



CITY OF OREGON CITY

CITY COMMISSION SPECIAL WORK SESSION

AGENDA

Virtual Meeting
Monday, May 24, 2021 at 6:00 PM

VIRTUAL MEETING INFORMATION:

This meeting will be held online via Zoom and streamed live on the City's YouTube: <https://www.youtube.com/user/CityofOregonCity>; please contact recorderteam@orccity.org for questions.

CONVENE SPECIAL WORK SESSION OF THE CITY COMMISSION

ROLL CALL

DISCUSSION ITEMS

- 1. Confederated Tribes of Grand Ronde Presentation: Visioning of the Blue Heron Property**
- 2. Proposed Amendments to Chapter 17.44 – Geologic Hazards**
- 3. Street Trees and Associated Sidewalk Damage in the Wasco Acres, Trailview, and Tracey Heights Subdivisions**

CITY MANAGER'S REPORT

ADJOURNMENT

PUBLIC COMMENT GUIDELINES

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

As a general practice, the City Commission does not engage in discussion with those making comments. Electronic presentations are permitted but shall be delivered to the City Recorder 48 hours in advance of the meeting.

ADA NOTICE

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

Agenda Posted at City Hall, Pioneer Community Center, Library, City Website.

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



CITY OF OREGON CITY

Staff Report

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

To: City Commission
From: City Manager Tony Konkol

Agenda Date: 05/24/2021

SUBJECT:

Confederated Tribes of Grand Ronde Presentation: Visioning of the Blue Heron Property

STAFF RECOMMENDATION:

No action is required.

EXECUTIVE SUMMARY:

On August 15, 2019, the Confederated Tribes of Grand Ronde (CTGR) purchased a 23-acre property at Willamette Falls that was formerly home to the Blue Heron Paper Company. CTGR will be presenting their vision of their property.

The WFLP Partners (Oregon City, Metro, the State of Oregon, and Clackamas County) will continue working with CTGR to identify the relationship between the public riverwalk and the Vision document.

BACKGROUND:

On August 15, 2019, the Confederated Tribes of Grand Ronde (CTGR) purchased a 23-acre property at Willamette Falls that was formerly home to the Blue Heron Paper Company. Since that time, the Tribe has been working with a design team from GBD Architects and Walker Macy to create a vision for the site. CTGR will be briefing the City Commission on their overall vision of their property. No action is required on behalf of the Commission.

In 2011, the 23-acre Blue Heron Paper Mill at the edge of the falls closed. The site has remained dormant, with very little maintenance and no remediation work occurring until the Tribe purchased the property in 2019. Since purchasing the site the Tribe has been pro-active in cleanup on the site, engaging Environmental Consultants, Contractors, Environmental Protection Agency (EPA), and the Department of Environmental Quality (DEQ) to plan and implement remediation work.

Oregon City, Metro, Clackamas County, and the State of Oregon (the Partners) formed the Willamette Falls Legacy Project (WFLP) to honor and reimagine the former Blue Heron Paper Mill site to create a vision for a public riverwalk that honors and restores the site through the implementation of the four core values (historic and cultural interpretation, public access to the falls, healthy habitat, and economic development). The WFLP Partners (Oregon City, Metro, the State of Oregon, and Clackamas County) will continue working with CTGR to identify the relationship between the public riverwalk and the Vision Document.

OPTIONS:

1. No Action Required.

BUDGET IMPACT:

Amount: N/A

FY(s):

Funding Source(s):



The Confederated Tribes of **GRAND RONDE** Community of Oregon

Item 1.

Visioning for Blue Heron

March 2021

GBD Architects Walker | Macy

This document is intended for review by the Confederated Tribes of Grand Ronde Community of Oregon, their Tribal Council, the Authority Having Jurisdiction, potential development partners, and potential community partners.

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walamt Willamette River, Oregon

tumwata *Willamette Falls*

Coming Home

“On August 15, 2019, the Confederated Tribes of Grand Ronde purchased a 23-acre property at Willamette Falls known as Blue Heron.

The property is located within the Tribe’s ancestral homelands land and holds significant historical and cultural importance for the Tribe.

The lands were once home to the village of the Clowewalla (Willamette band of Tumwaters) and the Kosh-huk-shix Village of Clackamas people. They were ceded to the United States Government under the Willamette Valley Treaty of 1855. Following the Willamette Valley Treaty, tribal members were forcibly removed from Willamette Falls and relocated to Grand Ronde.

The Blue Heron property is a significant purchase for the Tribe. The acquisition ensures that the Grand Ronde Tribe has the opportunity to provide the cultural context of the Falls’ importance to all its neighbors and partners. The purchase allows the Tribe to reclaim a culturally important part of that homeland, allows the Tribe to tell the story of Willamette Falls accurately, and assures that tribal members will always be able to access Willamette Falls for cultural purposes.

The ownership of this property allows the Tribe to return to the role of stewards, and caretakers, of these lands all while rebuilding this special piece of the Tribe’s homelands in the Tribe’s vision.”¹

¹ <https://www.grandronde.org/project-updates/blue-heron-project/>
² <https://www.smokesignals.org/articles/2019/08/15/tribe-buys-blue-heron-paper-mill-site/>
³ <https://www.smokesignals.org/articles/2019/09/12/tribe-blesses-blue-heron-paper-mill-site-in-oregon-city/>

“This is a historic day for the Grand Ronde Tribe and our people...Since 1855, the government has worked to disconnect our people from our homelands. Today, we’re reclaiming a piece of those lands and resurrecting our role as caretakers to Willamette Falls – a responsibility left to us by our ancestors.”

Tribal Council Chairwoman Cheryle A. Kennedy ²

“We have returned to our lands here... We will look to our ancestors as we develop this area. The gathering of the people today makes it so special. It’s a very emotional day and shows how important this is, caring for the land and the water here again.”

Tribal Council Secretary Jon A. George ³

“We have always been the caretakers of this area, I’m looking forward to continuing this work for the next generations.”

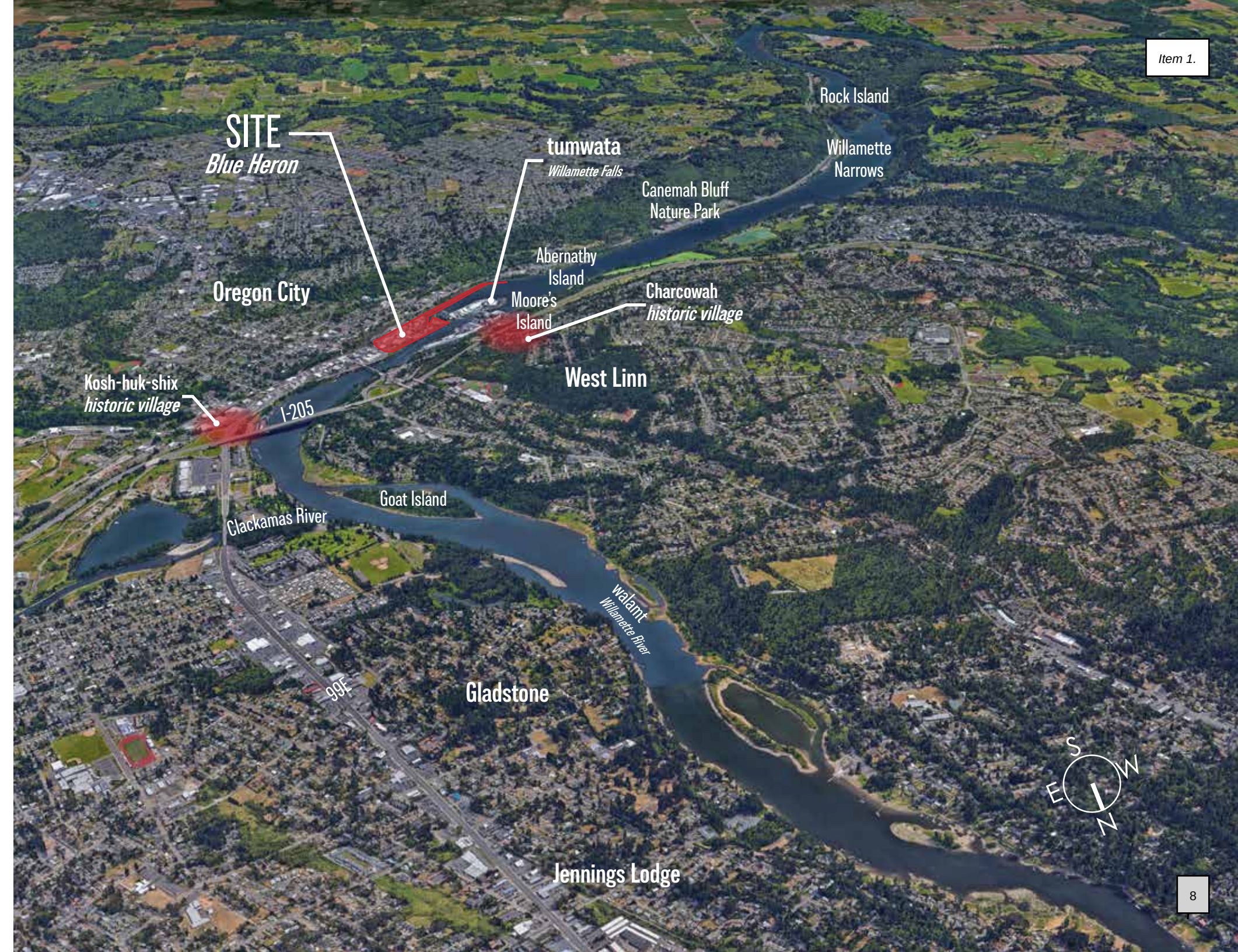
Tribal Councilman Michael Langley

“The healing of the falls, returning them to its people, walking on the rocks that our ancestors walked on - is all beyond words”

Tribal Councilwoman Kathleen George

CITY SITE RIVER FALLS

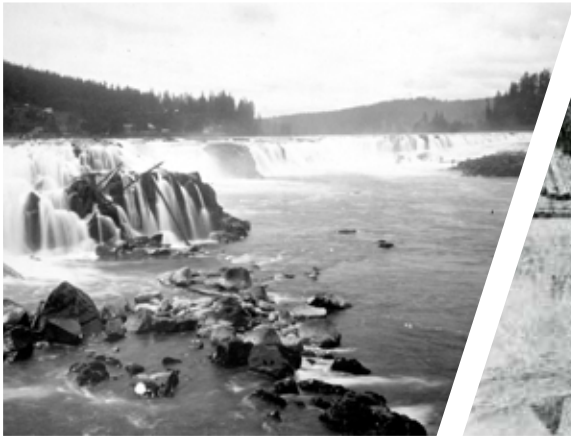
The 23-acre site is centered between the city of Oregon City, the walamt *Willamette River*, and tumwata *Willamette Falls*. During the era of industry, the site, the river, and the falls were broadly inaccessible to the public. With the purchase of the property, the Confederated Tribes of Grand Ronde have the opportunity to return public access and provide economic development to a historically important area for sustenance, commerce and culture.



From Time Immemorial

Site History

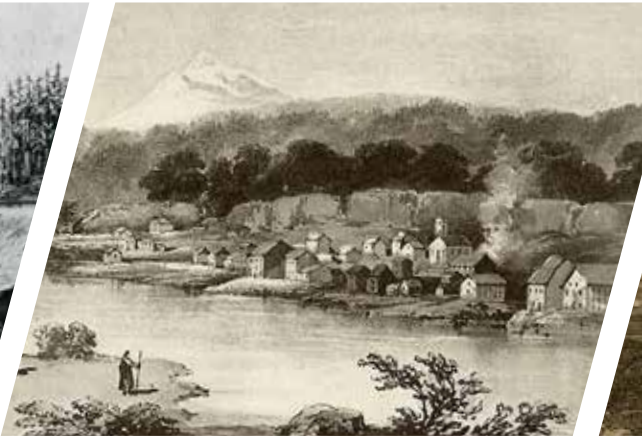
The connection for the Confederated Tribes of Grand Ronde to tumwata *Willamette Falls* goes back to time immemorial. Their people have been above and below the falls for centuries. In the early 19th century, the incursion of this and many locations took place. Euro-American settlement expanded and the site became grounds for heavy industry; it would remain in that state until the 21st century. In 2019, the Confederated Tribes of the Grand Ronde purchased the property.



Ikanum
The Storied Time



Lifeways
Life and Use Prior to 1820

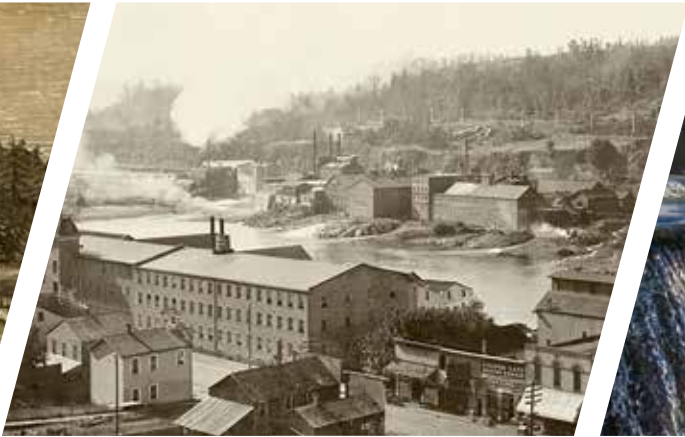


Early Incursion
Contact Window: 1820 - 1840/45



Removal
1840/45 - 1860

The Willamette Valley Treaty of 1855 provided for the removal of tribal people from the area of Willamette Falls and beyond to the Grande Ronde Indian Reservation. The federal government removed people from of Clackamas, Tumwater band of Clowwewalla, Molalla, and Kalapuya.



Survival and Devastation
1860- 2011

Tribal members return to tumwata *Willamette Falls* to Fish. Industrialization and contamination of the site spreads. The Western Oregon Indian Termination Act of 1954 was passed, severing the trust relationship between the federal government and the Tribe.



Healing
2019

Confederated Tribes of Grand Ronde purchase property. Efforts continue for river cleanup, fish restoration and overall Restoration of the site.

¹ <https://www.grandronde.org/history-culture/history/our-story/>
Images from Old Oregon Photos; Oregon Historical Society; Henry James Warre (1819-1898) - Schwantes, Carlos Arnaldo, Long Day's Journey -- The Steamboat & Stagecoach Era in the Northern West, University of Washington Press 1999 ISBN 0-295-97691-8

Blue Heron

Today



What is Here?

By the late 1800s, manufacturing industry was thriving at this site. The former landscape was slowly being filled in as large industrial buildings grew in size and in number. Over this time period, Oregon’s largest waterfall by volume diminished in its footprint and the industrial complex we know today began to take shape. The Blue Heron Paper Mill closed its doors in 2011 leaving behind the remnants of industry.

