTH	9,100	Grass	ConventionalCo	C	NORTH

PARKING			Concrete		PARKING
SOUTH PARKING	8,700	Grass	Conventional Concrete	C	SOUTH PARKING
FRONT WALK	331	Grass	Conventional Concrete	C	SOUTH PARKING

LID Facility Sizing Details

LID ID	Design Criteria	BMP Type	Facility Soil Type	Minimum Area (sq-ft)	Planned Areas (sq-ft)	Orifice Diameter (in)
R1	Flow Control and Treatment	Stormwater Planter - Filtration	C3	25.6	40.0	0.2
R1A	Flow Control and Treatment	Stormwater Planter - Filtration	C3	26.2	40.0	0.2
R2	Flow Control and Treatment	Stormwater Planter - Filtration	C3	25.6	32.0	0.2
R2A	Flow Control and Treatment	Stormwater Planter - Filtration	C3	23.6	28.0	0.2
R3 & R4	Flow Control and Treatment	Stormwater Planter - Filtration	C3	70.5	77.0	0.4
R5	Flow Control and Treatment	Stormwater Planter - Filtration	C3	22.5	39.0	0.2
R6	Flow Control and Treatment	Stormwater Planter - Filtration	C3	22.7	32.0	0.2
R8	Flow Control and Treatment	Stormwater Planter - Filtration	C3	22.6	32.0	0.2
R10	Flow Control and Treatment	Stormwater Planter - Filtration	C3	42.9	48.0	0.3
NORTH PARKING	Flow Control and Treatment	Stormwater Planter - Filtration	C3	364.0	444.0	0.9
SOUTH PARKING	Flow Control and Treatment	Stormwater Planter - Filtration	C3	493.8	570.0	1.1
R8A	Flow Control and Treatment	Stormwater Planter - Infiltration	A1	0.0	0.0	0.0

Pond Sizing Details

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.

NRCS WEB SOIL SURVEY



United States
Department of
Agriculture

NRCS

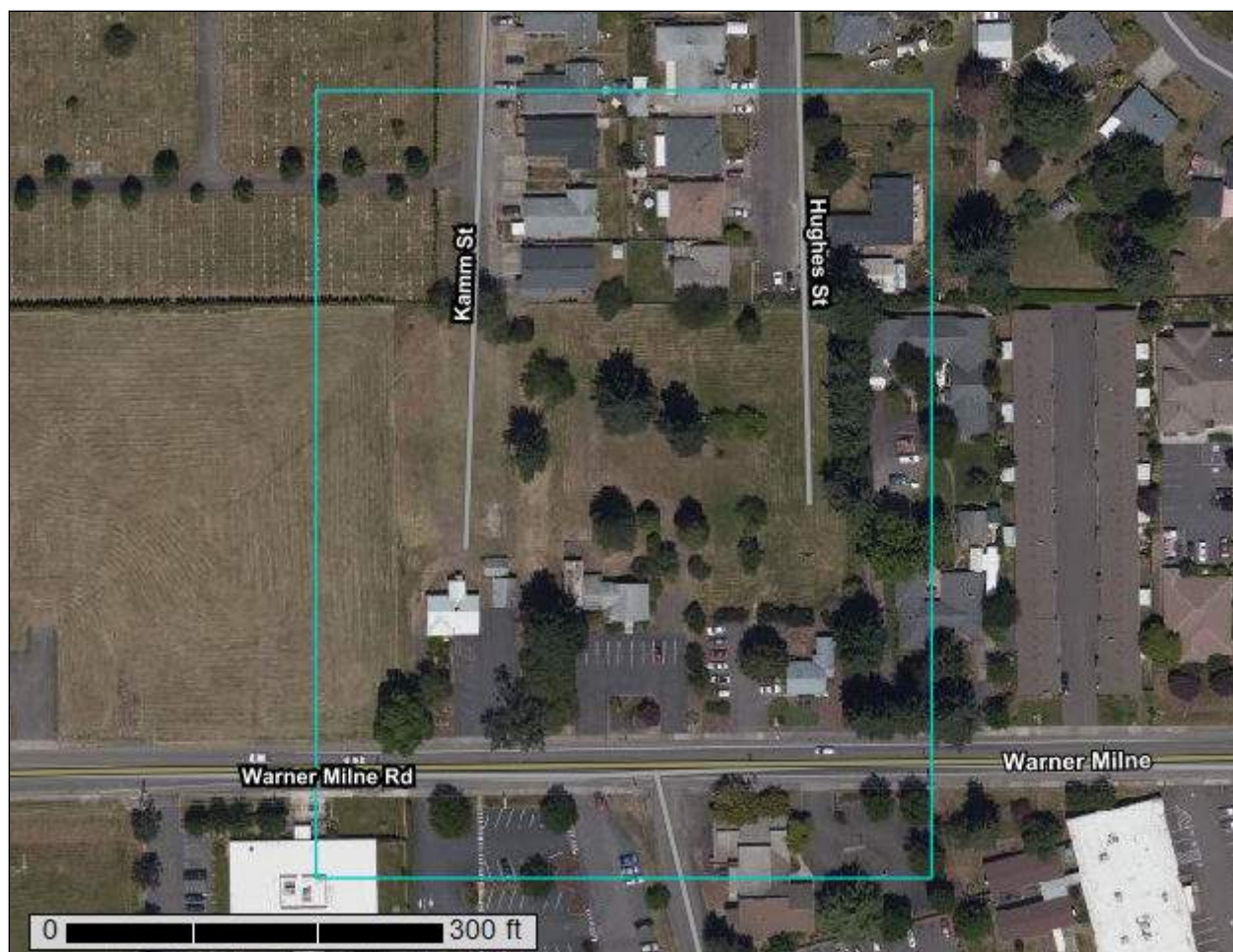
Natural
Resources
Conservation
Service

A product of the National
Cooperative Soil Survey,
a joint effort of the United
States Department of
Agriculture and other
Federal agencies, State
agencies including the
Agricultural Experiment
Stations, and local
participants

Item 8c.

Custom Soil Resource Report for **Clackamas County Area, Oregon**

Kamm Street Apartments



Preface

Soil surveys contain information that affects land use planning in survey areas. They highlight soil limitations that affect various land uses and provide information about the properties of the soils in the survey areas. Soil surveys are designed for many different users, including farmers, ranchers, foresters, agronomists, urban planners, community officials, engineers, developers, builders, and home buyers. Also, conservationists, teachers, students, and specialists in recreation, waste disposal, and pollution control can use the surveys to help them understand, protect, or enhance the environment.

Various land use regulations of Federal, State, and local governments may impose special restrictions on land use or land treatment. Soil surveys identify soil properties that are used in making various land use or land treatment decisions. The information is intended to help the land users identify and reduce the effects of soil limitations on various land uses. The landowner or user is responsible for identifying and complying with existing laws and regulations.

Although soil survey information can be used for general farm, local, and wider area planning, onsite investigation is needed to supplement this information in some cases. Examples include soil quality assessments (<http://www.nrcs.usda.gov/wps/portal/nrcs/main/soils/health/>) and certain conservation and engineering applications. For more detailed information, contact your local USDA Service Center (<https://offices.sc.egov.usda.gov/locator/app?agency=nrcs>) or your NRCS State Soil Scientist (http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/contactus/?cid=nrcs142p2_053951).

Great differences in soil properties can occur within short distances. Some soils are seasonally wet or subject to flooding. Some are too unstable to be used as a foundation for buildings or roads. Clayey or wet soils are poorly suited to use as septic tank absorption fields. A high water table makes a soil poorly suited to basements or underground installations.

The National Cooperative Soil Survey is a joint effort of the United States Department of Agriculture and other Federal agencies, State agencies including the Agricultural Experiment Stations, and local agencies. The Natural Resources Conservation Service (NRCS) has leadership for the Federal part of the National Cooperative Soil Survey.

Information about soils is updated periodically. Updated information is available through the NRCS Web Soil Survey, the site for official soil survey information.

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How Soil Surveys Are Made

Soil surveys are made to provide information about the soils and miscellaneous areas in a specific area. They include a description of the soils and miscellaneous areas and their location on the landscape and tables that show soil properties and limitations affecting various uses. Soil scientists observed the steepness, length, and shape of the slopes; the general pattern of drainage; the kinds of crops and native plants; and the kinds of bedrock. They observed and described many soil profiles. A soil profile is the sequence of natural layers, or horizons, in a soil. The profile extends from the surface down into the unconsolidated material in which the soil formed or from the surface down to bedrock. The unconsolidated material is devoid of roots and other living organisms and has not been changed by other biological activity.

Currently, soils are mapped according to the boundaries of major land resource areas (MLRAs). MLRAs are geographically associated land resource units that share common characteristics related to physiography, geology, climate, water resources, soils, biological resources, and land uses (USDA, 2006). Soil survey areas typically consist of parts of one or more MLRA.

The soils and miscellaneous areas in a survey area occur in an orderly pattern that is related to the geology, landforms, relief, climate, and natural vegetation of the area. Each kind of soil and miscellaneous area is associated with a particular kind of landform or with a segment of the landform. By observing the soils and miscellaneous areas in the survey area and relating their position to specific segments of the landform, a soil scientist develops a concept, or model, of how they were formed. Thus, during mapping, this model enables the soil scientist to predict with a considerable degree of accuracy the kind of soil or miscellaneous area at a specific location on the landscape.

Commonly, individual soils on the landscape merge into one another as their characteristics gradually change. To construct an accurate soil map, however, soil scientists must determine the boundaries between the soils. They can observe only a limited number of soil profiles. Nevertheless, these observations, supplemented by an understanding of the soil-vegetation-landscape relationship, are sufficient to verify predictions of the kinds of soil in an area and to determine the boundaries.

Soil scientists recorded the characteristics of the soil profiles that they studied. They noted soil color, texture, size and shape of soil aggregates, kind and amount of rock fragments, distribution of plant roots, reaction, and other features that enable them to identify soils. After describing the soils in the survey area and determining their properties, the soil scientists assigned the soils to taxonomic classes (units). Taxonomic classes are concepts. Each taxonomic class has a set of soil characteristics with precisely defined limits. The classes are used as a basis for comparison to classify soils systematically. Soil taxonomy, the system of taxonomic classification used in the United States, is based mainly on the kind and character of soil properties and the arrangement of horizons within the profile. After the soil

scientists classified and named the soils in the survey area, they compared the individual soils with similar soils in the same taxonomic class in other areas so that they could confirm data and assemble additional data based on experience and research.

The objective of soil mapping is not to delineate pure map unit components; the objective is to separate the landscape into landforms or landform segments that have similar use and management requirements. Each map unit is defined by a unique combination of soil components and/or miscellaneous areas in predictable proportions. Some components may be highly contrasting to the other components of the map unit. The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The delineation of such landforms and landform segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, onsite investigation is needed to define and locate the soils and miscellaneous areas.

Soil scientists make many field observations in the process of producing a soil map. The frequency of observation is dependent upon several factors, including scale of mapping, intensity of mapping, design of map units, complexity of the landscape, and experience of the soil scientist. Observations are made to test and refine the soil-landscape model and predictions and to verify the classification of the soils at specific locations. Once the soil-landscape model is refined, a significantly smaller number of measurements of individual soil properties are made and recorded. These measurements may include field measurements, such as those for color, depth to bedrock, and texture, and laboratory measurements, such as those for content of sand, silt, clay, salt, and other components. Properties of each soil typically vary from one point to another across the landscape.

Observations for map unit components are aggregated to develop ranges of characteristics for the components. The aggregated values are presented. Direct measurements do not exist for every property presented for every map unit component. Values for some properties are estimated from combinations of other properties.

While a soil survey is in progress, samples of some of the soils in the area generally are collected for laboratory analyses and for engineering tests. Soil scientists interpret the data from these analyses and tests as well as the field-observed characteristics and the soil properties to determine the expected behavior of the soils under different uses. Interpretations for all of the soils are field tested through observation of the soils in different uses and under different levels of management. Some interpretations are modified to fit local conditions, and some new interpretations are developed to meet local needs. Data are assembled from other sources, such as research information, production records, and field experience of specialists. For example, data on crop yields under defined levels of management are assembled from farm records and from field or plot experiments on the same kinds of soil.

Predictions about soil behavior are based not only on soil properties but also on such variables as climate and biological activity. Soil conditions are predictable over long periods of time, but they are not predictable from year to year. For example, soil scientists can predict with a fairly high degree of accuracy that a given soil will have a high water table within certain depths in most years, but they cannot predict that a high water table will always be at a specific level in the soil on a specific date.

After soil scientists located and identified the significant natural bodies of soil in the survey area, they drew the boundaries of these bodies on aerial photographs and

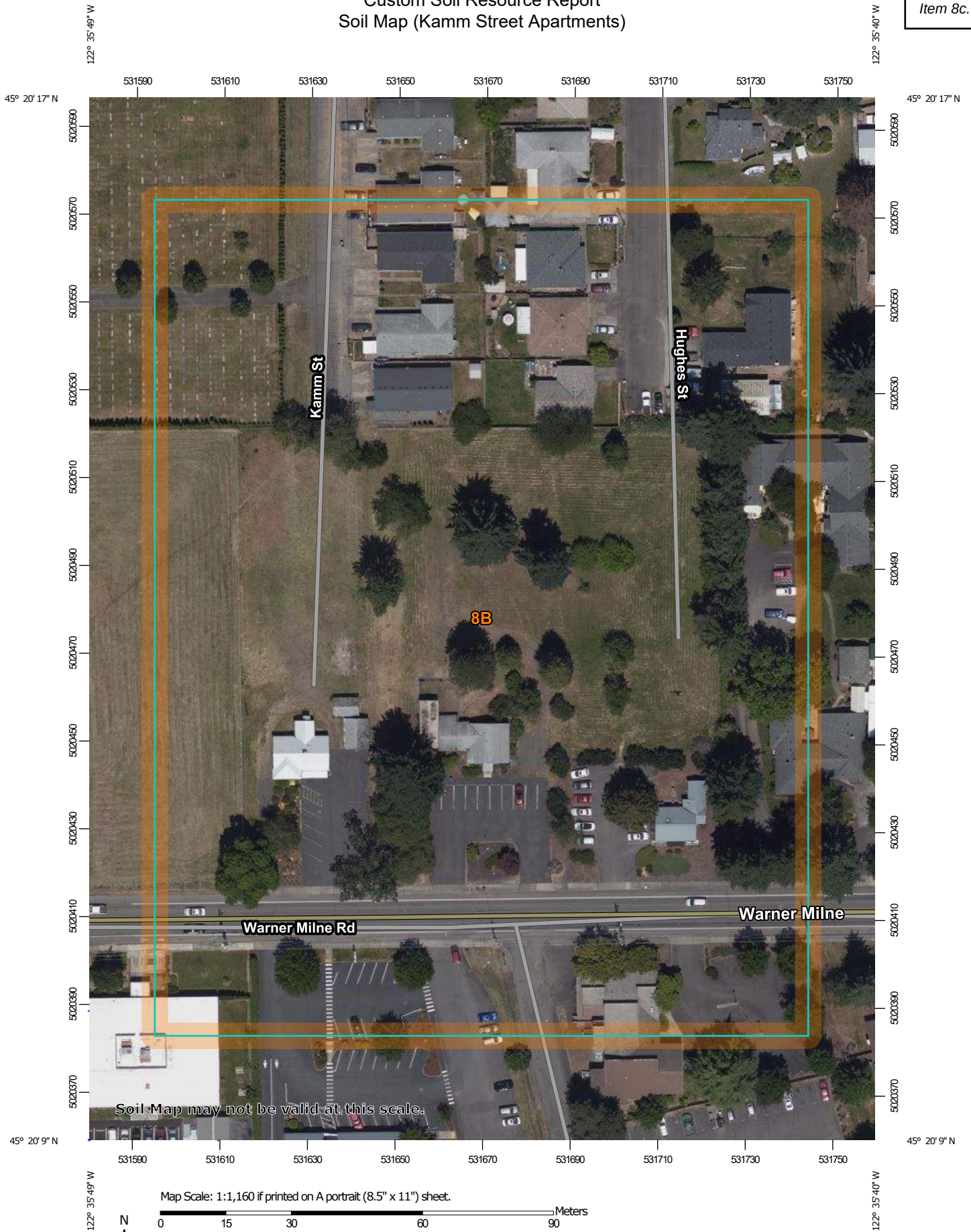
identified each as a specific map unit. Aerial photographs show trees, buildings, fields, roads, and rivers, all of which help in locating boundaries accurately.

Soil Map

The soil map section includes the soil map for the defined area of interest, a list of soil map units on the map and extent of each map unit, and cartographic symbols displayed on the map. Also presented are various metadata about data used to produce the map, and a description of each soil map unit.

Custom Soil Resource Report Soil Map (Kamm Street Apartments)

Item 8c.



MAP LEGEND**Area of Interest (AOI)**

Area of Interest (AOI)

Soils Soil Map Unit Polygons Soil Map Unit Lines Soil Map Unit Points**Special Point Features** Blowout Borrow Pit Clay Spot Closed Depression Gravel Pit Gravelly Spot Landfill Lava Flow Marsh or swamp Mine or Quarry Miscellaneous Water Perennial Water Rock Outcrop Saline Spot Sandy Spot Severely Eroded Spot Sinkhole Slide or Slip Sodic Spot Spoil Area Stony Spot Very Stony Spot Wet Spot Other Special Line Features**Water Features** Streams and Canals**Transportation** Rails Interstate Highways US Routes Major Roads Local Roads**Background** Aerial Photography**MAP INFORMATION**

The soil surveys that comprise your AOI were mapped at 1:20,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Clackamas County Area, Oregon
Survey Area Data: Version 16, Jun 11, 2020

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jun 13, 2019—Jul 25, 2019

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend (Kamm Street Apartments)

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
8B	Bornstedt silt loam, 0 to 8 percent slopes	7.1	100.0%
Totals for Area of Interest		7.1	100.0%

Map Unit Descriptions (Kamm Street Apartments)

The map units delineated on the detailed soil maps in a soil survey represent the soils or miscellaneous areas in the survey area. The map unit descriptions, along with the maps, can be used to determine the composition and properties of a unit.

A map unit delineation on a soil map represents an area dominated by one or more major kinds of soil or miscellaneous areas. A map unit is identified and named according to the taxonomic classification of the dominant soils. Within a taxonomic class there are precisely defined limits for the properties of the soils. On the landscape, however, the soils are natural phenomena, and they have the characteristic variability of all natural phenomena. Thus, the range of some observed properties may extend beyond the limits defined for a taxonomic class. Areas of soils of a single taxonomic class rarely, if ever, can be mapped without including areas of other taxonomic classes. Consequently, every map unit is made up of the soils or miscellaneous areas for which it is named and some minor components that belong to taxonomic classes other than those of the major soils.

Most minor soils have properties similar to those of the dominant soil or soils in the map unit, and thus they do not affect use and management. These are called noncontrasting, or similar, components. They may or may not be mentioned in a particular map unit description. Other minor components, however, have properties and behavioral characteristics divergent enough to affect use or to require different management. These are called contrasting, or dissimilar, components. They generally are in small areas and could not be mapped separately because of the scale used. Some small areas of strongly contrasting soils or miscellaneous areas are identified by a special symbol on the maps. If included in the database for a given area, the contrasting minor components are identified in the map unit descriptions along with some characteristics of each. A few areas of minor components may not have been observed, and consequently they are not mentioned in the descriptions, especially where the pattern was so complex that it was impractical to make enough observations to identify all the soils and miscellaneous areas on the landscape.

The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The objective of mapping is not to delineate pure taxonomic classes but rather to separate the landscape into landforms or landform segments that have similar use and management requirements. The

delineation of such segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, however, onsite investigation is needed to define and locate the soils and miscellaneous areas.

An identifying symbol precedes the map unit name in the map unit descriptions. Each description includes general facts about the unit and gives important soil properties and qualities.

Soils that have profiles that are almost alike make up a *soil series*. Except for differences in texture of the surface layer, all the soils of a series have major horizons that are similar in composition, thickness, and arrangement.

Soils of one series can differ in texture of the surface layer, slope, stoniness, salinity, degree of erosion, and other characteristics that affect their use. On the basis of such differences, a soil series is divided into *soil phases*. Most of the areas shown on the detailed soil maps are phases of soil series. The name of a soil phase commonly indicates a feature that affects use or management. For example, Alpha silt loam, 0 to 2 percent slopes, is a phase of the Alpha series.

Some map units are made up of two or more major soils or miscellaneous areas. These map units are complexes, associations, or undifferentiated groups.

A *complex* consists of two or more soils or miscellaneous areas in such an intricate pattern or in such small areas that they cannot be shown separately on the maps. The pattern and proportion of the soils or miscellaneous areas are somewhat similar in all areas. Alpha-Beta complex, 0 to 6 percent slopes, is an example.

An *association* is made up of two or more geographically associated soils or miscellaneous areas that are shown as one unit on the maps. Because of present or anticipated uses of the map units in the survey area, it was not considered practical or necessary to map the soils or miscellaneous areas separately. The pattern and relative proportion of the soils or miscellaneous areas are somewhat similar. Alpha-Beta association, 0 to 2 percent slopes, is an example.

An *undifferentiated group* is made up of two or more soils or miscellaneous areas that could be mapped individually but are mapped as one unit because similar interpretations can be made for use and management. The pattern and proportion of the soils or miscellaneous areas in a mapped area are not uniform. An area can be made up of only one of the major soils or miscellaneous areas, or it can be made up of all of them. Alpha and Beta soils, 0 to 2 percent slopes, is an example.

Some surveys include *miscellaneous areas*. Such areas have little or no soil material and support little or no vegetation. Rock outcrop is an example.

Clackamas County Area, Oregon

8B—Bornstedt silt loam, 0 to 8 percent slopes

Map Unit Setting

National map unit symbol: 227t
Elevation: 300 to 650 feet
Mean annual precipitation: 48 to 65 inches
Mean annual air temperature: 50 to 52 degrees F
Frost-free period: 140 to 200 days
Farmland classification: All areas are prime farmland

Map Unit Composition

Bornstedt and similar soils: 85 percent
Minor components: 6 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Bornstedt

Setting

Landform: Hillslopes, terraces
Landform position (two-dimensional): Summit, footslope
Landform position (three-dimensional): Interfluve, tread
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Mixed old alluvium

Typical profile

H1 - 0 to 8 inches: silt loam
H2 - 8 to 33 inches: silty clay loam
H3 - 33 to 71 inches: silty clay

Properties and qualities

Slope: 0 to 8 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Moderately well drained
Capacity of the most limiting layer to transmit water (Ksat): Moderately low to moderately high (0.06 to 0.20 in/hr)
Depth to water table: About 24 to 36 inches
Frequency of flooding: None
Frequency of ponding: None
Available water supply, 0 to 60 inches: Moderate (about 8.8 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 2e
Hydrologic Soil Group: C
Forage suitability group: Moderately Well Drained < 15% Slopes (G002XY004OR)
Other vegetative classification: Moderately Well Drained < 15% Slopes (G002XY004OR)
Hydric soil rating: No

Minor Components

Borges

Percent of map unit: 5 percent

Landform: Hillslopes, depressions on terraces
Landform position (two-dimensional): Footslope
Landform position (three-dimensional): Base slope, tread
Down-slope shape: Linear
Across-slope shape: Linear
Other vegetative classification: Poorly Drained (G002XY006OR)
Hydric soil rating: Yes

Aquults

Percent of map unit: 1 percent
Landform: Depressions
Hydric soil rating: Yes

References

- American Association of State Highway and Transportation Officials (AASHTO). 2004. Standard specifications for transportation materials and methods of sampling and testing. 24th edition.
- American Society for Testing and Materials (ASTM). 2005. Standard classification of soils for engineering purposes. ASTM Standard D2487-00.
- Cowardin, L.M., V. Carter, F.C. Golet, and E.T. LaRoe. 1979. Classification of wetlands and deep-water habitats of the United States. U.S. Fish and Wildlife Service FWS/OBS-79/31.
- Federal Register. July 13, 1994. Changes in hydric soils of the United States.
- Federal Register. September 18, 2002. Hydric soils of the United States.
- Hurt, G.W., and L.M. Vasilas, editors. Version 6.0, 2006. Field indicators of hydric soils in the United States.
- National Research Council. 1995. Wetlands: Characteristics and boundaries.
- Soil Survey Division Staff. 1993. Soil survey manual. Soil Conservation Service. U.S. Department of Agriculture Handbook 18. http://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/soils/?cid=nrcs142p2_054262
- Soil Survey Staff. 1999. Soil taxonomy: A basic system of soil classification for making and interpreting soil surveys. 2nd edition. Natural Resources Conservation Service, U.S. Department of Agriculture Handbook 436. http://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/soils/?cid=nrcs142p2_053577
- Soil Survey Staff. 2010. Keys to soil taxonomy. 11th edition. U.S. Department of Agriculture, Natural Resources Conservation Service. http://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/soils/?cid=nrcs142p2_053580
- Tiner, R.W., Jr. 1985. Wetlands of Delaware. U.S. Fish and Wildlife Service and Delaware Department of Natural Resources and Environmental Control, Wetlands Section.
- United States Army Corps of Engineers, Environmental Laboratory. 1987. Corps of Engineers wetlands delineation manual. Waterways Experiment Station Technical Report Y-87-1.
- United States Department of Agriculture, Natural Resources Conservation Service. National forestry manual. http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/home/?cid=nrcs142p2_053374
- United States Department of Agriculture, Natural Resources Conservation Service. National range and pasture handbook. <http://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/landuse/rangepasture/?cid=stelpdb1043084>

United States Department of Agriculture, Natural Resources Conservation Service. National soil survey handbook, title 430-VI. http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/scientists/?cid=nrcs142p2_054242

United States Department of Agriculture, Natural Resources Conservation Service. 2006. Land resource regions and major land resource areas of the United States, the Caribbean, and the Pacific Basin. U.S. Department of Agriculture Handbook 296. http://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/soils/?cid=nrcs142p2_053624

United States Department of Agriculture, Soil Conservation Service. 1961. Land capability classification. U.S. Department of Agriculture Handbook 210. http://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/nrcs142p2_052290.pdf

**OPERATIONS AND MAINTENANCE
STORMWATER PLANTERS**

Stormwater Planters Operations & Maintenance Plan

What to Look For	What to Do
Structural Components , including inlets and outlets/overflows, shall freely convey stormwater.	
Clogged inlets or outlets	-Remove sediment and debris from catch basins, trench drains and curb inlets and pipes to maintain at least 50% conveyance capacity at all times.
Cracked Drain Pipes	-Repair/seal cracks. Replace when repair is insufficient.
Check Dams	-Maintain 4 to 10 inch deep rock check dams at design intervals.
Vegetation	
Dead or strained vegetation	-Replant per original planting plan, or substitute from Appendix A. -Irrigate as needed. Mulch banks annually. DO NOT apply fertilizers, herbicides, or pesticides.
Tall Grass and Vegetation	-Cut back grass and prune overgrowth 1-2 times per year. Remove cuttings.
Weeds	-Manually remove weeds. Remove all plant debris.
Growing/Filter Medium , including soil and gravels, shall sustain healthy plant cover and infiltrate within 72 hours.	
Gullies	-Fill, lightly compact, and plant vegetation to disperse flow.
Erosion	-Replace splash blocks or inlet gravel/rock.
Slope Slippage	-Stabilize 3:1 slopes/banks with plantings from Appendix A.
Ponding	-Rake, till, or amend to restore infiltration rate.

Annual Maintenance Schedule:

Summer. Make any structural repairs. Improve filter medium as needed. Clear drain. Irrigate as needed.

Fall. Replant exposed soil and replace dead plants. Remove sediment and plant debris.

Winter. Monitor infiltration/flow-through rates. Clear inlets and outlets/overflows to maintain conveyance.

Spring. Remove sediment and plant debris. Replant exposed soil and replace dead plants. Mulch.

All seasons. Weed as necessary. Clean scuppers or curb inlets as needed.

Maintenance Records: Record date, description, and contractor (if applicable) for all structural repairs, landscape maintenance, and facility cleanout activities. Keep work orders and invoices on file and make available upon request of the inspector.

Access: Maintain ingress/egress to design standards.

Infiltration/Flow Control: All facilities shall drain within 72 hours. Record time/date, weather, and site conditions when ponding occurs.

Pollution Prevention: All sites shall implement best management practices to prevent hazardous or solid wastes or excessive oil and sediment from contaminating stormwater. Contact emergency response agencies for immediate assistance responding to spills. Record time/date, weather, and site conditions if site activities contaminate stormwater.

Vectors (Mosquitoes & Rodents): Stormwater facilities shall not harbor mosquito larvae or rats that pose a threat to public health or that undermine the facility structure. Monitor standing water for small wiggling sticks perpendicular to the water's surface. Note holes/burrows in and around facilities. Call Clackamas County Vector Control for immediate assistance to eradicate vectors. Record time/date, weather, and site conditions when vector activity observed.

Stormwater Planters Operations & Maintenance Plan

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Vegetation	
Dead or strained vegetation	-Replant per original planting plan, or substitute from Appendix A. -Irrigate as needed. Mulch banks annually. DO NOT apply fertilizers, herbicides, or pesticides.
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SITE PLAN

Wetland and Waters of the U.S. and State Delineation Report

1155 Kamm Street and 279 Warner Milne Road
Oregon City, Oregon

May 2021

Prepared by:



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A. LANDSCAPE SETTING AND LAND USE

The study area addressed in this report encompasses two adjoining tax lots and public right-of-way (ROW) in Oregon City, Oregon: tax lot 32E05CB01400, located at 1155 Kamm Street, tax lot 32E05CB01402, located at 279 Warner Milne Road, and adjoining ROW for Kamm Street and Warner Milne Road.

The study area (Figure 6, Appendix A) is approximately 0.86 acres within the Abernethy Creek-Willamette River watershed (HUC12 1709000704). The study area is within Oregon City city limits. Surrounding land use is residential (single and multi-family), services, retail, city streets, vacant land to the west, and a cemetery to the northeast (Saint John the Apostle Cemetery). The study area is comprised of a building, garage, landscaping, and parking lot accessed from Warner-Milne Road and an open field in the back (abutting Kamm Street). The site is generally level. A drainage channel is present along the eastern edge of the site.

The USDA Natural Resource Conservation Service (NRCS) Web Soil Survey (2020) identifies one soil map unit within the study area (Figure 4): Bornstedt silt loam, 0 to 8 percent slopes (map unit symbol 8B). Bornstedt silt loam is moderately well drained and not rated as hydric. This map unit contains two minor components that are rated as hydric: Borges, comprising 5 percent of the map unit, and Aquults, comprising 1 percent of the map unit.

Vegetation within the study area is comprised of a disturbed field plant community dominated by non-native pasture grasses (e.g. tall fescue [*Schedonorus arundinaceus*], orchard grass [*Dactylis glomerata*], common velvet grass [*Holcus lanatus*], colonial bentgrass [*Agrostis capillaris*], sweet vernal grass [*Anthoxanthum odoratum*]), and soft brome [*Bromus hordeaceus*]) and weedy forbs (e.g. common dandelion [*Taraxacum officinale*], rough cat's ear [*Hypochaeris radicata*], white clover [*Trifolium repens*], Queen Anne's lace [*Daucus carota*], hairy bittercress [*Cardamine hirsuta*], stinking willie [*Jacobaea vulgaris*], English plantain [*Plantago lanceolata*], and purple dead nettle [*Lamium purpureum*]). Trees and Himalayan blackberry have been cleared from the site periodically, including in recent years. Remaining trees are located at the site boundary and include sweet cherry (*Prunus avium*), crabapple (*Malus* sp.), one Western red cedar (*Thuja plicata*), one ponderosa pine (*Pinus ponderosa*), one black cottonwood (*Populus balsamifera*), one Douglas fir (*Pseudotsuga menziesii*), and one Oregon white oak (*Quercus garryana*).

B. SITE ALTERATIONS

Soil in the drainage channel shows evidence that the channel was excavated at some point in the past (see SP2 data form). Google Earth archived aerial imagery (Google 2021) shows the channel in its current location since at least 2002. These aerials also show that periodic brush and tree clearing has been a part of routine maintenance on the Kamm

Street lot for at least the past two decades. As a result, the site vegetation has shifted multiple times between open field and thickets of Himalayan blackberry and saplings.

In conversation with HHPR during the field investigation, a neighboring resident (parcel to the east) stated that during storm events the channel used to backup and flood at the culvert under Warner Milne Road until the city replaced it with a larger culvert. Aerial images suggest that this culvert upgrade likely took place in 2010 (Google 2021).

C. PRECIPITATION DATA AND ANALYSIS

The field investigation was conducted on April 12 and 15, 2021. The Oregon City weather station recorded 0 inches of precipitation during the delineation period (April 12th to 15th) and 0.03 inches of precipitation in the 14 days prior to the site visit (AgACIS 2021). The total precipitation for the water year to-date (October 2020 through March 2021) was 38.31 inches. Precipitation in the 3 months prior to the site visit was compared to the normal range (Table 1) using a weighted time and antecedent precipitation method (USDA NRCS 2015).

Table 1. Summary of precipitation (inches) at the Oregon City, OR weather station for the three months prior to the delineation, compared to normal ranges (AgACIS 2021).

		WETS DATA							
	Month	30% Probability Less Than	Average Precipitation	30% Probability More Than	Recorded Precipitation	Weighting Factor	Weighted 30% Probability Less Than	Weighted 30% Probability More Than	Weighted Recorded Precipitation
3rd Month Prior	Jan 2021	4.35	6.59	7.91	9.71	1	4.35	7.91	9.71
2nd Month Prior	Feb 2021	3.92	5.51	6.53	5.32	2	7.84	13.06	10.64
1st Month Prior	Mar 2021	3.56	4.69	5.46	3.09	3	10.68	16.38	9.27
							22.87	37.35	29.62

Precipitation in the 3 months prior to the delineation site visits was within the normal range, as shown in Table 1. Climatic/hydrologic conditions during the delineation are considered normal based on this analysis. However, as no rain fell in the 14 days prior to, or during, the delineation, additional steps were taken to evaluate site hydrology. Specifically, an auger hole was excavated to 24 inches in the drainage channel to evaluate Group A indicators and hyporheic flow and a streamflow duration assessment was completed.

D. METHODS

Potential wetlands and waters were identified prior to the site visit via a review of relevant materials, including: MetroMaps (Metro 2021); US Fish and Wildlife Service (USFWS) National Wetland Inventory (NWI) (2021); City of Oregon City Local

Wetland Inventory (LWI) (Shapiro Inc. 1999); USDA NRCS Web Soil Survey (2021); and Google Earth archived aerial imagery from 1994-2020 (Google 2021).

HHPR natural resources scientists conducted a wetland determination and Ordinary High Water Mark (OHWM) delineation within the study area on April 12 and 15, 2021. HHPR performed a pedestrian review of the entire site. Two sample plots were established to review and document areas where geomorphic position, vegetation, or other indicators suggested wetland presence.

HHPR followed the three-parameter wetland delineation method described in the *Corps of Engineers Wetland Delineation Manual* (1987) and the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys and Coast Region* (2010). Vegetation, soil, and hydrologic data for sample plots was recorded on US Army Corps of Engineers (USACE) Western Mountains, Valleys, and Coast data forms version 2.0 (USACE 2010). Plant names and wetland indicator status on the data forms follow the 2018 National Wetland Plant List (USACE 2018).

The OHWM determination was based on physical characteristics observed during the site visit, as described in USACE Regulatory Guidance Letter No. 05-05 (dated December 7, 2005) and Oregon Removal-Fill Rules (Oregon Administrative Rules [OAR] 141-085-0515(3)). Streamflow duration was determined following the method described in *Streamflow Duration Assessment Method for Oregon* (Nadeau 2011).

E. DESCRIPTION OF ALL WETLANDS AND NON-WETLAND WATERS

No wetland was identified within the study area. With the exception of the drainage channel, the site is generally level. Vegetation across the site, including in the channel, is fairly uniform, dominated by non-native pasture grasses and non-native forbs. Two sample plots were documented. The first sample plot (SP1) was located in a micro-depression in the field near the drainage channel. This location was identified as the most likely to contain wetland based on proximity to the channel and localized dominance of facultative species (compared to dominance of facultative-upland species elsewhere). The second sample plot (SP2) was located in the bottom of the drainage channel. Neither plot met all three wetland parameters. SP1 met the Dominance Test for hydrophytic vegetation, but lacked hydric soil and wetland hydrology indicators. SP2 met the redox dark surface hydric soil indicator but lacked hydrophytic vegetation, due to the abundance of forbs with a Facultative-Upland rating (i.e. rough cat's ear, English plantain, and common dandelion). SP2 also lacked primary wetland hydrology indicators. Group A hydrology indicators were evaluated in the 16-inch deep soil pit and an auger hole excavated in the bottom of the pit to a depth of 24 inches below the soil surface. No surface water, water table, or saturation was present. SP2 met the Geomorphic Position indicator, but lacked other secondary indicators.

HHPR delineated one drainage channel (Drainage A) within the study area. Drainage A is an excavated channel along the east edge of the study area. North of the study area, Drainage A is a roadside ditch on the west side of Kamm Street. Drainage A then turns east around the end of Kamm Street, then south again and continues in a straight channel to a culvert under Warner Milne Road. South of Warner Milne Road (outside of the study area) Drainage A continues to the southeast in a series of open channels, pipes, and culverts, then converges with a stream and wetland complex between Warner Milne Road and Beaver Creek Road. After this, its path is difficult to trace due to long underground sections. Based on the LWI, it appears likely that water from the drainage eventually reaches Newell Creek. Drainage A is not designated as Essential Salmonid Habitat (ESH).

HHPR delineated two distinct reaches within the study area: an upstream ephemeral reach and a downstream intermittent reach. Streamflow duration assessment forms are provided in Appendix D. The location, characteristics, extent, and anticipated jurisdictional determination for each reach are described below.

E.1 Drainage A - Upstream Reach

The upstream reach of Drainage A extends for approximately 370 feet within the study area, from the Kamm Street to a point approximately 20 feet north of Warner Milne Road (see Figure 6, Appendix A). This reach includes the channel as it passes through the open field, adjacent to the garage, and by a portion of the parking lot.

Within the upstream reach, the channel of Drainage A is typically narrow (3 to 8 feet wide), straight, and u-shaped in cross-section. The channel is grass-lined with vegetation similar to the surrounding field (e.g. colonial bentgrass, tall fescue, bluegrasses [*Poa* spp.], rough cat's ear, common selfheal [*Prunella vulgaris*], common dandelion, and English plantain).

Few indicators of OHWM were present within this reach. Vegetation and substrate were fairly uniform and channel morphology appeared to be the result of excavation rather than flow. At the end of Kamm Street, where the channel bends sharply, and at the south end near the transition to the downstream reach, scour marks were observed on the bank. These were used to extend the OHWM into the rest of the channel.

The channel was dry during the field investigation and no saturation or hyporheic flow was detected in an auger hole to a depth of 24 inches (located at SP2). Where present, scour marks in this reach are interpreted as the result of high flows in response to storm events. Conversations with neighbors confirmed that the channel fills quickly in response to storm events and has been known to flood (i.e., the flow regime is flashy). No aquatic macroinvertebrates were found in this reach. The upstream reach was determined to be ephemeral using the decision tree provided on the Streamflow Duration Field Assessment Form (Nadeau 2011).

DSL is unlikely to take jurisdiction over the upstream reach of Drainage A per OAR 141-085-0515(3) because it is an ephemeral stream.

USACE is unlikely to take jurisdiction over the upstream reach of Drainage A as a Water of the US under Section 404 of the Clean Water Act as it is an ephemeral stream (33 CFR sections 328.3(b)(3)), meaning that surface water flowing and pooling is only in response to precipitation (CFR section 328.3(c)(3)).

E.2 Drainage A – Downstream Reach

The downstream reach of Drainage A extends from Warner Milne Road to a point approximately 20 feet upstream. In the downstream reach the channel is mostly bare, with slightly undercut banks, and a pool (approximately 6 feet wide by 10 feet long) at the culvert inlet. The upstream extent of this reach was defined based on the point where the channel begins to consistently exhibit a bare bed and scour on the banks, and a lip where the channel drops down into the pool area. The channel was dry during the field investigation. Standing water was observed in the channel south of Warner Milne Road, downstream of the study area.

Various sources contribute to an increased volume of water in the downstream reach. Scour marks below the garage roof and next to the parking lot indicate significant runoff from these impervious surfaces during storm events. There is also a pipe outfall from the parking lot at the upstream reach boundary, but this was clogged with debris and did not appear to convey a significant volume of water. Near the inlet to the Warner Milne Road culvert, a pipe outfall discharges into the channel from storm drains in the street and possibly the parking lot to the east. Inside the culvert, another pipe outfall discharges stormwater from the street into the channel. These additional inputs correspond to the change in the character of the stream channel.

The macroinvertebrate survey identified the shells of several dozen aquatic snails (*Juga* sp.) and one living specimen amongst the riprap in the pool area by the culvert inlet. These likely migrate into the study area from downstream in winter and were stranded. The downstream reach was determined to be intermittent using the decision tree provided on the Streamflow Duration Field Assessment Form (Nadeau 2011).

DSL will likely take jurisdiction over the downstream reach of Drainage A as a stream per OAR 141-085-0515(3) because it is intermittent.

USACE may take jurisdiction over the downstream reach of Drainage A as a Water of the US under Section 404 of the Clean Water Act if it is determined to be a naturally occurring stream that contributes intermittent surface water flow to a traditional navigable water (Willamette River) in a typical year through one or more tributaries (33 CFR Sections 328.3(a)(2) and (c)(12), USACE and EPA 2020).

F. DEVIATION FROM LWI OR NWI

The study area is located within the City of Oregon City LWI (Shapiro Inc. 1999) (Figure 3a). The LWI shows a stream feature along the eastern edge of the study area that corresponds to Drainage A. The LWI does not specify the flow regime of the stream feature.

The NWI does not show any wetlands or waters within the study area (Figure 3b).

G. REQUIRED DISCLAIMER

This report documents the investigation, best professional judgement and conclusions of the investigator. It is correct and complete to the best of my knowledge. It should be considered a Preliminary Jurisdictional Determination of wetlands and other waters and used at your own risk unless it has been reviewed and approved in writing by the DSL in accordance with OAR 141-090-0005 through 141-090-0055.

H. MAPPING METHOD

HHPR natural resources staff flagged features in the field. Each flag was surveyed by HHPR Professional Land Surveyors to sub-meter accuracy.

I. ADDITIONAL INFORMATION

None.

J. RESULTS AND CONCLUSIONS

Based on the results of the site investigation, HHPR identified one drainage channel (Drainage A) with two reaches (upstream and downstream), within the study area. Characteristics of these reaches are summarized below.

Drainage A—Upstream Reach:

- 370 linear feet within the study area
- Ephemeral
- Not designated ESH
- Likely non-jurisdictional to DSL and USACE

Drainage A—Downstream Reach:

- 20 linear feet within the study area

- Intermittent
- Not designated ESH
- Likely jurisdictional to DSL and USACE

K. REFERENCES

Agricultural Applied Climate Information System (AgACIS). 2021. Monthly, daily, and WETS climatic data from Oregon City, OR weather station. URL: <http://agacis.rcc-acis.org/>. Accessed April-May, 2021.

Google. 2021. Google Earth Pro aerial imagery 1994-2020.

MetroMap. 2021. Metro. URL: <https://gis.oregonmetro.gov/metromap/>. Accessed April 2021.

Nadeau, T.L. 2011. Stream flow Duration Assessment Method for Oregon. U.S. Environmental Protection Agency, Region 10. Document number EPA 910-R-002. November 2011.

Shapiro Inc. 1999. City of Oregon City Local Wetland Inventory. June 1999. Approved September 1999.

US Army Corps of Engineers (USACE) and the US Environmental Protection Agency (EPA). 2020. The Navigable Waters Protection Rule: Definition of “Waters of the United States.” Federal Register Vol. 85, No. 77, Pages 22250-22342. April 21, 2020.

US Army Corps of Engineers (USACE). 2018. *National Wetland Plant List: Western Mountains, Valleys and Coast 2018 Regional Wetland Plant List v3.4*.

US Army Corps of Engineers (USACE). 2010. *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region* (Version 2.0). May 2010.

US Army Corps of Engineers (USACE). 1987. *Corps of Engineers Wetlands Delineation Manual* Wetlands Research Program Technical Report Y-87-1 (on-line edition). US Army Waterways Experiment Station Environmental Laboratory. Vicksburg, Mississippi.

USDA Natural Resources Conservation Service (NRCS). 2021. Web Soil Survey. URL: <https://websoilsurvey.sc.egov.usda.gov/>. Accessed April 2021.

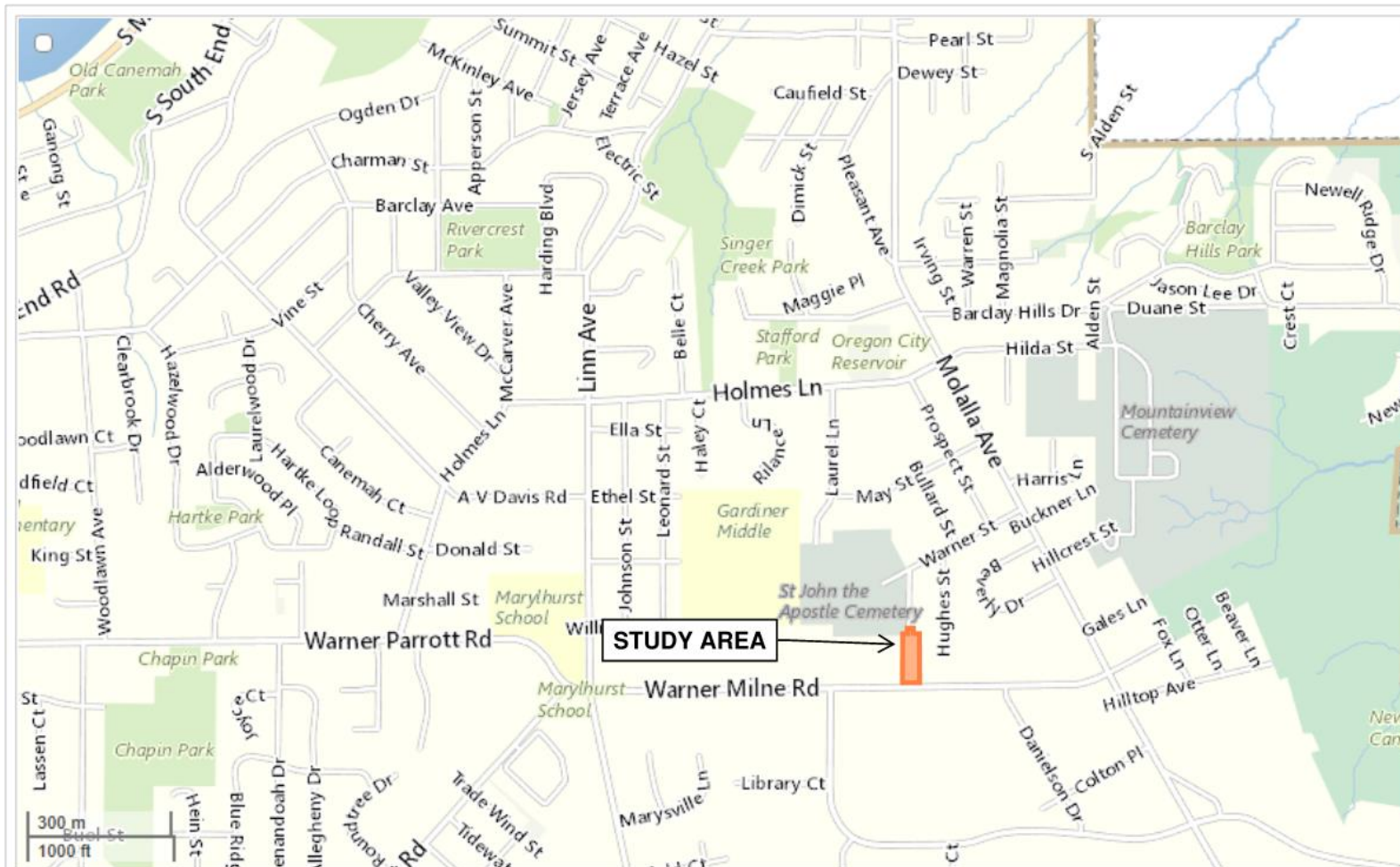
USDA Natural Resources Conservation Service (NRCS). 2015. Hydrology tools for wetland determination and analysis. Pages 90-91 in Engineering Field Handbook, Part 650.19 [Chapter 19]. (210-VI-NEH, Amend. 75, September 2015). URL: <https://directives.sc.egov.usda.gov/OpenNonWebContent.aspx?content=37808.wba>

US Fish and Wildlife Service (USFWS) National Wetland Inventory (NWI). 2021. National Wetlands Mapper. URL: <https://www.fws.gov/wetlands/Data/Mapper.html>. Accessed April 2021.

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Appendix A: Figures

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Data Resource Center
600 NE Grand Ave, Portland, OR 97232
503.797.1742 – drc@oregonmetro.gov

This Web site is offered as a public service, integrating various government records into a region-wide mapping system. The property assessment records are a multi-county integration of Clackamas, Multnomah and Washington County records. MetroMap blends each county's records into a common database on a quarterly basis. Therefore, to view each county's official records, go to their respective web sites or offices. The other MetroMap data are derived from city, county, state, federal and Metro sources. The metadata (data about the data) are included on this site, including the sources to be consulted for verification of the information contained herein. It describes some cases where Metro blends city and county records by generalizing the disparities. Metro assumes no legal responsibility for the compilation of multi-source government information displayed by Metro Map.

Figure 1: Vicinity Map

1155 Kamm Street and 279 Warner Milne Road
Oregon City, Oregon

HHPR Harper Houf Peterson Righellis Inc.

ENGINEERS ♦ PLANNERS
LANDSCAPE ARCHITECTS ♦ SURVEYORS

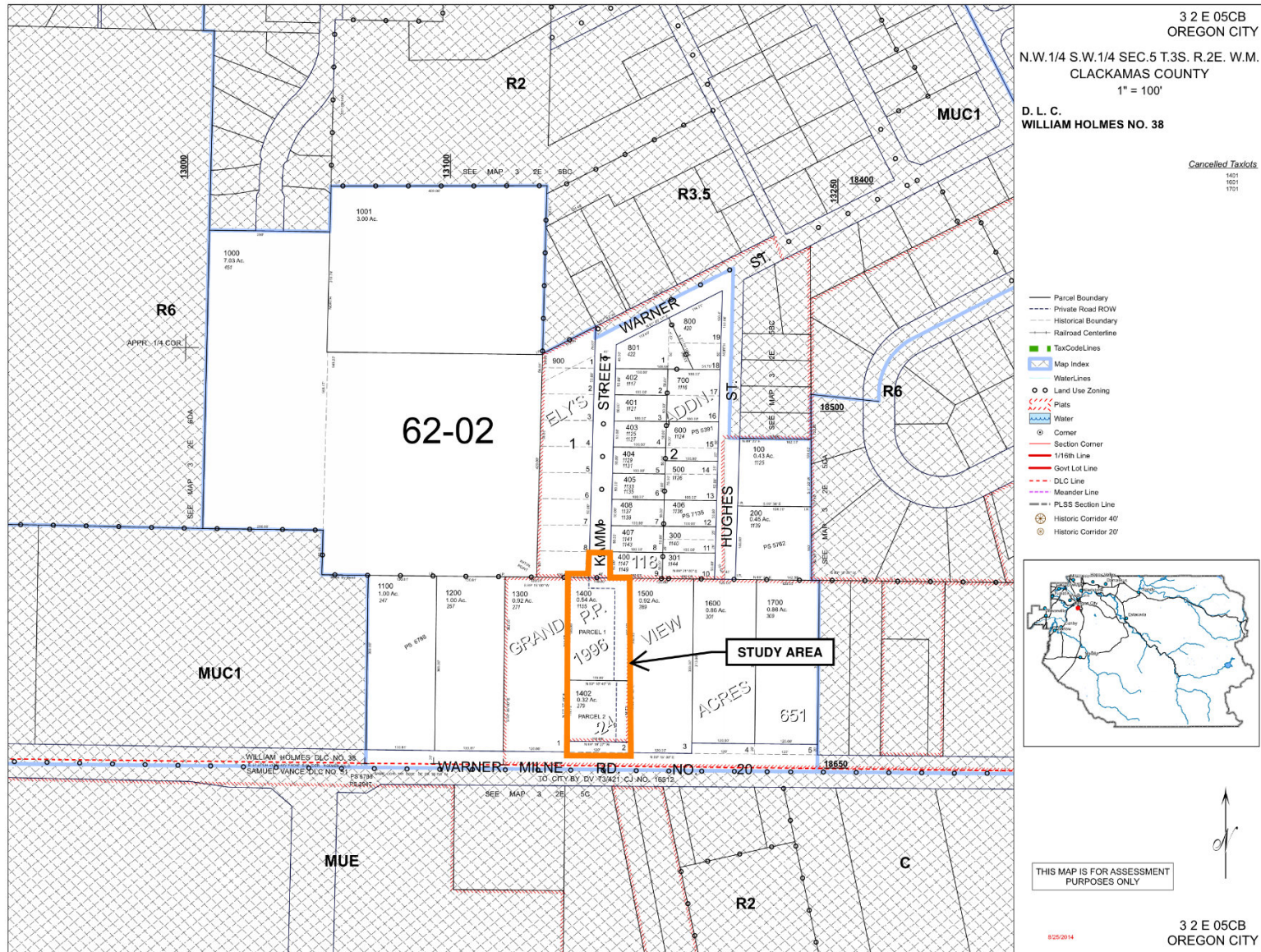


Figure 2: Tax Lot Map

1155 Kamm Street and 279 Warner Milne Road
Oregon City, Oregon

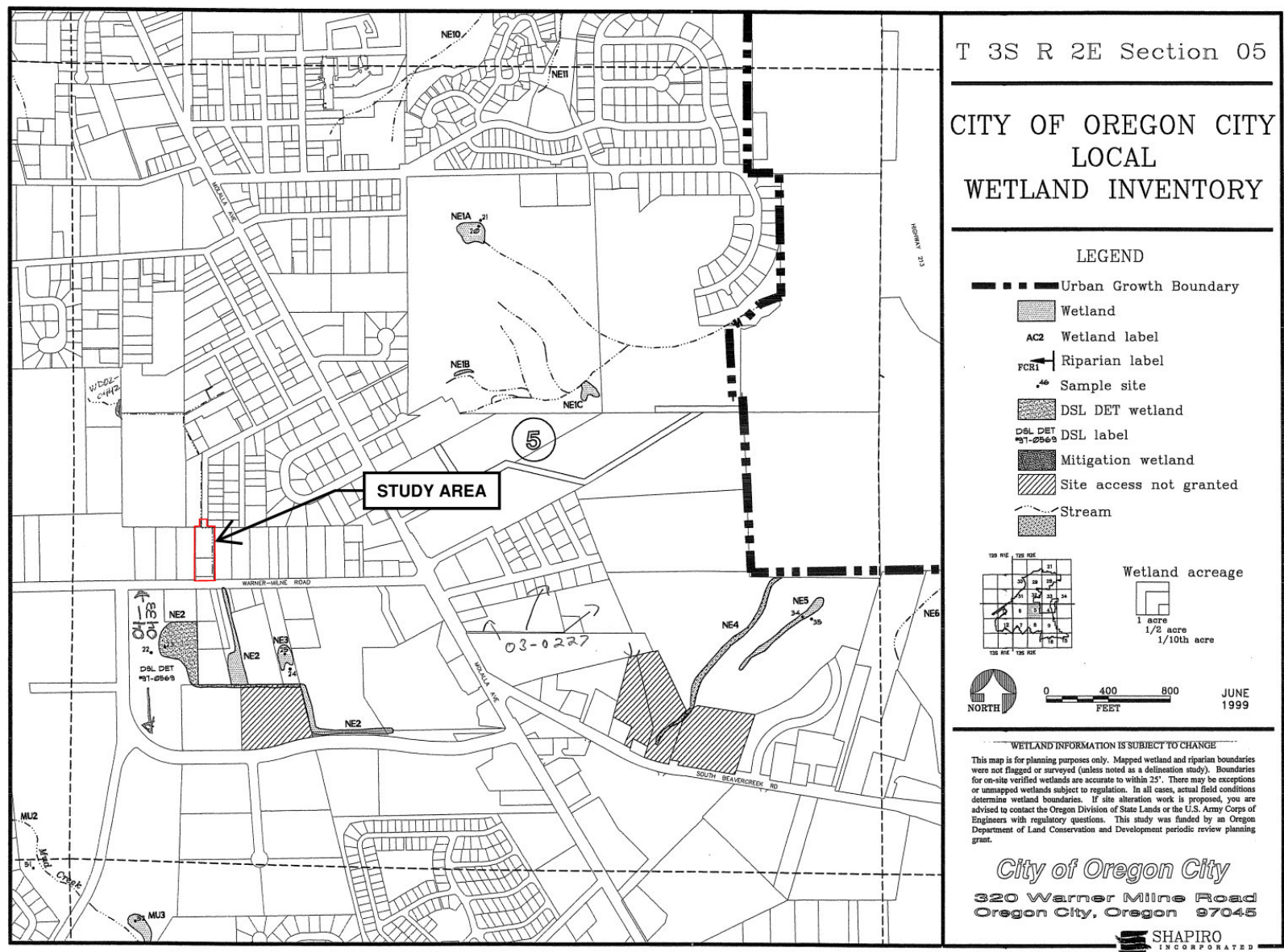


Figure 3a: Local Wetland Inventory

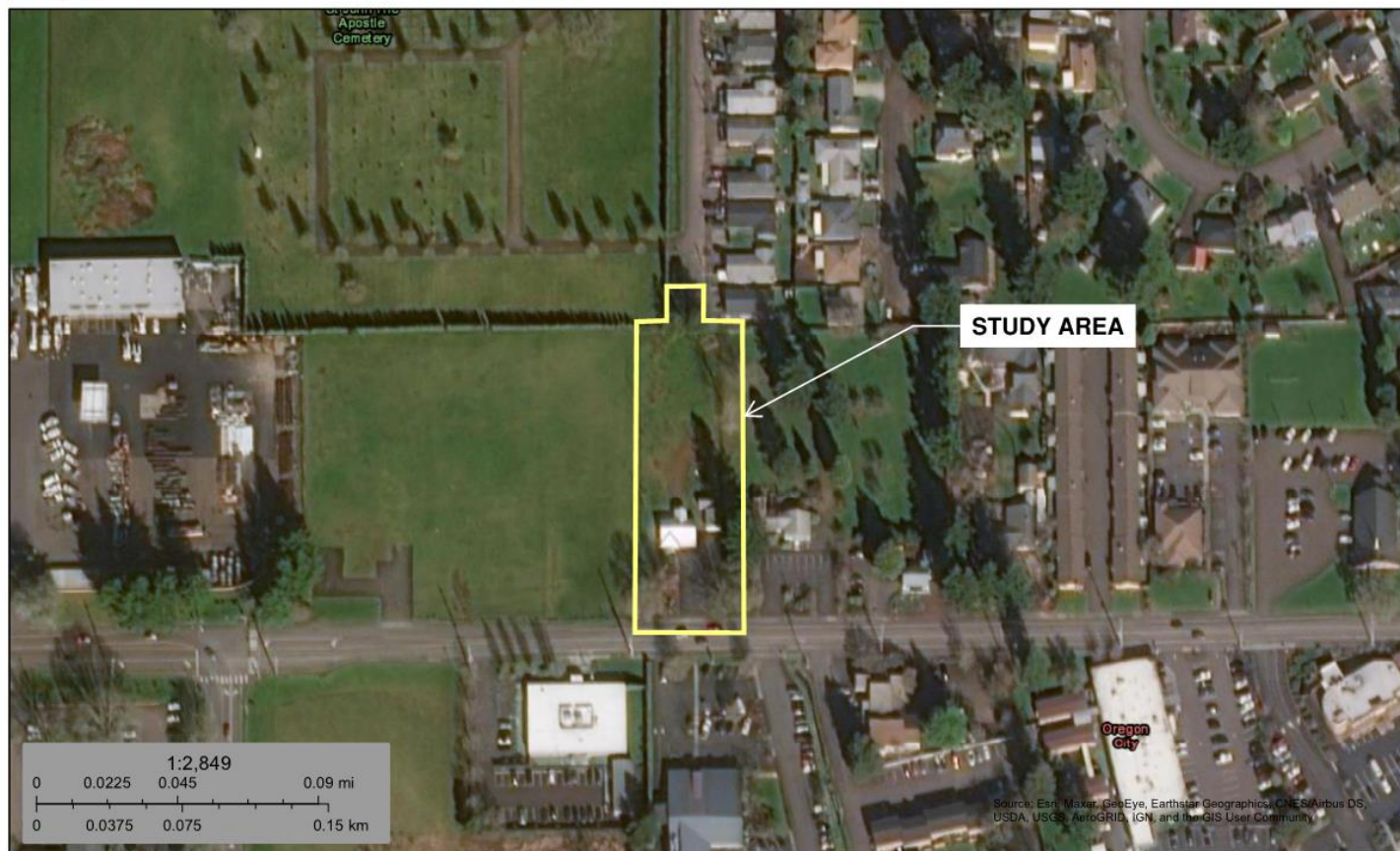
1155 Kamm Street and 279 Warner Milne Road
Oregon City, Oregon

Harper
HHPR Houf Peterson
Righellis Inc.

ENGINEERS ♦ PLANNERS
LANDSCAPE ARCHITECTS ♦ SURVEYORS



Wetlands



April 26, 2021

Wetlands

- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland

- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond

- Lake
- Other
- Riverine

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

National Wetlands Inventory (NWI)
This page was produced by the NWI mapper

Figure 3b: National Wetland Inventory

1155 Kamm Street and 279 Warner Milne Road
Oregon City, Oregon

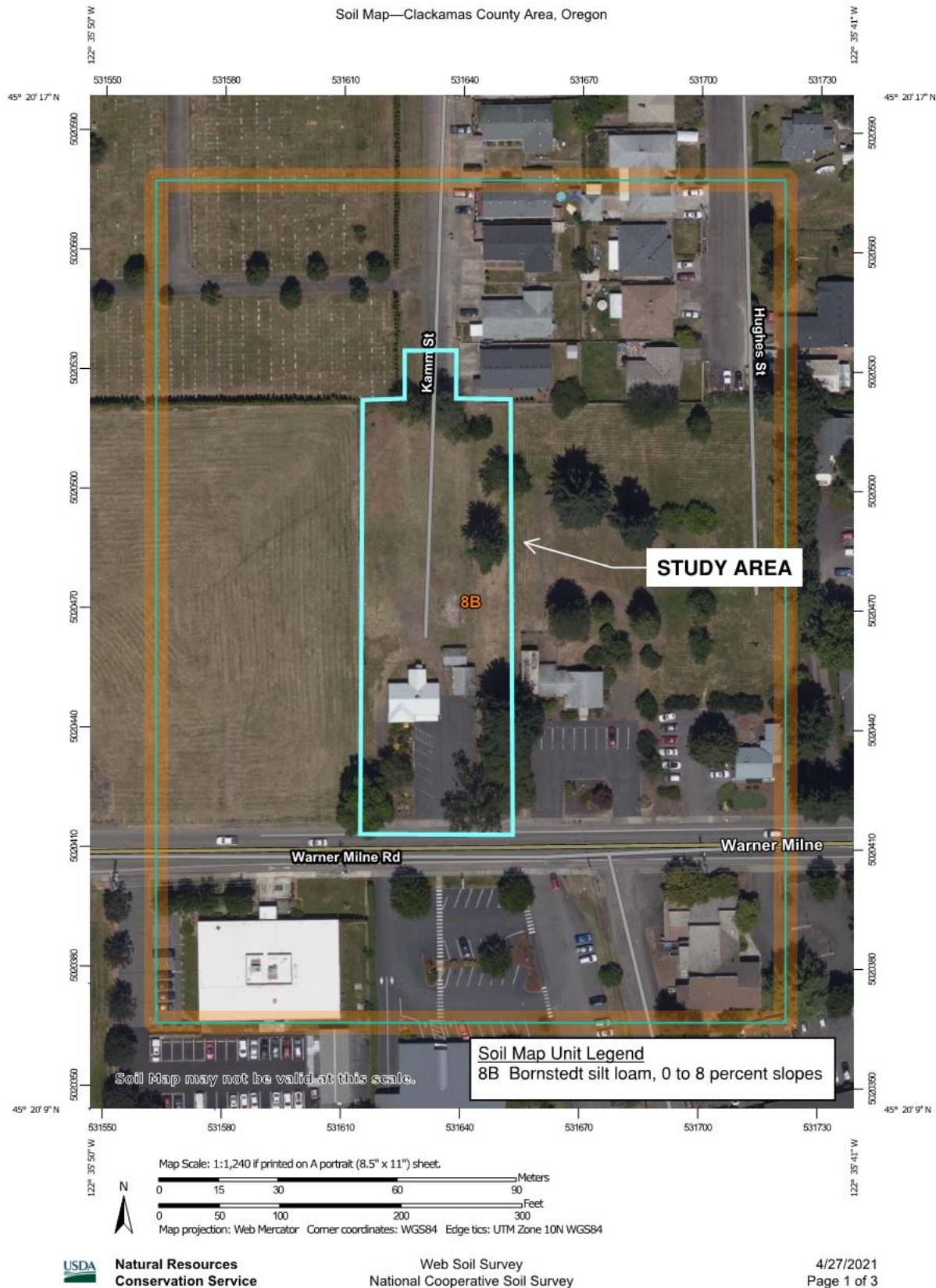


Figure 4: USDA NRCS Soil Survey Map

1155 Kamm Street and 279 Warner Milne Road
Oregon City, Oregon

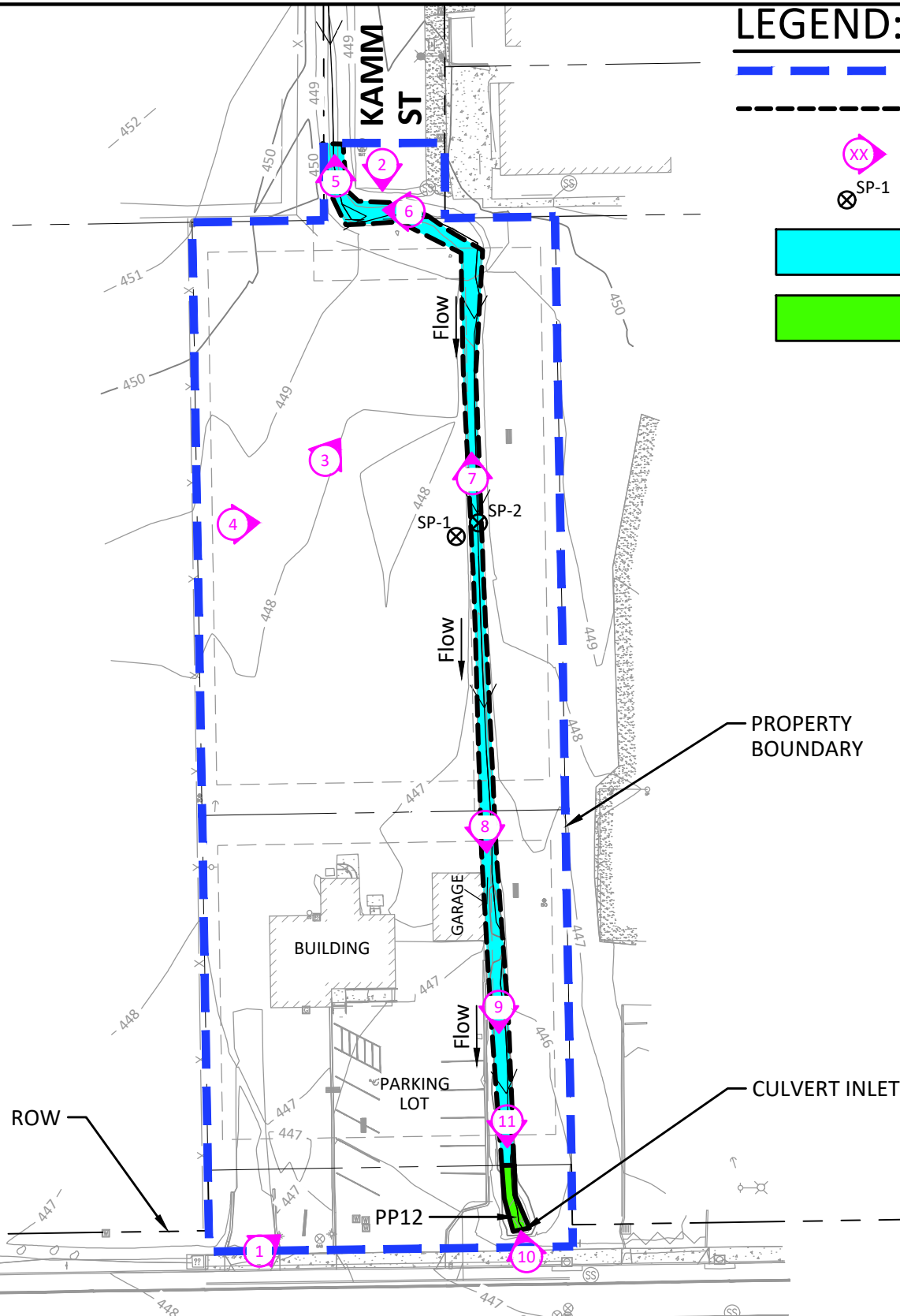


Figure 5: Aerial Image

1155 Kamm Street and 279 Warner Milne Road
Oregon City, Oregon

LEGEND:

- STUDY AREA
- OHWM
- XX PHOTO POINT
- ⊗ SP-1 SAMPLE PLOTS
- DRAINAGE A (EPHEMERAL)
- DRAINAGE A (INTERMITTENT)



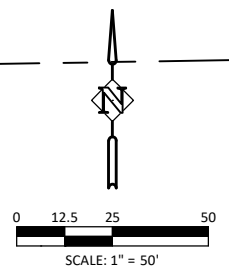
PROPERTY
BOUNDARY

CULVERT INLET

ROW

SURVEY PROVIDED BY HHPR
SURVEY ACCURACY IS SUB-METER

WARNER MILNE RD



SHEET NO.				DESIGNED:	HHPR
1				DRAWN:	HHPR
				CHECKED:	HHPR
JOB NO.	DATE	NO.	DESCRIPTION	DATE:	---
JGW-01	R E V I S I O N S				

Harper Houf Peterson Righellis Inc.
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205 SE Spokane Street, Suite 200, Portland, OR 97202
phone: 503.221.1131 www.hhpr.com fax: 503.221.1171

FIGURE 6
KAMM STREET APARTMENTS
WETLAND DELINEATION
OREGON CITY, OREGON

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Appendix B: Data Forms

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WETLAND DETERMINATION DATA FORM – Western Mountains, Valleys, and Coast Region

Item 8c.