Today the Blue Heron site is a sprawling former industrial complex, comprised of dozens of buildings and structures. The site and land has suffered from decades of industrial use requiring environmental remediation. The existing buildings and structures were built for industrial purposes to a variety of building codes and construction methods. Some of the buildings and structures can be adapted and re-purposed cost effectively; however, many of the buildings would require environmental remediation, seismic upgrades and/or reconfiguration costs that would very likely exceed their financial value.

Water and Land

The importance of the walamt *Willamette River* to the Tribe is immeasurable. Yet, over 100 years of industrial use have left a site with severe environmental challenges including degraded native habitats, polluted soils and hazardous building materials, and limited shoreline resting places for migrating native fish. The lack of water flow in the upper lagoon has impacted water quality in the lagoon, and the hardening and filling of the shoreline has altered all native habitats with the exception of a few remaining native basalt outcroppings. Riparian habitat, migrating fish habitat, and water quality would all be improved through environmental rehabilitation of the site. The health of the walamt *Willamette River*, and its path to healing are inextricably linked to the Tribe’s core duty of Stewardship. This connection highlights the eternal responsibility for the Tribe to care for the river and this place.

What will Success Look Like at Blue Heron?

Elements of Success are Embodied in the Community Comments Below

We must restore the integrity and power of the place.

Honor and get back to our cultural history.

Tell the story of the Confederated Tribes of Grand Ronde.

Healing is all interconnected, healing the place where we are from is healing ourselves.

Enhance economic viability of the area and to bring people there, this will further allow education of the culture/people.

It's always been an economic hub, and so it can continue to be that way here again.

Economic development to help future of little ones.

...we are tying our history to our today and to our future. We want to tell the story of that place, but through the Tribal lens.

Caretakers of this area.

Sovereignty for us and for future generations. A return to the rocks and the river. Same place we walked and fished. Fish is integral to us and our lives. For the people to have fished there, it has affected and impacted their lives. Our lives will be in balance as Oregonians with return to the river.

Access the falls. Feel the mist.

Return.

Clean water, safe salmon passage.

Green, and sustainable buildings. Integrate solar energy.

[Success is] joy of wildlife at this site. And ancestral memories of these same wildlife: osprey, sea lion, ducks...

The Process to Create Goals

The design team facilitated four workshops with the Tribal Council from July to October 2020. A dominant discussion topic throughout the workshops was the central idea of Healing – the Confederated Tribes of Grand Ronde people, spirit, the prosperity of the people and the place at tumwata *Willamette Falls*. The idea of Healing became the primary design direction for the team in considering the site’s landscape and potential for redevelopment. Restoration of the falls and the creation of a new place founded on a healed relationship to the river’s edge will increase property value, build market demand, and drive new economic development for current and future generations.

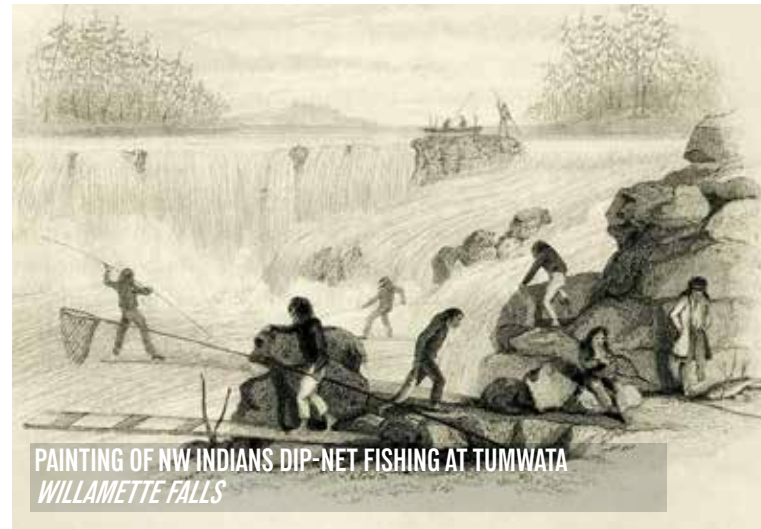


Opportunity to Heal

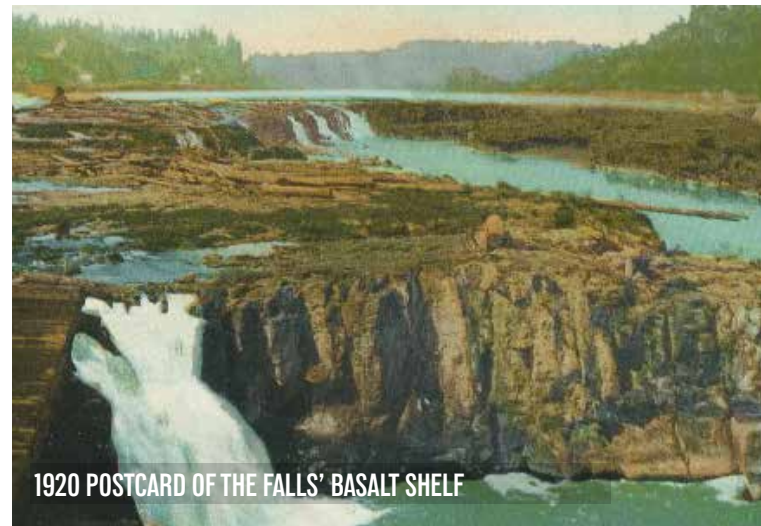
Site History

Developing a vision for the rehabilitation and healing of the site starts with understanding the site's ecology and physical characteristics and determining which elements could be most effectively restored. tumwata *Willamette Falls* is important in the Tribe's Ikanum, which tell of the formation of the falls when Meadowlark and Coyote stretched a rope made of hazel shoots across the River. The falls that ran over the basalt cliffs created a place that was astoundingly rich in sustenance, with Pacific lamprey and many species of salmon migrating past the falls and native plants growing along the River's edge.

The Clackamas and Clowewalla people were year-round residents at the falls. They were recognized as the stewards of this place and responsible for its management. Other Tribes came from throughout the region and were invited to fish, trade, and interact with the falls. The Tribe's reinvestment in their ancestral homeland represents a cultural healing with the opportunity to tell the story of their ancestors at the falls and connect current and future generations to tumwata *Willamette Falls* and *walamt Willamette River*.



PAINTING OF NW INDIANS DIP-NET FISHING AT TUMWATA
WILLAMETTE FALLS



1920 POSTCARD OF THE FALLS' BASALT SHELF



EXISTING BASALT CLIFFS ON WEST LINN SIDE OF WALAMT *WILLAMETTE RIVER*

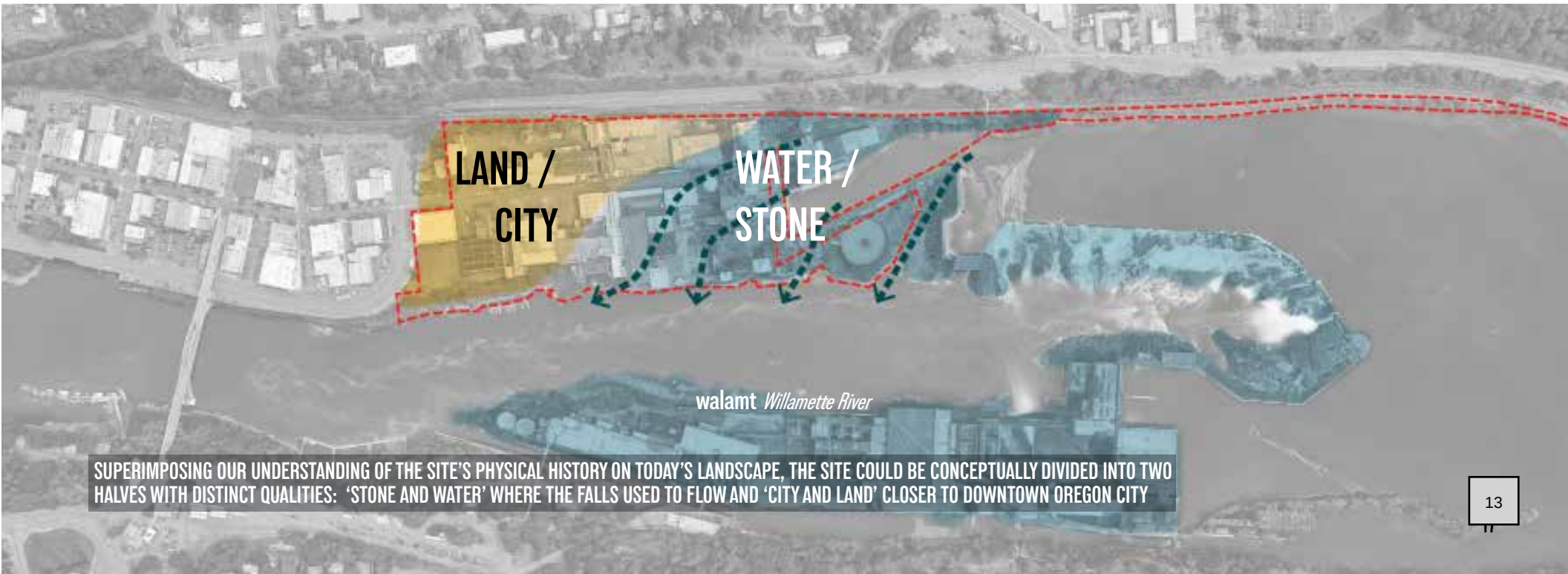
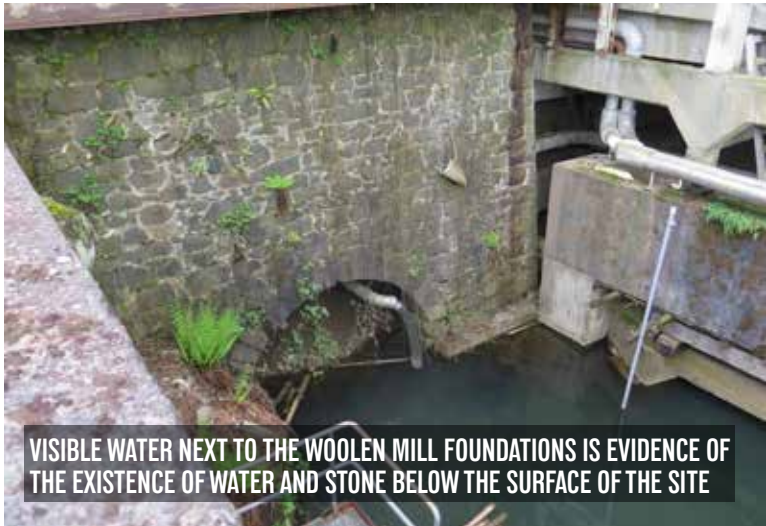
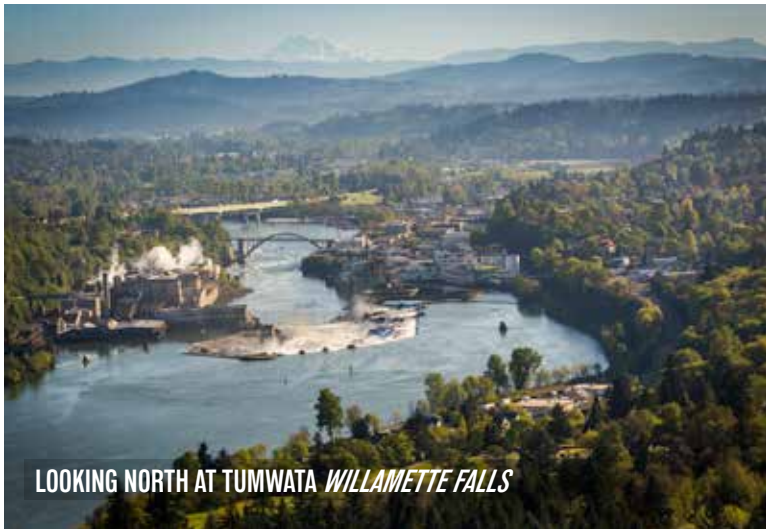
Landscape of the Falls

Restoring Site Character

As told in the *ikanum*, the horse-shoe shaped basalt shelf that creates *tumwata*, more widely known today as Willamette Falls, once stretched, unencumbered from one side of the river to the other. The main flow spilled over the center of the falls, with seasonal spills during the winter months across the other portions of the falls including on the Blue Heron site. The importance of the falls has stood since its creation by Coyote and Meadowlark in the *ikanum* times. Euro-American settlement of the region chose to capitalize on the immense power of *walamt Willamette River*. Through harnessing the falling water to feed the mechanical and industrial needs of subsequent waves of settlers at the cost of forcibly removing tribal members from their ancestral homeland.

Over subsequent decades, the settlers re-directed water flows to power mills, covered the basalt cliffs with businesses, industrial buildings and residences, and obscured large portions of the original landscape from sight. Street alignments, slope and in some cases building location have all been influenced by the flow of above and below surface water across the site. Even with much of the native basalt clad with pavement, buildings and fill, there is still evidence of water and native stone remaining on the site today. For example, there are places underneath buildings and near the old Woolen Mill foundations where water and native basalt are still visible.

Superimposing an understanding of the site’s physical history on the conditions (building, drainages, etc.) observed today provides some guidance as to where and how restoration of the site’s natural qualities will be successful. By observing accessible basalt bedrock, an impression of original channels and avenues of water flow remain in place under existing buildings and imported fill. Here there is great potential to uncover and restore the basalt landscape, to reintroduce the presence of water on the site and to re-establish native plantings. In the northern portion of the site, closer to downtown Oregon City and above the flood zone, there is relatively modest benefit of landscape restoration. This area appears to have good potential for mixed use development that can visually and physically connect to restore landscape areas along the river.