Project/Site: Kamm St. Apartments City/County: Oregon City Sampling Date: 4/12/2021
 Applicant/Owner: Ron Laughlin State: OR Sampling Point: SP1
 Investigator(s): Kent Snyder, Ivy Watson Section, Township, Range: 05, 3S, 2E
 Landform (hillslope, terrace, etc.): terrace Local relief (concave, convex, none): concave Slope (%): 1
 Subregion (LRR): NW Forests and Coasts Lat: 45.337192° Long: -122.596152° Datum: WGS84
 Soil Map Unit Name: Bornstedt silt loam, 0 to 8 percent slopes NWI classification: upland
 Are climatic / hydrologic conditions on the site typical for this time of year? Yes ☐ No ☐ (If no, explain in Remarks.)
 Are Vegetation ☐ , Soil ☐ , or Hydrology ☐ significantly disturbed? Are "Normal Circumstances" present? Yes ☒ No ☐
 Are Vegetation ☐ , Soil ☐ , or Hydrology ☐ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes ☒	No ☐	Is the Sampled Area within a Wetland? Yes ☐ No ☒
Hydric Soil Present?	Yes ☐	No ☒	
Wetland Hydrology Present?	Yes ☐	No ☒	

Remarks: Located on the bank on the west side of the ditch (channelized stream).

VEGETATION – Use scientific names of plants.

Tree Stratum	(Plot size: <u>30ft</u>)	Absolute % Cover	Dominant Species?	Indicator Status	Dominance Test worksheet: Number of Dominant Species That Are OBL, FACW, or FAC: <u>2</u> (A) Total Number of Dominant Species Across All Strata: <u>2</u> (B) Percent of Dominant Species That Are OBL, FACW, or FAC: <u>100</u> (A/B)
1. <u>Populus balsamifera</u>		10	Y	FAC	
2. _____					
3. _____					
4. _____					
		10	= Total Cover		Prevalence Index worksheet: Total % Cover of: _____ Multiply by: OBL species ☐ x 1 = _____ FACW species ☐ x 2 = _____ FAC species ☐ x 3 = _____ FACU species ☐ x 4 = _____ UPL species ☐ x 5 = _____ Column Totals: _____ (A) _____ (B) Prevalence Index = B/A = _____
Sapling/Shrub Stratum (Plot size: <u>5ft</u>)					
1. <u>None</u>					
2. _____					
3. _____					
			= Total Cover		
Herb Stratum (Plot size: <u>5ft</u>)					Hydrophytic Vegetation Indicators: ☐ 1 - Rapid Test for Hydrophytic Vegetation ☒ 2 - Dominance Test is >50% ☐ 3 - Prevalence Index is ≤3.0 ¹ ☐ 4 - Morphological Adaptations ¹ (Provide supporting data in Remarks or on a separate sheet) ☐ 5 - Wetland Non-Vascular Plants ¹ ☐ Problematic Hydrophytic Vegetation ¹ (Explain) ¹ Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.
1. <u>Agrostis capillaris</u>		55	Y	FAC	
2. <u>Hypochaeris radicata</u>		15	N	FACU	
3. <u>Anthoxanthum odoratum</u>		7	N	FACU	
4. <u>Plantago lanceolata</u>		7	N	FACU	
5. <u>Taraxacum officinale</u>		7	N	FACU	
6. <u>Schedonorus arundinaceus</u>		5	N	FACU	
7. <u>Dactylis glomerata</u>		2	N	FACU	
8. <u>Poa trivialis</u>		2	N	FAC	
9. <u>Prunella vulgaris</u>		2	N	FACU	
10. <u>Ranunculus repens</u>		2	N	FAC	
11. <u>Holcus lanatus</u>		1	N	FAC	
		105	= Total Cover		
Woody Vine Stratum (Plot size: <u>30ft</u>)					
1. <u>none</u>					
2. _____					
			= Total Cover		
% Bare Ground in Herb Stratum <u>0</u>					

Remarks: A few sprouts of Himalayan blackberry (*Rubus armeniacus*) are present (trace amount). This species was previously more abundant at this site, but has been controlled. Meadow foxtail (*Alopecurus pratensis*) is also occasional in the vicinity (~1%), but not present in the plot.

Though it meets the Dominance test, 45 percent of cover in herb layer is provided by FACU-rated species, suggesting that water is limited.

SOIL

Sampling Point: SP1

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type ¹	Loc ²		
0-5	7.5YR 3/2	100					Sil/sicl	
5-7	7.5YR 3/2	96	7.5YR 3/1	2	D	M	sicl	faint
			7.5YR4/4	2	C	M		
7-16	7.5YR 4/3	70	5YR 2.5/1	10	C	M	Sicl	Mn
			7.5YR 4/6	10	C	M		
			7.5YR 4/4	5	C	M		faint
			7.5YR 3/4	5	C	M		faint

¹Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains.²Location: PL=Pore Lining, M=Matrix.**Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)****Indicators for Problematic Hydric Soils³:**

- | | |
|--|---|
| ☐ Histosol (A1) | ☐ Sandy Redox (S5) |
| ☐ Histic Epipedon (A2) | ☐ Stripped Matrix (S6) |
| ☐ Black Histic (A3) | ☐ Loamy Mucky Mineral (F1) (except MLRA 1) |
| ☐ Hydrogen Sulfide (A4) | ☐ Loamy Gleyed Matrix (F2) |
| ☐ Depleted Below Dark Surface (A11) | ☐ Depleted Matrix (F3) |
| ☐ Thick Dark Surface (A12) | ☐ Redox Dark Surface (F6) |
| ☐ Sandy Mucky Mineral (S1) | ☐ Depleted Dark Surface (F7) |
| ☐ Sandy Gleyed Matrix (S4) | ☐ Redox Depressions (F8) |

- ☐ 2 cm Muck (A10)
- ☐ Red Parent Material (TF2)
- ☐ Very Shallow Dark Surface (TF12)
- ☐ Other (Explain in Remarks)

³Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic

Restrictive Layer (if present):

Type: _____

Depth (inches): _____

Hydric Soil Present?

Yes ☐No ☒

Remarks: Bottom of this pit is at a similar elevation as bottom of adjacent ditch.

Based on landscape position and general site character, this soil is not considered a problematic hydric soil (TF2). Weathering of basalt rock fragments in the soil matrix is interpreted as the primary contributor to redox features in matrix of the 7-16 inch depth. Drainage class is considered non-hydric SPD.

HYDROLOGY**Wetland Hydrology Indicators:**

Primary Indicators (minimum of one required; check all that apply)

- | | |
|--|---|
| ☐ Surface Water (A1) | ☐ Water-Stained Leaves (B9) (except MLRA 1, 2, 4A, and 4B) |
| ☐ High Water Table (A2) | ☐ Salt Crust (B11) |
| ☐ Saturation (A3) | ☐ Aquatic Invertebrates (B13) |
| ☐ Water Marks (B1) | ☐ Hydrogen Sulfide Odor (C1) |
| | ☐ Oxidized Rhizospheres along Living |
| ☐ Sediment Deposits (B2) | ☐ Roots (C3) |
| ☐ Drift Deposits (B3) | ☐ Presence of Reduced Iron (C4) |
| | ☐ Recent Iron Reduction in Tilled |
| ☐ Algal Mat or Crust (B4) | ☐ Soils (C6) |
| | ☐ Stunted or Stressed Plants (D1) |
| ☐ Iron Deposits (B5) | ☐ (LRR A) |
| ☐ Surface Soil Cracks (B6) | ☐ Other (Explain in Remarks) |
| ☐ Inundation Visible on Aerial Imagery (B7) | |
| ☐ Sparsely Vegetated Concave Surface (B8) | |

Secondary Indicators (2 or more required)

- ☐ Water-Stained Leaves (B9) (MLRA 1, 2, 4A, and 4B)
- ☐ Drainage Patterns (B10)
- ☐ Dry-Season Water Table (C2)
- ☐ Saturation Visible on Aerial Imagery (C9)
- ☐ Geomorphic Position (D2)
- ☐ Shallow Aquitard (D3)
- ☐ FAC-Neutral Test (D5)
- ☐ Raised Ant Mounds (D6) (LRR A)
- ☐ Frost-Heave Hummocks (D7)

Field Observations:

- | | | | |
|-----------------------------|------------------------------|--|-----------------------|
| Surface Water Present? | Yes ☐ | No ☒ | Depth (inches): _____ |
| Water Table Present? | Yes ☐ | No ☒ | Depth (inches): >16 |
| Saturation Present? | Yes ☐ | No ☒ | Depth (inches): >16 |
| (includes capillary fringe) | Yes ☐ | No ☒ | Depth (inches): >16 |

Wetland Hydrology Present?

Yes ☐No ☒

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

WETLAND DETERMINATION DATA FORM – Western Mountains, Valleys, and Coast Region

Item 8c.

Project/Site: Kamm St. Apartments City/County: Oregon City Sampling Date: 4/15/2021
 Applicant/Owner: Ron Laughlin State: OR Sampling Point: SP2
 Investigator(s): Kent Snyder, Ivy Watson Section, Township, Range: 05, 3S, 2E
 Landform (hillslope, terrace, etc.): terrace Local relief (concave, convex, none): concave Slope (%): 1
 Subregion (LRR): NW Forests and Coasts Lat: 45.337192° Long: -122.596152° Datum: WGS84
 Soil Map Unit Name: Bornstedt silt loam, 0 to 8 percent slopes NWI classification: upland
 Are climatic / hydrologic conditions on the site typical for this time of year? Yes ☐ No ☐ (If no, explain in Remarks.)
 Are Vegetation ☐ , Soil ☐ , or Hydrology ☐ significantly disturbed? Are "Normal Circumstances" present? Yes ☒ No ☐
 Are Vegetation ☐ , Soil ☐ , or Hydrology ☐ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes ☐	No ☒	Is the Sampled Area within a Wetland?	Yes ☐	No ☒
Hydric Soil Present?	Yes ☒	No ☐			
Wetland Hydrology Present?	Yes ☐	No ☒			

Remarks: Located in stream channel (ditch), approximately 6 feet east of SP1.

VEGETATION – Use scientific names of plants.

Tree Stratum	(Plot size: <u>30ft</u>)	Absolute % Cover	Dominant Species?	Indicator Status	Dominance Test worksheet: Number of Dominant Species That Are OBL, FACW, or FAC: <u>3</u> (A) Total Number of Dominant Species Across All Strata: <u>6</u> (B) Percent of Dominant Species That Are OBL, FACW, or FAC: <u>50</u> (A/B)
1. <u>Populus balsamifera</u>		10	Y	FAC	
2. _____					
3. _____					
4. _____					
		10	= Total Cover		Prevalence Index worksheet: Total % Cover of: _____ Multiply by: OBL species ☐ x 1 = _____ FACW species ☐ x 2 = _____ FAC species ☐ x 3 = _____ FACU species ☐ x 4 = _____ UPL species ☐ x 5 = _____ Column Totals: <u>(A)</u> <u>(B)</u> Prevalence Index = B/A = _____
Sapling/Shrub Stratum (Plot size: <u>5ft</u>)					
1. <u>None</u>					
2. _____					
3. _____					
		0	= Total Cover		
Herb Stratum (Plot size: <u>5ft</u>)					Hydrophytic Vegetation Indicators: ☐ 1 - Rapid Test for Hydrophytic Vegetation ☐ 2 - Dominance Test is >50% ☐ 3 - Prevalence Index is ≤3.0 ¹ ☐ 4 - Morphological Adaptations ¹ (Provide supporting data in Remarks or on a separate sheet) ☐ 5 - Wetland Non-Vascular Plants ¹ ☐ Problematic Hydrophytic Vegetation ¹ (Explain) ¹ Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.
1. <u>Agrostis capillaris</u>		15	Y	FAC	
2. <u>Hypochaeris radicata</u>		15	Y	FACU	
3. <u>Ranunculus repens</u>		15	Y	FAC	
4. <u>Plantago lanceolata</u>		15	Y	FACU	
5. <u>Taraxacum officinale</u>		15	Y	FACU	
6. <u>Poa annua</u>		10	N	FAC	
7. <u>Poa trivialis</u>		10	N	FAC	
8. <u>Prunella vulgaris</u>		10	N	FACU	
9. <u>Schedonorus arundinaceus</u>		7	N	FAC	
10. <u>Festuca rubra</u>		5	N	FAC	
11. <u>Trifolium repens</u>		5	N	FAC	
		125	= Total Cover		
Woody Vine Stratum (Plot size: <u>30ft</u>)					
1. <u>none</u>					
2. _____					
		0	= Total Cover		
% Bare Ground in Herb Stratum <u>2</u>					

Remarks:
 Additional species in the herb stratum:
Anthoxanthum odoratum, 2%, Not dominant, FACU
Dactylis glomerata, 1%, Not dominant, FACU

SOIL

Sampling Point: SP2

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type ¹	Loc ²		
0-4	10YR 3/2	100					Sil	
4-9	10YR 3/2	58	10YR 3/3	35	C	M	sil	faint
			7.5YR 5/6	5	C	M		
			5YR 2.5/1	2	C	M		Mn
9-16	7.5YR 4/4	40	5YR 2.5/1	20	C	M	sicl	Mn
			10YR 4/1	20	D	M		
			10YR 4/3	10	C	M		Ped faces; faint
			7.5YR 5/6	5	C	M		

¹Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. ²Location: PL=Pore Lining, M=Matrix.**Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)****Indicators for Problematic Hydric Soils³:**

☐ Histosol (A1)	☐ Sandy Redox (S5)	☐ 2 cm Muck (A10)
☐ Histic Epipedon (A2)	☐ Stripped Matrix (S6)	☐ Red Parent Material (TF2)
☐ Black Histic (A3)	☐ Loamy Mucky Mineral (F1) (except MLRA 1)	☐ Very Shallow Dark Surface (TF12)
☐ Hydrogen Sulfide (A4)	☐ Loamy Gleyed Matrix (F2)	☐ Other (Explain in Remarks)
☐ Depleted Below Dark Surface (A11)	☐ Depleted Matrix (F3)	
☐ Thick Dark Surface (A12)	☒ Redox Dark Surface (F6)	
☐ Sandy Mucky Mineral (S1)	☐ Depleted Dark Surface (F7)	
☐ Sandy Gleyed Matrix (S4)	☐ Redox Depressions (F8)	

³Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic**Restrictive Layer (if present):**Type: _____
Depth (inches): _____Hydric Soil Present? Yes ☒ No ☐

Remarks: No oxidized rhizospheres (root channels or pore linings) present.

Soil below 9 inches is native subsoil, excavated into when ditch was made. Soil above (0 to 9 inches) likely a mix of post-excavation fill (based on angular rock fragments) and subsequent alluvium. Less than 2% rock fragments (pebbles) in soil.

The 9-16" depth contains the following additional redox feature: 10YR 3/3, 5%, C, M

HYDROLOGY**Wetland Hydrology Indicators:**

Primary Indicators (minimum of one required; check all that apply)

☐ Surface Water (A1)	☐ Water-Stained Leaves (B9) (except MLRA 1, 2, 4A, and 4B)
☐ High Water Table (A2)	☐ Salt Crust (B11)
☐ Saturation (A3)	☐ Aquatic Invertebrates (B13)
☐ Water Marks (B1)	☐ Hydrogen Sulfide Odor (C1)
☐ Sediment Deposits (B2)	☐ Oxidized Rhizospheres along Living Roots (C3)
☐ Drift Deposits (B3)	☐ Presence of Reduced Iron (C4)
☐ Algal Mat or Crust (B4)	☐ Recent Iron Reduction in Tilled Soils (C6)
☐ Iron Deposits (B5)	☐ Stunted or Stressed Plants (D1) (LRR A)
☐ Surface Soil Cracks (B6)	☐ Other (Explain in Remarks)
☐ Inundation Visible on Aerial Imagery (B7)	
☐ Sparsely Vegetated Concave Surface (B8)	

Secondary Indicators (2 or more required)

☐ Water-Stained Leaves (B9) (MLRA 1, 2, 4A, and 4B)
☐ Drainage Patterns (B10)
☐ Dry-Season Water Table (C2)
☐ Saturation Visible on Aerial Imagery (C9)
☒ Geomorphic Position (D2)
☐ Shallow Aquitard (D3)
☐ FAC-Neutral Test (D5)
☐ Raised Ant Mounds (D6) (LRR A)
☐ Frost-Heave Hummocks (D7)

Field Observations:

Surface Water Present? Yes ☐ No ☒ Depth (inches): _____

Water Table Present? Yes ☐ No ☒ Depth (inches): >24

Saturation Present? (includes capillary fringe) Yes ☐ No ☒ Depth (inches): >24

Wetland Hydrology Present? Yes ☐ No ☒

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks: Auger hole excavated in bottom of pit to a depth of 24 inches from the surface contained no water or saturation.

Appendix C: Photographs

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Photograph 1: View to the northeast from the southwest corner of the study area, showing landscaping, parking lot, and buildings on the Warner Milne Road tax lot. Photograph taken April 12, 2021.



Photograph 2: View to the south from Kamm Street, showing the open field and building in the study area. Blue dashes indicate the approximate location of Drainage A. Photograph taken April 12, 2021.



Photograph 3: View looking northeast from the field towards the end of Kamm Street. Photograph taken April 12, 2021.



Photograph 4: View looking east across the field towards SP1 and 2. The blue dashes indicate the approximate location of Drainage A. Photograph taken April 12, 2021.



Photograph 5: View looking north from end of the study area along Drainage A. Kamm Street can be seen on the right. Photograph taken April 12, 2021.



Photograph 6: View looking west showing the Drainage A channel at the end of Kamm Street. Kamm Street is on the right. The field is to the left. Photograph taken April 12, 2021.



Photograph 7: View looking north towards Kamm Street showing the channel of Drainage A. Vegetation and morphology within the channel is typical of the upstream reach: vegetation similar to the surrounding field and a u-shaped cross section. Photograph taken April 12, 2021.



Photograph 8: View looking south towards Warner Milne Road showing the channel of Drainage A next to the garage. The yellow dashes indicate the approximate location of the boundary between the upstream and downstream reaches. Photograph taken April 12, 2021.



Photograph 9: View looking south towards Warner Milne Road showing the lower end of the upstream reach. A bare patch in the channel, scoured out by parking lot runoff following storm events can be seen in the foreground. Photograph taken April 12, 2021.



Photograph 10: View looking north, along Drainage A from the Warner Milne Road culvert. The downstream reach, with bare bed and riprap, can be seen in the foreground. The yellow dashes indicate the reach boundary. Photograph taken April 12, 2021.



Photograph 11: View to the south showing the inlet to the Warner Milne Road culvert and the pool area in the downstream reach of Drainage A. Photograph taken April 15, 2021.



Photograph 12: The blue arrow indicates the empty shell of an aquatic snail amongst riprap in the pool area at the culvert inlet. Many shells and one living snail were found here. Photograph taken April 15, 2021.



Photograph 13: View to the north towards Warner Milne Road showing Drainage A south of the study area. Standing water can be seen in the channel. Photograph taken April 12, 2021.

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Appendix D: Streamflow Duration Data Forms

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Appendix B: Streamflow Duration Field Assessment Form

Item 8c.

Project # / Name Kamm St. Apartments		Assessor Ivy Watson																													
Address 1155 Kamm St		Date 4/15/2021																													
Waterway Name Drainage A		Coordinates at downstream end Lat. N Long. W																													
Reach Boundaries Kamm St. to Parking Lot		Precipitation w/in 48 hours (cm) Channel Width (m)																													
		☒ Disturbed Site / Difficult Situation (Describe in "Notes")																													
Observed Hydrology	% of reach w/observed surface flow <u>0</u> % of reach w/any flow (surface or hyporheic) <u>0</u> # of pools observed <u>2</u> shallow scour pools (~1' wide x 2' long x 2" deep), both dry																														
Observations	Observed Wetland Plants (and indicator status): Phalaris arundinacea - FACW two small clumps observed, one in channel, one in adjacent field. Presence is interpreted as result of site disturbance rather than wetland/stream hydrology. Thus, not used as indicator. Observed Macroinvertebrates: <table border="1" style="width: 100%; border-collapse: collapse; font-size: small;"> <thead> <tr> <th>Taxon</th> <th>Indicator Status</th> <th>Ephemeroptera?</th> <th># of Individuals</th> </tr> </thead> <tbody> <tr> <td>Formicidae (ants)</td> <td>NA</td> <td>No</td> <td>~30</td> </tr> <tr> <td>Oligochaeta (earth worms)</td> <td>NA</td> <td>No</td> <td>9</td> </tr> <tr> <td>Oniscidea (sow bugs)</td> <td>NA</td> <td>No</td> <td>4</td> </tr> <tr> <td>Tipula paludosa</td> <td>NA</td> <td>No</td> <td>2</td> </tr> <tr> <td>European crane fly larva</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Anisodactylus sp. (ground beetle)</td> <td>NA</td> <td>No</td> <td>1</td> </tr> </tbody> </table>			Taxon	Indicator Status	Ephemeroptera?	# of Individuals	Formicidae (ants)	NA	No	~30	Oligochaeta (earth worms)	NA	No	9	Oniscidea (sow bugs)	NA	No	4	Tipula paludosa	NA	No	2	European crane fly larva				Anisodactylus sp. (ground beetle)	NA	No	1
Taxon	Indicator Status	Ephemeroptera?	# of Individuals																												
Formicidae (ants)	NA	No	~30																												
Oligochaeta (earth worms)	NA	No	9																												
Oniscidea (sow bugs)	NA	No	4																												
Tipula paludosa	NA	No	2																												
European crane fly larva																															
Anisodactylus sp. (ground beetle)	NA	No	1																												
Indicators	1. Are aquatic macroinvertebrates present? ☐ Yes ☒ No 2. Are 6 or more individuals of the Order Ephemeroptera present? ☐ Yes ☒ No 3. Are perennial indicator taxa present? (refer to Table 1) ☐ Yes ☒ No 4. Are FACW, OBL, or SAV plants present? (Within 1/2 channel width) ☐ Yes ☒ No 5. What is the slope? (In percent, measured for the valley, not the stream) <u>1</u> %																														
Conclusions																															
Single Indicators: ☐ Fish ☐ Amphibians		Finding: ☒ Ephemeral ☐ Intermittent ☐ Perennial																													

Notes: single indicator conclusions, description of disturbances or modifications that may interfere with indicators, etc.)

Difficult Situation:

☐ Prolonged Abnormal Rainfall / Snowpack

☐ Below Average

☐ Above Average

☒ Natural or Anthropogenic Disturbance

☐ Other: _____

Describe situation. For disturbed streams, note extent, type, and history of disturbance.

This is an urban site. Vegetation and soil within the site has been subject to anthropogenic disturbance for decades, possibly longer via ditching, fill, grading, clearing, and invasive species. Vegetation is currently dominated by non-native and invasive grasses and forbs. Two small clumps of reed canarygrass observed on site are consistent with disturbed conditions and not interpreted as an indicator of hydrology. This species regularly colonizes disturbed uplands including roadsides and waste sites. Channel morphology is the result of ditching and runoff from roofs/parking lots rather than sustained flow.

Additional Notes: (sketch of site, description of photos, comments on hydrological observations, etc.) Attach additional sheets as necessary.

An auger hole in the stream channel found no water or saturation in 24-inch deep hole. The channel is 90% vegetated with pasture grasses and forbs similar to the adjacent upland field. FACU forbs are co-dominant with FAC grasses within the channel.

Ancillary Information:

☐ Riparian Corridor

☐ Erosion and Deposition

☐ Floodplain Connectivity

Observed Amphibians, Snake, and Fish:

Taxa	Life History Stage	Location Observed	Number of Individuals Observed

Appendix B: Streamflow Duration Field Assessment Form

Item 8c.

Project # / Name Kamm St. Apartments		Assessor Ivy Watson																																
Address 1155 Kamm St		Date 4/15/2021																																
Waterway Name Drainage A		Coordinates at Lat. N																																
Reach Boundaries Parking Lot to Warner Milne Rd Culvert		downstream end Long. W																																
Precipitation w/in 48 hours (cm)		Channel Width (m)																																
		☒ Disturbed Site / Difficult Situation (Describe in "Notes")																																
Observed Hydrology	% of reach w/observed surface flow <u> 0 </u>																																	
	% of reach w/any flow (surface or hyporheic) <u> 0 </u>																																	
	# of pools observed <u> 1 </u> pool at culvert, dry																																	
Observations	Observed Wetland Plants (and indicator status): None		Observed Macroinvertebrates:																															
	<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="width:40%;">Taxon</th> <th style="width:10%;">Indicator Status</th> <th style="width:10%;">Ephemeroptera?</th> <th style="width:40%;"># of Individuals</th> </tr> </thead> <tbody> <tr> <td>Formicidae (ants)</td> <td>NA</td> <td>No</td> <td>~20</td> </tr> <tr> <td>Oligochaeta (earth worms)</td> <td>NA</td> <td>No</td> <td>5</td> </tr> <tr> <td>Oniscidea (sow bugs)</td> <td>NA</td> <td>No</td> <td>1</td> </tr> <tr> <td><i>Anisodactylus</i> sp. (ground beetle)</td> <td>NA</td> <td>No</td> <td>3</td> </tr> <tr> <td><i>Juga</i> sp. (aquatic snail)</td> <td>perennial</td> <td>No</td> <td>~50</td> </tr> <tr> <td>Dermaptera (earwigs)</td> <td>NA</td> <td>No</td> <td>1</td> </tr> <tr> <td>Chilopoda (centipedes)</td> <td>NA</td> <td>No</td> <td>1</td> </tr> </tbody> </table>			Taxon	Indicator Status	Ephemeroptera?	# of Individuals	Formicidae (ants)	NA	No	~20	Oligochaeta (earth worms)	NA	No	5	Oniscidea (sow bugs)	NA	No	1	<i>Anisodactylus</i> sp. (ground beetle)	NA	No	3	<i>Juga</i> sp. (aquatic snail)	perennial	No	~50	Dermaptera (earwigs)	NA	No	1	Chilopoda (centipedes)	NA	No
Taxon	Indicator Status	Ephemeroptera?	# of Individuals																															
Formicidae (ants)	NA	No	~20																															
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Indicators	1. Are aquatic macroinvertebrates present? ☒ Yes ☐ No																																	
	2. Are 6 or more individuals of the Order Ephemeroptera present? ☐ Yes ☒ No																																	
	3. Are perennial indicator taxa present? (refer to Table 1) ☒ Yes ☐ No																																	
	4. Are FACW, OBL, or SAV plants present? (Within ½ channel width) ☐ Yes ☒ No																																	
	5. What is the slope? (In percent, measured for the valley, not the stream) <u> 1 </u> %																																	
Conclusions	<pre> graph TD I1["Are aquatic macroinvertebrates present? (Indicator 1)"] -- Yes --> I2["If Yes: Are 6 or more individuals of the Order Ephemeroptera present? (Indicator 2)"] I1 -- No --> I4["If No: Are SAV, FACW, or OBL plants present? (Indicator 4)"] I2 -- Yes --> I3["If Yes: Are perennial indicator taxa present? (Indicator 3)"] I2 -- No --> I5a["If No: What is the slope? (Indicator 5)"] I3 -- Yes --> C1["If Yes: PERENNIAL"] I3 -- No --> I5a I4 -- Yes --> I5b["If Yes: What is the slope? (Indicator 5)"] I4 -- No --> C2["If No: EPHEMERAL"] I5a -- "Slope < 16%:" --> C3["INTERMITTENT"] I5a -- "Slope >= 16%:" --> C4["PERENNIAL"] I5b -- "Slope < 10.5%:" --> C5["INTERMITTENT"] I5b -- "Slope >= 10.5%:" --> C6["EPHEMERAL"] </pre>																																	
	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:35%;">Single Indicators: ☐ Fish ☐ Amphibians</td> <td style="width:65%;">Finding: ☐ Ephemeral ☒ Intermittent ☐ Perennial</td> </tr> </table>			Single Indicators: ☐ Fish ☐ Amphibians	Finding: ☐ Ephemeral ☒ Intermittent ☐ Perennial																													
Single Indicators: ☐ Fish ☐ Amphibians	Finding: ☐ Ephemeral ☒ Intermittent ☐ Perennial																																	

Notes: single indicator conclusions, description of disturbances or modifications that may interfere with indicators, etc.)

Difficult Situation:

☐ Prolonged Abnormal Rainfall / Snowpack

☐ Below Average

☐ Above Average

☒ Natural or Anthropogenic Disturbance

☐ Other: _____

Describe situation. For disturbed streams, note extent, type, and history of disturbance.

This is an urban site. Vegetation and soil within the site has been subject to anthropogenic disturbance for decades, possibly longer via ditching, fill, grading, clearing, and invasive species. Vegetation is currently dominated by non-native and invasive grasses and forbs. Channel morphology and hydrology is impacted by ditching and runoff from roofs/parking lots. Area has been excavated and riprapped. A stormwater pipe discharges to the scour pool by the culvert and at least one more discharges into the culvert. Some backwater from the culvert likely occurs.

Additional Notes: (sketch of site, description of photos, comments on hydrological observations, etc.) Attach additional sheets as necessary.

Signs of increased flow and runoff from parking lot, roof, and pipe outfall. Channel downstream of culvert contained shallow standing water.

Juga sp. were found in riprap in a dry pool at the Warner Milne Road culvert inlet. Only one was alive--found in wet earth under a rock.

Ancillary Information:

☐ Riparian Corridor

☐ Erosion and Deposition

☐ Floodplain Connectivity

Observed Amphibians, Snake, and Fish:

Taxa	Life History Stage	Location Observed	Number of Individuals Observed



Oregon

Kate Brown, Governor

Item 8c.

Department of State Lands

775 Summer Street NE, Suite 100

Salem, OR 97301-1279

(503) 986-5200

FAX (503) 378-4844

www.oregon.gov/dsl

State Land Board

July 15, 2021

Ron Laughlin
401 6th Street
Oregon City, OR 97045

Kate Brown
Governor

Re: WD # 2021-0272 **Approved**
Wetland Delineation Report for the Kamm Street Apartments
Clackamas County; T3S R2E S5CB TLs 1400 and 1402

Shemia Fagan
Secretary of State

Tobias Read
State Treasurer

Dear Mr. Laughlin:

The Department of State Lands has reviewed the wetland delineation report prepared by Harper Houf Peterson Righellis Inc. for the site referenced above. Based upon the information presented in the report, we concur with the waterway boundaries as mapped in Figure 6 of the report. Please replace all copies of the preliminary wetland map with this final Department-approved map.

Within the study area, one drainage, with both ephemeral and intermittent reaches, was identified. The intermittent reach is subject to the permit requirements of the state Removal-Fill Law. Under current regulations, a state permit is required for cumulative fill or annual excavation of 50 cubic yards or more in wetlands or below the ordinary high-water line (OHWL) of the waterway (or the 2-year recurrence interval flood elevation if OHWL cannot be determined). The ephemeral reach is exempt per OAR 141-085-0510(49).

This concurrence is solely for purposes of the state Removal-Fill Law. We recommend that you attach a copy of this concurrence letter to any subsequent state permit application to speed application review. Federal or local permit requirements may apply as well. The U.S. Army Corps of Engineers will determine jurisdiction under the Clean Water Act, which may require submittal of a complete Wetland Delineation Report.