Need for Healing

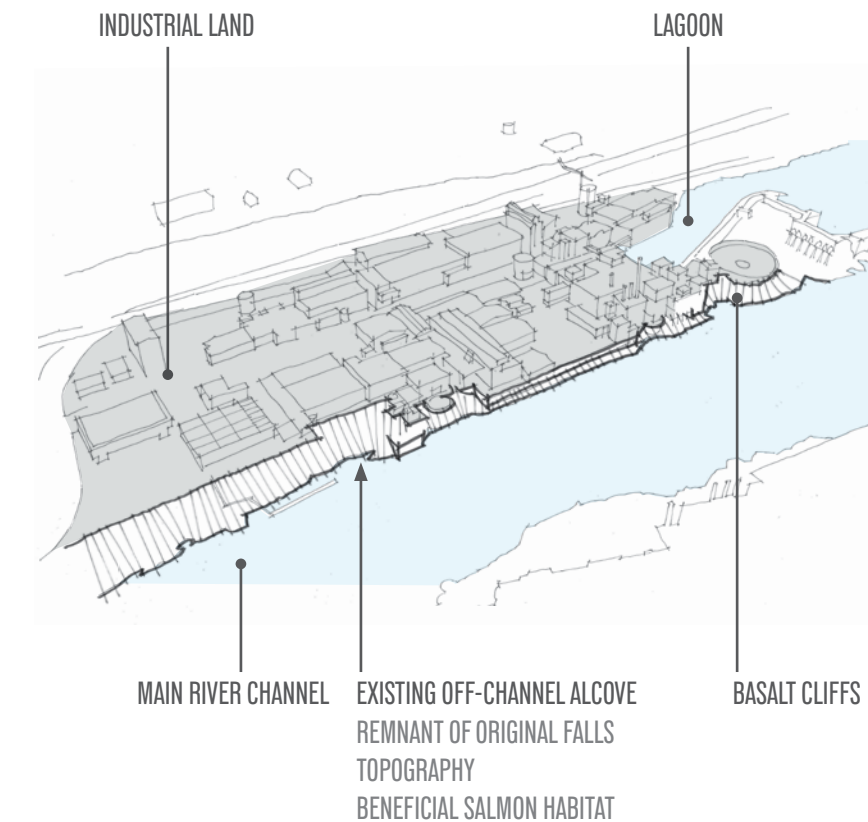
Site Ecology

With Healing as a guiding principle to this vision concept, restoration of the site environment and ecology is central to the vision for Blue Heron. Years of heavy industrial use have left the land disconnected from walamt *Willamette River*, harming the environmental quality. Peeling away the industrial layers that have covered the basalt cliffs and channels of the falls will restore portions of the site's former topography and provide multiple benefits to the ecosystem through its restoration.

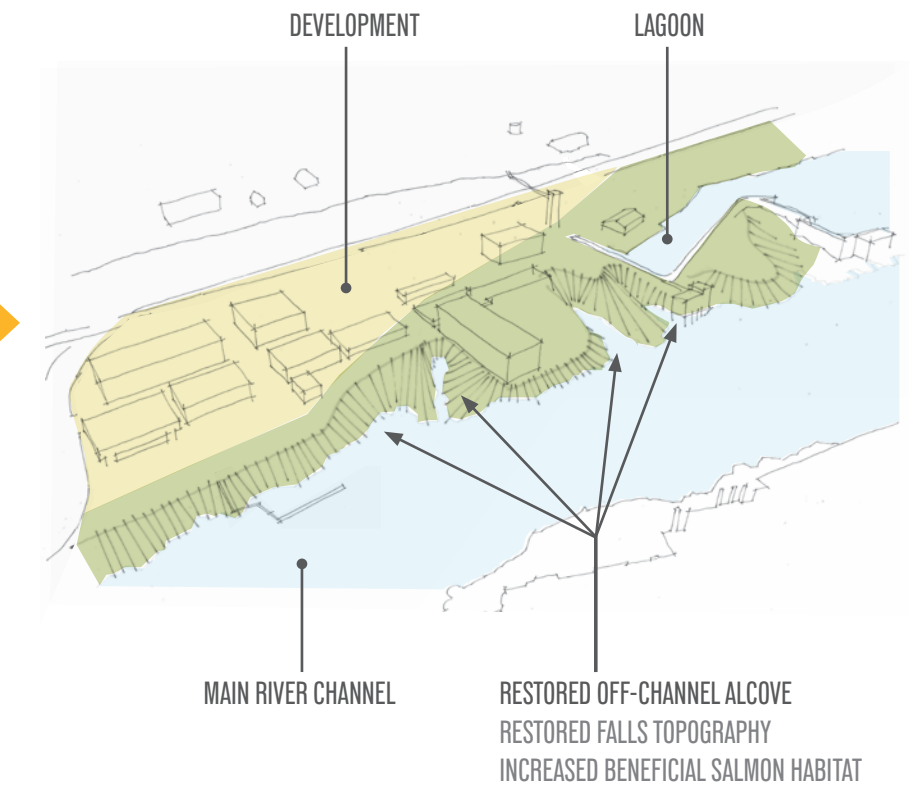
Currently there are very few places for native salmon to stop and rest outside of the main river channel given the hardened river's edge of the site. Re-establishing the undulating character to the river's edge and exposing the basalt channels that lie beneath the existing buildings

and pavements will provide multiple off-channel alcoves and create quiet resting places for migrating salmon and lamprey. The restored basalt channels will also provide opportunities for restoration of the unique riparian basalt habitats and riparian vegetation that are important for the health of native fish, bird, amphibians, and mammals. Ideally, some of these channels could eventually be connected to future water flows through the lagoon and dam, restoring the water flow through the site and improving the water quality in the lagoon.

Current Conditions



Restorative Conditions



Concept Diagram describing the reclamation of industrial land (shown in grey) at Blue Heron. Development is envisioned to occur in both a more urban, city like setting (shown in beige) as well as in a more natural, restored environment (shown in green) oriented around the river's edge and the restored topography of the falls.

Lifeways Inspiration

Site Character

This place provides significant opportunity for telling the Tribe’s story and increasing the tribal community’s connection to its ancestral home at the falls. The site’s redevelopment will provide a great canvas for presenting the history and living identity of the Tribe. Through the use of materials, patterns, colors and symbolic elements drawn from the layered and rich artistic traditions of the Confederated Tribes of Grand Ronde, both the landscape and the buildings can physically demonstrate the Tribe’s identity and character. In addition, through incorporating elements that demonstrate resiliency and self-sufficiency throughout the site, like green streetscapes that could improve water quality and sustainable building technologies that generate energy, the redevelopment can demonstrate values consistent with Tribal culture and identity.



Site Uses and Progam

Tell The Tribe's Story

Through Healing and Restoration, the Economic Value of Site Increases

Today, the site is a sprawling former industrial complex. Tomorrow, it could offer a signature restored riverbank incorporating several former falls channels, native species of vegetation and new spaces for gatherings, ceremonies and events. After Restoration, a new place focused on the walamt *Willamette River* and tumwata *Willamette Falls* will create new demand in the market for space at the site attracting uses such as offices, hotels or institutional/education to lease space in buildings at the falls. Other uses could include:

RESTORATION

- Riverbank Restoration
- Growing Native Plantings
- Habitat Restoration
- Scientific Study & Research

CTGR USES

- Hosting
- River Access
- Gathering Spaces
- Tribal Spaces

PUBLIC

- Riverwalk
- Education
- Hotel/Event Space
- Restaurants/Brew-Pub
- Retail/Shopping
- River Access

PRIVATE DEVELOPMENT

- Office
- Research
- Higher Education Facility
- Non-Profit Org Offices
- Housing



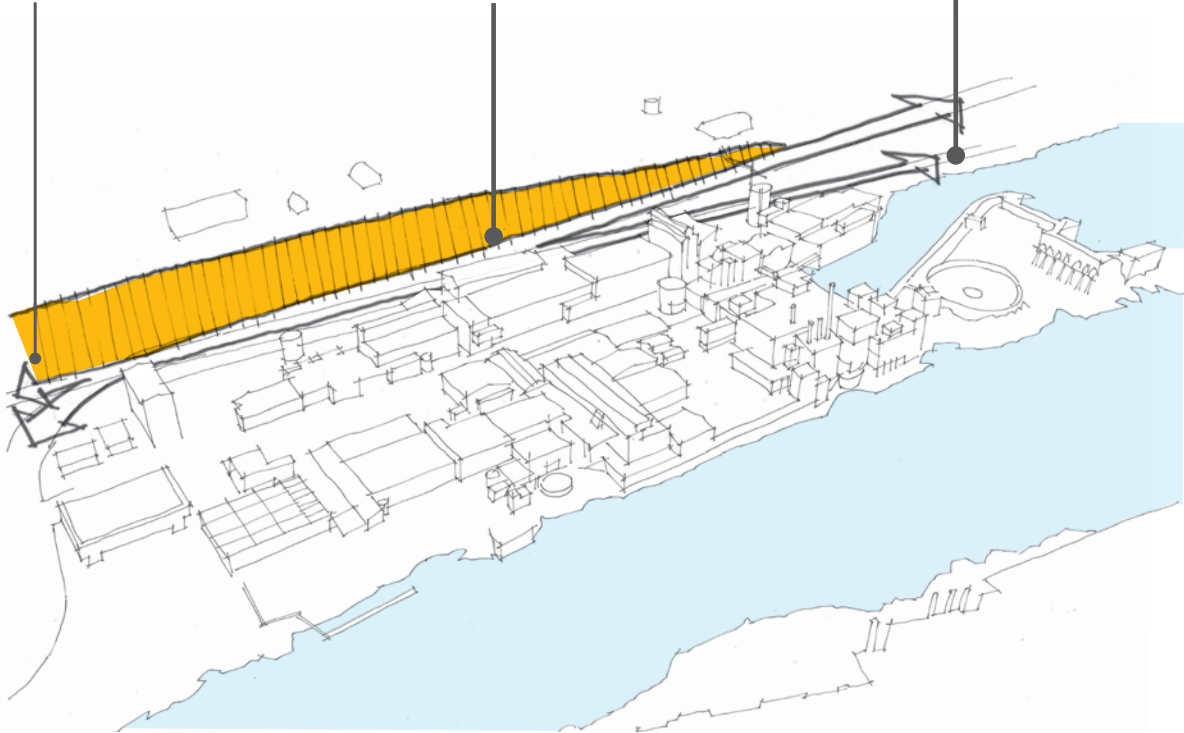
Site Analysis

Existing

Bluff is a Physical Barrier,
Visual Barrier, and
Reverberates Sound

99E/McLoughlin Blvd is a
Barrier, Introduces Sound, and
High Speed Traffic

Rail Line is a Barrier,
Introduces Sound



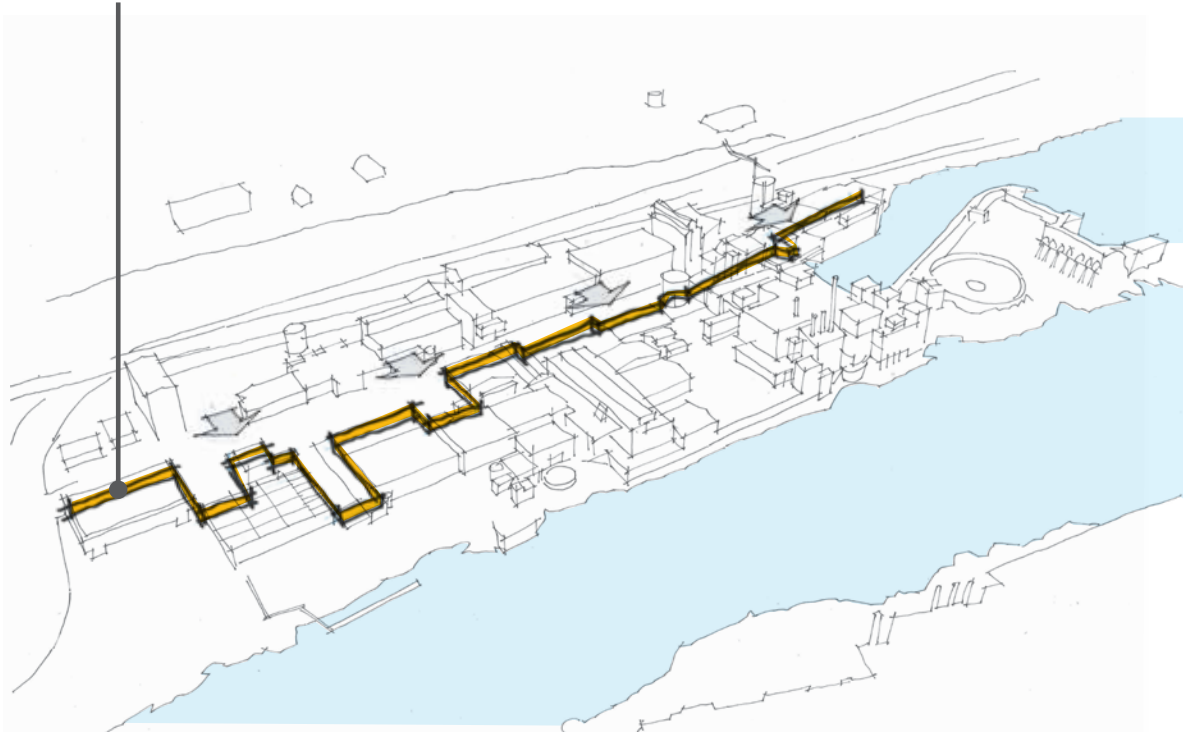
Loud with Traffic

Existing Natural Areas
are Inaccessible



Limited Access to Nature

Existing Buildings Block
Connection with walamt
Willamette River



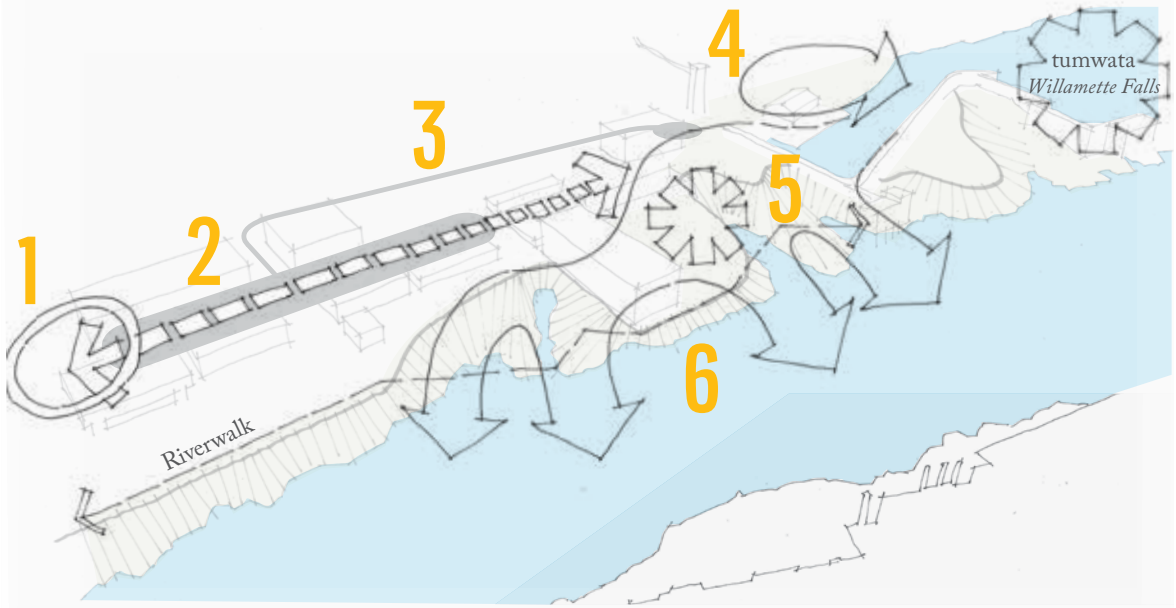
No Visual Connection

Site Concepts

Potential

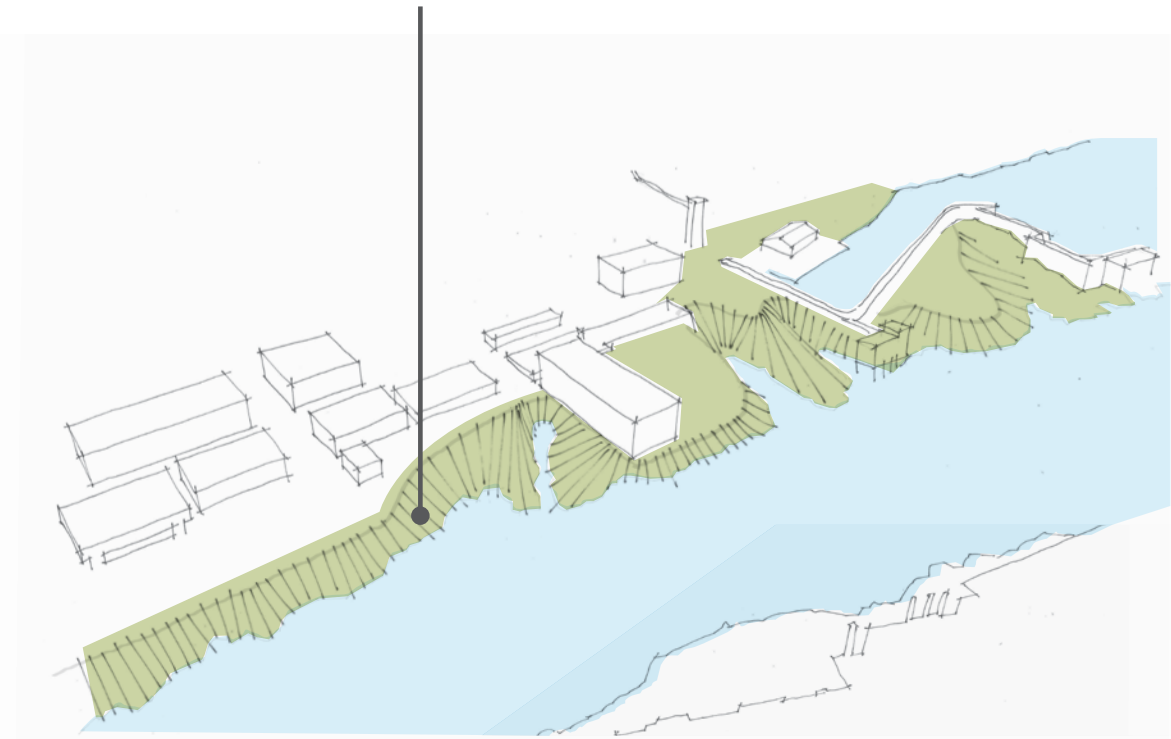
Major Proposed Design Moves

- 1. GATEWAY: Mark the entry to indicate a new district.
- 2. COMMERCIAL SPINE: Develop a new streetscape and design new buildings to activate the space.
- 3. VEHICULAR ACCESS: Create Railroad Ave as service road for access down the Site.
- 4. CULTURAL GATHERING AREA: Create an area close to tumwata *Willamette Falls* for Tribal functions and ceremony.
- 5. CENTRAL GATHERING SPACE: Create a large new riverfront open space for events, socializing and celebrations.
- 6. RESTORATION: Improve the ecology of the river and reintroduce the riverbank's natural forms.



Site Concept Diagram

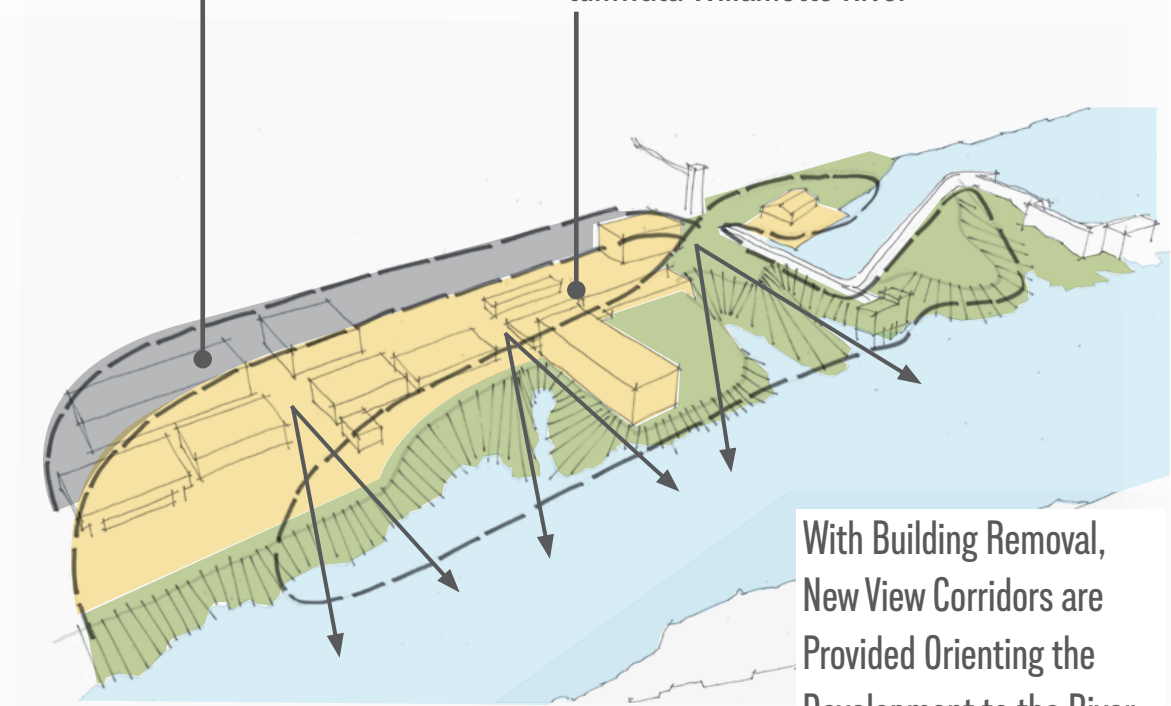
Green Indicates Areas with Potential for Ecological Restoration



Potential Ecological Restoration

Edge near Rail Line Suitable for Cars, Parking and Utilities

Property Value Increases as More Parcels Front the Restored Riverbank and tumwata *Willamette River*



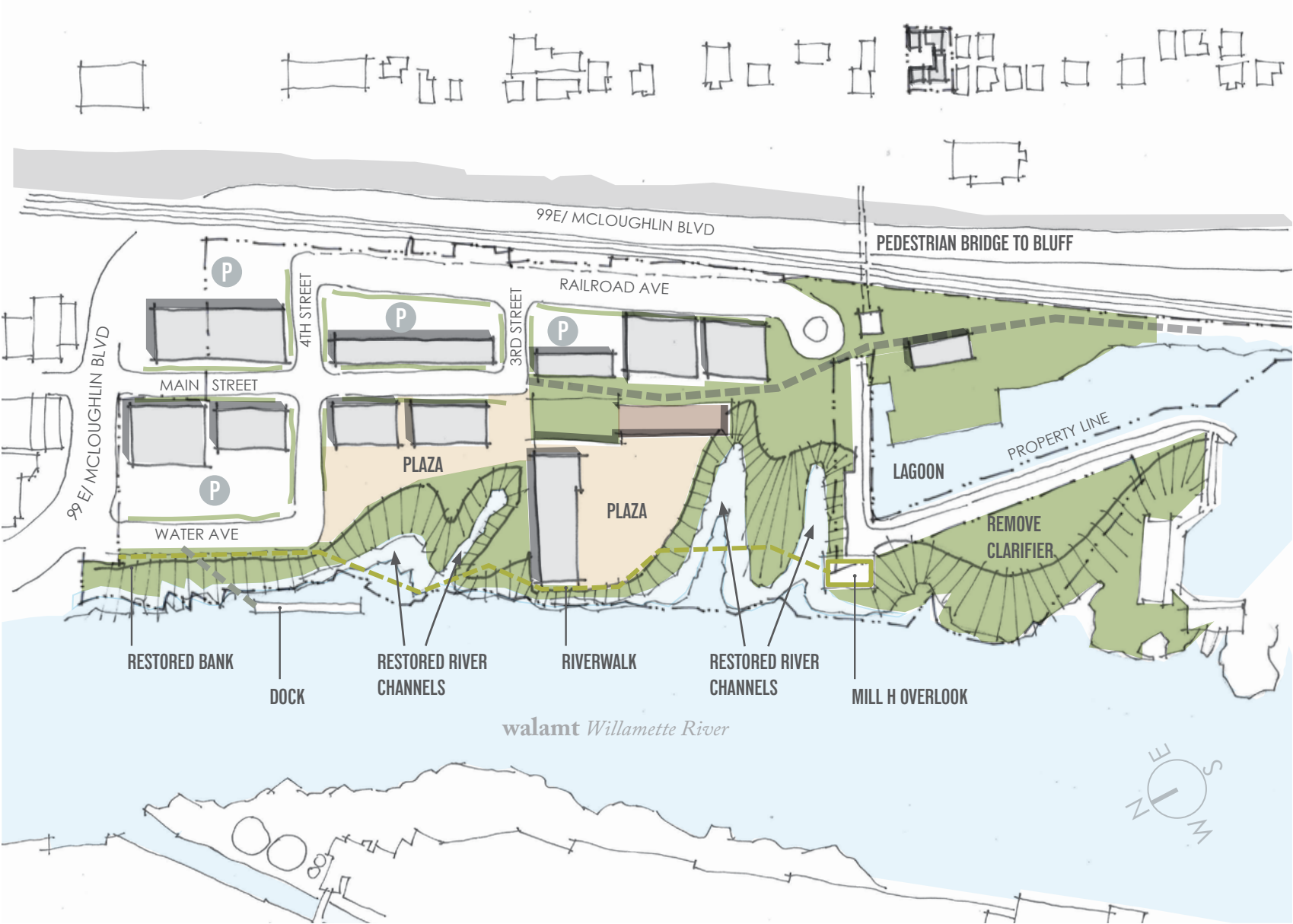
Economic Value Increases as Riverbank is Restored

Demonstration Plan A

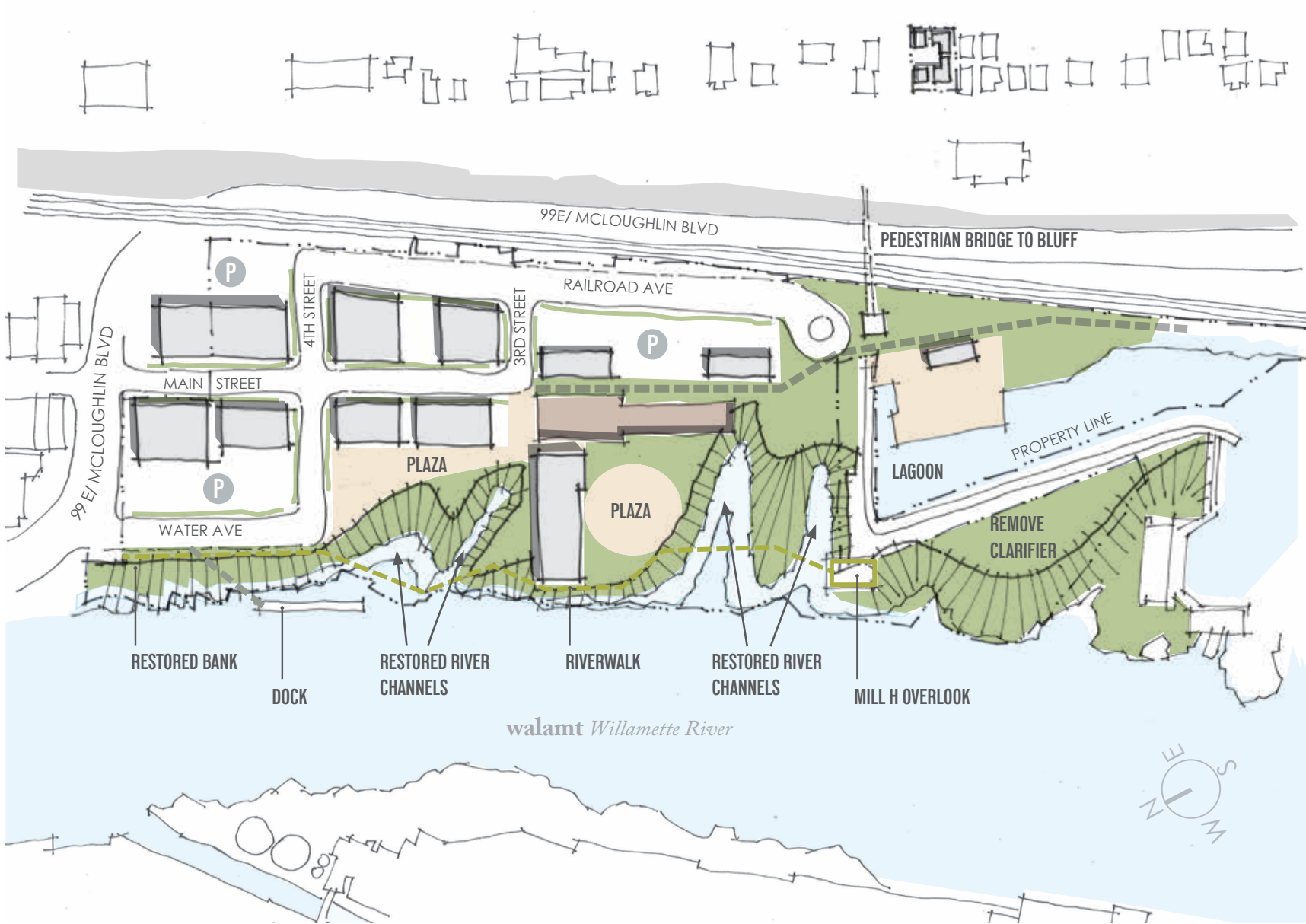
Redevelopment of Blue Heron will be focused around an enhanced riverbank featuring a series of restored channels reflecting the historic pathways of water from the falls. New open spaces will be created adjacent to the channels -- smaller spaces at the northern end of the site and a large gathering space south of the former Mill O site. The site will offer space for 250,000- 300,000 square feet of new buildings, ranging in size from one to five stories and able to accommodate uses including office, retail, residential, institutional or hotel. Main Street is extended from downtown Oregon City into the site, gradually evolving from vehicle access at 3rd Street to pedestrian and bicycle oriented as one progresses south toward tumwata *Willamette Falls* and the trail to Canemah. The plan makes space for a new pedestrian and bicycle bridge over the railroad and 99E, linking the site directly to other properties on the bluff.