Please be advised that state law establishes a preference for avoidance of wetland impacts. Since measures to avoid and minimize wetland impacts may include reconfiguring parcel layout and size or development design, we recommend that you work with Department staff on appropriate site design before completing the city or county land use approval process.

This concurrence is based on information provided to the agency. The jurisdictional determination is valid for five years from the date of this letter unless new information necessitates a revision. Circumstances under which the Department may change a determination are found in OAR 141-090-0045 (available on our web site or upon request). In addition, laws enacted by the legislature and/or rules adopted by the Department may result in a change in jurisdiction. Individuals and applicants are subject to the regulations that are in effect at the time of the removal-fill activity or complete permit application. The applicant, landowner, or agent may submit a request for reconsideration of this determination in writing within six months of the date of this letter.

Thank you for having the site evaluated. If you have any questions, please contact the Jurisdiction Coordinator for Clackamas County, Chris Stevenson, PWS, at (503) 986-5246.

Sincerely,



Peter Ryan, SPWS
Aquatic Resource Specialist

Enclosures

ec: Ivy Watson, Harper Houf Peterson Righellis Inc.
Oregon City Planning Department (Maps enclosed for updating LWI)
Trey Fraley, Corps of Engineers
Michael De Blasi, DSL

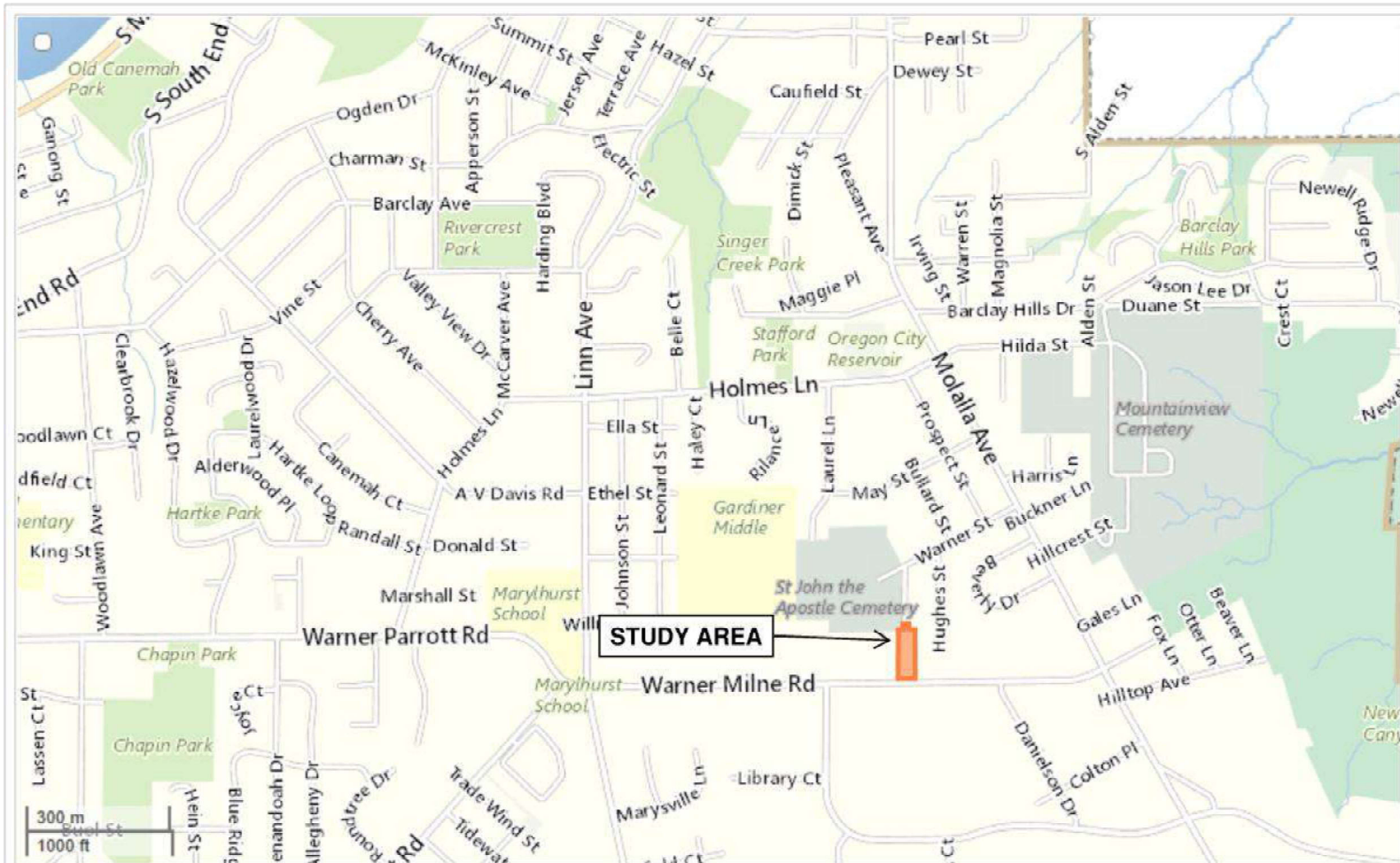
WETLAND DELINEATION / DETERMINATION REPORT COVER FORM

Item 8c.

Fully completed and signed report cover forms and applicable fees are required before report review timelines are initiated by the Department of State Lands. Make checks payable to the Oregon Department of State Lands. To pay fees by credit card, go online at: <https://apps.oregon.gov/DSL/EPS/program?key=4>.

Attach this completed and signed form to the front of an unbound report or include a hard copy with a digital version (single PDF file of the report cover form and report, minimum 300 dpi resolution) and submit to: **Oregon Department of State Lands, 775 Summer Street NE, Suite 100, Salem, OR 97301-1279**. A single PDF of the completed cover form and report may be e-mailed to: **Wetland_Delineation@dsl.state.or.us**. For submittal of PDF files larger than 10 MB, e-mail DSL instructions on how to access the file from your ftp or other file sharing website.

Contact and Authorization Information			
☐ Applicant ☒ Owner Name, Firm and Address: Ron Laughlin 401 6th Street Oregon City, OR 97045		Business phone # (503) 257-8105 Mobile phone # (optional) (503) 784-0206 E-mail: ronald.laughlin.law@gmail.com	
☐ Authorized Legal Agent, Name and Address (if different):		Business phone # Mobile phone # (optional) E-mail:	
I either own the property described below or I have legal authority to allow access to the property. I authorize the Department to access the property for the purpose of confirming the information in the report, after prior notification to the primary contact.			
Typed/Printed Name: Ron Laughlin		Signature:	
Date: 5-11-2021		Special instructions regarding site access:	
Project and Site Information			
Project Name: Kamm Street Apartments		Latitude: 45.337114° Longitude: -122.596265° decimal degree - centroid of site or start & end points of linear project	
Proposed Use: Multi-family apartments		Tax Map # 32E05CB Tax Lot(s) 1400, 1402 Tax Map # _____ Tax Lot(s) _____ Township 3S Range 2E Section 05 QQ SW 1/4 Use separate sheet for additional tax and location information	
Project Street Address (or other descriptive location): 1155 Kamm Street and 279 Warner Milne Road		Waterway: _____ River Mile: _____	
City: Oregon City County: Clackamas			
Wetland Delineation Information			
Wetland Consultant Name, Firm and Address: Ivy Watson, Harper Houf Peterson Righellis Inc. 205 SE Spokane Street Suite 200 Portland, OR 97202		Phone # (503) 221-1131 Mobile phone # (if applicable) E-mail: ivyw@hhpr.com	
The information and conclusions on this form and in the attached report are true and correct to the best of my knowledge.			
Consultant Signature: Ivy Watson		Date: 05/11/2021	
Primary Contact for report review and site access is ☒ Consultant ☐ Applicant/Owner ☐ Authorized Agent			
Wetland/Waters Present? ☒ Yes ☐ No		Study Area size: 0.86 Total Wetland Acreage: 0.0000	
Check Applicable Boxes Below			
☐ R-F permit application submitted		☐ Fee payment submitted \$ 475	
☐ Mitigation bank site		☐ Resubmittal of rejected report (\$100)	
☐ EFSC/ODOE Proj. Mgr: _____		☐ Request for Reissuance. See eligibility criteria. (no fee)	
☐ Wetland restoration/enhancement project (not mitigation)		DSL # _____ Expiration date _____	
☐ Previous delineation/application on parcel If known, previous DSL # _____		☐ LWI shows wetlands or waters on parcel Wetland ID code _____	
For Office Use Only			
DSL Reviewer: CS		Fee Paid Date: ____ / ____ / ____	
Date Delineation Received: 05 / 21 / 2021		Scanned: ☐ Electronic: ☒	
DSL WD # 2021-0272		DSL App.# _____	



Metro

Data Resource Center

600 NE Grand Ave, Portland, OR 97232

503.797.1742 – drc@oregonmetro.gov

This Web site is offered as a public service, integrating various government records into a region-wide mapping system. The property assessment records are a multi-county integration of Clackamas, Multnomah and Washington County records. MetroMap blends each county's records into a common database on a quarterly basis. Therefore, to view each county's official records, go to their respective web sites or offices. The other MetroMap data are derived from city, county, state, federal and Metro sources. The metadata (data about the data) are included on this site, including the sources to be consulted for verification of the information contained herein. It describes some cases where Metro blends city and county records by generalizing the disparities. Metro assumes no legal responsibility for the compilation of multi-source government information displayed by Metro Map.

Figure 1: Vicinity Map

1155 Kamm Street and 279 Warner Milne Road
Oregon City, Oregon



**Harper
Houf Peterson
Righellis Inc.**

ENGINEERS ♦ PLANNERS
LANDSCAPE ARCHITECTS ♦ SURVEYORS

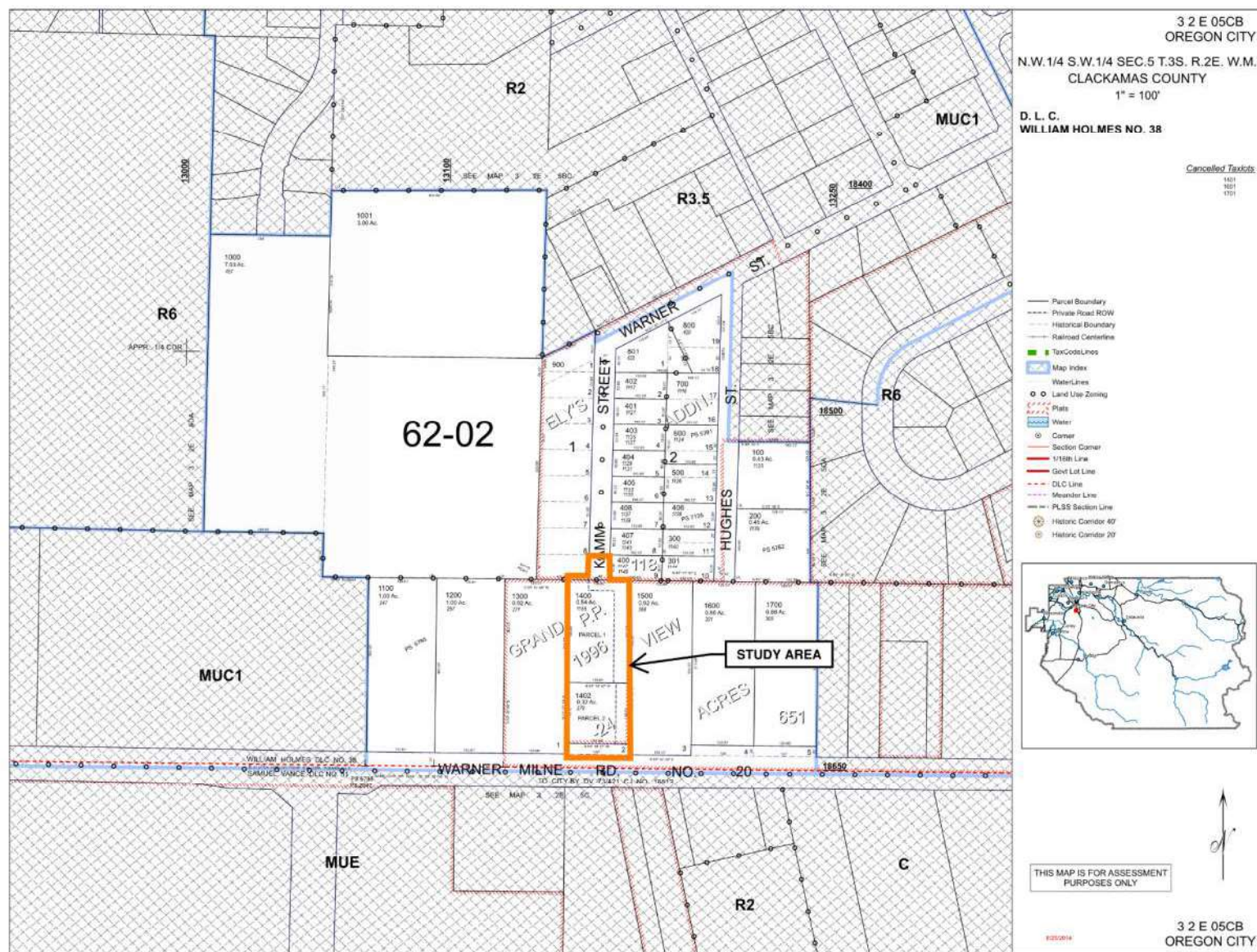


Figure 2: Tax Lot Map

1155 Kamm Street and 279 Warner Milne Road
Oregon City, Oregon

LEGEND:

-  STUDY AREA
 OHWM
 PHOTO POINT
 SP-1
 SAMPLE PLOTS
 DRAINAGE A (EPHEMERAL)
 DRAINAGE A (INTERMITTENT)

DSL WD # 2021-0272
 Approval Issued 7/15/2021
 Approval Expires 7/15/2026

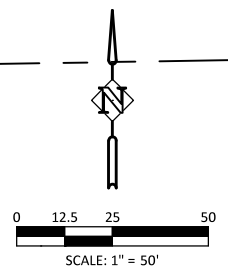
PROPERTY
BOUNDARY

CULVERT INLET

ROW

SURVEY PROVIDED BY HHPR
 SURVEY ACCURACY IS SUB-METER

WARNER MILNE RD



SHEET NO.					DESIGNED:	HHPR
1					DRAWN:	HHPR
					CHECKED:	HHPR
					DATE:	---
JOB NO.	DATE	NO.	DESCRIPTION			
JGW-01	R E V I S I O N S					



Harper
 Houf Peterson
 Righellis Inc.

ENGINEERS • PLANNERS
 LANDSCAPE ARCHITECTS • SURVEYORS
 205 SE Spokane Street, Suite 200, Portland, OR 97202
 phone: 503.221.1131 www.hhpr.com fax: 503.221.1171

FIGURE 6
 KAMM STREET APARTMENTS
 WETLAND DELINEATION
 OREGON CITY, OREGON



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, PORTLAND DISTRICT
P.O. BOX 2946
PORTLAND, OR 97208-2946

Item 8c.

August 24, 2021

Regulatory Branch
Corps No. NWP-2021-308

Ms. Ivy Watson
Harper Houf Peterson Righellis Inc.
205 SE Spokane Street, Suite 200
Portland, Oregon 97202
ivyw@hhpr.com

Dear Ms. Watson:

The U.S. Army Corps of Engineers (Corps) received your request for an Approved Jurisdictional Determination (AJD) of the waters or water features, including wetlands, within the review area as shown on the enclosed drawings (Enclosure 1). The review area is located at 1155 Kamm Street and 279 Warner Milne Road Oregon City, Clackamas County, Oregon at Latitude/Longitude: 45.337114°, -122.596265°. Other waters or water features, including wetlands, that may occur on this property or on adjacent properties outside the review area are not the subject of this determination.

The Corps has determined there are no waters of the U.S. within the review area. The enclosed drawings (Enclosure 1) identify the review area for this determination. The enclosed *Approved Jurisdictional Determination Form (Interim)* (Enclosure 2) provides the basis for our determination. A copy of the AJD Form can also be found on our website at <http://www.nwp.usace.army.mil/Missions/Regulatory/Appeals/>.

If you object to the enclosed AJD, you may request an administrative appeal under 33 CFR Part 331 as described in the enclosed *Notification of Administrative Appeal Options and Process and Request for Appeal (RFA)* form (Enclosure 2). To appeal this AJD, you must submit a completed *RFA* form to the Corps Northwestern Division (NWD) office at the address listed on the form. In order for the request for appeal to be accepted, the Corps must determine that the form is complete, that the request meets the criteria for appeal under 33 CFR Part 331.5, and the form must also be received by the NWD office within 60 days from the date on the form. It is not necessary to submit the form to the NWD office if you do not object to the enclosed AJD.

The delineation included herein has been conducted to identify the location and extent of the aquatic resource boundaries and/or the jurisdictional status of aquatic resources for purposes of the Clean Water Act for the particular site identified in this request. This delineation and/or jurisdictional determination may not be valid for the Wetland Conservation Provisions of the Food Security Act of 1985, as amended. If you

- 2 -

or your tenant are U.S. Department of Agriculture (USDA) program participants, or anticipate participation in USDA programs, you should discuss the applicability of a certified wetland determination with the local USDA service center, prior to starting work.

This AJD is valid for a period of five years from the date of this letter unless new information warrants revisions of the determination.

We would like to hear about your experience working with the Portland District, Regulatory Branch. Please complete a customer service survey form at the following address: <https://regulatory.ops.usace.army.mil/customer-service-survey/>.

If you have any questions regarding our Regulatory Program or permit requirements for work in waters of the U.S., please contact Mr. Brad Johnson by telephone at (503) 808-4383 or email at brad.a.johnson2@usace.army.mil.

Sincerely,

For: William D. Abadie
Chief, Regulatory Branch

Enclosures

cc with drawings:

Oregon Department of State Lands (Michael Deblasi, Michael.DeBlasi@state.or.us)

Oregon Department of Environmental Quality (401applications@deq.state.or.us)



First American

myFirstAm® Property Profile

279 Warner Milne Rd, Oregon City, OR 97045

Property Information

Owner(s):	Warner Milne Commercial Llc	Mailing Address:	401 6th St, Oregon City, OR 97045
Owner Phone:	Unknown	Property Address:	279 Warner Milne Rd, Oregon City, OR 97045
Vesting Type:	N/A	Alt. APN:	32E05CB01402
County:	Clackamas	APN:	01647409
Map Coord:	717-D3;3S-2E-05-SW-NW	Census Tract:	022500
Lot#:		Block:	
Subdivision:	Grand View Acres	Tract:	
Legal:	1996-24 Partition Plat Parcel 2		

Property Characteristics

Use:	Commercial Building	Year Built / Eff. :	1945 /	Sq. Ft. :
Zoning:	MUC1	Lot Size Ac / Sq Ft:	0.3215 / 14006	# of Units:
Stories:		Improvements:		Parking / #: /
Gross Area:		Garage Area :		Basement Area:

Sale and Loan Information

Sale / Rec Date:	10/02/2018 / 10/03/2018	*/Sq. Ft.:		2nd Mtg.:
Sale Price:	\$450,000	1st Loan:	\$225,000	Prior Sale Amt:
Doc No.:	00000061152	Loan Type:	Private Party	Prior Sale Date:
Doc Type:	General Warranty Deed	Transfer Date:	10/03/2018	Prior Doc No.:
Seller:	Randji Akbar	Lender:	K Randji Akbar	Prior Doc Type:

*/Sq. Ft. is a calculation of Sale Price divided by Sq. Feet.

Tax Information

Imp Value:	\$3,040	Exemption Type:	
Land Value:	\$129,762	Tax Year / Area:	2021 / 062-002
Total Value:	\$132,802	Tax Value:	\$67,598
Total Tax Amt:	\$1,220.99	Improved:	2%

Property Profile

279 Warner Milne Rd, Oregon City, OR 97045

10/26/2021

All information contained herein is subject to the Limitation of Liability for Informational Report set forth on the last page hereof.

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First American

Item 8c.

myFirstAm®

Recorded Document

279 Warner Milne Rd, Oregon City, OR 97045

The requested Recorded Document images are displayed in the subsequent pages for the following property:

**279 Warner Milne Rd
Oregon City, OR 97045**

**Document Number: 000000061152
Document Date: 20181003**

Limitation of Liability for Informational Report

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After recording return to:
Warner Milne Commercial, LLC
401 6th Street
Oregon City, OR 97045

Until a change is requested all tax
statements shall be sent to the
following address:
Warner Milne Commercial, LLC
401 6th Street
Oregon City, OR 97045

File No.: 7072-3131927 (wsw)
Date: September 20, 2018

THIS SPACE RESERVED FOR RECORDER'S USE

Clackamas County Official Records
Sherry Hall, County Clerk

2018-061152

10/03/2018 09:37:00 AM

D-D Cnt=1 Stn=53 CINDY
\$10.00 \$16.00 \$10.00 \$62.00

\$98.00

STATUTORY WARRANTY DEED

Akbar Randji, Grantor, conveys and warrants to **Warner Milne Commercial, LLC, an Oregon limited liability company**, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

LEGAL DESCRIPTION: Real property in the County of Clackamas, State of Oregon, described as follows:

PARCEL 2 OF PARTITION PLAT 1996-24, IN THE CITY OF OREGON CITY, CLACKAMAS COUNTY, STATE OF OREGON.

Subject to:

1. The **2018/2019** Taxes, a lien not yet payable.
2. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.

The true consideration for this conveyance is **\$450,000.00**. (Here comply with requirements of ORS 93.030)

FIRST AMERICAN 3131927-SS

APN: 01647409

Statutory Warranty Deed
- continued

File No.: 7072-3131927 (wsw)

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.

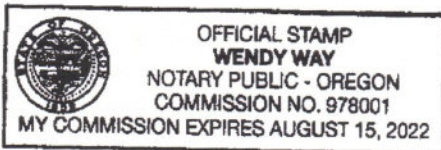
Dated this 2nd day of October, 2018.

Akbar Randji
Akbar Randji

STATE OF Oregon)
)ss.
County of Clackamas)

This instrument was acknowledged before me on this 2nd day of October, 2018
by **Akbar Randji**.

Wendy Way
Notary Public for Oregon
My commission expires: 8/15/22





First American

myFirstAm® Property Profile

, , OR

Property Information

Owner(s):	Warner Milne Commercial Llc	Mailing Address:	401 6th St, Oregon City, OR 97045
Owner Phone:	Unknown	Property Address:	, , OR
Vesting Type:	N/A	Alt. APN:	32E05CB01400
County:	Clackamas	APN:	00847711
Map Coord:	3S-2E-05-SW-NW	Census Tract:	
Lot#:	2	Block:	
Subdivision:	Grand Vista 01	Tract:	
Legal:	1996-24 Partition Plat Parcel 1		

Property Characteristics

Use:	Commercial Lot	Year Built / Eff. :	1945 /	Sq. Ft. :	
Zoning:	MUC1	Lot Size Ac / Sq Ft:	0.5398 / 23514	# of Units:	1

Sale and Loan Information

Sale / Rec Date:	09/24/2018 / 10/02/2018	*\$/Sq. Ft.:	\$90,000	2nd Mtg.:	
Sale Price:	\$170,000	1st Loan:		Prior Sale Amt:	\$90,000
Doc No.:	000000060866	Loan Type:		Prior Sale Date:	01/23/1997
Doc Type:	General Warranty Deed	Transfer Date:	10/02/2018	Prior Doc No.:	0000005809
Seller:	Omega Capital Inc	Lender:		Prior Doc Type:	

*\$/Sq. Ft. is a calculation of Sale Price divided by Sq. Feet.

Tax Information

Imp Value:		Exemption Type:	
Land Value:	\$185,725	Tax Year / Area:	2021 / 062-002
Total Value:	\$185,725	Tax Value:	\$93,929
Total Tax Amt:	\$1,696.59	Improved:	

Property Profile

, , OR

10/26/2021

All information contained herein is subject to the Limitation of Liability for Informational Report set forth on the last page hereof.

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myFirstAm® Property Profile

, , OR

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First American

Item 8c.

myFirstAm® Recorded Document

The Recorded Document images are displayed in the subsequent pages for the following request:

**State: OR
County: CLACKAMAS**

**Document Number: 000000060866
Document Date: 20181002**

Limitation of Liability for Informational Report

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Warner Milne Commercial, LLC
401 6th Street
Oregon City, OR 97045

Until a change is requested all tax
statements shall be sent to the
following address:
Warner Milne Commercial, LLC
401 6th Street
Oregon City, OR 97045

File No.: 7072-3115817 (wsw)
Date: August 20, 2018

THIS SPACE RESERVED FOR RECORDER'S USE

Clackamas County Official Records
Sherry Hall, County Clerk

2018-060866

10/02/2018 09:35:03 AM

D-D Cnt=1 Stn=75 CONNIE
\$10.00 \$16.00 \$10.00 \$62.00

\$98.00

STATUTORY WARRANTY DEED

Omega Capital, Inc., an Oregon Corporation who acquired title as Omega Office Systems, a Oregon Corporation, Grantor, conveys and warrants to Warner Milne Commercial, LLC, an Oregon limited liability company, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

LEGAL DESCRIPTION: Real property in the County of Clackamas, State of Oregon, described as follows:

PARCEL 1 OF PARTITION PLAT 1996-24, IN THE CITY OF OREGON CITY, CLACKAMAS COUNTY, STATE OF OREGON.

Subject to:

1. The **2018/19** Taxes, a lien not yet payable.
2. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.

The true consideration for this conveyance is **\$170,000.00**. (Here comply with requirements of ORS 93.030)

FIRST AMERICAN 3115817-SS

APN: 00847711

Statutory Warranty Deed
- continued

File No.: 7072-3115817 (wsw)

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.

Dated this 24 day of September, 2018.

Omega Capital, Inc., an Oregon corporation,
who acquired title as

Omega Office Systems, Inc., an Oregon
corporation

By: William L. Wiltse

Name: William L. Wiltse

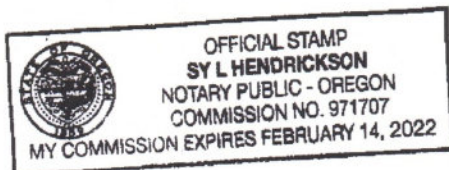
Title: President

STATE OF Oregon)
)ss.
County of Washington)

This instrument was acknowledged before me on this 24 day of September, 2018
by William L. Wiltse as President of Omega Capital, Inc., on behalf of the corporation.

[Signature]

Notary Public for Oregon
My commission expires: 02/14/22



Business Registry Business Name Search

Item 8c.

[New Search](#)

Business Entity Data

10-26-2021
13:22

Registry Nbr	Entity Type	Entity Status	Jurisdiction	Registry Date	Next Renewal Date	Renewal Due?
1479871-92	DLLC	ACT	OREGON	09-25-2018	09-25-2022	
Entity Name	WARNER MILNE COMMERCIAL, LLC					
Foreign Name						

[New Search](#)

Associated Names

Type	PPB	PRINCIPAL PLACE OF BUSINESS				
Addr 1	401 6TH ST					
Addr 2						
CSZ	OREGON CITY	OR	97045		Country	UNITED STATES OF AMERICA

Please click [here](#) for general information about registered agents and service of process.

Type	AGT	REGISTERED AGENT			Start Date	10-12-2020	Resign Date	
Name	RONALD			LAUGHLIN	JR			
Addr 1	401 6TH ST							
Addr 2								
CSZ	OREGON CITY	OR	97045		Country	UNITED STATES OF AMERICA		

Type	MAL	MAILING ADDRESS				
Addr 1	401 6TH ST					
Addr 2						
CSZ	OREGON CITY	OR	97045		Country	UNITED STATES OF AMERICA

Type	MEM	MEMBER							Resign Date	
Name	RON			LAUGHLIN						
Addr 1	401 6TH ST									
Addr 2										
CSZ	OREGON CITY		OR	97045			Country	UNITED STATES OF AMERICA		

[New Search](#)

Name History

Business Entity Name	Name Type	Name Status	Start Date	End Date
WARNER MILNE COMMERCIAL, LLC	EN	CUR	09-25-2018	

Page 1104

Please [read](#) before ordering [Copies](#).

[New Search](#)

Summary History

Image Available	Action	Transaction Date	Effective Date	Status	Name/Agent Change	Dissolved By
	AMENDED ANNUAL REPORT	10-26-2021		FI		
	AMENDED ANNUAL REPORT	10-12-2020		FI	Agent	
	REINSTATEMENT AMENDED	03-02-2020		FI	Agent	
	ADMINISTRATIVE DISSOLUTION	11-21-2019		SYS		
	ARTICLES OF ORGANIZATION	09-25-2018		FI	Agent	

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August 21, 2021

Todd Iselin
Iselin Architects, P.C.
1307 7th Street
Oregon City, OR 97045

Subject: Traffic analysis letter for Kamm Street multi-family project

Dear Mr. Iselin,

The purpose of this letter is to address the requirements of the City of Oregon City's Traffic Analysis Letter ("TAL") in support of the proposed construction of a 30 unit multi-family development at 279 Warner-Milne Road in Oregon City, Oregon.

A TAL is required to address the information listed below. The requirements are provided below in bold italics, while our responses are provided in regular typeface.

- 1. The expected trip generation of the proposed development including the AM peak hour, the PM peak hour, daily traffic, and other germane periods as may be appropriate, together with appropriate documentation and references.***

Most recently, the site was occupied by a dentures business which has ceased operations. The structures associated with that business will be demolished as part of the proposed development. A trip credit for that previous business is warranted. Based upon a review of the 10th Edition of the Institute of Transportation Engineers' *Trip Generation Manual*, the most similar land use to the previously operating business is Small Office Building (ITE land use code #712).

The trip generation presented below in Table 1 is based upon the *Trip Generation Manual* and illustrates the trip difference between the previously operating business and the proposed multi-family housing.

Table 1. Projected trip generation

ITE Land Use	Units	Weekday						
		ADT	AM Peak Hour			PM Peak Hour		
			Total	Enter	Exit	Total	Enter	Exit
Proposed Use								
Multifamily Housing (Mid-Rise) (#221) ¹	30	162	11	3	8	14	9	5
ITE Land Use	Size (ksf)	Weekday						
		ADT	AM Peak Hour			PM Peak Hour		
			Total	Enter	Exit	Total	Enter	Exit
Previous Use								
Small Office Building (#712) ¹	1.6	26	3	2	1	4	1	3
Net Trips		136	8	1	7	10	8	2

¹Trip Generation Manual, 10th Edition

- 2. Site plan showing the location of all access driveways, private streets, or alleys where they intersect with public streets plus driveways of abutting properties and driveways on the opposite side of the street from the proposed development. Dimensions of driveway spacing as measured at the right of way from edge to edge of driveway shall be shown and shall meet or exceed the minimum driveway spacing standards.**

A preliminary site plan that illustrates the site accesses is included in Appendix A.

There is existing access to Warner-Milne Road that serves the site. The City of Oregon City has requested that access be provided to Kamm Street. In order for the site to function acceptably, the site access to Warner-Milne Road must be relocated to the east. Additionally, it will be narrowed from approximately 36 feet to 24 feet in width.

The centerline of the driveway will be approximately 80 feet west of the centerline of the nearest existing driveway to the abutting property to the east, which serves an accounting office. There is not a nearby driveway on the abutting property to the west.

The centerline of the driveway will be located approximately 60 feet east and 65 feet west of the nearest driveways on the south side of Warner-Milne Road. Both driveways serve the Clackamas Federal Credit Union.

The City of Oregon City's Transportation System Plan classifies Warner-Milne Road as a minor arterial. Table 16.12.035.A of the Oregon City Municipal Code ("OCMC") requires a 175 foot "Minimum distance from a street corner to a driveway for all uses other than detached single- and two-family dwellings." The Warner-Milne Road site access is compliant with this requirement as there are no nearby street corners.

Additionally, Section 16.12.035(D) requires:

"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."

The property fronts on both Kamm Street and Warner-Milne Road. Kamm Street is classified as a local street and is of a lower functional classification than Warner-Milne Road, a minor arterial. The city has requested access to be provided to Kamm Street and have not raised concerns about retaining access to Warner-Milne Road. As previously noted, in order to accommodate the connection to Kamm Street and still allow adequate function of the site, the Warner-Milne Road access will be relocated to the east.

Kamm Street currently terminates without a turnaround and is not ideal from a vehicular, pedestrian, and bicycle circulation and fire access perspective. The connection to Warner-Milne Road mitigates issues associated with poor connectivity. As noted herein, the relocated access to Warner-Milne Road meets safety requirements.

Access will also be provided to the existing terminus of Kamm Street. There will be no conflicting traffic at this access to Kamm Street and access spacing requirements do not apply.

3. Site plan showing width of all driveways and shall meet Oregon City Driveway Approach Size Standards.

Section 16.12.035 of the Oregon City Municipal Code (“OCMC”) addresses the requirements for minimum and maximum driveway width and requires that multi-family developments have a minimum driveway width of 18 feet and a maximum driveway width of 30 feet. The proposed driveway width to both Warner-Milne Road and Kamm Street is 24 feet.

Both site driveways will comply with this requirement.

4. Site plan showing that all public roads meet Oregon City’s Street Design Standards including alignment, intersection angles, cul-de-sacs, and block standards.

No public roads are proposed as part of this development.

5. Documentation that all new site accesses and/or public street intersections meet AASHTO intersection sight distance guidelines.

Warner-Milne Road has a posted speed of 30 MPH. A site visit was conducted to determine compliance with sight distance standards at the proposed relocated Warner-Milne Road site access location. According to AASHTO's *A Policy on Geometric Design of Highways and Streets*, recommended intersection sight distance is 335 feet along a road with a design speed of 30 MPH. Looking both to the east and west along Warner-Milne Road, adequate sight distance in excess of 335 feet will be available.



Warner-Milne Road looking west from the driveway location



Warner-Milne Road looking east from the driveway location

6. Preliminary analysis that all new streets comply with traffic sight obstructions in OCMC 10.32.

No new streets are proposed as part of this development.

7. Documentation that there are no inherent safety issues associated with the design and location of the site access driveways.

The proposed relocated driveway to Warner-Milne Road will have adequate intersection sight distance and stopping sight distance.