Demonstration Plan B



Demonstration Plan C

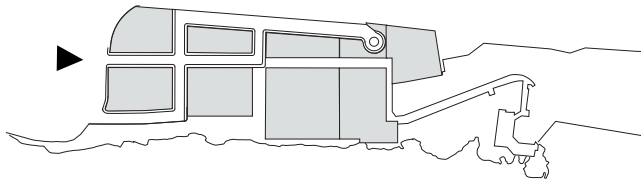


View Looking at the Gateway



Above. Existing condition. View looking south from 99E and Main Street

At Right. Perspective sketch demonstrating a redeveloped Main Street looking south.

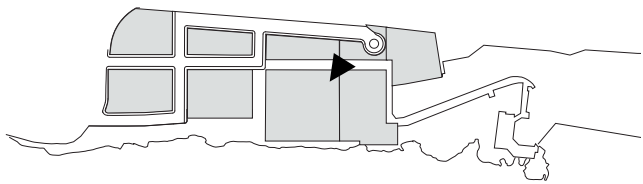


View from Woolen Mills Foundation



Above. Existing condition. View looking north from Woolen Mills Foundation

At Right. Perspective sketch demonstrating a restored channel of the falls, re-use of the Woolen Mill overlook, and public gathering space.

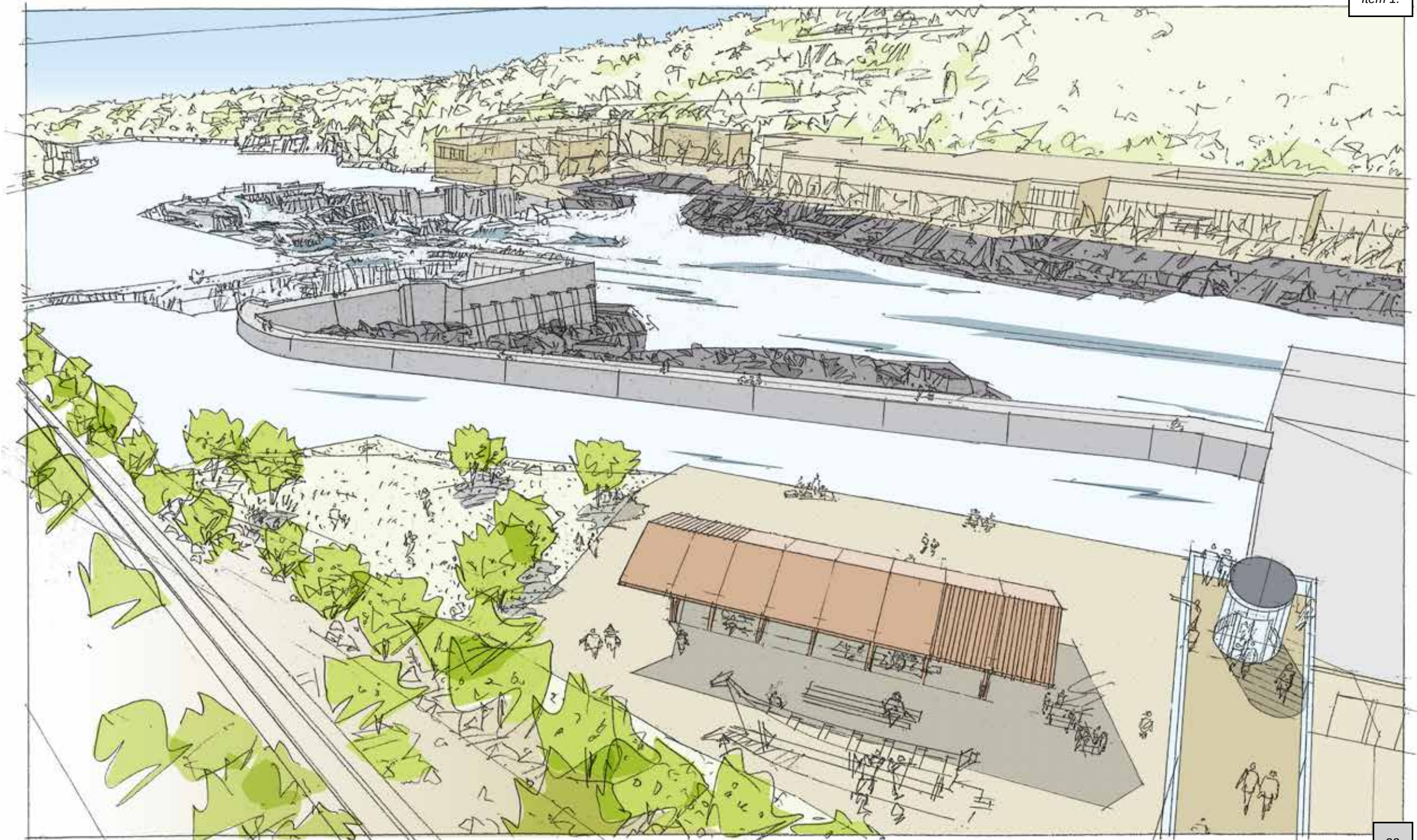
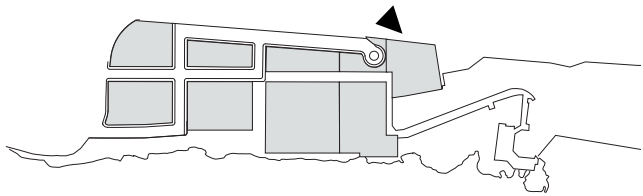


View Looking south towards tumwata *Willamette Falls*

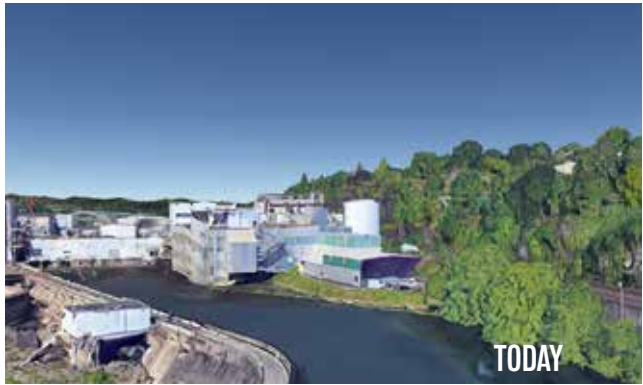


Above. Existing condition. View looking south from above towards tumwata *Willamette Falls*.

At Right. Perspective sketch from above looking south towards tumwata *Willamette Falls*.

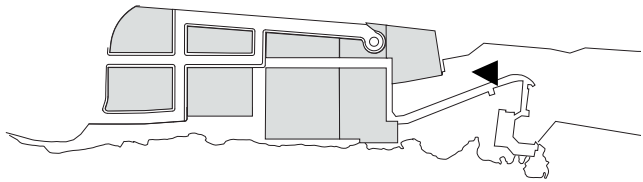


View Looking north from Lagoon



Above. Existing condition. View looking north lagoon towards site.

At Right. Perspective sketch from lagoon looking north.





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: 05/24/2021

SUBJECT:

Proposed Amendments to Chapter 17.44 – Geologic Hazards

STAFF RECOMMENDATION:

For discussion only.

EXECUTIVE SUMMARY:

After review of the entire code package on November 18, 2020, the City Commission requested additional review of Chapter 17.44 – Geologic Hazards.

BACKGROUND:

On October 8, 2019, the Department of Land Conservation and Development (DLCD) and Department of Geology and Mineral Industries (DOGAMI) presented their new landslide guide. City Commission directed staff to review existing City Code in relation to the landslide guide as well as in relation to a lack of clarity in certain portions that made it difficult for staff to interpret and implement.

Proposed amendments were prepared, mostly for clarity, and were presented to the Development Stakeholders Committee in February 2020, the Natural Resource Committee on June 10, 2020, and the City Commission on June 9, 2020. Those presentations gave a larger overview. The amendments were presented to Planning Commission in Fall 2020 with a recommendation for approval. City Commission was provided the final proposed amendments for review on November 18, 2020. At that meeting, City Commission requested additional review of the proposed amendments.

The two concerns that were discussed were the geologic hazard waiver and the slope criteria.

The City had been practicing a waiver program within the past five years with the understanding that OCMC 17.44.050.C allowed for these exceptions. This allowed properties with slopes that were manmade or items like pole barns or decks to not be

processed through a Type II land use review. After further discussion with the City Attorney, it was determined this program should be codified. As discussion continued and public comment was given during the Planning Commission review of the proposed Code amendments, it was determined to remove the proposed Code amendment codifying a waiver program and end the waiver program. Instead, clarity was provided on when a development is exempt from the geologic hazards code. Therefore, waivers are no longer a practice and are no longer proposed within the Code amendments.

The definition of a “geologic hazard area” in 17.04.510 is any area identified on the City’s steep slope and landslide map, an area within 200 feet of a crest or toe of slope that is 25 percent or greater, an area with slopes of 25 percent or more, areas identified by DOGAMI Bulletin 99, and any other area a qualified geotechnical engineer or engineering geologist identifies.

The definition of a “geologic hazard overlay zone” in 17.04.515 is any area within 50 feet of the crest or toe of slope that is 25 percent or greater, any area within 200 feet of a crest or toe of slope of a landslide, areas of 25 percent or greater, any hazard identified by DOGAMI in the LIDAR IMS-29 and IMS-26 publications, any hazard identified by DOGAMI Bulletin 99, and any other area a qualified geotechnical engineer or engineering geologist identifies.

The current definitions of geologic hazard area and geologic hazard overlay zone were revised with amendments to Chapter 17.44 in 2010. It appears the Code prior to 2010 already contained a provision for one criteria of a geologic hazard being defined to be 25% or greater. This was not changed in 2010. The largest change in 2010 was to the development application requirements in 17.44.050. The development standards in 17.44.060 largely remained unchanged.

The goal of the 2020 proposed amendments to the Geologic Hazards Code was to ensure that the Code was current and appropriate for today’s development activity. Staff believes the proposed amendments reflect clarity and strengthening of Code that allows for a reduced risk to future landslides within the City.

With respect to slope, we reached out to professionals in the industry, and we compared Oregon City standards to other Oregon Metro area standards. We received responses from Dr. Scott Burns from Portland State University, Tricia Sears from DLCD, Bill Burns from DOGAMI, and Tim Pfeiffer of Foundation Engineering.

Tim Pfeiffer stated “by including both slope angle and mapped landslide area, the Oregon City Code largely covers shallower slopes with mapped landslides, such that most slope instability risk on shallow slopes is picked up by the landslide mapping. By adding landslide hazard areas to the density requirements, both cases are covered equally.” He also stated “On the Oregon City Webmaps, I compared the geologic hazards overlay with the 10 to 20% slope category and there does not appear to be much area of 10 to 20% slopes that is not already included in the geologic hazard overlay. Therefore, reducing the steep slope criteria to 15% may not add that much area.”

Dr. Scott Burns stated “I like the 25% cutoff which is based on good data. But, as we also discussed in our meeting, if there is an old landslide deposit on land below 25%, it should be looked at. A cut in that material is highly prone to landslides, even though it is less than 25% (it is when a “cut” into it happens). That is the only case. We have learned from experience there! That is why we map old landslides and landslide deposits.”

Tricia Sears and Bill Burns provided the following: “As you have heard us say previously, it is insufficient to rely on slope alone as a threshold for determining landslide hazards. We write about that in the *Preparing for Landslide Hazards: A Land Use Guide for Oregon Communities* (aka *Landslide Guide*).” They also shared “The best tools for capturing landslide hazards are the maps. The maps encompass a variety of factors, more than just slope.” They finished with “One thing you want to definite is what are you trying to avoid or trying to get with the code provisions you set up. It seems like buildability of land areas is one of your key questions, and that cannot be determined just by slope.”

We also reviewed what caused major landslides of the past in Oregon City including Forest Edge Apartments, Trillium Drive, and Peter Skene Way. While steep slopes exist within these areas of development, the majority of the buildings and infrastructure actually exist on relatively flat areas, but the entire development exists on top of an active landslide deposit.

The professionals all support the proposed Code which ensures slopes and landslide deposits are viewed equally, and none of them supported reducing the slope category as they believe it unnecessarily places the focus of the hazard on the slope when the majority of hazards are occurring due to the landslide deposits themselves. In a presentation that DOGAMI has made on this topic that they shared with staff, they have a slide that states “slope are sometimes associated to landslide hazard because they are presumed to be correlated with increased hazard.” While statistically we find that the majority of slides happen in areas with 10-25% slopes mostly, the reality is that the slope is not what has caused a failure. The failure has occurred based on the development not accounting for the weight, drainage, or disturbance to the underlying landslide deposit.

Proposed Code amendments have provided additional focus on landslide deposits in 17.44.50.A.11, 17.44.60.H.2. and 17.44.60.I.

Based on professional input, analysis of the major slides in Oregon City, and the proposed Code amendments themselves, staff believes no further changes should be made to these amendments and the slope criteria should not be changed.

OPTIONS:

1. Information only.

BUDGET IMPACT:

Amount: \$0

FY(s): N/A

Funding Source(s): N/A



Oregon City Municipal Code

Chapter 17.44 Geologic Hazards

Footnotes:

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Editor's note— Ord. No. 08-1014, adopted July 1, 2009, repealed Chapter 17.44 in its entirety and enacted new provisions to read as herein set out. Prior to amendment, Chapter 17.44 pertained to similar subject matter. See Ordinance Disposition List for derivation.

17.44.10 - Intent and purpose.

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

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

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)

17.44.25 - When required; regulated activities; permit and approval requirements.