According to 2017 traffic counts, Warner-Milne Road has an average daily traffic of approximately 5,000 vehicles per day. Due to the low trip generation of the site, a left turn lane on Warner-Milne Road at the site driveway would not be warranted.

A review of the crash history of Warner-Milne Road from Beaver Creek Road to Molalla Avenue doesn't illustrate a robust history of traffic crashes near the project site or at driveways in this section. The crash history report is included in Appendix B.

The Kamm Street driveway will intersect Kamm Street at its terminus and there will be no traffic conflicts due to its configuration.

8. Documentation that the applicant has reviewed the City's TSP and that proposed streets and frontage improvements do or will comply with any applicable standards regarding the functional classification, typical sections, access management, traffic calming and other attributes as appropriate.

As a separate document, the applicant will fully address proportionality of frontage improvements along Warner-Milne Road. Should a requirement be upheld that Warner-Milne Road improvements are proportional, any required improvements will be in compliance with the Transportation System Plan (as applicable) or otherwise be addressed with the city.

The existing frontage improvements consist of an approximate six foot wide bike lane, approximate six inch curb and approximate five foot wide sidewalk. These improvements appear to be consistent with most of the remainder of the existing frontage improvements along Warner-Milne Road. The sidewalk and curb are in good condition as illustrated in the picture below. Existing driveway ADA cross-slope issues across the driveway will be addressed with the construction of the new driveway.



Warner-Milne Road looking west along the project frontage

According to Oregon City Standard Drawing 502, the standard cross section for a minor arterial without a landscape strip includes a 7-10 foot wide sidewalk and curb. The existing sidewalk improvements are slightly narrower than the standard cross section.

Access management requirements are addressed earlier in this report.

9. When required of the development, documentation that no inherent safety issues are associated with the design and location of pedestrian, bicycle, or transit safety.

There are no safety issues associated with the design and location of pedestrian, bicycle or transit safety.

Conclusion

We trust that this letter addresses the criteria of the City's "Traffic Analysis Letter" requirements. There are no safety issues associated with this proposed development and the requirements of the city can be met. Should you have any questions, please contact me at rick@greenlightengineering.com or 503-317-4559.

Sincerely,

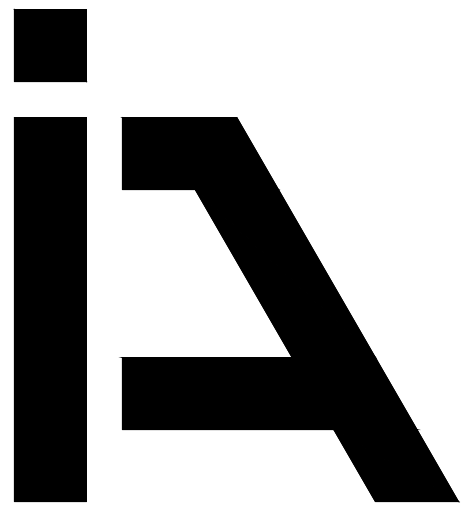
Rick Nys, P.E.
Principal Traffic Engineer



RENEWS: 12/31/2022

Appendix A

Preliminary Site Plan



**ISELIN
ARCHITECTS
P.C.**

1307 Seventh Street
Oregon City, OR 97045
503-656-1942
www.iseleinarchitects.com

NOT FOR
PRELIMINARY
CONSTRUCTION

KAMM STREET APARTMENTS

279 WARNER MILNE ROAD
OREGON CITY, OR 97045

PROJ. NO. : 2106
FILE : A-SIT
DATE : 07/15/2021

SHEET #

A1.1

WARNER MILNE RD

KAMM ST.

SITE PLAN

1/16" = 1'-0"



Appendix B

Crash Data

CDS380
08/14/2021

OREGON.. DEPARTMENT OF TRANSPORTATION - TRANSPORTATION DEVELOPMENT DIVISION
TRANSPORTATION DATA SECTION - CRASH ANALYSIS AND REPORTING UNIT
URBAN NON-SYSTEM CRASH LISTING

Page: 3

CITY OF OREGON CITY, CLACKAMAS COUNTY

WARNER-MILNE RD and Intersectional Crashes at WARNER-MILNE RD, City of Oregon City, Clackamas County, 01/01/2015 to 12/31/2019

6 - 9 of 65 Crash records shown.

[illegible]

Disclaimer: The information contained in this report is compiled from individual driver and police crash reports submitted to the Oregon Department of Transportation as required in ORS 811.720. The Crash Analysis and Reporting Unit is committed to providing the highest quality crash data to customers. However, because submittal of crash report forms is the responsibility of the individual driver, the Crash Analysis and Reporting Unit can not guarantee that all qualifying crashes are represented nor can assurances be made that all details pertaining to a single crash are accurate. Note: Legislative changes to DMV's vehicle crash reporting requirement, effective 01/01/2004, may result in fewer property damage only crashes being eligible for inclusion in the Statewide Crash Data File.

CDS380
08/14/2021

OREGON.. DEPARTMENT OF TRANSPORTATION - TRANSPORTATION DEVELOPMENT DIVISION
TRANSPORTATION DATA SECTION - CRASH ANALYSIS AND REPORTING UNIT
URBAN NON-SYSTEM CRASH LISTING

Page: 5

CITY OF OREGON CITY, CLACKAMAS COUNTY

WARNER-MILNE RD and Intersectional Crashes at WARNER-MILNE RD, City of Oregon City, Clackamas County, 01/01/2015 to 12/31/2019

10 - 14 of 65 Crash records shown.

SER#	P	R	J	S	W	DATE	CLASS	CITY STREET	RD CHAR	INT-TYPE	INT-REL	OPFRD	WTHR	CRASH	SPCL USE	TRLR QTY	MOVE	PRTC	INJ	A	S	G	E	LICNS	PED	ERROR	ACT	EVENT	CAUSE
INVEST	E	A	U	I	C	O	DAY	DIST	FIRST STREET	(MEDIAN)	TRAF-	RNDBT	SURF	COLL	OWNER	FROM	TO	P#	TYPE	SVRTY	E	X	RES	LOC	ERROR	ACT	EVENT	CAUSE	
RD DPT	E	L	G	N	H	R	TIME	FROM	SECOND STREET	LEGS	CONTL	DRVWY	LIGHT	SVRTY	V#	TYPE	TO	P#	TYPE	SVRTY	E	X	RES	LOC	ERROR	ACT	EVENT	CAUSE	
UNLOC?	D	C	S	V	L	K	LAT	LONG	LRS	(#LANES)	CONTL	DRVWY	LIGHT	SVRTY	V#	TYPE	TO	P#	TYPE	SVRTY	E	X	RES	LOC	ERROR	ACT	EVENT	CAUSE	
															02	NONE	0	STOP											
																PRVTE	E -W												
																PSNGR	CAR	01	DRVR	INJC	28	M	OR-Y		000	000	00		
															02	NONE	0	STOP											
																PRVTE	E -W												
																PSNGR	CAR	02	PSNG	INJC	26	F	OR<25		000	000	00		
02120	N	N	N				06/19/2018	16	WARNER-MILNE RD	STRGHT	N	N	CLR	S-1STOP	01	NONE	0	STRGHT									29		
NONE							TU	250	DANIELSON DR	W	(NONE)	UNKNOWN	N	DRY	REAR		PRVTE	E -W									000	00	
N							1P			07		N	DAY	INJ		PSNGR	CAR	01	DRVR	NONE	32	F	OR-Y		026	000	29		
N							45 20 11.43	-122 35 40.45			(02)																		
															01	NONE	0	STRGHT											
																PRVTE	E -W										000	00	
																PSNGR	CAR	02	PSNG	NONE	01	F	OR<25		000	000	00		
															02	NONE	0	STRGHT											
																PRVTE	E -W										000	00	
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CDS380
08/14/2021OREGON.. DEPARTMENT OF TRANSPORTATION - TRANSPORTATION DEVELOPMENT DIVISION
TRANSPORTATION DATA SECTION - CRASH ANALYSIS AND REPORTING UNIT
URBAN NON-SYSTEM CRASH LISTING

CITY OF OREGON CITY, CLACKAMAS COUNTY

WARNER-MILNE RD and Intersectional Crashes at WARNER-MILNE RD, City of Oregon City, Clackamas County, 01/01/2015 to 12/31/2019

52 - 56 of 65 Crash records shown.

SER#	P	R	J	S	W	DATE	CLASS	CITY STREET	INT-TYPE	SPCL USE	TRLR	QTY	MOVE	A	S	PED	ERROR	ACT	EVENT	CAUSE	
INVEST	E	A	U	I	C	O	DIST	FIRST STREET	RD CHAR	INT-REL	OFFRD	WTHR	CRASH	OWNER	FROM	PRTC	INJ	G	E	LICNS	
RD DPT	E	L	G	N	H	R	TIME	SECOND STREET	DIRECT	LEGS	TRAF-	RNDBT	SURF	COLL	PSNGR	TO	TYPE	SVRTY	E	X	RES
UNLOC?	D	C	S	V	L	K	LAT	LONG	LRS	LOCTN	(#LANES)	CONTL	DRVWY	LIGHT	SVRTY	V#	TYPE	TO	P#	TYPE	SVRTY
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OREGON.. DEPARTMENT OF TRANSPORTATION - TRANSPORTATION DEVELOPMENT DIVISION
TRANSPORTATION DATA SECTION - CRASH ANALYSIS AND REPORTING UNIT
URBAN NON-SYSTEM CRASH LISTING

CITY OF OREGON CITY, CLACKAMAS COUNTY

WARNER-MILNE RD and Intersectional Crashes at WARNER-MILNE RD, City of Oregon City, Clackamas County, 01/01/2015 to 12/31/2019

57 - 60 of 65 Crash records shown.

[illegible]

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CDS380

08/14/2021

OREGON.. DEPARTMENT OF TRANSPORTATION - TRANSPORTATION DEVELOPMENT DIVISION

TRANSPORTATION DATA SECTION - CRASH ANALYSIS AND REPORTING UNIT

URBAN NON-SYSTEM CRASH LISTING

CITY OF OREGON CITY, CLACKAMAS COUNTY

WARNER-MILNE RD and Intersectional Crashes at WARNER-MILNE RD, City of Oregon City, Clackamas County, 01/01/2015 to 12/31/2019

61 - 65 of 65 Crash records shown.

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					
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From: [Aaron Wolf](#)
To: [Christina Robertson-Gardiner](#)
Subject: Comment for Kamm St Apartments GLUA-21-00066
Date: Thursday, January 13, 2022 10:34:23 AM

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

Hi,

This is a formal public comment on the land use proposal at 1155 Kamm Street, GLUA-21-00066: SP-21-00017, NROD 21-00018 Kamm Street Apartments.

I reviewed the proposal though not in exceptional depth. I have a few specific concerns to emphasize.

As shown in the 2018 to 2019 comparison of aerial photography at <https://maps.orcity.org/galleries/photocompare/index.html>, the site in question had a very significant tree canopy which was nearly clear-cut. This may be bigger than this one case, but I imagine a troubling scenario in which clear cuts are done without permits in advance of a land use proposal so that the development doesn't need to deal with tree canopy issues when the development proposal is submitted. I suspect that the clear-cutting was indeed done specifically to prepare for this development and potentially to get the NROD designations as limited as possible. I would hope the permit can address the significant canopy loss and incorporate some extra mitigation for the effect of that.

On transportation and connection, I strongly support the potential for this becoming a publicly-open right-of-way that would allow pedestrians and cyclists to go from Kamm St to Warner Milne. This is a significantly-limited connectivity area where anyone from the entire region from Elyville / Barclay Hills neighborhood is forced to walk along heavier traffic on Mollala in order to get to the Clackamas campus and Farmer's Market. In practice, very few people make that trip. Instead, everyone drives. If this is opened, it will connect the whole area along Prospect St to be able to walk or cycle to the County campus area and beyond on safer, quieter, neighborhood streets. So, I request some proactive assurance or design specifications that clarify this as a public right-of-way rather than an issue of trespassing on private property.

That said, there are legitimate concerns about traffic safety if drivers can go from the apartments into the neighborhood. If that option is open, plans should be made to incorporate all appropriate traffic-calming measures to minimize unsafe speeds of cars and trucks in this area with no sidewalks.

I otherwise suspect this might not hit a specific code issue, but I wish that the development were set up to have some more common area and shared resources. All developments that have separate, private units with no space for connection, gathering, cohesion — these are anti-social. Even a shared picnic bench area or similar would be a huge improvement.

Thank you,
 Aaron Wolf
 vice-chair Elyville/Barclay-Hills NA (but not submitted on behalf of the NA, just as private

citizen)
wolftune@gmail.com



LAND USE APPLICATION TRANSMITTAL – RESPONSE FORM

Date: 1-17-22

Land Use Application File Number: GLUA-21-00066: SP-21-00017, NROD 21-00018

NAME: Troy Brummell

AGENCY: Resident

EMAIL ADDRESS: t_brummell@hotmail.com

The land use application material is referred to you for your information, study and official comments. 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 a copy of this form to facilitate the processing of this application and to ensure 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. (Please attach additional information)
☐	The proposal would not conflict our interests if the changes noted below or attached are addressed.

Please add any specific comments below or attach a separate document with more information.
Please see below comments that consist of 3 pages (7 bullet points) and an additional 6 pages consisting of (6) photos. This entire packet consist of 10 pages including this page.

CONTACT THE PLANNING DIVISION IF YOU HAVE ANY QUESTIONS ABOUT THIS APPLICATION

Troy Brummell
 1147 Kamm St
 Oregon City, OR 97045
 503-704-0380
 t_brummell@hotmail.com

RE: This is a public comment in response to concerns I have with project GLUA-21-00066: SP-21-00017, NROD 21-00018 at 1155 Kamm St & 279 Warner Milne Rd Oregon City OR.

I am a long-time resident of over 10 years at the above mentioned address. I am in opposition to the project listed above and writing the city with my concerns to the impact it will have in the community. My hope is the city will take pause to address issues that I believe will be a tremendous impact on safety to residents living in and around Kamm Street. I believe it is the responsibility of any city to consider community safety a top priority and my hope is that the city will address each issue accordingly.

1. These plans show an extension of Kamm street connecting it to Warner-Milne. A connection to Kamm should not even be considered by planning unless the developer is required to make street improvements to Kamm which would include widening the street to city standards and putting in sidewalk for pedestrians. This seems to be in order with Chapter 12.04 & 16.12 of city code. Kamm Street is currently what I would consider a single lane road that barely gives adequate spacing for (2) vehicles to pass. As a long-term resident at this address, I have observed for years the amount of foot traffic that utilizes Kamm street. This would range from children who ride bicycles to people walking dogs, to folks from Clipper Ridge Apartments walking to the bus stop. Kamm street has significant usage from the surrounding neighbors and a thru road would have a serious negative impact to the safety of those who use Kamm as they must walk in the street right of way. In addition, the city recently approved 60 homes to be built on Holmes Lane just to the North of this development. This will without a doubt increase traffic in the area. Currently, those who use Holmes Lane who wish to connect to Warner Milne must go up to Molalla Ave or Linn Ave which are the two main arteries for the city. If Kamm is connected as a thru street or as a "driveway" and with the addition of these already approved homes going in on Holmes Lane you will have an exponential increase in traffic using Kamm connecting thru to Warner Milne which again jeopardizes safety in the community.
2. These plans do not provide adequate parking for residents once the project is complete. The developer is proposing 30 units and providing 34 parking spaces. Although I understand this may meet minimum requirements per city code it simply is not realistic. The national average of vehicles owned per household is 1.88 vehicles. This would mean that the builder should provide no less than 56 parking spaces. Even if you were to give the benefit of doubt and assume each household living in this community had one vehicle, it would still stand to reason that these residents would at some point have guest

that will need a place to park. By providing only (1) parking stall per household you then are asking visitors to park either on Kamm Street or Warner Milne. Both options create a safety hazard, but especially on Kamm. The east side of Kamm Street is driveway ingress and egress for residents. Once again without proper street improvements and widening of Kamm street, any vehicle parked on the west side of Kamm will block residents from being able to back out of their own driveways. As such city code 17.52 states “An adjustment to a minimum parking standard may be approved based on a determination by the planning commission”. Which means the planning department can at there discretion and considering public safety require more adequate parking.

3. 17.29 Site plans do not provide adequate green space or play area for children. This again will become a safety concern as children living inside this community will then play in the parking lot or street potentially getting hit by an oncoming vehicle.
4. Pursuant to 13.12 a 30” culvert will not provide adequate drainage for stormwater. I have attached photos taken on January 6, 2022 showing the amount of stormwater that flows thru this drainage ditch currently in place during a normal rain season. Furthermore, looking at the topography of the project sight all water naturally slops downward to the lowest point from both fields adjacent to this property ending at the current ditch that was put into place by the city to mitigate flooding. By changing the natural drainage and flood point for stormwater this increases the chances of flooding onto Kamm and eventually my property at 1147 Kamm Street. The report that was submitted by the developer is dated September 3, 2021 which suggest that it was performed after one of the driest summers on record in Oregon and the concern is this was not taken into account on the design for stormwater and thus will lead to flooding in this area.
5. Development does not meet standards for tree replacement per city code 12.08 & 17.41. According to public records the sight at 1155 Kamm St was sold in September 2018 & 279 Warner Milne in October 2018. Around November 2018 there were approximately 12-15 old growth trees removed from this project sight that measured greater than 31” in diameter. An attempt via a public records request was made to obtain a copy of the permit that should have been issued by the city to determine the exact number of trees removed. This records request was completed September 22, 2021 and Jakob Wiley assistant city recorder for Oregon City confirmed no permit was ever issued. Therefore, a determination could not be made on the exact number of old trees removed; however, google maps clearly shows that between June 2018 and May 2019 a clear cutting occurred on the development property. As such my concern is the developer did not follow city protocol in determining the environmental impact on any wildlife or endangered species that may have lived in this area among these old trees and the plans do not meet the standards set forth by the city for replacing those trees that were removed.
6. Pursuant to 17.49 NROD is part of the property at 1155 Kamm Street and doesn’t seem to have been taken into consideration for the development of this property. If NROD was removed then is it due to the old growth trees that once sat on this property and were removed illegally by the developer? It’s not my place to say but it is important to see

from the attached pictures the amount of ground water that is on site in what is considered NROD for this property. I will say from my time living here on Kamm that several species of squirrels and birds do utilize this space as a living habitation and source of water throughout the year.

7. Pursuant to 17.40 the sight development could potentially be in a historic overlay area and sight plans do not show supporting documentation from the Confederated Tribes of the Grand Ronde.



Item 8c.

View looking East at the corner
where Kamm ditch makes turn



View looking North at the corner
where Kamm ditch makes turn

item 80.

View looking South towards
Warner Milne

Item 8c.



Page 1128

A close-up photograph showing the lower legs and feet of a person standing in shallow, murky water. The person is wearing dark-colored trousers and black rubber boots. The water is shallow, reaching up to the tops of the boots, and shows ripples and reflections. The background is slightly out of focus, showing more of the water and some greenery on the left.

Item 8c.

Page 1129

A close-up photograph showing a black rubber boot stepping onto a muddy, brown surface. The boot is positioned in the center of the frame, with its sole pressing into the soft earth, creating a deep, circular impression. The surrounding area is covered with green grass and weeds. The lighting is natural, highlighting the texture of the mud and the boot's sole.

Item 8c.

Area just to the side of the drainage ditch where NROD is currently. This photo shows the amount of ground water produced into this property.

Page 1130

A black rubber boot is shown stepping onto a patch of brown dirt in a grassy area. The boot is positioned in the lower-left quadrant of the frame. The surrounding ground is covered with green grass and some small, leafy plants. The dirt patch is roughly rectangular and appears to be a recent step or a cleared area.

Item 8c.

Page 1131

*St. John The Apostle Cemetery
451 Warner Street
Oregon City, OR, 97045
504-655-7148*

Christina Robertson-Gardiner
Community Development/Planning
695 Warner Parrot Rd.
Oregon City, OR. 97045

RE: File No: GLUA-21-00017, NROD 21-00018 Kamm Street Apartments

Dear Ms. Robertson-Gardiner:

The Board of Directors of St. John The Apostle Cemetery has recently been notified that an application for the construction of a 30 unit apartment building at the end of Kamm Street has been submitted to the City of Oregon City and is currently undergoing the review process. We have also been informed that discussions are underway to extend Kamm Street to Warner Milne Street allowing access to Kamm off of Warner Milne Street.

We are very concerned about how access off Warner Milne might impact Kamm Street, the cemetery and its operations. Our concerns include the following:

1. Increased traffic and safety issues on Kamm Street.
2. Influence/impact of parking on Kamm Street
3. Entrance and exit accessibility for the cemetery.
4. Traffic flow patterns and their impact on Kamm Street and SJA Cemetery; i.e., no through traffic, no turn around, private property, private parking only, tow-away zone.
5. Drainage issues, particularly disruption of current drainage ditches along Kamm Street. This area supports numerous underground springs and is largely comprised of a clay soil.

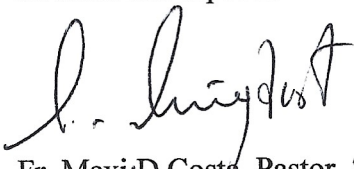
We recommend the following:

1. Placement of an "emergency services only" barricade at the current end of Kamm Street.
2. "No parking at any time" signage on the cemetery side of Kamm Street, and at the area of the barricade.
3. Installation of signage at end of Warner Street; i.e., No through traffic, no turn around, private property, private parking only, tow-away zone.
4. Complete resurface of Kamm Street at completion of construction.
5. Ensure that proper lighting is in place to assure pedestrian traffic safety.

Thank you for giving consideration to our concerns. Please keep us informed as this application proceeds through the process. If we can be of assistance, please don't hesitate to contact us.

Sincerely yours,

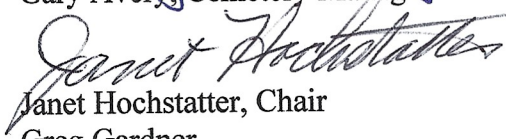
St. John The Apostle Cemetery Board of Directors



Fr. Max D Costa, Pastor, St. John The Apostle Catholic Church



Gary Avery, Cemetery Manager



Janet Hochstatter, Chair

Greg Gardner

Rita Helberg

Mike Hegenbart

Rita Randall

Ron Rhode

Katy Sauber

Mike Thompson

From: [Catherine P](#)
To: [Christina Robertson-Gardiner](#)
Subject: Comments for Notice of Land Use Application: FILE NUMBERS GLUA-21-00066: SP-21-00017, NROD 21-00018 Kamm Street Apartments
Date: Wednesday, January 19, 2022 3:33:38 PM
Attachments: [Oregon City Community Development.docx](#)

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

January 19, 2022

Oregon City Community Development
 Planning Department
 695 Molalla Ave.
 Oregon City, Oregon 97045

Re: GALUA-21-00066: SP-2100017, NROD 21-00018 Kamm Street Apartments

Dear Planning Department,

After reading and reviewing the files listed in the Public Notice issued by your department, I am writing to document objections to the proposed development of the 30-Unit apartment complex located at 279 Warner Milne to connect at the South end of Kamm St. For the reasons listed below the proposed development should be denied.

- **Water Quality Resource Area – Metro Title 3**

The stormwater report submitted by the developer refers to a “dry ditch” on the property and wetlands that will not impact the development. The city map clearly shows this is not valid. In fact, the seasonal stream flows above ground from south to north starting on southeast part of the property, migrates west to the north end of the proposed development, and is clearly labeled a “Title 3 Stream.” Therefore, the associated wetlands fall into the same category. OCMC 17.04.1285 states: “Title 3” means that part of the Metro urban growth management functional plan which requires local governments to comply with regional regulations. [Title 3](#) is a part of those regional regulations. OCMC 17.04.1250 defines a Stream as being where surface water produces a defined channel or bed. The channel or bed does not have to contain water year-round. OCMC 17.40.1290 details Title 3 wetlands.

Metro Code Title 3 section 3.07.340(B) Water Quality Resource Areas shall be protected, maintained, enhanced or restored as specified in Section 3.07.340(b). In addition, section 3.07.340(C) “Prohibit development that will have significant negative impact on the functions and values of Water Quality Resources Area.” The stream flows North and migrates west. Not only would a paved parking lot have a negative impact, the north end of this stream flows directly across the proposed driveway onto Kamm St.

- **Native Vegetation**

The stormwater report included an aerial photograph from the 1950’s. After reviewing more current photographs available on Oregon City’s online maps, I found the submitted photo to

be miss leading. The 2018 photo shows a large number of trees with sizeable canopies. The 2019 photo shows many of the trees had been removed and even more had been removed by 2021 when the last photo was taken. No permit was found for the removal of trees. Metro Code Title 3 section 3.07.340(D) states “Native vegetation shall be maintained, enhanced or restored, if disturbed, in the Water Quality Resource Area.” A title search revealed the current owner took title to the Kamm St. lot of proposed development in 2018. This begs the question was this an oversight on the part of the owner or an internal clearing to allow future development?

- **Infiltration and Groundwater**

The stormwater report biased the conclusions on “familiarity with projects in the area” and “soil survey.” Without knowing if “projects in the area” included an above ground stream or even how close to the proposed site does not validate the conclusions. Referring to “soil survey” without actual documentation of the survey used does not validate the conclusions. The documents and references attached to the report provide lessons on soils, however, give no insight as to how the conclusions were reached. The fact that a natural above ground stream is present on the proposed site would lead to the conclusion that groundwater is considerably closer to the surface than stated in the report. No actual testing was done across the site to validate any relative conclusions.

- **Stormwater Control**

The use of planters in front of the buildings on the west side of the development, although will provide some containment they are not sufficient to control all stormwater across the entire development. Currently stormwater is controlled by the remaining natural vegetation on the two lots of the proposed site. When the land is stripped to build and pave, stormwater will cause problems on the site and flooding of developed private property. The current storm drain located at the southeast end of Kamm St. is insufficient to control the current volume of stormwater during the late fall, winter and spring. Not only is the drain insufficient, its location relative to the land topography would prevent the majority of stormwater from the proposed development from entering the drain.

- **Misleading Traffic Report**

Traffic Count: Traffic submitter by the developer refers to counts from 2017 at approximately 5,000 with no adjusted to reflect the increase over the next 4 years. The stated 5,000 cars in 2017 is below the actual count in the city’s records. Comparing 2014 traffic counts to 2017 traffic counts, traffic increased at a rate of 1.207% a year. In fact: Warner Milne Road West of Molalla Ave. average daily traffic in 2017 was 7,246. Increasing this number 1.207% a year for 4 years would equal an average traffic count in Nov. 2021 of 7,596 cars. That’s greater than one and a half times the 5,000 stated in the traffic report. The traffic report has under- stated the volume of traffic on Warner Milne Road and failed to address traffic on Kamm St.

Parking: The OCMC mandates a Minimum of 1 space and a Maximum of 2 1/2 spaces per unit for a Multi Family development. In spite of the proposed site meeting the required minimum, it not realistic that a complex of 30 units, 80% of which are 2 bedrooms, will have so few cars. Overflow parking from this project is not addressed. Where will the residents park when the on-site lot is full that will not have a negative impact on emergency services, the neighborhood and the general public?

Table 1 Projected trip generation

Units	ADT	AM Peak			PM Peak		
		Total	Enter	Exit	Total	Enter	Exit
30	162	11	3	8	14	9	5

Reference use for projections- 10th Edition of the Institute of Transportation Engineers' *Trip Generation Manual 10 addition*

The Manual used is an old addition. Secondly, the estimates given for "Peak" hours are very low for a complex of this size and therefore questionable and not supported in the submission.

- **GEOTECHNICAL ENGINEERING REPORT**

No Geotechnical Engineering Report is found in the current files for this proposed development. One should be done by a third-party engineer.

- **ARCHEOLOGY SURVEY AND REPORT**

The area of the proposed site is located in what was historically Elyville and therefore possible archeologic remains including grave sites. The Warm Springs Tribe and The Ground Round Tribe should be consulted and peoples from both groups were known to be present in this area. If a prior survey does not exist, then one should be required before and ground is disturbed.

In addition to the above stated reasons to deny this proposed development, I have read the letter sent by ENA and that of Dr. Leon Liegel. I chose not to include what had already been said, However, I agree with both letters and include them as part of my personal comments.

Any additional information or documents added to the proposed development file after the deadline of 01/19/2021, I reserve the right to make additional comments on and to be considered as part of this document.

Respectfully submitted,

Catherine Pieslewicz
710 Cedar Ln
Oregon City, OR 97045

From: [Leon](#)
To: [Christina Robertson-Gardiner](#)
Cc: [Leon](#)
Subject: Comments for Notice of Land Use Application: FILE NUMBERS GLUA-21-00066: SP-21-00017, NROD 21-00018
Kamm Street Apartments
Date: Wednesday, January 19, 2022 1:49:39 PM

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

Date:

19 January 2022

FROM:

Leon H. Liegel

710 Cedar Ln.

Oregon City, OR 97045

TO:

City of Oregon City

Community Development – Planning

Oregon City, OR 97045

Subject: FILE NUMBERS

GLUA-21-00066: SP-21-00017, NROD 21-00018 Kamm Street Apartments

and

Review of Harper Houf Peterson Righellis Inc. report:

Kamm Street Apartments

MSC-261

Stormwater Management Report PA-21-00007

September 3, 2021

Attention:

Christina Robertson-Gardiner

My comments and review of the Harper Houf Peterson Righellis Inc. report, 3 September 2021, are directed at statements, assumptions, and sources for soil properties plus prior, existing, and future water resources on and near a 0.91-acre site designated as 279 Warner Milne Road, Oregon City, Oregon. A 30-unit redevelopment apartment project [**RDP** hereafter] is proposed for this site. For convenience, the entire Stormwater Management Report PA-21-00007 of September 3, 2021, is hereafter called the Management Plan [**MP**].

Soil Resources

- The **SoilWeb** online Univ California Davis/Natural Resources Conservation Service [**NRCS**] database [<https://casoilresource.lawr.ucdavis.edu/gmap/>] confirms that Map Unit 8B, containing about 85% of the **Bornstedt soil series**, includes the RDP. **Note:** My spelling matches NRCS spelling; the MP incorrectly uses “Bornstedt.”
- The MP incorrect assumption is that the RDP actually contains the Bornstedt series. No onsite soil sampling data confirm this assumption. Reputable soil science texts will also confirm that onsite soil sampling is needed when considering family/commercial construction.
- Why is onsite soil sampling even more important for a multi-unit apartment complex? All soils have physical properties that limit or do not limit engineering ratings for dwellings, road construction, and stormwater containment or redirection to offsite areas.
- The Bornstedt soil series has stated **Engineering Ratings** based on laboratory samples collected at several sites. Limitations are based on a water table located at ≤ 36 inches of the surface.

---Dwellings W/O Basements; Not limited

---Dwellings With Basements; Very limited

---Small Commercial Buildings; Somewhat limited

---Lined Retention Systems; Somewhat limited

---Shallow Infiltration Systems; Severely limited

- These limitations will a) affect construction and maintenance of Stormwater Planters Type C (bioretention areas, bioswales) described in the MP, b) parking

lot construction, and c) construction for and depth of crawl/access space under the apartment complex for drinking water/sewerage pipes, electrical lines, and communication cables. The MP does not address how Bornstedt soil series *Engineering Ratings* will affect construction and maintenance of the 30-unit apartment complex and its surroundings. The MP does not indicate what engineering methods will direct near-surface groundwater away from the apartment building crawl space area for 6-month or longer yearly rainy seasons over the apartment's life span.

Water Resources and Historical Land Use Changes

- Tables 2 and 2A in the MP Stormwater Management section present data that evidently comply with City of Oregon City design requirements for detention of water for 1-, 2-, 10-, and 25-yr storm events dumping, respectively, 1, 2, 3, and 4 inches of rain in 24 hours across the RDP. However, increasing rain-snow-tornado-hurricane storm frequency and intensity across the USA are harbingers of global climate changes in local/regional weather patterns observed for the past 100 years. How realistic, then, are current ditch, culvert, and specified Stormwater Planters Type C water removal methods from the RDP?
- Up to certain thresholds, Nature has tremendous ability to renew itself from major natural- and human induced disturbances. For example, some but not all 1930s dustbowl soil degradation was remediated by the 1960s using new tillage techniques, improved soil management, and plant breeding. But it seems ludicrous to assume that water movement over the RDP 0.91-acre site showing grass cover 70 yrs ago will be the same as water movement over the site in 2022 even if grass vegetation is still present.

Uphill from the RDP is a cemetery and urbanized area. Roadways, driveways, and rooftops all accumulate water in ways not possible 70 yrs ago. And, via laws of physics, all this water moves downhill, combines with runoff from the new paved RDP site, and flows southward past it to Warner Milne Rd. Is existing culvert piping diverting water under Warner Milne Rd. sufficient to handle increased water stormflow from the RDP? The existing MP does not address or answer this question.

In Summary

- Without onsite soil testing at the RDP, generalizations from an NRCS soil survey map about factual engineering ratings for the site are impossible. Stating the equivalent of "Everything is OK!" in the current MP is unacceptable.
- In similar fashion, grass vegetation at the RDP 70 yrs ago does not predict water movement into and away from the site now in 2022. Climatic conditions are different and overall stormwater flow into and away from the RDP is considerably more today than 70 yrs ago. The existing MP does not adequately address onsite RDP water excess, its removal, and increased long-term downstream flow consequences, particularly the stability of a necessary underground culvert at Warner Milne Rd.

Sincerely,

Leon H. Liegel
Co-Major PhD [Forestry/Soil Science]

Elyville/Barclay-Hills NA
 % Karla Laws
 419 Roosevelt St
 Oregon City, OR 97045

January 16, 2022

Planning Department
 City of Oregon City
 695 Warner Parrott Rd
 Oregon City, OR 97045

Subject: Comments GLUA-21-00066, SP-21-00017, NROD 21-00018 Kamm Street Apartments

To: Planning Department

This land use project at address 1155 Kamm St / 279 Warner Milne Rd. was presented to Elyville NA previously known as Barclay Hills NA in September of 2021 by Todd Iselin, Selin Architects PC. After the public proposal was published, we further discussed concerns and voted to submit comments as a Neighborhood Association at our duly-announced general meeting on January 11, 2022. Please respond to this comment in writing to the address above.

The main concerns neighbors identified include street infrastructure and safety, stormwater management, fire/emergency access on Kamm, and parking.

12.04 Streets, Sidewalks, and Public Places

Warner Milne is a busy street which makes visibility a concern. There is no pedestrian access, such as a sidewalk or a crosswalk. Will parking be legal on Warner Milne? Kamm is a quiet street that lacks infrastructure for more traffic and is also without a sidewalk. Kamm is only 20ft wide with no room for extra cars or adding sidewalks, which makes it technically a one lane street (<24 ft). On the West side of Kamm there is a large ditch to drain water since it is prone to flooding. On the North side of the street are residential duplexes. How can a regular-sized truck or emergency vehicle navigate safely and turn around on the street? If there is an emergency fire exit, will there be enough room for a fire truck to get in and out with extra residential parking on an already narrow street? How will residents navigate out of Warner Milne safely when the speed limit on Warner Milne is 35MPH? Kamm does not have a speed limit posted but for safety, but the speed limit ought to be no more than 20MPH. Pedestrians are hard to see on Kamm, especially with low visibility turning on Warner to Kamm. When Neighbors asked about a potential fire barricade or gate to keep apartment traffic off of Kamm, the architect and developer said they would support that but the City is saying "no." Currently, residents turning from Warner onto Molalla Ave can wait as long as 5 mins to make a safe left.

12:08 Public and Street Trees

We see little room for street trees on Kamm, though if some plantings are possible without interference with residential parking, it could be good. Warner Milne should get street trees.



13:12 Stormwater Management

Currently, St John the Apostle Cemetery owns the easement to the ditch next to Kamm to drain water runoff/stormwater. Tremendous amounts of runoff affect this area that comes from the property. Rainfall this winter (2021-2022) is within normal levels. Looking at the stormwater vents for runoff, it looks like they are in the wrong location and most of the outlets/vents are inadequate for proper drainage (manhole on right next to the car in the picture here). This contributes to runoff issues. Looking at the city maps on stormwater, the pipe does a 90 degree angle on the NE side of Kamm to address the property. With additional rainfall, there are concerns



of more flooding and wetness to an area that was recently NROD protected. Why is there permission from the Army if there are no wetlands? Doesn't the Army just deal with rivers? Does the developer recognize we have been in an over 10 year drought and lifting the protected status seems premature?

15:48 Filling and Excavating

Since this area was recently protected by NROD, there are many concerns. For instance, at least 15 large trees were removed without permits. At his presentation to the NA, the architect said that owner has had the lot for over 10 years. Other records show the lot was purchased in 2018, after which the large trees were removed. The soil content is mostly clay, and the loss of trees worsens runoff concerns. Foreseeably, there will be many issues, such as needing a cement treatment. When the trees were removed, the soil was not properly managed and compacted. GIS maps indicate this area is a "wetlands" that drains directly into Newell Creek Canyon which feeds into Abernathy Creek. We are concerned about whether a typical excavator or developer could



manage the water runoff properly. Will the structure be built to do well long-term on this land? Where will the water go and will it affect the neighbors of the area? Will the runoff impact the ecology of Newell Creek Canyon? Several layers of soil will need to be removed, so where will the sediment go and will there be adequate sediment control? This also is an issue for municipal code *Erosion and Sediment Control 17:47*.

Mixed Use Corridor 17:32

There will be no room for much greenspace, park or community room. Where will residents enjoy the outdoors, kids play, or have a place to host special occasions? There are no playgrounds or parks within short walking distance.

Tree Protection Standards 17:41

In 2018 after the property was purchased, over 15 trees were removed and no permit was purchased. This can be seen on aerial photographs and street photography (such as Google Maps) from 2018 and prior. These trees absorbed water and helped with the water run. Many birds, insects, amphibians, and smaller animals used this area as their habitat. The tree canopy and habit should be restored for the neighborhood.



Erosion and Sediment Control 17:47

The soil is clay and the ditches move the water away from the lot. If the topsoil is removed, where will the sediment go? The drainage system barely can handle its current runoff levels. We are concerned about whether the city is requiring adequate measures to account for more rainfall. Current ditches do not sufficiently compensate for what cannot drain underground. The middle-bottom picture on pg. 2 shows where tree removal occurred, and the area is very soggy. The pictures were taken 1/7/22.

Natural Resources Overlay District 17:49

NROD should have not been removed. The wetlands here feed into Newell Creek Canyon. The land has potential significance for flood protection, aquifer recharge, and wildlife habitat. Where did animals go when the trees were cut down? Neighbors mentioned seeing hawks regularly before the tree removal. There are smaller creatures like raccoons, skunks, possums, squirrels, ducks, many assortment of birds, insects, and amphibians. How can the habitats and scenic area be preserved once the structure and parking lot is put in? We are concerned that the development is not designed to be conscientious about the natural environment and wildlife at this site.



Off Street Parking and Loading 17:52

Warner Milne has posted speeds in excess of most residential districts. Our primary concern is pedestrian and vehicle safety due to low visibility. Sidewalks, bike lanes, and crosswalks are a must, especially with a substantial increase in demand for street parking. There is concern about overflow onto Kamm where there is no possible room to turn around. There is a drainage ditch on the south side and parking on that side is not advisable for proper maintenance of both vehicles and the drainage system. Kamm needs to be protected by a barrier and there is only enough room for the current residents to park there. Saint John the Apostle Cemetery is a business running along Kamm with the residents. The ditches are owned by Saint John the Apostle Cemetery and the city was given permission to build the ditches for the benefit of the community as the cemetery needs to be properly drained. How is a hearse supposed to safely park with more parked cars and traffic? How will this financially impact St John the Apostle Cemetery?



Parking for this complex is a concern that neighbors brought up. There are 24 2-bedroom units and 6 1-bedroom units. With a minimum expectation of 54 residents, the demand for parking could exceed availability. While we want to minimize impervious pavement, we are concerned about overflow parking into the streets. The easiest solution would be to have fewer units.

Site Plan and Design Review 17:62

Issues with the size of the development and NROD are discussed above. Issues of drainage are discussed above. Additionally, the wet area presents mold concerns, so we hope that would be planned for. Neighbors brought up concerns about the lack of gathering areas or shared community resources for the residents.

Administrative Processes 17:50

After the NA did an appeal of 535 & 545 Holmes Land Use GLUA-21-00002, we had concerns about the support of administration through the process and of the neutrality of staff. We have approached these comments with a focus on helping neighbors participate effectively in the process, but concerns remain about how engagement will go. We hope to not feel the need for another appeal. We call on the city staff to work in partnership with the NA and neighbors and not to see our questions and concerns as something to work against. We want to be sure that our comments and issues are actually considered for their intent and merit without efforts to dismiss them over whether we used every sort of proper language and reference. Also, we ask for transparent discussions (avoiding topics being only in executive sessions), and to support citizen ability to request public records. We hope this process is not only informative but helps teach and build knowledge for representation of the neighborhood associations. We are not professionals and have no legal support, and we rely on the city staff to help incorporate our expertise in knowing the places we live into the policy process. Wherever our concerns cannot

be directly applied because of current policy, we would like help identifying how policies could be improved in the future, especially environmental policy to better protect our tree canopy and the health of our water. ENA reserves the right to comment on documents that are provided after the comment period.

Other Concerns

There is no archeology report and we would like one. While reviewing history with Clackamas Historical Society, there may be historical significance with the building site since it is a possible burial site next to Historic Ely Plots. We would like the Archeologist of the Grand Ronde to provide a recommendation. The May 21 HHPR Wetland Delineation Report is not stamped and we should get recommendations. There should be a Geotechnical Investigation using test pits and this should have been done prior to the stormwater and traffic analysis. We would like to see the tree canopy restored and the developer accountable for removing the old large trees. Current Kamm residents are concerned about keeping their parking capacity as well as the safety of children and others on foot around their homes. They feel that the area lacks infrastructure to handle traffic from new residents.

Sincerely,
Karla Laws, Chair
Elyville / Barclay Hills NA



LAND USE APPLICATION TRANSMITTAL – RESPONSE FORM

Date: 1-17-22

Land Use Application File Number: GLUA-21-00066: SP-21-00017, NROD 21-00018

NAME: Troy Brummell

AGENCY: Resident

EMAIL ADDRESS: t_brummell@hotmail.com

The land use application material is referred to you for your information, study and official comments. 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 a copy of this form to facilitate the processing of this application and to ensure 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. (Please attach additional information)
☐	The proposal would not conflict our interests if the changes noted below or attached are addressed.

Please add any specific comments below or attach a separate document with more information.
Please see below comments that consist of 3 pages (7 bullet points) and an additional 6 pages consisting of (6) photos. This entire packet consist of 10 pages including this page.

CONTACT THE PLANNING DIVISION IF YOU HAVE ANY QUESTIONS ABOUT THIS APPLICATION



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CONTACT THE PLANNING DIVISION IF YOU HAVE ANY QUESTIONS ABOUT THIS APPLICATION

To: City of Oregon City
c/o Christina Robertson-Gardiner
Crobertson@orccity.org

14 January, 2022

To whom it may concern:

My name is Brian J. Paulsen. I reside at 1129 Kamm Street in Oregon City and am a minority member of Kamm Street Properties, LLC, which owns and manages house numbers 1129, 1131, 1133, and 1135. As a member-occupant and neighborhood resident, it is my desire to express concerns about the proposed apartment development at 1155 Kamm Street, just a few lots down from where I live.

While I must admit that I have not been an active member of the Elyville (Barclay Hills) Neighborhood Association, I must compliment them on the awareness campaign that brought this proposed development to my attention. This being said, the fact that I didn't know about this proposal, just yards from my residence, speaks to a suspiciously clandestine effort to make this come to pass. Over the last months, I have seen workers along my street, sometimes even on our LLC's private property, who refused to identify the reasons for their presence. They spray-paint the road, place flags, and take photos. On one case, a worker even dug a small hole in our gravel parking area under the witness of my teenage child and informed our family that he was not obligated to let the residents know the purpose of the intrusion or to whom he reported. The workers may or may not have been related to this proposed development, but there is no way for us as residents to assess this because many of us only recently found out about this plan. Furthermore, the public notice stands as a small blue sign, unreadable at a distance, and placed at the very end of a dead-end road. This is in stark contrast to the last pair of neighborhood developments (the container homes at Warner & Prospect and the parking lot across from the vet's office) where, because of their visibility at the entrance to Warner Street, much more of the local populace had an understanding of what was being proposed. A 30-unit apartment structure constitutes a much larger change to the neighborhood; it deserved a more prominent display to residents.

For those who are not intimately familiar with the layout of the area, Kamm, Warner, Bullard, Hughes, Prospect, and May Streets are bordered and captive to Holmes Lane and Molalla Avenue. They are, by-and-large, narrow and without meaningful sidewalks and, with the exception of a large complex on May Street, house just one or two families per structure. There are no parks, but plenty of tree-cover, and the centerpiece is the Catholic cemetery. Understand that when I refer to "my neighborhood" in this letter, I am referring to this captive set of streets and not the larger city-defined neighborhood of Elyville.

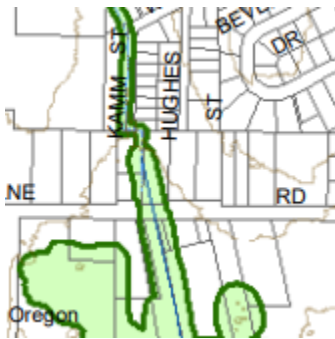
It is my understanding that the proposed Kamm Street Apartment development was first intended to have fewer units and a barrier to prevent traffic backflow into the existing Kamm Street neighborhood. Please correct the record if it was not at the insistence of the city that more dwelling units were mandated, and the barrier removed. A building of this nature constitutes a major cultural shift in how the residents of our community live and furthers the argument that better notice ought to have been communicated. It seems that there has been no consideration given to those that live on Kamm Street, or the connecting streets that will be affected. For this reason, I feel I must make these comments in

opposition on the proposed development in order to protect those, like myself, who feel blindsided and betrayed.

Arguments in opposition:

I – Preservation of natural resources and habitats

The currently accessible version of the city's NROD map shows that much of Kamm Street and the properties proposed for development are within the NROD boundary (see map insert). As a resident, I know that our immediate area is home to many species of animals, including those typically found in a



wetland environment. At my own residence, just yards from the proposed development, we have frogs (see photo from my front garden from November, 2021), ducks, and geese regularly in the rainy months. We are home to several species of birds, rodents, and even the occasional small snake. There is concern that the Wetland and Waters Report performed by Harper Houf Peterson Righellis, Inc., was unable to document any fauna, but one possible explanation is that over the six weeks previous to their study there was just over 1" of accumulated precipitation and less than one-tenth over the two-week period leading up to it; all of this leading up to a drought summer with the hottest temperatures ever recorded. Diligence would suggest that the study should have been postponed until adequate rain had returned to restore this habitat. Even seasonal natural resources deserve to be protected.



II – Traffic

A traffic study is part of the documents provided by the city. It is dated August 21, 2021. In it, it is suggested that an apartment

building of this scale will generate 162 average daily ins and outs from the property. It insufficiently estimates, however, how many of these trips will come from the north or south drive entrances. If one is to assume that even half of the trips will leave the apartments by way of Kamm Street, that is an increase in traffic of over 80 car trips per day. These are cars that will travel to Molalla Ave. or Holmes Ln. by way of streets that are not meant to have this kind of traffic. Much of the immediate area (Kamm, Warner, Hughes, Bullard, May, and Prospect Streets) is barely wide enough for two cars to safely pass each other. Kamm Street itself is only about 20ft. wide. These streets have no lane dividers, and are not well-maintained. The edges of the street butt up against gravel driveways and parking lots, lawns, and gardens, and drainage ditches. There is no safe place for pedestrians to walk except in the traffic right-of-way and no place to introduce sidewalks without seizing property from homeowners and, in the case of Kamm Street specifically, disturbing the parking pads for the existing stretch of duplexes. The extra traffic will undoubtedly create a much greater potential for pedestrian versus car hazards or deter residents from walking or biking around the area altogether.

Additionally, there are no city parks or public green spaces in our immediate area and many homes have parking pads in lieu of driveways. For this reason, residents use the streets to walk their pets and

children use the streets and the grassy area around the drainage ditch to recreate. Soccer, basketball, hide & seek, radio-controlled cars, and bicycle races are common on Kamm and Warner Streets during good weather. It is also the route children must walk to get to the school bus stops in the early, darkened hours of the morning and afternoon at the beginning of the homebound commute. An increase in vehicle traffic like the one suggested by the cited traffic study would jeopardize the safety these activities.

III – Parking

The proposed 30-unit dwelling comes complete with about that many parking spaces. The DMV reports that in 2019 there were 375,262 passenger vehicle registrations in Clackamas County. The US Census Bureau counted 170,724 housing units. That means the average housing unit in Clackamas County will have an average of 2.20 cars per dwelling. While it may be true that the specific make-up of the residents chosen to live at the proposed apartment building may not each own two cars, the parking situation is gravely underserved. As stated before, Kamm Street is not particularly wide and is certainly of insufficient width or repair to become the overflow parking lot for the proposed development. As it stands, vehicles backing in and out of the duplexes' parking pads with anything larger than a compact car requires travelling nearly to the grassy edge of the drainage ditch to navigate. This area is also used on a temporary basis for event parking at St. John the Apostle Cemetery for memorial services and neighborhood events. Residents acknowledge the long-standing presence of the cemetery and adapt to the temporary use of this parking area; very rarely do we have vehicles left parked overnight.

The constant presence of overflow street parking from the proposed development will make the area unnavigable for residents, especially those with longer vehicles. In addition, the statistics above suggest that the parking deficit could be up to thirty extra vehicles. Kamm Street only has the west side to accommodate street parking of any kind as any cars parking on its east bank would impede access to private property. This means that residents of the 30-unit building may have to park on adjoining streets (like Warner, Hughes, or Bullard) simply to walk home. These cars would then be parked against homeowners' properties without the buffer of a sidewalk increasing the potential for trampled garden spaces, tire marks in lawns, or trespass.

Given the situation and the make-up of our community, a 30-unit dwelling ought to have 45-50 parking spaces or risk creating a street-parking situation that does not fit with the current character and scale of the surrounding neighborhood (Code 17.52.015). As a matter of opinion, there is a lot about more than tripling the number of households on Kamm Street that does not fit the current character or scale of the surrounding neighborhood.

Conclusion:

I must admit that I see some merit in developing the proposed properties. I recognize the need for additional housing, I like the idea of safe pathway to walk toward the Hilltop shopping center without walking along the busy Molalla Avenue. I even see a safety benefit from having a throughfare and additional hydrant to accommodate the needs of the fire department. However, all of these needs can be met with a much smaller development – one that mirrors the single-family and duplex homes that

are native to Kamm Street. It should be considered that a 30-family development is impractically big as it drastically changes the culture of the area adding dozens of new residents and their automobiles to an area which for decades has been a quiet, dead-end road in a manner that cannot preserve the habit provided by the current environment. Even if the drainage ditch is man-made, it has been there for a very long time and thus has become part of the natural environment and if I can receive visits from aquatic animals at my home at 1129 then they must exist at 1155. If one must develop this habitat, lower density homes with yards is a much closer replacement than a three-story building and a paved parking lot and a tiny picnic area.

In the case where the city approves this development at the current scope and size, I would implore them to reconsider the swing-gate barrier originally proposed and approved by Clackamas Fire for the well-being of the surrounding residents. Warner-Milne Road is well-developed. There are no children that use it for play and no residents that must back in or out to get to their homes. Warner-Milne Road features sidewalks with bike lanes on both sides of the road to safely separate cyclists and pedestrians from the increase in vehicle traffic. No logical reason exists to increase the traffic level, and thus the danger to residents, on Kamm Street, Warner Street, or any other neighborhood street when a safe option exists on the arterial road. In addition, I would suggest that the west side of Kamm Street that abuts the Church's property be designated to restrict overnight parking as a deterrent against the new residents filling the street with extra parked cars. This is a courtesy to the Church, who owns the property that includes the drainage ditch, so they can stage visitors for their daytime purposes, and a courtesy to the current residents of Kamm Street so they can safely navigate the street, entering and exiting their homes without the risk of collision.

I respectfully submit these facts and opinions to the committees responsible for final approval. It is my conclusion that, while the goal of further housing in Oregon City is noble, the proposed development cannot fit the form and function the surrounding area without posing both nuisance and safety hazard to its current residents and wildlife. Please consider drastically reducing the impact on the neighborhood at large with vast reductions to the project's scope or by denying the project outright.

Regards,

Brian J. Paulsen, resident

1129 Kamm St.

Oregon City, OR 97045

b.j.zytron@gmail.com

Member, Kamm Street Properties, LLC

PO Box 71

Oregon City, OR 97045

From: [dave.wakefield](#)
To: [Troy Brumppell](#)
Cc: [Christina Robertson-Gardiner](#); [Planning](#); [Karl's Laws](#); [dave.wakefield](#)
Subject: Public Comment for Kamm Development
Date: Tuesday, January 18, 2022 3:13:21 PM

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

Christina,

See the attached public comment for GLUA-21-00066: SP-21-00017, NROD 21-00018 development on Kamm Street. Please respond to this email confirming you received the attached.

Sincerely,
 Dave Wakefield, Owner
 971-409-7005

1 of 10

	OREGON CITY 695 Warner Parkway Road Oregon City OR 97045 Ph (503) 722-3799 Fax (503) 722-3880
	Community Development - Planning

LAND USE APPLICATION TRANSMITTAL - RESPONSE FORM

Date: 1-17-22

Land Use Application File Number: GLUA-21-00066: SP-21-00017, NROD 21-00018

NAME: Dave Wakefield

AGENCY: Owner

EMAIL ADDRESS: davewakefield@yahoo.com

The land use application material is referred to you for your information, study and official comments. 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 a copy of this form to facilitate the processing of this application and to ensure 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. (Please attach additional information) |
| ☐ | The proposal would not conflict our interests if the changes noted below or attached are addressed. |

Please add any specific comments below or attach a separate document with more information. Please see below comments that consist of 3 pages (7 bullet points) and an additional 6 pages consisting of (6) photos. This entire packet consist of 10 pages including this page.

CONTACT THE PLANNING DIVISION IF YOU HAVE ANY QUESTIONS ABOUT THIS APPLICATION

RE: This is a public comment in response to concerns I have with project GLUA-21-00066: SP-21-00017, NROD 21-00018 at 1155 Kamm St & 279 Warner Milne Rd Oregon City OR.

1. These plans show an extension of Kamm street connecting it to Warner-Milne. A connection to Kamm should not even be considered by planning unless the developer is required to make street improvements to Kamm which would include widening the street to city standards and putting in sidewalk for pedestrians. This seems to be in order with Chapter 12.04 & 16.12 of city code. Kamm Street is currently what I would consider a single lane road that barely gives adequate spacing for (2) vehicles to pass. As a long-term resident at this address, I have observed for years the amount of foot traffic that utilizes Kamm street. This would range from children who ride bicycles to people walking dogs, to folks from Clipper Ridge Apartments walking to the bus stop. Kamm street has significant usage from the surrounding neighbors and a thru road would have a serious negative impact to the safety of those who use Kamm as they must walk in the street right of way. In addition, the city recently approved 60 homes to be built on Holmes Lane just to the North of this development. This will without a doubt increase traffic in the area. Currently, those who use Holmes Lane who wish to connect to Warner Milne must go up to Molalla Ave or Linn Ave which are the two main arteries for the city. If Kamm is connected as a thru street or as a "driveway" and with the addition of these already approved homes going in on Holmes Lane you will have an exponential increase in traffic using Kamm connecting thru to Warner Milne which again jeopardizes safety in the community.
2. These plans do not provide adequate parking for residents once the project is complete. The developer is proposing 30 units and providing 34 parking spaces. Although I understand this may meet minimum requirements per city code it simply is not realistic. The national average of vehicles owned per household is 1.88 vehicles. This would mean that the builder should provide no less than 56 parking spaces. Even if you were to give the benefit of doubt and assume each household living in this community had one vehicle, it would still stand to reason that these residents would at some point have guest

that will need a place to park. By providing only (1) parking stall per household you then are asking visitors to park either on Kamm Street or Warner Milne. Both options create a safety hazard, but especially on Kamm. The east side of Kamm Street is driveway ingress and egress for residents. Once again without proper street improvements and widening of Kamm street, any vehicle parked on the west side of Kamm will block residents from being able to back out of their own driveways. As such city code 17.52 states "An adjustment to a minimum parking standard may be approved based on a determination by the planning commission". Which means the planning department can at their discretion and considering public safety require more adequate parking.

3. 17.29 Site plans do not provide adequate green space or play area for children. This again will become a safety concern as children living inside this community will then play in the parking lot or street potentially getting hit by an oncoming vehicle.
4. Pursuant to 13.12 a 30" culvert will not provide adequate drainage for stormwater. I have attached photos taken on January 6, 2022 showing the amount of stormwater that flows thru this drainage ditch currently in place during a normal rain season. Furthermore, looking at the topography of the project sight all water naturally slopes downward to the lowest point from both fields adjacent to this property ending at the current ditch that was put into place by the city to mitigate flooding. By changing the natural drainage and flood point for stormwater this increases the chances of flooding onto Kamm and eventually my property at 1147 Kamm Street. The report that was submitted by the developer is dated September 3, 2021 which suggest that it was performed after one of the driest summers on record in Oregon and the concern is this was not taken into account on the design for stormwater and thus will lead to flooding in this area.
5. Development does not meet standards for tree replacement per city code 12.08 & 17.41. According to public records the sight at 1155 Kamm St was sold in September 2018 & 279 Warner Milne in October 2018. Around November 2018 there were approximately 12-15 old growth trees removed from this project sight that measured greater than 31" in diameter. An attempt via a public records request was made to obtain a copy of the permit that should have been issued by the city to determine the exact number of trees removed. This records request was completed September 22, 2021 and Jakob Wiley assistant city recorder for Oregon City confirmed no permit was ever issued. Therefore, a determination could not be made on the exact number of old trees removed; however, google maps clearly shows that between June 2018 and May 2019 a clear cutting occurred on the development property. As such my concern is the developer did not follow city protocol in determining the environmental impact on any wildlife or endangered species that may have lived in this area among these old trees and the plans do not meet the standards set forth by the city for replacing those trees that were removed.
6. Pursuant to 17.49 NROD is part of the property at 1155 Kamm Street and doesn't seem to have been taken into consideration for the development of this property. If NROD was removed then is it due to the old growth trees that once sat on this property and were removed illegally by the developer? It's not my place to say but it is important to see

from the attached pictures the amount of ground water that is on site in what is considered NROD for this property. I will say from my time living here on Kamm that several species of squirrels and birds do utilize this space as a living habitation and source of water throughout the year.

7. Pursuant to 17.40 the sight development could potentially be in a historic overlay area and sight plans do not show supporting documentation from the Confederated Tribes of the Grand Ronde.





Area just to the side of the drainage ditch where NROD is currently. This photo shows the amount of ground water produced into this property.



GLUA-21-00066: SP-21-00017, NROD-00018 Kamm Street Apartments

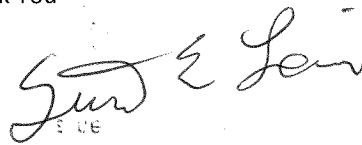
Saturday, January 8, 2022 9:39 AM

Hello my name is Steve Lewis and I live at 1143 Kamm St and I have some concerns about these apartments.

First, what they build on this property I don't have a problem with, other than the concern about the water run off and that the creek stays clear to flow with no back up. My concern is with opening up Kamm Street at all. Mainly because I worry about the creek flow and how putting a bridge or culvert over the creek might effect that flow. Also Kamm St is a very narrow road and increase traffic would be very dangerous. Because of the creek flow down one side of the street there can be no widening, no parking, no sidewalks on that side of the street. On the other side there is just enough room for residents to park in their driveways, no room to widen to allow sidewalks or street parking.

Please do not open Kamm Street to anything more than a pedestrian walk through. Go ahead and build the apartments but make the only entrance and exit on Warner Milne.

Thank You



STEVE LEWIS
1143 KAMM ST
OREGON CITY
97045

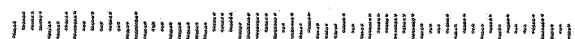
PORTLAND OR 972

8 JAN 2022 PM 2:11



OREGON CITY PLANNING
P.O. BOX 3040
OREGON CITY OR.
97045

97045-030440



REPLINGER & ASSOCIATES LLC
TRANSPORTATION ENGINEERING

April 6, 2022

Ms. Christina Robertson-Gardiner
City of Oregon City
PO Box 3040
Oregon City, OR 97045

**SUBJECT: REVIEW OF TRANSPORTATION ANALYSIS LETTER – KAMM STREET
 APARTMENTS – GLUA21-66 SP21-117**

Dear Ms. Robertson-Gardiner:

In response to your request, I have reviewed the Transportation Analysis Letter (TAL) submitted in support of the development of an apartment complex at 279 Warner-Milne Road. The site, most recently utilized for an office, is located on the north side of Warner-Milne Road between Molalla Avenue and Beaver Creek Road. The TAL, dated August 21, 2021, was prepared under the direction of Rick Nys, PE of Greenlight Engineering.

The proposal would result in construction of 30 units of multi-family housing.

Overall

I find the TAL addresses the city's requirements and provides an adequate basis to evaluate impacts of the proposed development.

Comments

- 1. Trip Generation.** The TAL presents information on trip generation from the construction of 30 units of multi-family housing. The trip generation rates were taken from the Institute of Transportation Engineers' *Trip Generation Manual*. The 30 units are calculated to produce 11 AM peak hour trip; 14 PM peak hour trips; and 162 weekday trips. The TAL also estimated the trips from the prior use.
- 2. Access Locations.** There is an existing driveway utilized by the prior office use. According to the TAL, the exiting driveway will be relocated to the east and will be reduced in width from approximately 36 feet to 24 feet. The new driveway will be approximately 80 feet west of the centerline of the nearest existing driveway to the abutting property to the east, which serves an accounting office. There is not a nearby driveway on the abutting property to the west.

Ms. Christina Robertson-Gardiner
April 6, 2022
Page 2

As illustrated in the site plan, the proposal also includes a connection to Kamm Street, a public street that currently terminates at the property's north boundary. The connection is designed to enhance neighborhood connectivity.

- 3. Driveway Width.** The engineer indicates driveways will be constructed to a width of 24 feet to meet city standards.
- 4. Intersection Spacing.** The proposal does not create any new intersections.
- 5. Sight Distance.** The engineer states that sight distance at the driveway location will exceed 335 feet, the distance associated with the 30-mph posted speed on Warner-Milne Road. He concludes sight distance is adequate and recommends no mitigation for sight distance. I concur.
- 6. Safety Issues.** The TAL includes reported crashes along Warner-Milne Road from the Oregon Department of Transportation records. Most of the crashes in the crash history occurred at the intersections of Warner-Milne Road with Beaver Creek Road and with Molalla Avenue. The engineer indicates there is not a history of crashes at the site or nearby driveways. The engineer states there are no safety issues associated with the design and location of pedestrian, bicycle, or transit safety.
- 7. Consistency with the Transportation System Plan (TSP).** The TAL indicates that the existing sidewalk is somewhat less than current standards. The engineer raises an issue about proportionality of improvements but states that if upheld, frontage improvements will be made to city standards.

The planned street connection to Kamm Street is shown in the site plan though it is not discussed in the TAL. The need for a connection from the apartment complex to Kamm Street is based on Oregon City Municipal Code Title 16. In addition, the planned local street connection is consistent with TSP policies. Connectivity is a key element of the TSP and the goal of increasing non-single-occupant automobile use. A connection through the site to Kamm Street is supported by the TSP.

- 8. Conclusion.** The engineer properly estimates traffic generated by the development. He indicates the driveway will be relocated to an appropriate location and width. He concludes that sight distance is adequate and that there are no safety issues raised by the development proposal.

Ms. Christina Robertson-Gardiner
April 6, 2022
Page 3

Conclusion and Recommendations

I find that the TAL meets city requirements and provides an adequate basis upon which impacts of the development can be assessed.

The TAL does not provide any estimates of the impact of providing a connection though the site between Warner-Milne Road and Kamm Street. Such estimates are not required by the city's *Guidelines for Transportation Impact Analysis*, which does not require traffic counts, estimates of traffic on individual streets, or operational analysis for small developments. This development meets the definition of a small development that requires only a TAL.

The connection of Warner-Milne Road to Kamm Street through the site will provide connectivity to Warner-Milne Road for the neighborhood along Warner Street and for the apartment residents to Molalla Avenue. Some cut-through traffic might be expected, but this is likely to be limited because the major streets, Warner-Milne Road and Molalla Avenue, experience limited delays, operate well, and have higher posted speeds than the local residential streets.

I recommend conditions of approval include implementing frontage improvements. There are no other transportation-related issues associated with this development proposal requiring mitigation.

If you have any questions or need any further information concerning this review, please contact me at replinger-associates@comcast.net.

Sincerely,



John Replinger, PE
Principal

Oregon City\2021\GLUA21-66TAL2

REPLINGER & ASSOCIATES LLC
TRANSPORTATION ENGINEERING

April 6, 2022

Ms. Christina Robertson-Gardiner
City of Oregon City
PO Box 3040
Oregon City, OR 97045

**SUBJECT: REVIEW OF PUBLIC COMMENTS – KAMM STREET APARTMENTS –
GLUA21-66**

Dear Ms. Robertson-Gardiner:

In response to your request, I have reviewed the public comments provided in relation to the proposed Kamm Street Apartment project.

The comments I reviewed included those from Wolf, Brummell, St. John The Apostle Cemetery, Pieslewicz, Laws, Paulsen, and Lewis.

Among the specific comments were criticism of the Transportation Analysis Letter (TAL) for an incorrect estimate of traffic volumes on Warner-Milne Road and the use of an “old” edition of the *Trip Generation Manual* for estimating traffic generated by the development.

The TAL prepared by applicant’s engineer met the standards specified in the city’s *Guidelines for Transportation Impact Analysis*. For small developments (this development meets the definition), traffic counts and traffic operations analysis are not required. The traffic volume for Warner-Milne Road referenced in the TAL was merely a general descriptor of the traffic volume and did not factor into any analysis or conclusions about the development. The engineer used the 10th Edition of the Institute of Transportation Engineers’ *Trip Generation Manual*. This edition was, in fact, the current version when he prepared his report in August 2021. The 11th Edition was released in September 2021. Interestingly, using the 11th Edition results in slightly fewer trips for the proposed development.

Many comments related to Kamm Street, its current usage, and configuration. With a connection from Kamm Street to Warner-Milne Road, there will undoubtedly be some increase in traffic on Kamm Street. Residents of Warner Street and Kamm Street will be able to access Warner-Milne Road through the apartment complex and residents of

Ms. Christina Robertson-Gardiner
April 6, 2022
Page 2

the apartments will be able to access Molalla Avenue via Kamm Street and Warner Street.

There is some potential for cut-through traffic, but I think this will be minimal since the major streets, such as Warner-Milne Road and Molalla Avenue are relatively uncongested and have higher speed limits than the residential streets. I think there is little potential for saving time by using this connection.

Suggestions that Kamm Street be widened and be upgraded for "safety reasons" might actually encourage higher traffic speeds and more cut-through traffic. As explained by city staff, requiring the developer to fund off-site improvements can only be justified if proportional to the development's impacts.

I concluded that Kamm Street can accommodate traffic from the proposed development and that most traffic will use the primary access to Warner-Milne Road. The configuration of Kamm Street will tend to discourage traffic and will help cause motorists to operate at slow speeds.

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 dark ink that reads "John Replinger". The signature is written in a cursive, flowing style.

John Replinger, PE
Principal

Oregon City\2021\GLUA21-66COM1

July 23, 2021

State Archaeologist
Oregon State Historic Preservation Office
725 Summer St. NE, Ste. C
Salem, OR 97301

Oregon City's municipal code requires 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 maps and descriptions on the following pages and return any comments regarding potential archeological issues to me **within 45 days** and your comments will be forwarded to the applicant.