No person shall develop land, construct, reconstruct, structurally alter, relocate or enlarge any building or structure for which a land development, sign, or building permit is required on a property that contains an area mapped engage in any of the following regulated activities on areas mapped within the adopted Oregon City Geologic Hazards Overlay Zone as defined in section 17.04.515 of the Oregon City Municipal Code—without first obtaining permits or approvals as required by this chapter.✚

~~A. ——— Installation or construction of a new accessory structure which is 500 square feet or greater in footprint;~~

~~A.B. — Expansion of an existing building where the new expansion is greater than 500 square feet or greater in total area or in building footprint in area;~~

~~B.C. — Development of land, construction, reconstruction, structural alteration, relocation or enlargement of any building or structure for which a land development, sign or building permit~~

~~approval is required pursuant to the Oregon City Municipal Code;~~

~~C.D. Tree removal on slopes greater than 25 percent or greater where canopy area removal exceeds 25 percent of the portion of the lot which contains 25 percent or greater slopes. For the purpose of this chapter, "tree" shall be as defined in OCMC 17.04.1315.~~

~~D.E. Excavation which equals exceeds two feet or more in depth, or which involves twenty five or more cubic yards of volume;~~

~~F. Fill which equals two feet or more in depth, or which involves twenty five or more cubic yards of volume;~~

~~G. Cut or Fill combined that involves twenty five or more cubic yards of volume;~~

~~H. Any development activity identified by a suitably qualified geotechnical engineer or engineering geologist who is licensed in Oregon and derives his or her livelihood principally from that profession as being subject to soil instability, slumping or earth flow, high groundwater level, and landslide as defined in OCMC 17.04.515.~~

~~I. Land disturbance as defined as any movement of earth, placement of earth, or movement of heavy trucks on earth, not including the right of way.~~

~~J. Square footage of a development is measured in area and is only considered for the footprint of the structure or development.~~

The requirements of this chapter are in addition to other provisions of the Oregon City Municipal Code. Where the provisions of this chapter conflict with other provisions of the Oregon City Municipal Code, the provisions that are the more restrictive of regulated development activity shall govern.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)

17.44.30 - Procedures.

No building or site development permit or other authorization for development shall be issued until the plans and other documents required by this chapter have been reviewed and found by the review authority to comply with the requirements of this chapter.

- A. Where the development is part of ~~an application that otherwise requires a Type III procedure and use permit application~~, review shall occur in the manner established in Chapter 17.50 for ~~a consolidated Type III review review of land use decisions.~~
- B. Where the development is part of ~~an application that otherwise requires a Type II procedure limited land use permit application~~, review shall occur in the manner established in Chapter 17.50 for ~~a consolidated Type II review of limited land use decisions.~~
- ~~C. Where the development is solely part of a grading permit or building permit, the City Engineer may allow review to occur in the manner established in Title 15, Chapters 15.04 and 15.48 if the application meets Section 17.44.060 development standards.~~
- C. For any other proposed development not otherwise subject to review as ~~part of a development proposal that requires land use review a land use or limited land use permit application~~, review shall occur in the manner established in Chapter 17.50 for ~~a Type II procedure limited land use decisions.~~

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)

17.44.35 - Exemptions.

The following activities, and persons engaging in same, are EXEMPT from the provisions of this chapter.

- A. An excavation which is less than two feet in depth, or which involves less than twenty-five cubic yards of
- Oregon City Municipal Code ~~Effective July 21, 2017~~

volume;

- B. A fill which does not exceed two feet in depth or ~~which includes~~volves less than twenty-five cubic yards of volume;
- C. ~~B. A combined cut and fill that does not involve more than twenty-five cubic yards of volume.~~
- D. ~~Installation, new construction, addition or structural~~ alteration of any ~~existing~~ structure of less than five hundred square feet ~~in building footprint~~ that does not involve grading as defined in this chapter;
- ~~D. C.E. Installation or construction of any new structure less than five hundred square feet that does not involve grading as defined in this chapter;~~
- E. ~~Installation, construction, reconstruction, or replacement of public and private utility lines in the hardscape portion of the city right-of-way, existing utility crossings, existing basalt lined drainage channels, or public easement, not including electric substations;~~
- F. ~~Tree removal on slopes 25 percent or greater where canopy area removal is less than 25 percent of the portion of the lot which contains 25 percent or greater slopes. For the purpose of this chapter, "tree" shall be as defined in OCMC 17.04.1315.~~
- G. ~~The removal or control of noxious vegetation;~~
- H. ~~Emergency actions which must be undertaken immediately to prevent an imminent threat to public health or safety, or prevent imminent danger to public or private property. The person undertaking emergency action shall notify the building official on all regulated activities associated with any building permit or City Engineer/Public Works Director on all others within one working day following the commencement of the emergency activity. If the City Engineer/Public Works Director or building official determine that the action or part of the action taken is beyond the scope of allowed emergency action, enforcement action may be taken.~~

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)

17.44.50 - Development—Application requirements and review procedures and approvals.

Except as provided by subsection ~~CB.~~ of this section, an application for a geologic hazards overlay review shall include the following ~~requirements apply to all development proposals subject to this chapter:~~

A geological assessment and geotechnical report that specifically includes, but is not limited to:

1. Comprehensive information and data regarding the nature and distribution of underlying geology, the physical and chemical properties of existing soils and groundwater; an opinion of site geologic stability, and conclusions regarding the effect of geologic conditions on the proposed development. In addition to any field reconnaissance or subsurface investigation performed for the site, the following resources, as a minimum, shall be reviewed to obtain this information and data:
 - a. The State of Oregon Department of Geology and Mineral Industries (DOGAMI) in Bulletin 99, Geology and Geological Hazards of North Clackamas County, Oregon (1979), or in any subsequent DOGAMI mapping for the Oregon City area;
 - b. Portland State University study entitled "Environmental Assessment of Newell Creek Canyon, Oregon City, Oregon" (1992);
 - c. Portland State University study, "Landslides in the Portland, Oregon, Metropolitan Area Resulting from the Storm of February 1996: Inventory Map, Database and Evaluation" (Burns and others, 1998);
 - d. DOGAMI Open File Report O-06-27, "Map of Landslide Geomorphology of Oregon City, Oregon,

and Vicinity Interpreted from LIDAR Imagery and Aerial Photographs" (Madin and Burns, 2006);

- e. "Preliminary Geologic Map of the Oregon City Quadrangle, Clackamas County, Oregon" (Madin, in press);
 - f. Landslide Hazards Land Use Guide for Oregon Communities (October 2019), prepared by the State of Oregon Department of Geology and Mineral Industries (DOGAMI) and the Oregon Department of Land Conservation and Development (DLCD);
 - g. Landslide hazard and risk study of northwestern Clackamas County, Oregon: Oregon Department of Geology and Mineral Industries, Open-File Report O-13-08, 74 map plates; Burns, W.J., Mickelson, K.A., Jones, C.B., Pickner, S.G., Hughes, K.L., Sleeter, R., 2013.
 - h. Mapped Landslide Data shall be from the City's Maps as a minimum but may be supplemented with maps from items a through f above.
2. Information and recommendations regarding existing local drainage, proposed permit activity impacts on local drainage, and mitigation to address adverse impacts;
 3. Comprehensive information about site topography;
 4. Opinion as to the adequacy of the proposed development from an engineering standpoint;
 5. Opinion as to the extent that instability on adjacent properties may adversely affect the project;
 6. Description of the field investigation and findings, including logs of subsurface conditions and laboratory testing results;
 7. Conclusions regarding the effect of geologic conditions on the proposed development, tree removal, or grading activity;
 8. Specific requirements and recommendations for plan modification, corrective grading, and special techniques and systems to facilitate a safe and stable site;
 9. Recommendations and types of considerations as appropriate for the type of proposed development:
 - a. General earthwork considerations, including recommendations for temporary and permanent cut and fill slopes and placement of structural fill;
 - b. Location of residence on lot;
 - c. Building setbacks from slopes;
 - d. Erosion control techniques applicable to the site;
 - e. Surface drainage control to mitigate existing and potential geologic hazards;
 - f. f. Subsurface drainage and/or management of groundwater see page;
 - g. ~~f.g.~~ Foundations;
 - h. ~~g.h.~~ Embedded/retaining walls;
 - i. ~~h.i.~~ Management of surface water and irrigation water; ~~and~~
 - j. Impact of the development on the slope stability of the lot and the adjacent properties; ~~-~~
 - k. Construction phasing and implementation schedule as it relates to foundation excavation, allowance for stockpiles, imported backfill, site subsurface drainage or dewatering, provision for off season site protections;
 - l. Stormwater Management; and
 - m. Construction Methods
 10. Scaled drawings that describe topography and proposed site work, including:

- a. Natural physical features, topography at two or ten-foot contour intervals locations of all test excavations or borings, watercourses both perennial and intermittent, ravines and all existing and manmade structures or features all fully dimensioned, trees six-inch caliper or greater measured four feet from ground level, rock outcroppings and drainage facilities;
 - b. All of the features and detail required for the site plan above, but reflecting preliminary finished grades and indicating in cubic yards whether and to what extent there will be a net increase or loss of soil.
 - c. A cross-section diagram, indicating depth, extent and approximate volume of all excavation and fills.
- 11. For properties greater than one acre and any property that has any portion of its property existing within a mapped landslide, where the activity is not exempted by 17.44.35, a preliminary hydrology report, prepared by a suitably qualified and experienced hydrology expert, addressing the effect upon the watershed in which the proposed development is located; the effect upon the immediate area's stormwater drainage pattern of flow, the impact of the proposed development upon downstream areas and upon wetlands and water resources; and the effect upon the groundwater supply.
- B. Review procedures and approvals require the following:
 - 1. Examination to ensure that:
 - a. Required application requirements are completed;
 - b. Geologic assessment and geotechnical report procedures and assumptions are generally accepted; and
 - c. All conclusions and recommendations are supported and reasonable.
 - 2. Conclusions and recommendations stated in an approved assessment or report shall then be directly incorporated as permit conditions or provide the basis for conditions of approval for the regulated activity.
 - 3. All geologic assessments and geotechnical reports shall be reviewed by an engineer certified for expertise in geology or geologic engineering and geotechnical engineering, respectively, as determined by the city. The city will prepare a list of prequalified consultants for this purpose. The cost of review by independent review shall be paid by the applicant.
- C. The City Engineer may waive one or more requirements of subsections A and B of this section if the City Engineer determines that site conditions, size or type or development of grading requirements do not warrant such detailed information. If one or more requirements are waived, the City Engineer shall, in the staff report or decision, identify the waived provision(s), explain the reasons for the waiver, and state that the waiver may be challenged on appeal and may be denied by a subsequent review authority.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)

17.44.60- Development standards.

Notwithstanding any contrary dimensional or density requirements of the underlying zone, the following standards shall apply to the review of any development proposal subject to this chapter. Requirements of this chapter are in addition to other provision of the Oregon City Municipal Code. Where provision of this chapter conflict with other provision of the Oregon City Municipal Code, the provisions that are more restrictive of regulated development activity shall govern.

- A. All developments shall be designed to avoid unnecessary disturbance of natural topography, vegetation and soils. To the maximum extent practicable as determined by the review authority, tree and ground cover removal and fill and grading for residential development on individual lots shall be confined to building footprints and driveways, to areas required for utility easements and for slope easements for

road construction, and to areas of geotechnical remediation.

- B. All grading, drainage improvements, or other land disturbances shall only occur from May 1 to October 31. "Land disturbance" is defined as any movement of earth, placement of earth, or movement of heavy trucks on earth, not including the right of way. Erosion control measures shall be installed and functional prior to any disturbances. Erosion control measures shall also be functioning and in a winterized stable condition once all land disturbance work has ceased for the year. The City Engineer may allow grading, drainage improvements or other land disturbances to begin before May 1 (but no earlier than March 16) and end after October 31 (but no later than November 30), based upon weather conditions and the and in consultation with the recommendation and direction of the project's geotechnical engineer. The City Engineer may use the expertise of a City contracted geotechnical consultant to make the decision to allow any work before May 1 or after October 31. The City Engineer has full authority to not allow any extension of work before May 1 or after October 31. In no case shall the applicant be allowed to begin work before May 1 or complete work after October 31 if the average monthly rainfall in any individual month between September and April is exceeded.

When allowed by the City Engineer, tThe modification of dates shall be the minimum necessary, based upon the evidence provided by the applicant, to accomplish the necessary project goals. Temporary protective fencing shall be established around all trees and vegetation designed for protection prior to the commencement of grading or other soil disturbance.

- C. Designs shall minimize the number and size of cuts and fills.
- D. Cut and fill slopes, ~~such as those for a street, driveway accesses, or yard area,~~ greater than seven feet in height (as measured vertically) shall be terraced. Faces on a terraced section shall not exceed five feet. Terrace widths shall be a minimum of three feet and shall be vegetated. Total cut and fill slopes shall not exceed a vertical height of fifteen feet. Except in connection with geotechnical remediation plans approved in accordance with the chapter, cuts shall not remove the toe of any slope that contains a known landslide or is greater than twenty-five percent slope. The top of cut or fill slopes not utilizing structural retaining walls shall be located a minimum of one-half the height of the cut slope from the nearest property line.
- E. Any structural fill shall be designed by a suitably qualified and experienced civil or geotechnical engineer licensed in Oregon in accordance with standard engineering practice. The applicant's engineer shall certify that the fill has been constructed as designed in accordance with the provisions of this chapter. The structural fill design must be provided prior to any fill being placed onsite. The structural fill design must contain the stamp and signature of a professional engineer licensed in the State of Oregon.
- F. Retaining walls shall be constructed in accordance with the Oregon Structural Specialty Code adopted by the State of Oregon.
1. Retaining walls that are four feet or greater in height, tiered walls with a total height four feet or greater, and walls on slopes steeper than 2:1 must be designed by a professional engineer licensed in the State of Oregon which includes a stamped and signed set of plans.
 2. The construction of the wall must be inspected by the professional engineer responsible for the design and must be certified prior to the structure receiving temporary occupancy. The certification must contain the stamp and signature of a professional engineer licensed in the State of Oregon.
 - ~~1-3.~~ All retaining walls required to be designed by a professional engineer shall be reviewed by the City, when expertise exists on staff, or by the City's consultant. When reviewed by the City's consultant, the applicant shall reimburse the City for time spent by the City's consultant to review the design.
- ~~F-G.~~ Roads shall be the minimum width necessary to provide safe vehicle and emergency access, minimize cut and fill and provide positive drainage control. The review authority may grant a variance from the city's required road standards upon findings that the variance would provide safe vehicle and emergency access and is necessary to comply with the purpose and policy of this chapter.

- H. Density shall be determined as follows:

1. Slope

- a. For those areas with slopes less than twenty-five percent between grade breaks, the allowed density shall be that permitted by the underlying zoning district, unless further limited by the following code section;
 - b. For those areas with slopes of twenty-five to thirty-five percent between grade breaks, the density shall not exceed two dwelling units per acre except as otherwise provided in subsection I of this section;
 - c. For those areas with slopes over thirty-five percent between grade breaks, development shall be prohibited except as otherwise provided in subsection I.4. of this section.
- 2. Existing landslide (as shown in the Geologic Hazard Overlay Zone)
 - a. For those areas with historic landslides where the structure or ground disturbance will be located within any portion of the mapped landslide or buffer zone, the density shall not exceed two dwelling units per acre except as otherwise provided in subsection I of this section;
- I. For properties with slopes of twenty-five to thirty-five percent between grade breaks or are located within any portion of a mapped landslide and buffer zone:
 - 1. For those portions of the property with slopes of twenty-five to thirty-five percent or located within any portion of a mapped landslide and buffer zone, the maximum residential density shall be limited to two dwelling units per acre; provided, however, that where the entire site is less than one-half acre in size, a single dwelling shall be allowed on a lot or parcel existing as of January 1, 1994 and meeting the minimum lot size requirements of the underlying zone;
 - 2. An individual lot or parcel with slopes between twenty-five and thirty-five percent or located within any portion of a mapped landslide and buffer zone, shall have no more than fifty percent or four thousand square feet of the surface area, whichever is smaller, graded or stripped of vegetation or covered with structures or impermeable surfaces.
 - 3. No cut into a slope of twenty-five to thirty-five percent or located within any portion of a mapped landslide and buffer zone, for the placement of a housing unit shall exceed a maximum vertical height of fifteen feet for the individual lot or parcel.
 - 4. For those portions of the property with slopes over thirty-five percent between grade breaks:
 - a. Notwithstanding any other city land use regulation, development other than roads, utilities, public facilities and geotechnical remediation shall be prohibited; provided, however, that the review authority may allow development upon such portions of land upon demonstration by an applicant that failure to permit development would deprive the property owner of all economically beneficial use of the property. This determination shall be made considering the entire parcel in question and contiguous parcels in common ownership on or after January 1, 1994, not just the portion where development is otherwise prohibited by this chapter. Where this showing can be made on residentially zoned land, development shall be allowed and limited to one single-family residence. Any development approved under this chapter shall be subject to compliance with all other applicable city requirements as well as any applicable state, federal or other requirements;
 - b. To the maximum extent practicable as determined by the review authority, the applicant shall avoid locating roads, utilities, and public facilities on or across slopes exceeding thirty-five percent.
- J. The geotechnical engineer of record shall review final grading, drainage, and foundation plans and specifications and confirm in writing that they are in conformance with the recommendations provided in their report.
- K. At the city's discretion, peer review shall be required for the geotechnical evaluation/investigation report submitted for the development and/or lot plans. The peer reviewer shall be selected by the city. The applicant's geotechnical engineer shall respond to written comments provided by the city's peer reviewer

prior to issuance of building permit.

- L. The review authority shall determine whether the proposed methods of rendering a known or potential hazard site safe for construction, including proposed geotechnical remediation methods, are feasible and adequate to prevent landslides or damage to property and safety. The review authority shall consult with the city's geotechnical engineer in making this determination. Costs for such consultation shall be paid by the applicant. The review authority may allow development in a known or potential hazard area as provided in this chapter if specific findings are made that the specific provisions in the design of the proposed development will prevent landslides or damage. The review authority may impose any conditions, including limits on type or intensity of land use, which it determines are necessary to assure that landslides or property damage will not occur.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)

17.44.070 - Access to property.

- A. Shared private driveways may be required if the City Engineer or principal planner determines that their use will result in safer location of the driveway and lesser amounts of land coverage than would result if separate private driveways are used.
- B. Innovations in driveway design and road construction shall be permitted in order to keep grading and cuts or fills to a minimum and to achieve the purpose and policy of this chapter.
- C. Points of access to arterials and collectors shall be minimized.
- D. The City Engineer or principal planner shall verify that adequate emergency services can be provided to the site.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)

17.44.080 - Utilities.

All new ~~service~~-utilities (storm sewer, sanitary sewer, potable water, and gas), both on-site and off-site, shall be placed underground and under roadbeds where practicable. All other service utilities (including, but not limited to, electric, telephone, telecom, cable, fiberoptic) shall be placed above ground on existing poles if poles exist. If no poles exist, the service lines shall be placed underground. Every effort shall be made to minimize the impact of utility construction. Underground utilities require the geologic hazards permitting and review prescribed herein when applicable.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)

17.44.090 - Stormwater drainage.

The applicant shall submit a permanent and complete stormwater control plan. The program shall include, but not be limited to the following items as appropriate: curbs, gutters, inlets, catch basins, detention facilities and stabilized outfalls. Detention facilities shall be designed to city standards as set out in the city's drainage master plan and design standards. The review authority may impose conditions to ensure that waters are drained from the development so as to limit degradation of water quality consistent with Oregon City's Title III section of the Oregon City Municipal Code Chapter 17.49 and the Oregon City Stormwater and Grading Design Standards ~~Public Works Stormwater Management Design Manual and Standards Plan~~ or other adopted standards subsequently adopted by the city commission. The review authority may also impose conditions to limit the volume, velocity, or flow rate of water such that it does not negatively impact the underlying drainageway cross section. Drainage design shall be approved by the ~~C~~city ~~E~~ngineer before construction, including grading or other soil disturbance, has begun. A geotechnical report must include analysis and solutions for infiltration facilities located in areas where these

facilities could impact nearby slopes of greater than 10 percent. Infiltration shall be minimized as practicable for any site located within a Geologic Hazard Overlay. Infiltration is not allowed for any site located in areas greater than 25 percent.

The project's civil or geotechnical engineer shall inspect any stormwater management feature and must certify that the stormwater management feature was constructed per plan and with the recommendations of the geotechnical engineer prior to receiving temporary occupancy. The certification must contain the stamp and signature of a professional engineer licensed in the State of Oregon.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)

17.44.100 - Construction standards.

During construction on land subject to this chapter, the following standards shall be implemented by the developer:

- A. All development activity shall minimize vegetation removal and soil disturbance and shall provide positive erosion prevention measures in conformance with OCMC Chapter 17.47—Erosion and Sediment Control.
- B. No grading, clearing or excavation of any land shall be initiated prior to approval of the grading plan, except that the City Engineer shall authorize the site access, brush to be cleared and the location of the test pit digging prior to approval of such plan to the extent needed to complete preliminary and final engineering and surveying. The grading plan shall be approved by the City Engineer as part of the city's review under this chapter. The developer shall be responsible for the proper execution of the approved grading plan.
Measures shall be taken to protect against landslides, mudflows, soil slump and erosion. Such measures shall include sediment fences, straw bales, erosion blankets, temporary sedimentation ponds, interceptor dikes and swales, undisturbed buffers, grooving and stair stepping, check dams, etc. The applicant shall comply with the measures described in the Oregon City Public Works Standards for Erosion and Sedimentation Control (Ordinance 99-1013). Erosion control measures shall be in place at all times during construction to the maximum extent practicable.
- C. All disturbed vegetation shall be replanted with suitable vegetation upon completion of the grading of the steep slope area.
- D. Existing vegetative cover shall be maintained to the maximum extent practicable. No grading, compaction or change in ground elevation, soil hydrology and/or site drainage shall be permitted within the drip line of trees designated for protection, unless approved by the city.
- E. Existing perennial and intermittent watercourses shall not be disturbed unless specifically authorized by the review authority. This includes physical impacts to the stream course as well as siltation and erosion impacts. The City, at its discretion, is not required to but may request the examination and assessment by other State agencies to determine if impacts are acceptable.
- F. All soil erosion and sediment control measures shall be maintained during construction and for one year after development is completed, or until soils are stabilized by revegetation or other measures to the satisfaction of the City Engineer. Such maintenance shall be the responsibility of the developer. If erosion or sediment control measures are not being properly maintained or are not functioning properly due to faulty installation or neglect, the City may order work to be stopped. (Ord. 03-1014, Att. B3 (part), 2003; Ord. 94-1001 §2(part), 1994)
- G. All newly created lots, either by subdivision or partition, shall contain building envelopes with a slope of thirty-five percent or less.
- H. The applicant's geotechnical engineer shall provide special inspection during construction to confirm that the subsurface conditions and assumptions made as part of their geotechnical evaluation/investigation are appropriate. This will allow for timely design changes if site conditions are encountered that are different from those anticipated. Inspection is required on a daily basis for any day that earth disturbance is occurring or after any rainfall event of ½ inch or greater.

- I. Prior to issuing an occupancy permit, the geotechnical engineer shall prepare a summary letter stating that the soils- and foundation-related project elements were accomplished in substantial conformance with their recommendations. The summary letter must contain the stamp and signature of a professional engineer licensed in the State of Oregon.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)

17.44.110 - Approval of development.

The ~~C~~city ~~E~~ngineer shall review the application and verify, based on the applicant's materials and the land use record, whether the proposed development constitutes a hazard to life, property, natural resources or public facilities. If, in the ~~C~~city ~~E~~ngineer's opinion, a particular development poses such a hazard, the ~~C~~city ~~E~~ngineer shall recommend to the review authority permit conditions designed to reduce or eliminate the hazard. These conditions may include, but are not limited to, prohibitions on construction activities between November 1st and ~~April~~ ~~March~~ ~~30~~ ~~1st~~.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)

17.44.120 - Liability.

Approval of an application for development on land subject to this chapter shall not imply any liability on the part of the city for any subsequent damage due to earth slides. Prior to the issuance of a building permit, a waiver of damages and an indemnity and hold harmless agreement shall be required which releases the city from all liability for any damages resulting from the development approved by the city's decision. The indemnity and hold harmless agreement shall be recorded on the property and run with the property.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)

17.44.130 - Compliance.

Nothing contained in this chapter shall relieve the developer of the duty to comply with any other provision of law. In the case of a conflict, the more restrictive regulation shall apply.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)

17.44.140 - Appeal.

The review authority's decision may be appealed in the manner set forth in Chapter 17.50.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)



MEMORANDUM

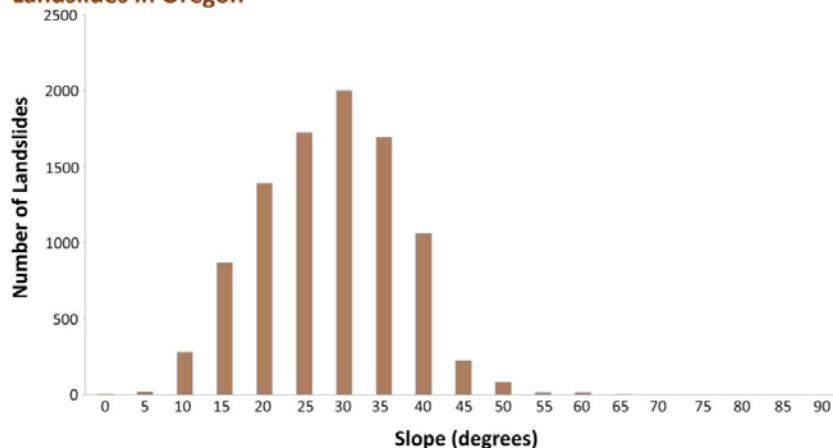
April 13, 2021

GEOLOGIC HAZARDS

Based on questions presented at the November 18, 2020 City Commission meeting, the following is provided as additional information.

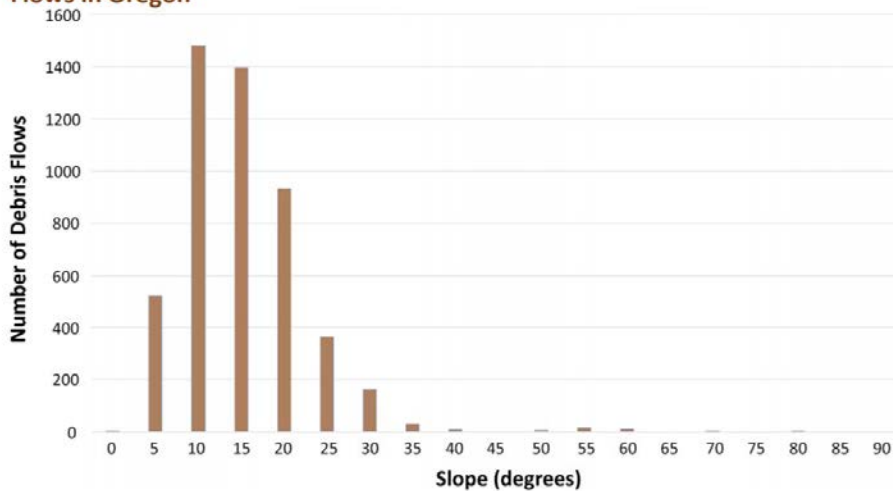
The “Preparing for Landslide Hazards: A Land Use Guide for Oregon Communities” document published October 2019 by DLCD (Department of Land Conservation and Development) and DOGAMI (Department of Geology and Mineral Industries) provides the following charts:

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



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

Figure 4-6. Number of Debris Flows and Corresponding Slope Angles for 4,904 Debris Flows in Oregon



Source: Burns et al. (2017)

Oregon City has experienced some landslides over the years, many of which are smaller, but two of which have resulted in further study.

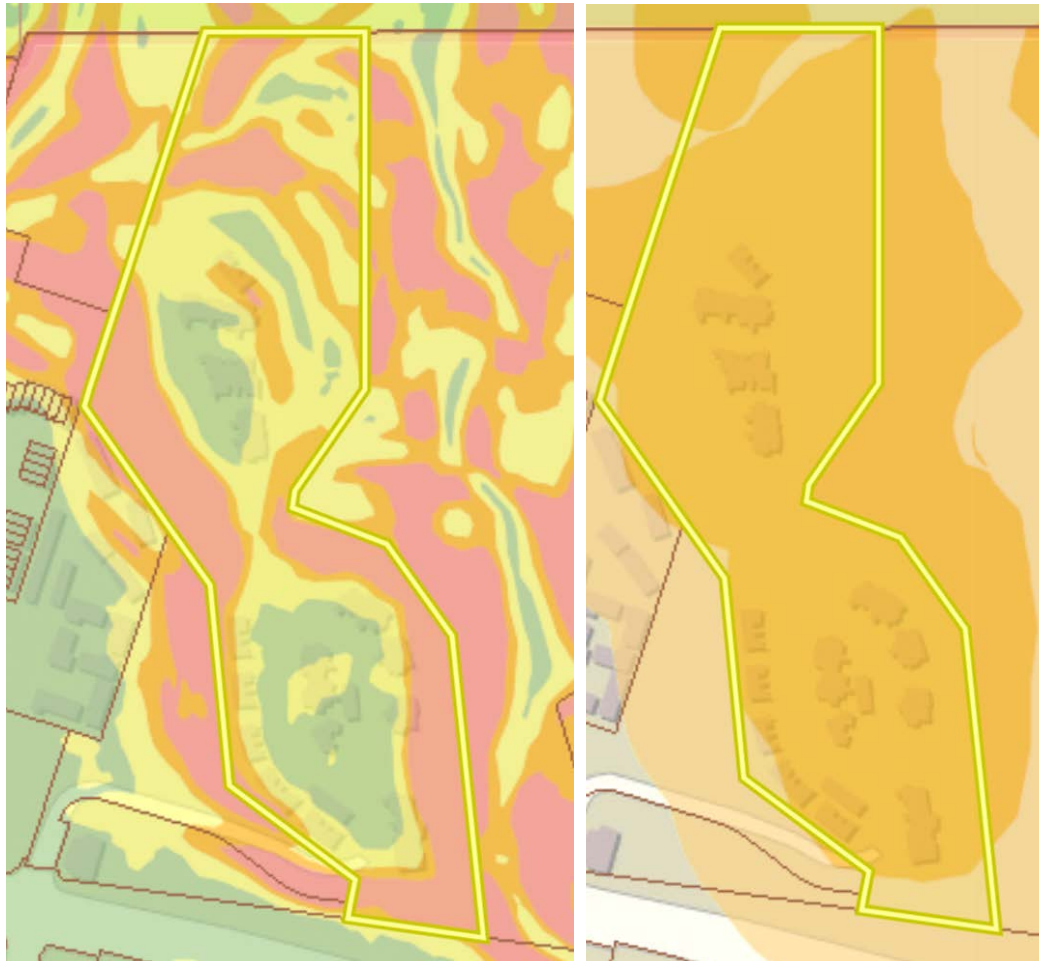
1. Forest Edge Apartments
2. Trillium Drive

Forest Edge Apartments

This apartment complex, formerly called Newell Creek Apartments, was built in 1972. Zoning codes did not contain geologic hazard code at that time and geologic science was not as advanced as it is today. Berryhill Apartments, just uphill from Forest Edge, was built in the early 1990s. The lower campus of Forest Edge Apartments was built in 1997. Slides occurred in 2005 and 2011, and then the largest slide occurred in 2015. All slides have occurred on the lower campus. The bulk of the site was built on slopes 0-25%; however, the site was also built on a historic landslide deposit.