You can send replies to:

Diliana Vassileva
Oregon City Planning Division
PO Box 3040
Oregon City, OR 97045

Thank you and please feel free to contact me with any additional questions or concerns.

Sincerely,

Diliana Vassileva

Assistant Planner
Oregon City

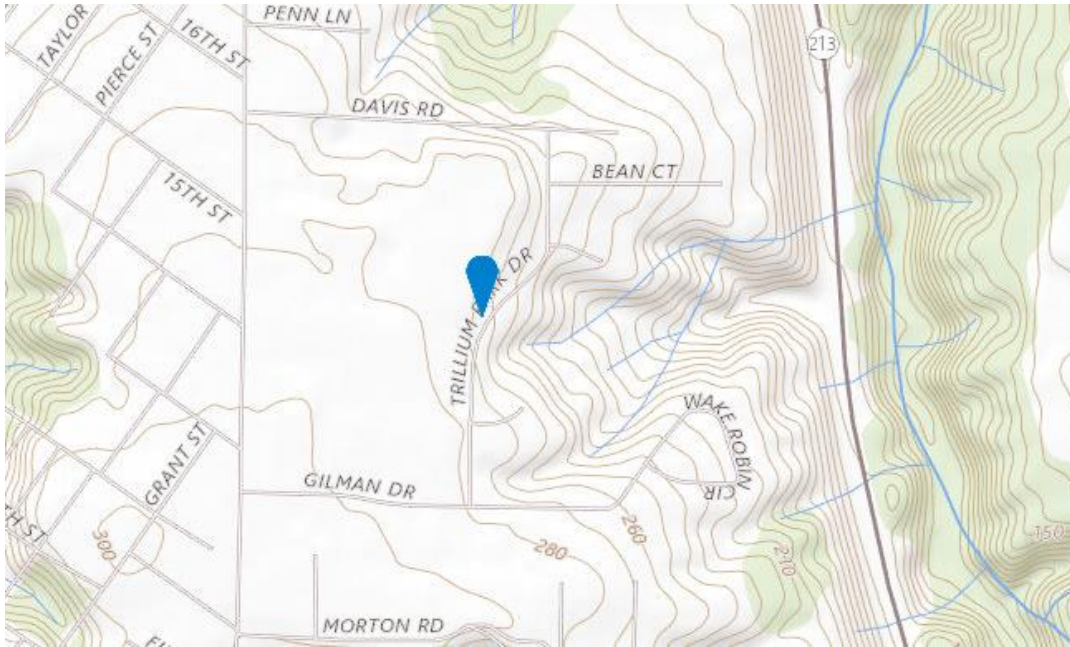
Project: PA 20-53

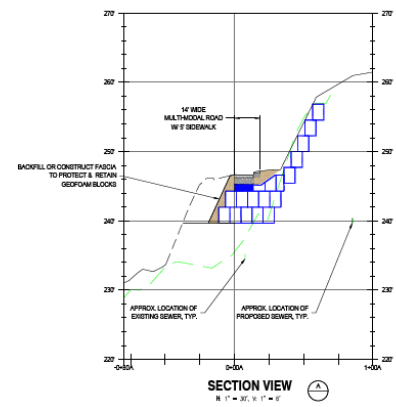
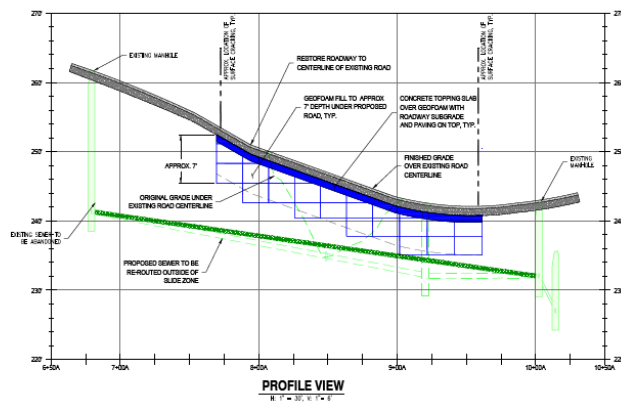
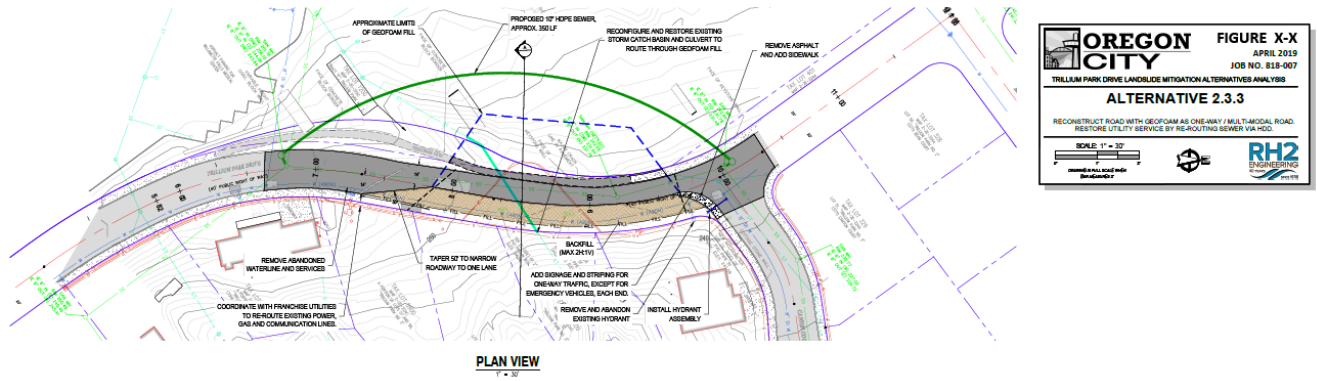
Project Description: Pre-application conference for Trillium Park Drive reconstruction.

Location: Trillium Park Drive Public Right-of-Way, Oregon City Oregon 97045

Clackamas County Map:

- T: N/A (Public right-of-way)
- R: N/A (Public right-of-way)
- S: N/A (Public right-of-way)
- Tax Lot: N/A (Public right-of-way)





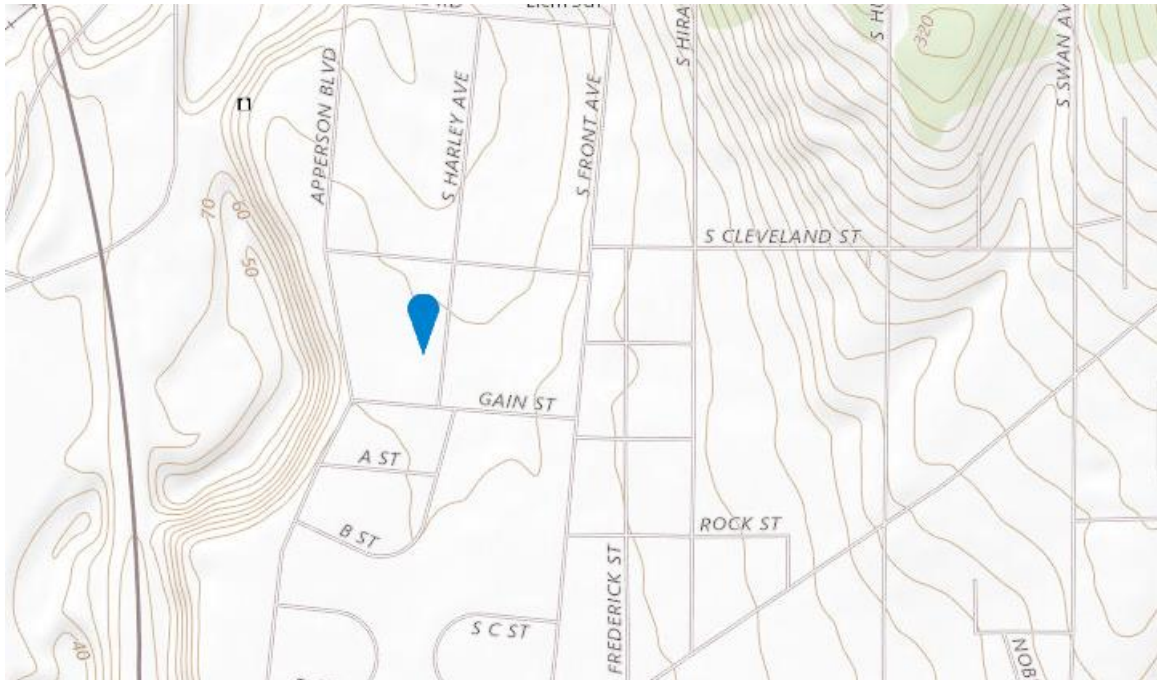
Project: PA 21-01

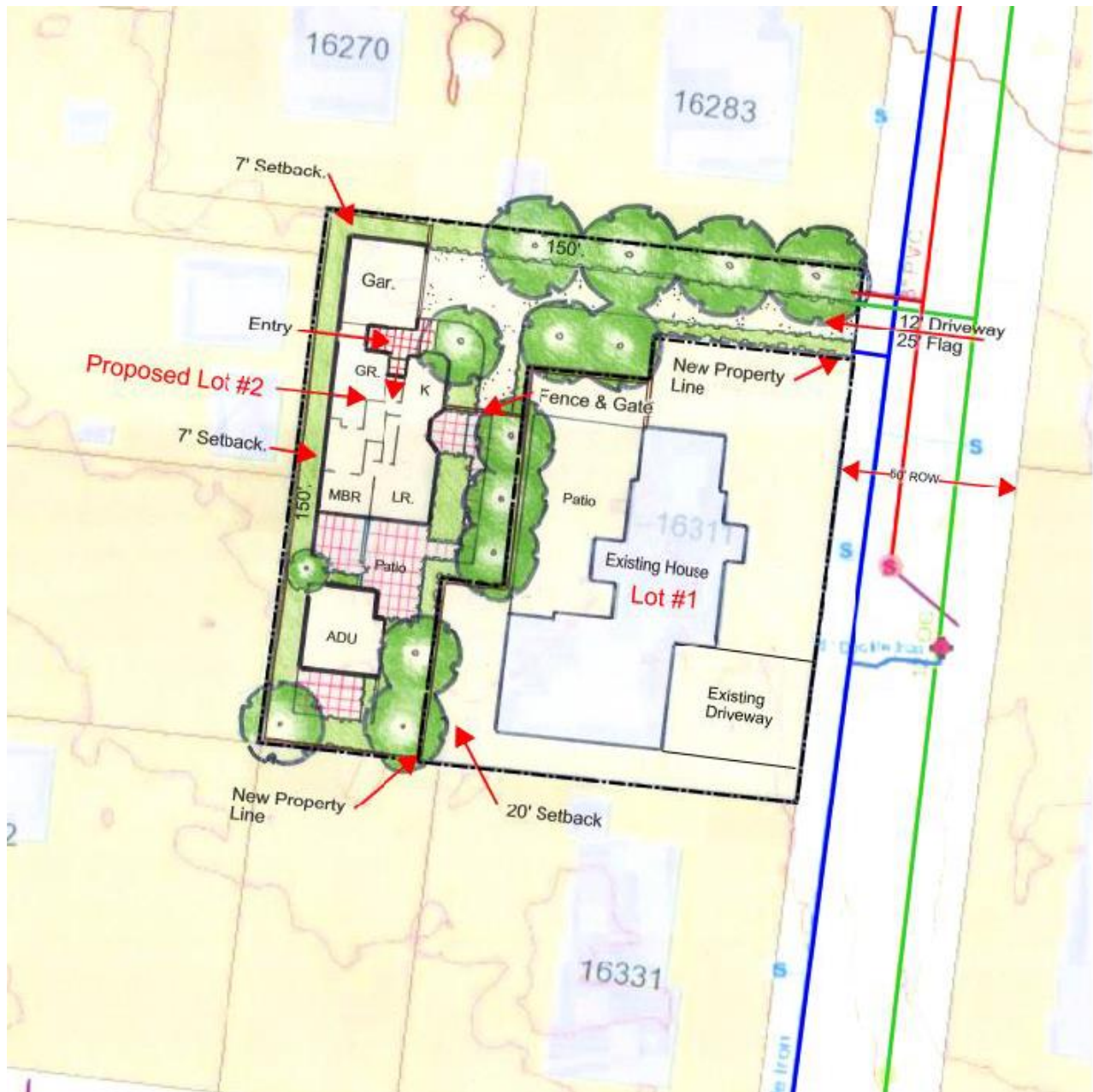
Project Description: Pre-application conference for a two-lot land division.

Location: 16311 Harley Avenue, Oregon City, Oregon 97045

Clackamas County Map:

- T: 2S
- R: 2E
- S: 29AA
- Tax Lots: 2400





Project: PA 21-02

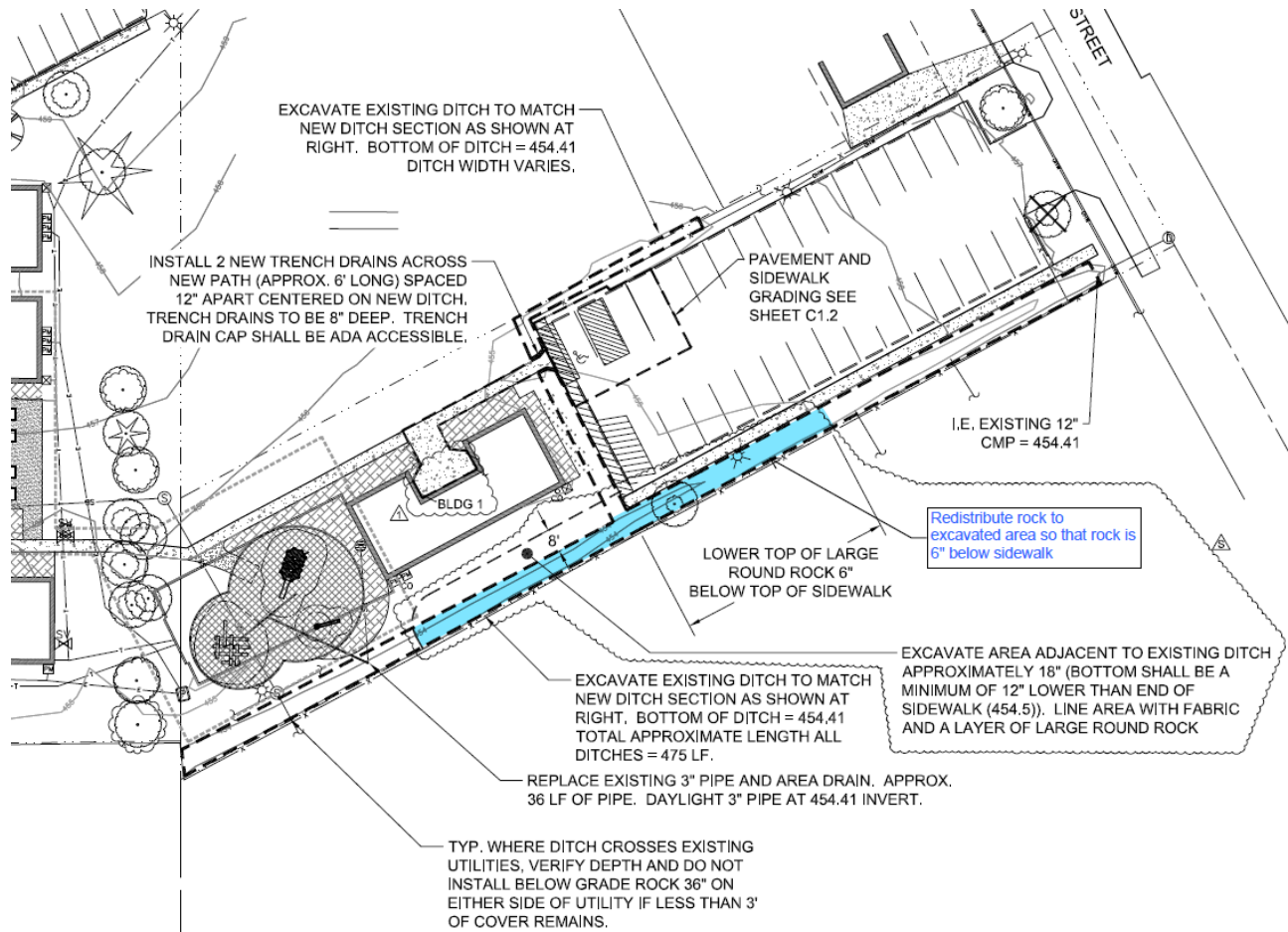
Project Description: Pre-application conference for natural resource review for proposed excavation work.

Location: 600 May Street, Oregon City, OR 97045

Clackamas County Map:

- T: 3S
- R: 2E
- S: 05BC
- Tax Lots: 7001





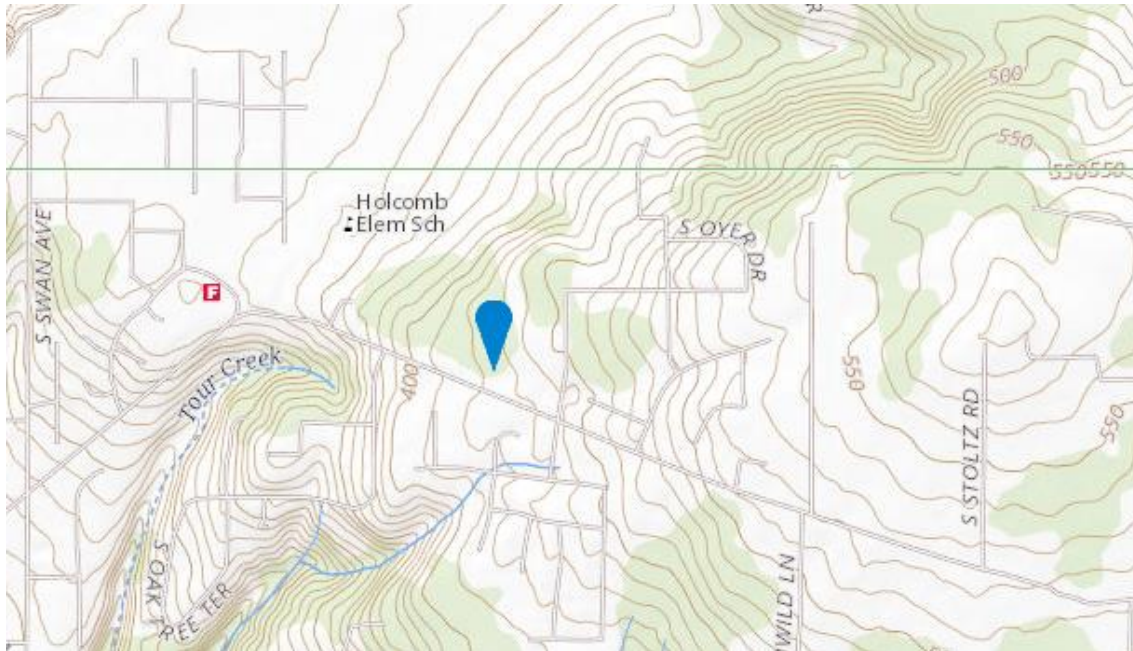
Project: PA 21-04

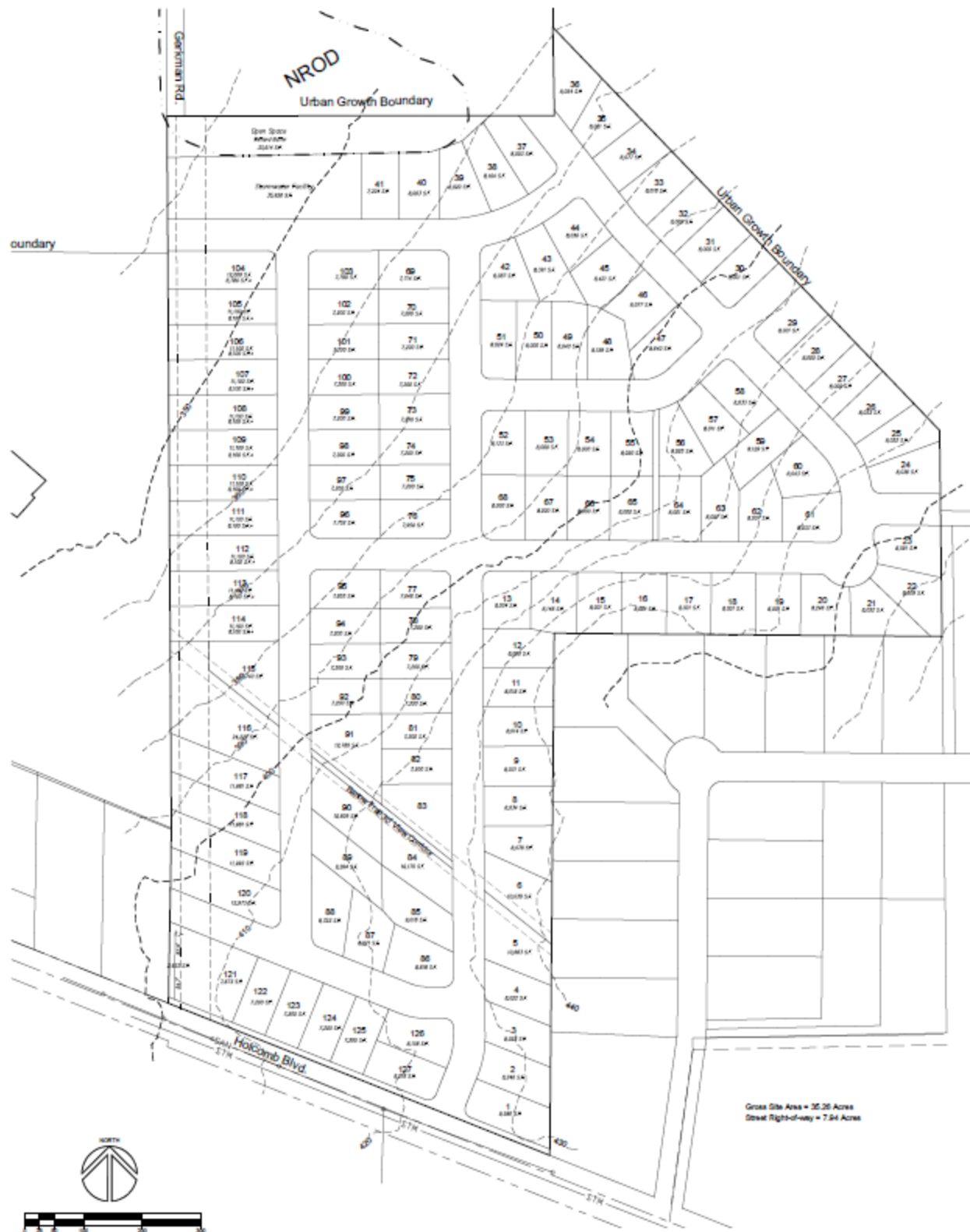
Project Description: Pre-application conference for a proposed zone change and subdivision.

Location: No Situs Address, Holcomb Boulevard, Oregon City, OR 97045

Clackamas County Map:

- T: 2S/2S
- R: 2E/2E
- S: 21D/28A
- Tax Lots: 2100, 2200, 2300/500, 2200, 2300





Project: PA 21-05

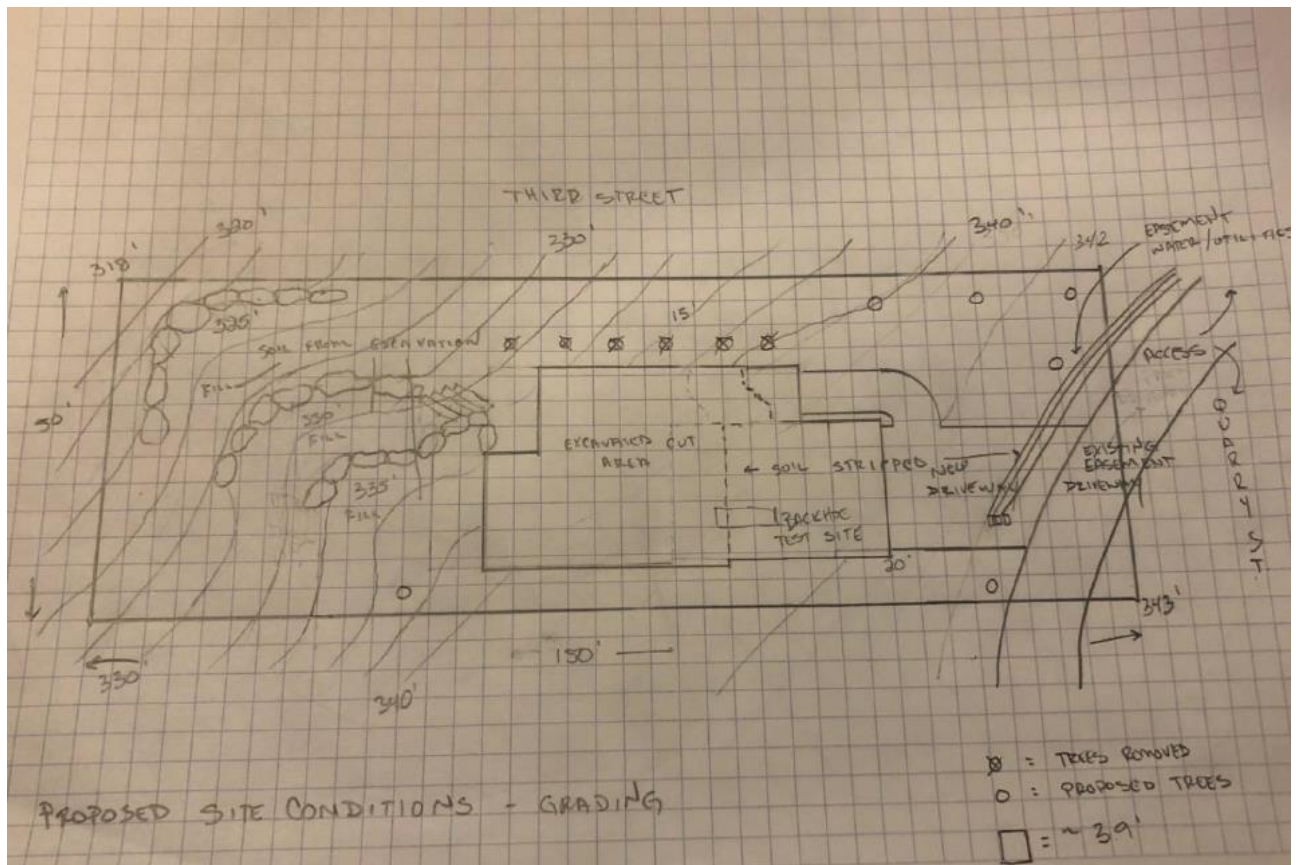
Project Description: Pre-application conference for new single-family home within the geologic hazards overlay.

Location: No Situs Address, Quarry Street, Oregon City, OR 97045

Clackamas County Map:

- T: 2S
- R: 2E
- S: 31DA
- Tax Lots: 6300





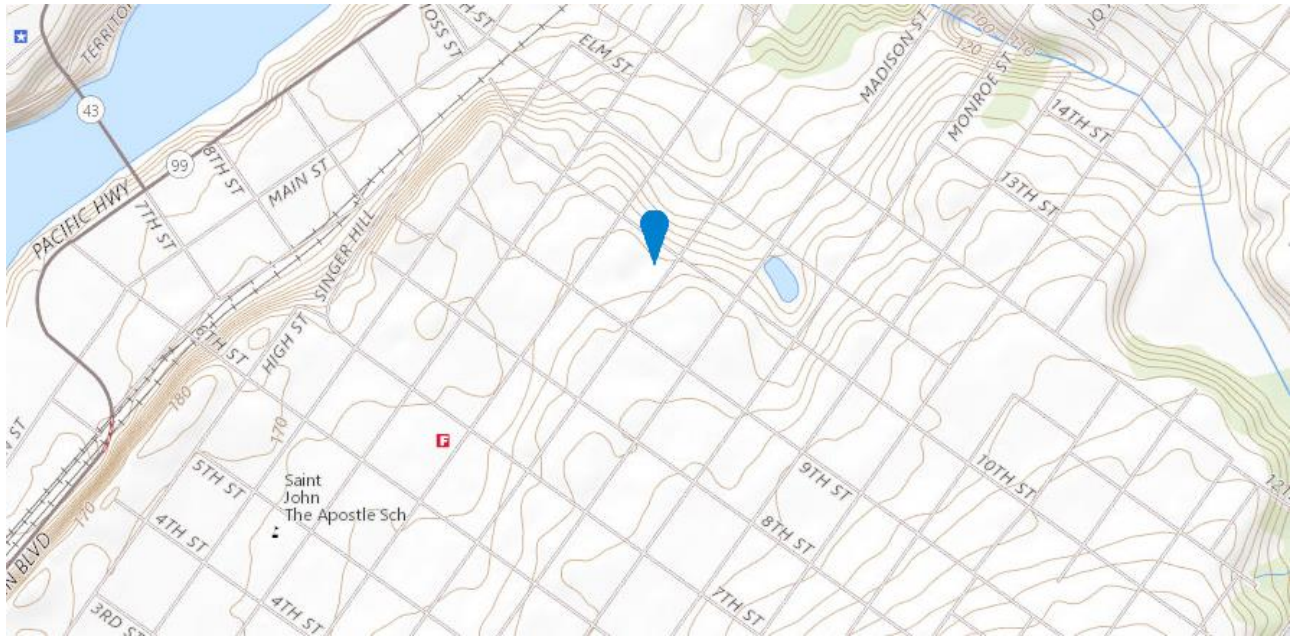
Project: PA 21-06

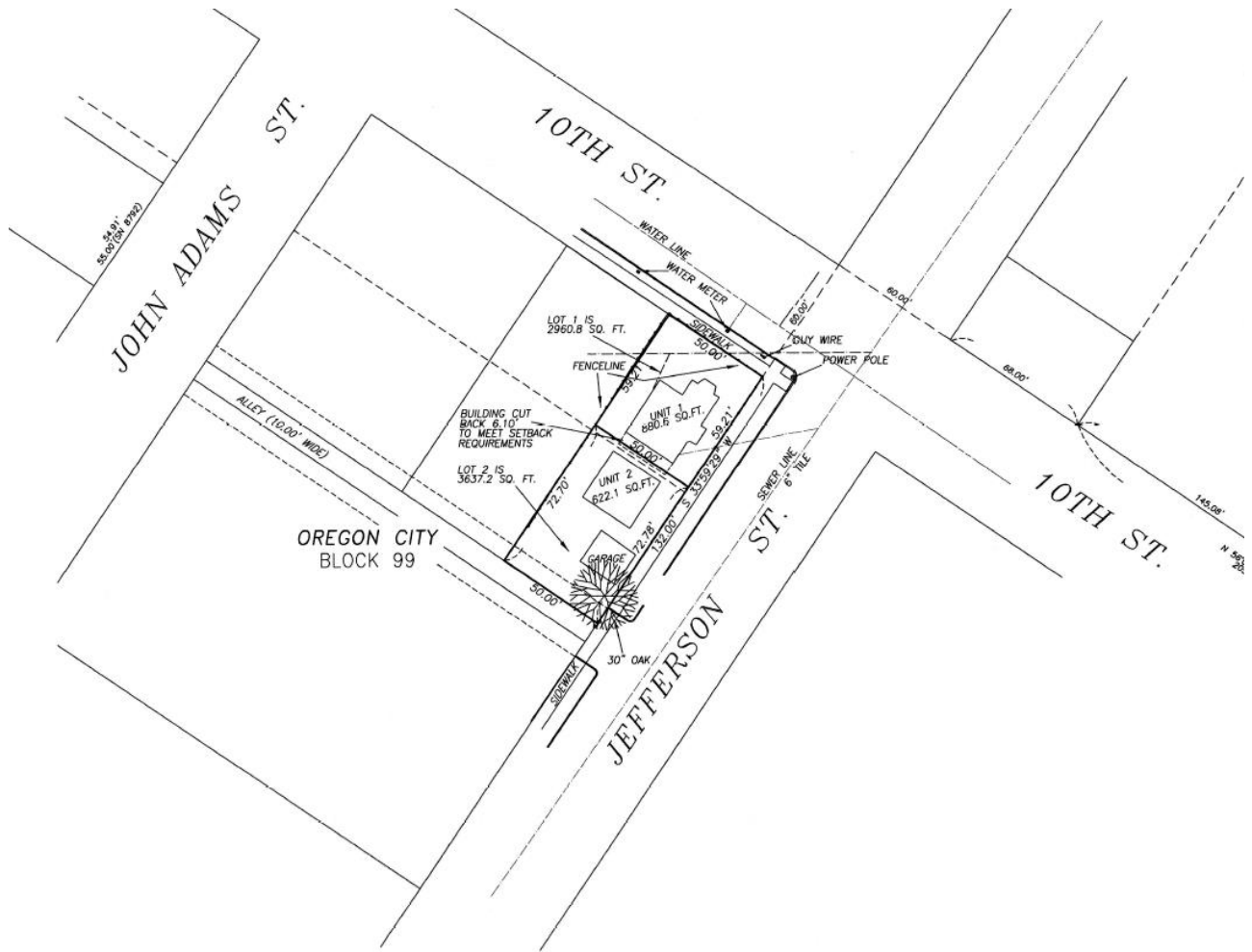
Project Description: Pre-application conference for proposed two-lot land division.

Location: 716 10th Street/917 Jefferson Street, Oregon City, OR 97045

Clackamas County Map:

- T: 2S
- R: 2E
- S: 31AA
- Tax Lots: 8900





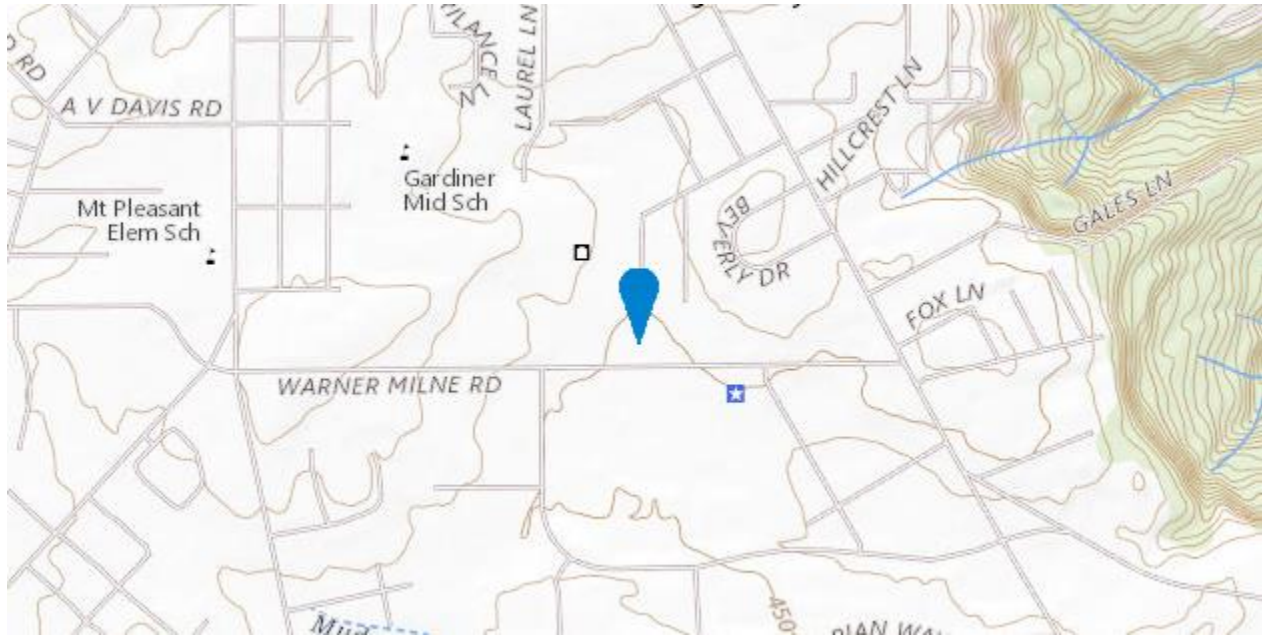
Project: PA 21-07

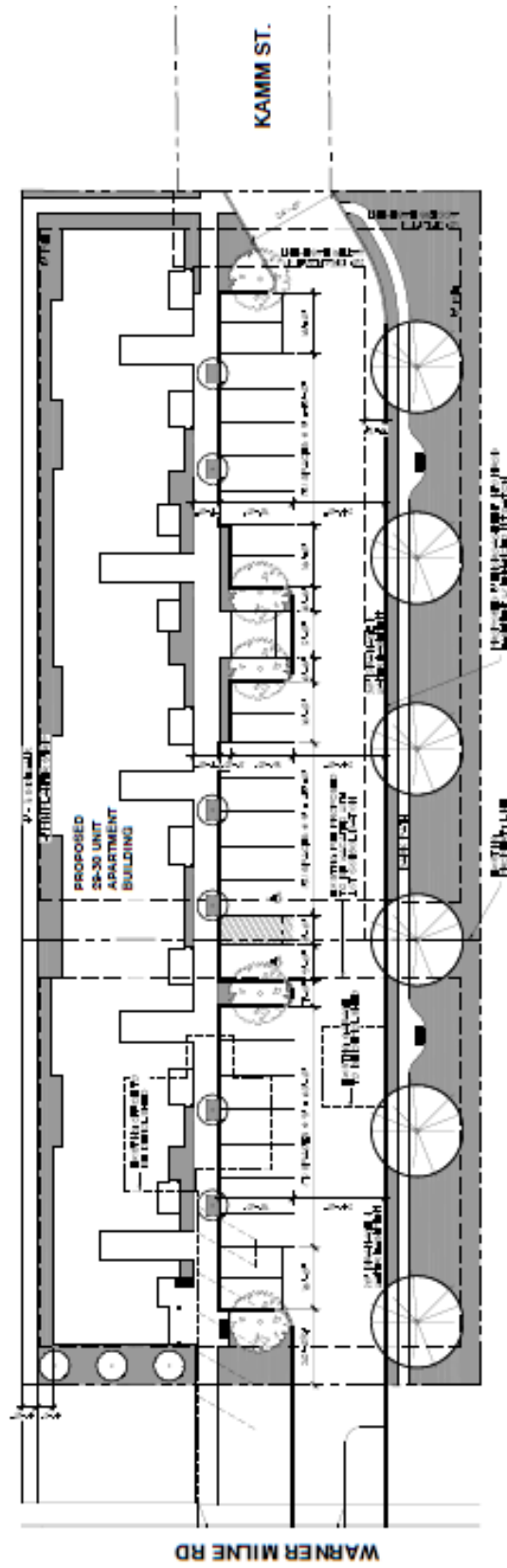
Project Description: Pre-application conference for a proposed 30-unit multi-family development.

Location: 279 Warner Milne Road, Oregon 97045

Clackamas County Map:

- T: 3S
- R: 2E
- S: 05CB
- Tax Lots: 1400 and 1402





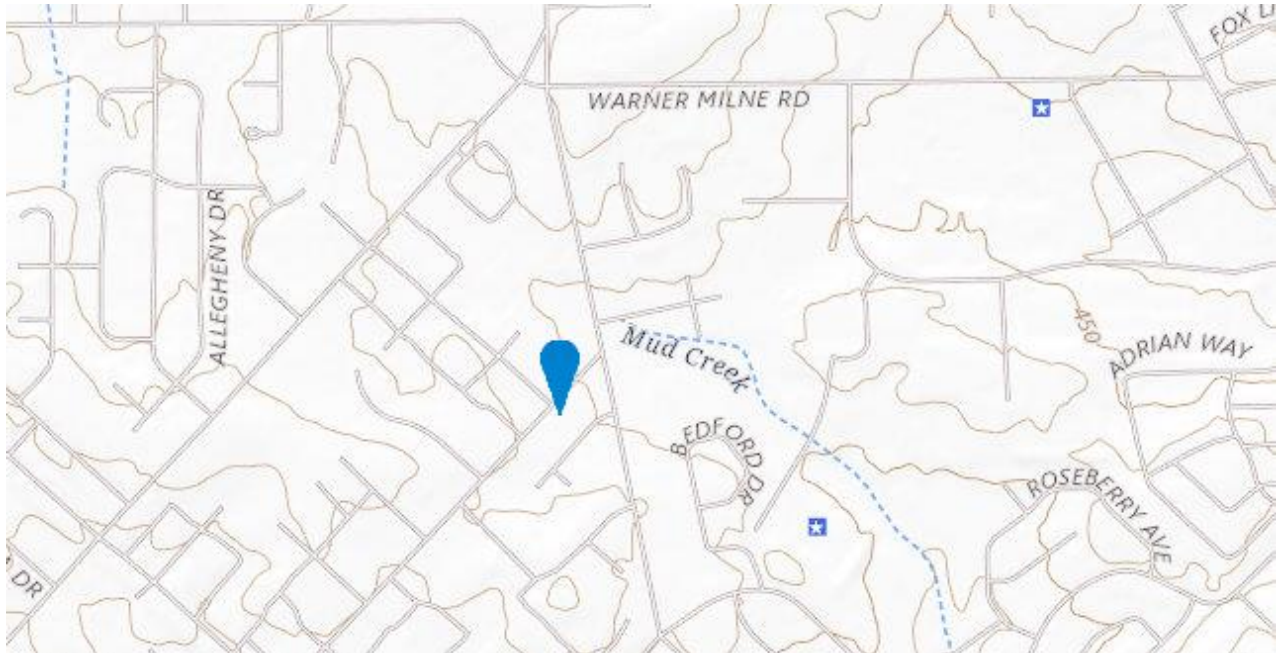
Project: PA 21-10

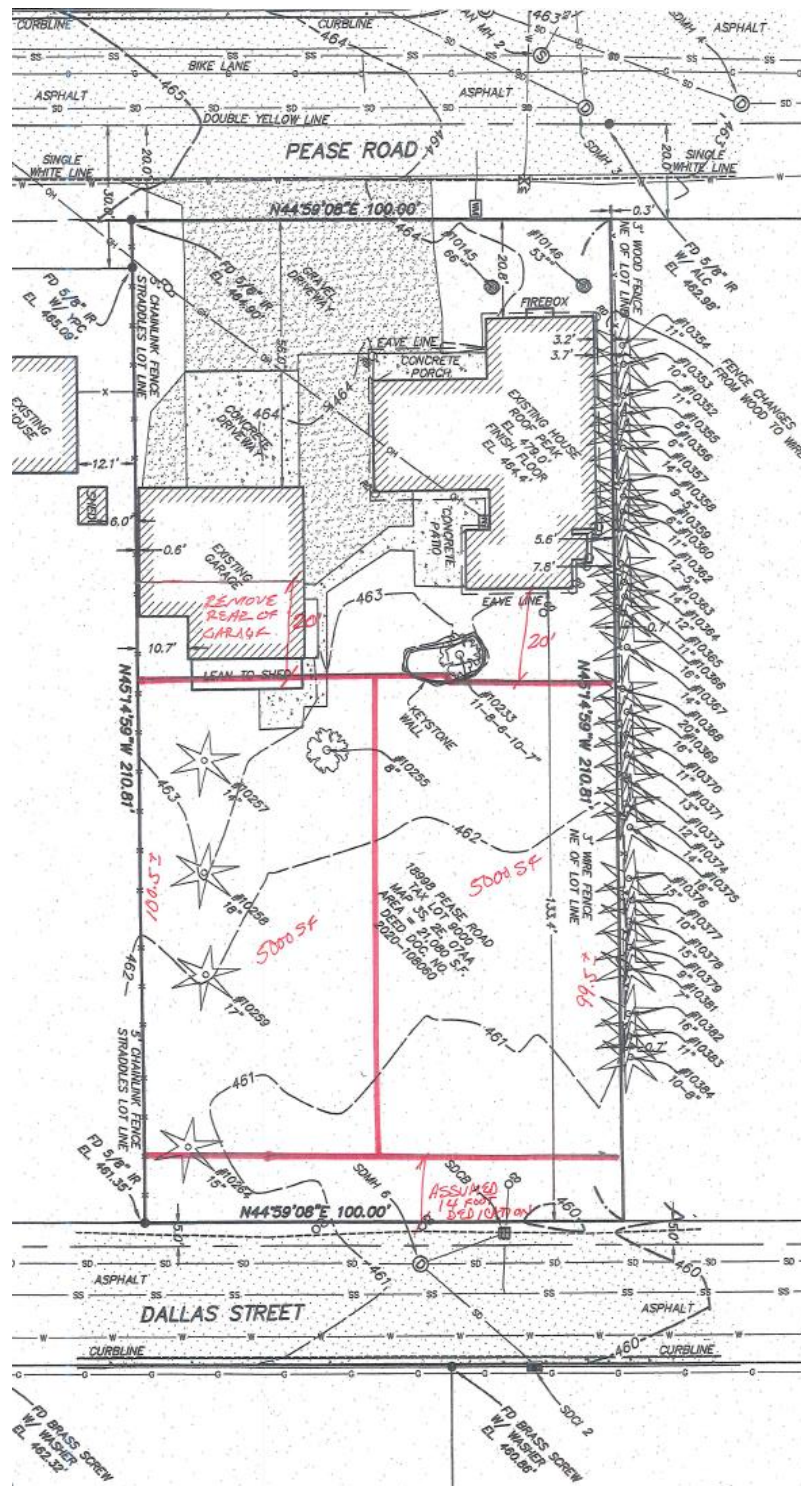
Project Description: Pre-application conference for a proposed zone change and three-lot land division.

Location: 18998 Pease Road, Oregon City, OR 97045

Clackamas County Map:

- T: 3S
- R: 2E
- S: 07AA
- Tax Lots: 9000





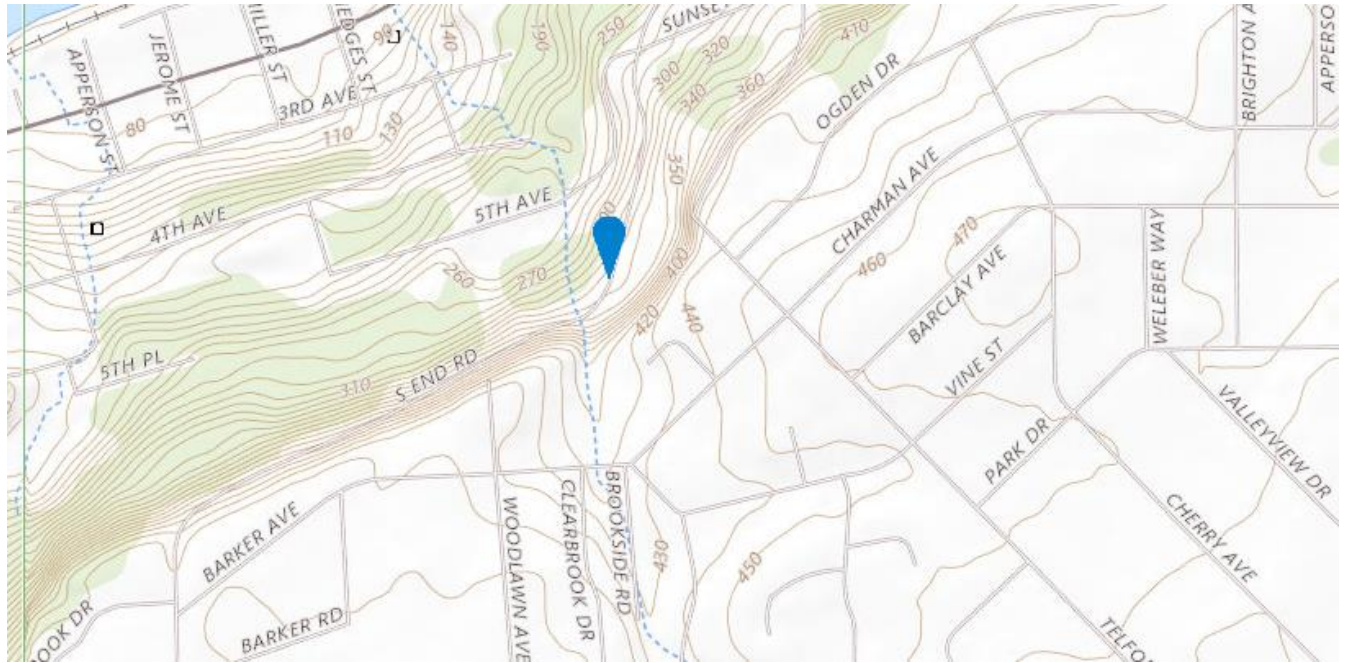
Project: PA 21-11

Project Description: Pre-application conference for South End Road stabilization project.

Location: No Situs Address, South End Road Public Right-of-Way Oregon City, OR 97045

Clackamas County Map:

- T: 3S
- R: 2E
- S: 06
- Tax Lots: 1102, 1300, 1301, 1400





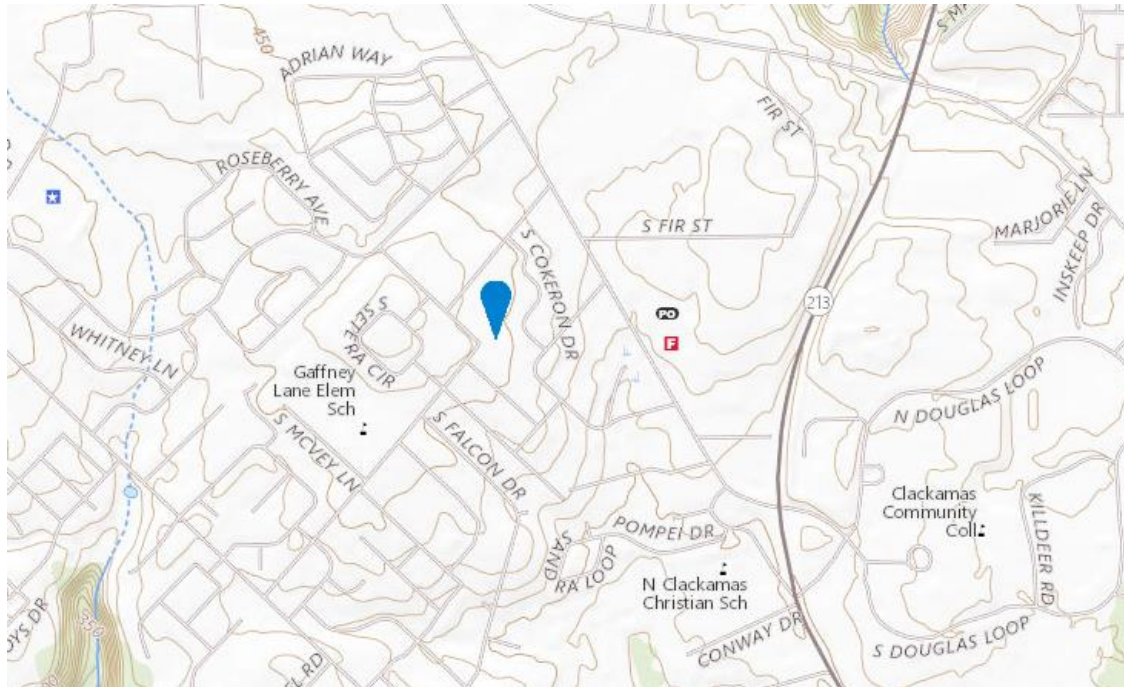
Project: PA 21-12

Project Description: Pre-application conference for proposed six-lot land division.

Location: 13548 Gaffney Lane Oregon City, OR 97045

Clackamas County Map:

- T: 3S
- R: 2E
- S: 08AC
- Tax Lots: 12800





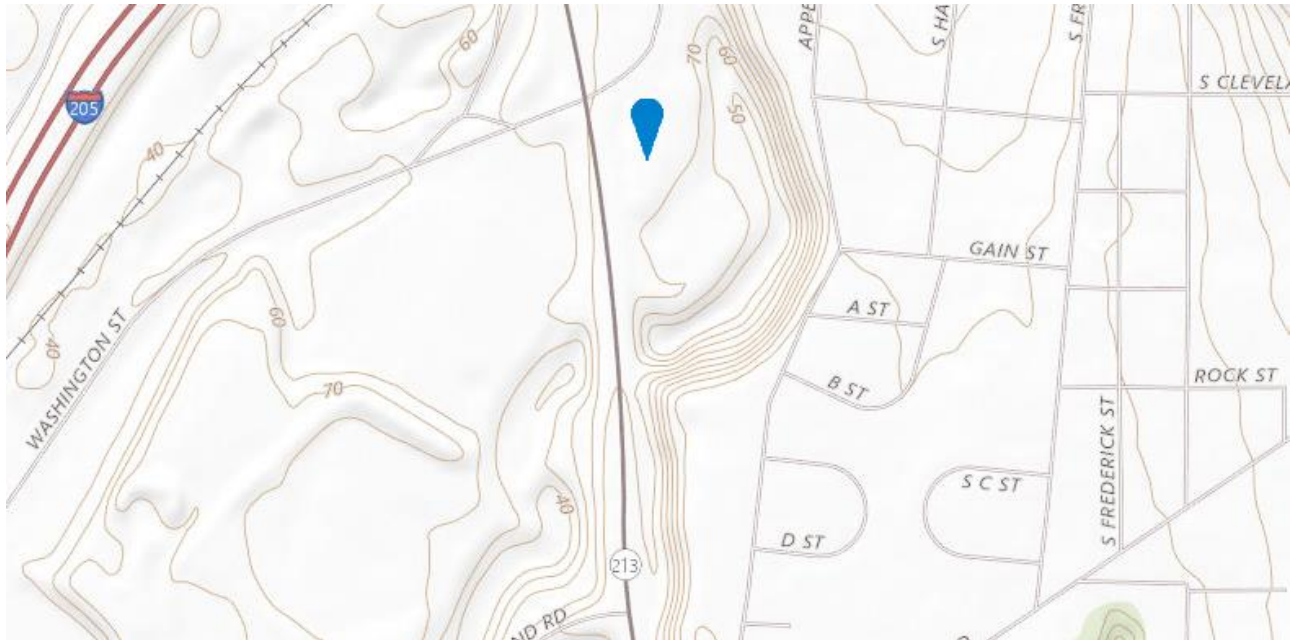
Project: PA 21-14

Project Description: Pre-application conference for a proposed senior housing campus.

Location: No Situs Address, Oregon City, OR 97045

Clackamas County Map:

- T: 2S
- R: 2E
- S: 29
- Tax Lots: 1200





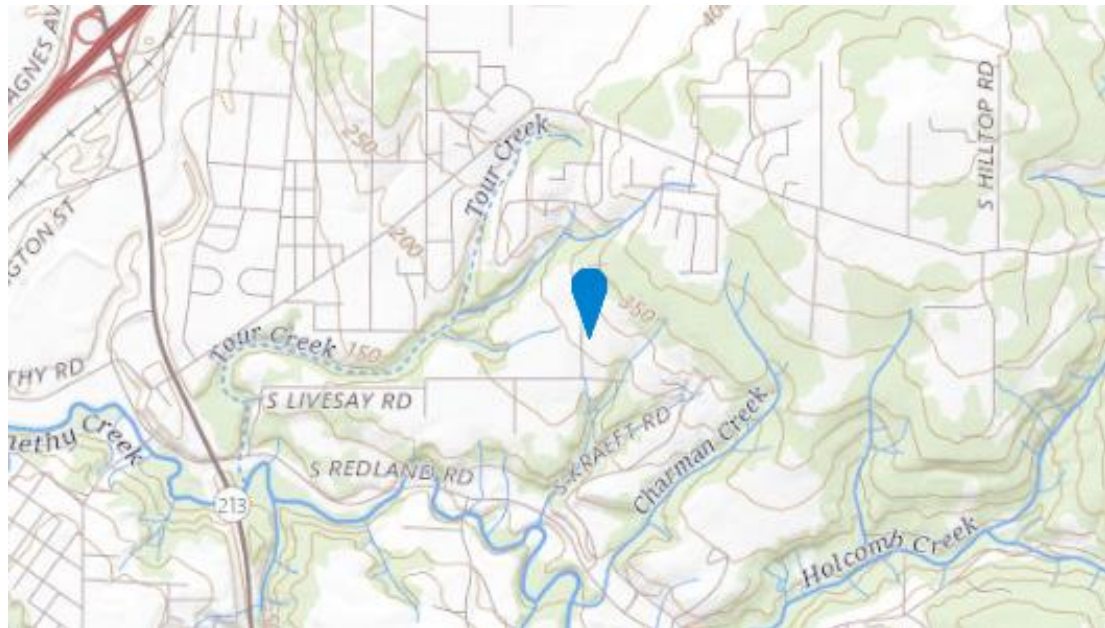
Project: PA 21-15

Project Description: Master Plan for residential subdivision development.

Location: 1511 S Holcomb Boulevard; 16472, 16582, 16544, 16530, 14631 S Livesay Road, Oregon City, Oregon 97045

Clackamas County Map:

- T: 2S
- R: 2E
- S: 27BC/28D
- Tax Lots: 1000, 2000/100, 190, 300, 301, 302, 303, 400, 500, 502, 3700, 3701





Diliana Vassileva

From: Kristen Tiede <KristenTiede@ctuir.org>
Sent: Wednesday, August 4, 2021 2:20 PM
To: Diliana Vassileva
Cc: POULEY John * OPRD; Bambi Rodriguez; Jennifer Karson Engum
Subject: FW: Development Review in Oregon City - Multiple Properties
Attachments: 07272021SHPO Letter.pdf

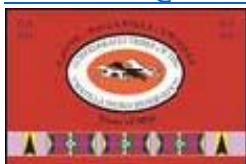
Follow Up Flag: Follow up
Flag Status: Flagged

Dear Diliana,

The Confederated Tribes of the Umatilla Indian Reservation (CTUIR) Cultural Resources Protection Program (CRPP) has reviewed the proposed projects in your letter dated July 23. As PA 21-04, PA 21-14, and PA 21-15 are within one of our areas of concern, the CRPP recommends conducting archaeological surveys with subsurface testing prior to development. Please let me know if you have any questions or concerns.

Thank you,

Kristen Tiede
 Archaeologist
 Cultural Resources Protection Program
 Confederated Tribes of the Umatilla Indian Reservation
 46411 Timine Way, Pendleton, OR 97801
 Direct Line/Fax: (541) 429-7206
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KristenTiede@ctuir.org



From: Diliana Vassileva [<mailto:dvassileva@orccity.org>]
Sent: Friday, July 30, 2021 9:34 AM
To: kate@yakama.com; rkentta@ctsi.nsn.us; thpo@grandronde.org; Teara Farrow Ferman
 <TearaFarrowFerman@ctuir.org>; robert.brunoe@ctwsbnr.org; johnson@yakama.com
Subject: Development Review in Oregon City - Multiple Properties

EXTERNAL EMAIL: Please use caution when clicking links or opening attachments.

Good morning,

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, AICP

Assistant Planner – Planning Division

She/Her

City of Oregon City

PO Box 3040

695 Warner Parrott Road,

Oregon City, Oregon 97045

Direct - 503.974.5501

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

The opinions expressed by the author are his or her own and are not necessarily those of the Confederated Tribes of the Umatilla Indian Reservation. The information, contents and attachments in this email are Confidential and Private.



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. Diliana Vassileva
City of Oregon City Planning
221 Molalla Ave
Ste 200
Oregon City, OR 97045

RE: SHPO Case No. 19-1625
City of Oregon City Project PA19-47, 18 Unit Multi Family Development
Construction for apartment complex
3S 2E 5 TL1400, 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



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April 11, 2022

Christina Robertson-Gardiner, AICP
Senior Planner
City of Oregon City, Planning Division
695 Warner Parrott Road
Oregon City, OR 97045

SUBJECT: NROD-21-00018 Kamm Street Apartments

Dear Christina,

The applicant is seeking approval of a Type II Site Plan and Design Review for a new three-story 30-unit apartment complex on 0.86 acres at 1155 Kamm Street that has a Natural Resources Overlay District (NROD) overlay (OCMC Ch. 17.49).

Per your request of January 24, 2022, the purpose of this memorandum is to:

- Review the submitted delineation report and verify whether wetlands are present on the site.
- Determine whether the resource on the site meets the definition of stream in OCMC 17.04.1205 and recommend whether the water features on the site are regulated under OCMC 17.49.
- Review relevant public comment topics (*attached to email*)- provide responses if related to delineation and NROD review
- Review proposal based on the request for a Type II verification to remove the proposed area as a regulated stream.

Phil Rickus, ecologist and wetlands specialist, conducted a field reconnaissance on February 10, 2022 to observe site conditions.

Valerie Thompson, environmental specialist, reviewed the applicant's Wetland and Waters of the U.S. and State Delineation Report dated May 2021, prepared by Harper Houf Peterson Righellis Inc. (HHPRI); the November 1, 2021 site plan prepared by Iselin Architects; and the public comments provided by the City.

Gigi Cooper assisted in the preparation of this memo. Ethan Rosenthal conducted a quality review.

Wetlands verification

The applicant contends that there are no wetlands on the site. DEA concurs that there are no wetlands on site; however, one stream is located on site which is described in the application



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materials and discussed below.

Definition of stream in OCMC 17.04.1205

The 1999 LWI indicates a stream is located along the eastern portion of the site. DEA did not find a riparian data sheet in the LWI report for the stream on site. Many of the small streams and tributaries in the LWI do not have associated data sheets.

The applicant contends that the water feature on site is an ephemeral stream which is not regulated by OCMC 17.49. The OCMC does not define "ephemeral stream." The OCMC definition of an intermittent stream is in:

17.04.1205 - Stream.

"Stream" means areas where surface water produces a defined channel or bed, including bedrock channels, gravel beds, sand and silt beds, and defined-channel swales. The channel or bed does not have to contain water year-round. This definition is not meant to include irrigation ditches, canals, storm or surface water runoff structures, or other artificial watercourses unless they are used to convey streams naturally occurring prior to construction of such watercourses. Streams are categorized into two classes: Perennial streams and intermittent streams. Perennial stream means a stream that flows year-round during years of normal precipitation. Intermittent stream means a stream that flows only part of the year, or seasonally, during years of normal precipitation.

The OR City code explicitly states that regulated streams are either perennial or intermittent streams, which implies that ephemeral streams are not regulated. This is consistent with state regulations as administered by the Oregon Department of State Lands (DSL). In general, an ephemeral feature has water only during and for a short duration after precipitation events (i.e., a few hours to a few days). An intermittent stream contains surface water flowing continuously during certain times of the year (i.e., a few months) and not just in a direct response to precipitation.

During the site visit by DEA, photos of Drainage A (Attachment A) were taken in similar locations as the previous report, plots were dug in the channel, and the decision tree provided on the Streamflow Duration Field Assessment Form (Nadeau 2011) was revisited to determine if conditions had changed since the HHPR field investigation. The photos show that the channel was dry despite the precipitation data (Attachment B) confirming typical precipitation conditions during the middle of winter, which indicates ephemeral.

Based on the latest methodology, DEA concurs that the upstream reach of Drainage A meets the criteria for an ephemeral stream according to Nadeu 2011, as outlined in the applicant's report. The upper portion of the feature, which was correctly mapped as ephemeral, does not meet wetland criteria and has no indication of an ordinary high water line (e.g., scour marks, sorted gravel with no vegetation). Per the site visit, DEA found nothing that would alter or question the results of the HHPR delineation.

Based on our understanding of the OR City's definition of a stream, our site visit, and information provided by the applicant, we concur that the upper section does not meet the City's definition of a regulated stream. As noted above, this is consistent with State definitions and jurisdiction. The wetland delineation report received concurrence from the DSL which confirmed that DSL will regulate the lower intermittent portion of stream, but will not take jurisdiction over the upper ephemeral portion.



Responses to public comments regarding delineation and stream NROD

DEA reviewed the GLUA 21-0666 Kamm Street Apartments Public Comments Combined document for comments relevant to the wetland delineation report and the NROD.

The public comments are focused on issues such as stormwater, groundwater, drainage, constructability, traffic, geotechnical, archaeological, and other concerns. These topics are outside of the scope of a wetland delineation or NROD review and are therefore outside of the scope of DEA's review.

One comment was submitted that was related specifically to the wetland delineation report. This commenter was concerned that the wetland delineation report did not document wildlife uses of the stream. The purpose of a wetland delineation and report is to define the boundaries of wetlands and other waters (e.g., streams, ponds) that are regulated by the U.S. Army Corps of Engineers (Corps) and the Oregon Department of State Lands (DSL) in accordance with Section 404 of the Clean Water Act and the Oregon Removal Fill Law, respectively.

Documenting wildlife use of wetlands is not required or expected as part of a delineation report prepared for Corps and DSL.

Conclusions and Recommendations

DEA concurs that no wetlands are on the site. DEA agrees with the applicant regarding the water feature on the site. It does not meet the OCMC definitions of perennial or intermittent stream and is not a regulated water feature or NROD resource.

If you have any questions or need further information concerning this review, please contact me at Gigi.Cooper@deainc.com or 503-499-0229.

References:

Nadeau, T.L. 2011. Stream flow Duration Assessment Method for Oregon. U.S. Environmental Protection Agency, Region 10. Document number EPA 910-R-002. November 2011.

Sincerely,

DAVID EVANS AND ASSOCIATES, INC.



Gigi Cooper, AICP Planner

Attachment A: Site photographs

Attachment B: Precipitation Data and Analysis :



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Photo 1. View looking north from end of the study area along Drainage A. Kamm Street is on the right.



Photo 2. Looking northwest showing the Drainage A channel at the end of Kamm Street, which is on the right.



Photo 3. View looking north towards Kamm Street showing the channel of Drainage A.



Photo 4. View looking south towards Warner Milne Road showing the channel of Drainage A next to the garage.



Photo 5. View looking south towards Warner Milne Road showing the lower end of the upstream reach.



Photo 6. View looking north along Drainage A from the Warner Milne Road culvert.



Photo 7. View looking south showing the inlet of the Warner Milne Road culvert.



Photo 8. Aquatic snail shells are present amongst riprap in the pool area of the culvert inlet.

Table 1 shows the two-week precipitation total prior to the field work on February 10, 2022, which reveals 0.45 inches of rain for two weeks prior to and including the site visit. Precipitation was above normal for the month of December prior to the site visit, but otherwise within the range of normal (Table 2). Water year precipitation for February 10, 2022 was within range of normal at 91% (Table 3).

Table 1. Precipitation on Day of Field Investigation and Two Weeks Prior, in Inches

Jan 27	Jan 28	Jan 29	Jan 30	Jan 31	Feb 1	Feb 2
0.00	0.00	0.00	0.24	0.00	0.06	0.04
Feb 3	Feb 4	Feb 5	Feb 6	Feb 7	Feb 8	Feb 9
0.10	0.01	0.00	0.00	0.00	0.00	0.00
Feb 10*	Total					
0.00	0.45					

Table 2. Percent of Normal Precipitation for the Three Months Preceding the Field Investigation

Date	Observed Precipitation for Month ¹ (Inches)	Normal Precipitation for Month ² (Inches)	Percent Normal Precipitation	WETS Table 30% Range of Normal	Within Normal WETS range?
Nov 2021	5.50	6.39	86%	4.48- 8.07	Yes
Dec 2021	9.90	6.46	153%	5.01- 8.72	No, above
Jan 2022	4.50	5.83	77%	4.35- 7.91	Yes

¹ Observed precipitation data from Oregon City, Oregon gage location. Source: (AgACIS 2022)

² Monthly normal values from the Oregon City, Oregon NRCS WETS table data. Source: (AgACIS 2022)

Table 3. Percent of Normal Precipitation for the Water Year through Day of Field Work

Date	Observed Precipitation (Inches)	Normal Precipitation (Inches)	Departure from Normal (inches)	Within 30% of Normal Precipitation for Water Year?
February 10, 2022	18.83	20.64	-1.81	Yes (91% of normal)

¹ Water year data for Oregon City, Oregon based on October 1 start date. Source: (AgACIS 2022)

The normal precipitation for the water year provided the amount of groundwater that would typically be present within wetlands during the site visit. Therefore, conditions were considered normal and no change in methods was needed.

Reference: Agricultural Applied Climate Information System (AgACIS). 2022. Monthly, daily, and WETS climatic data from Oregon City, OR weather station. URL: <http://agacis.rccacis.org/>. Accessed February 2022.