The slopes of the property are:

The landslide deposit is shown here:



☒ Slope Categories

 0 - 10%

 10 - 25%

 25 - 35%

 > 35%

☒ Geologic Hazards - Landslides

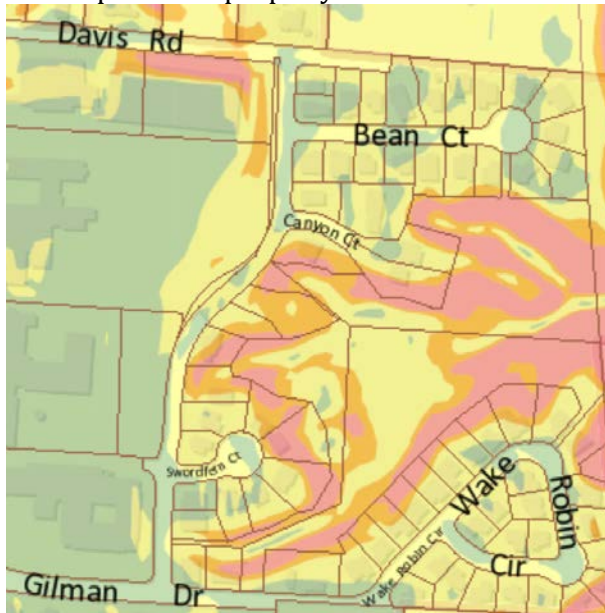
 Landslides

 Buffered (200 ft)

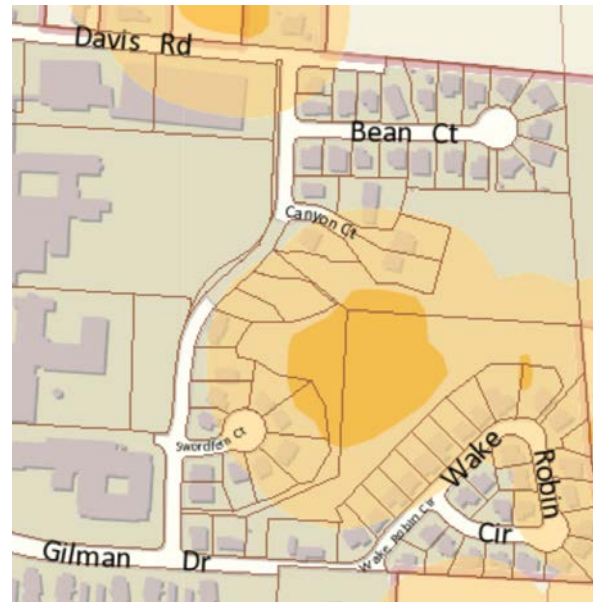
Trillium Drive:

In February 2017, Trillium Drive was closed due to landslide movement.

The slopes of the property are:



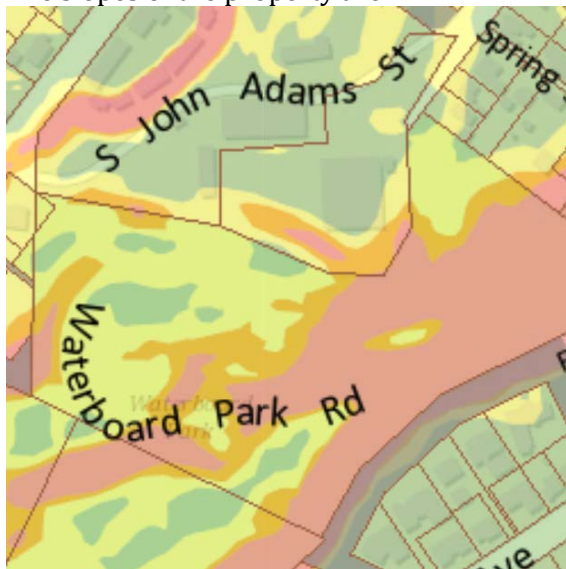
The landslide deposits are shown here:



It should be noted that these two major landslides happened in areas with existing landslide deposits.

Another area that the City has monitored is the Public Works "Upper Yard" which is now designated as Lower Waterboard Park. This area has shown movement over the years.

The slopes of the property are:



The landslide deposits are shown here:



Existing landslide deposits are the common factor associated with the land that has been moving and has always been associated with excessive rainfall.

By today's Code and standards, these sites would have all been reviewed much differently than when they were built. Each of these would have fallen into the area of either the historic landslide

or buffer of that landslide. Slope would not have been the determining factor if the site would have been reviewed.

Existing Code determines density solely by the slope category; however, proposed Code requires density to be reviewed with slope AND if that property exists within a historic landslide area or its buffer.

Another area of the City known for landslides is South End Road:

The slopes of the property are:



The landslide deposits are shown here:



Another area known for sliding is the neighborhood associated with Peter Skene Way:

The slopes of the property are:

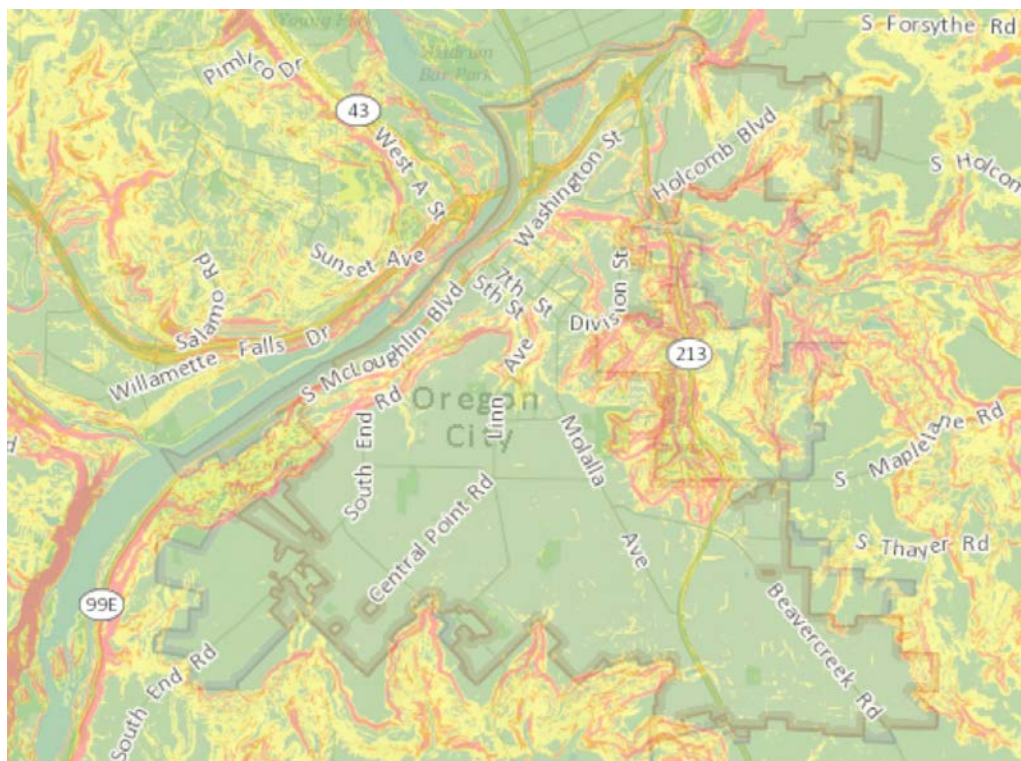


The landslide deposits are shown here:

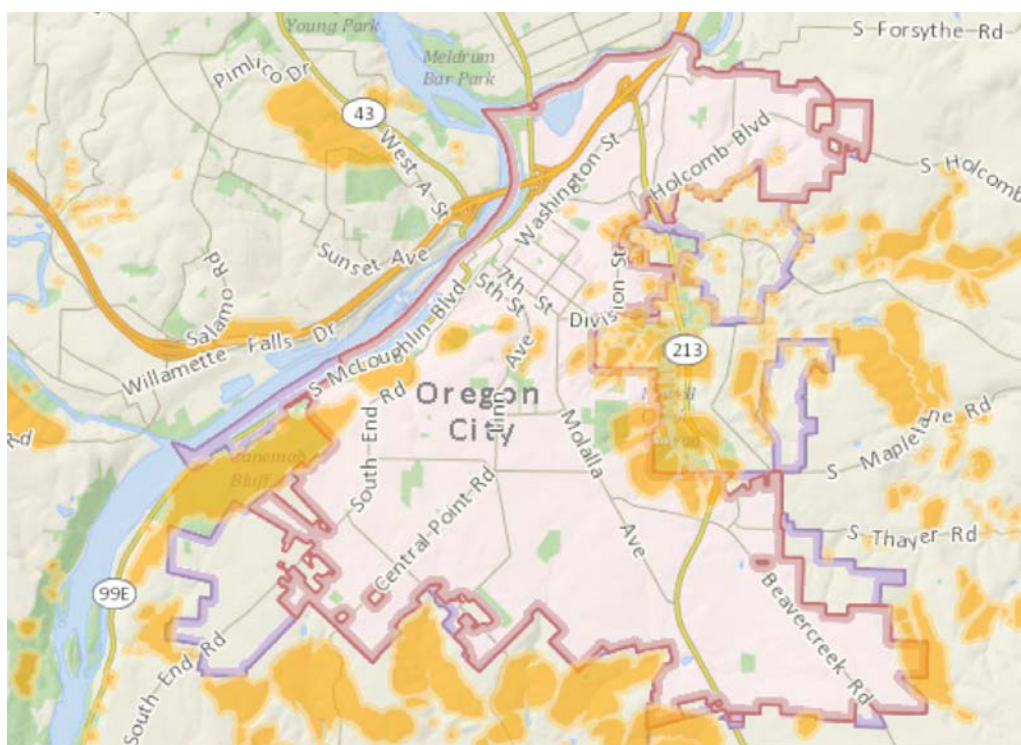


Again, the areas where the slides are happening are at historic landslide deposit areas. The properties are developed mostly on the 0-25% regions, and mostly 0-10% areas.

A picture of slopes in the City:



A picture of landslide deposits in the City:



As a reminder, slopes on the Oregon City Mapping System (OC Maps) are based on Lidar data, which is used to create topographic elevation lines.

Landslide data is imported directly from a dataset created by DOGAMI.

A comparison of Oregon Communities is shown below:

City	Percent Slope*
Astoria	35%
Beaverton	25%
Brookings	15%
Canby	10%
Clatskanie	20%
Estacada	20% (Comp Plan), 33% City Code
Eugene	5%
Fairview	25%
Gresham	15%
Medford	15%
Newport	25%
Oregon City	25%
Port Orford	15%
Sandy	25%
Silverton	12%
Springfield	15%
Tigard	25%
West Linn	12-15%
Clackamas County	20%
Multnomah County	25%
Tillamook County	19%
Average Slope	19.19%

*This information is provided in the Appendix of “Preparing for Landslide Hazards: A Land Use Guide for Oregon Communities.” Some slope percentages are calculated differently depending on what data is being used by the respective city. Other cities referenced in the Guide are not listed to have a specific slope that is used to determine a Geologic Hazard which includes the cities of Portland and Salem.

From the City’s geotechnical consultant: “...by including both slope angle and mapped landslide area, the Oregon City code largely covers shallower slopes with mapped landslides, such that most slope instability risk on shallow slopes is picked up by the landslide mapping. By adding landslide hazard areas to the density requirements, both cases are covered equally.” (emphasis added)

Note that changing the slope requirement will not prevent the property from developing. It will only require more properties to complete additional analysis of their property using a geotechnical consultant. While that may reduce their risk, it will not eliminate the risk of a landslide, especially if the land exists on or near a landslide deposit. The property is still allowed to develop but may be constrained by density or other mitigations determined by the geotechnical report. Geotechnical reports will never guarantee the elimination of risk even with mitigation in place.

Existing Oregon City Municipal Code:

H.Density shall be determined as follows:

- 1.For those areas with slopes less than twenty-five percent between grade breaks, the allowed density shall be that permitted by the underlying zoning district;
- 2.For those areas with slopes of twenty-five to thirty-five percent between grade breaks, the density shall not exceed two dwelling units per acre except as otherwise provided in subsection I of this section;
- 3.For those areas with slopes over thirty-five percent between grade breaks, development shall be prohibited except as otherwise provided in subsection I.4. of this section.

I.For properties with slopes of twenty-five to thirty-five percent between grade breaks:

- 1.For those portions of the property with slopes of twenty-five to thirty-five percent, the maximum residential density shall be limited to two dwelling units per acre; provided, however, that where the entire site is less than one-half acre in size, a single dwelling shall be allowed on a lot or parcel existing as of January 1, 1994 and meeting the minimum lot size requirements of the underlying zone;
2. An individual lot or parcel with slopes between twenty-five and thirty-five percent shall have no more than fifty percent or four thousand square feet of the surface area, whichever is smaller, graded or stripped of vegetation or covered with structures or impermeable surfaces.
- 3.No cut into a slope of twenty-five to thirty-five percent for the placement of a housing unit shall exceed a maximum vertical height of fifteen feet for the individual lot or parcel.
- 4.For those portions of the property with slopes over thirty-five percent between grade breaks:
 - a.Notwithstanding any other city land use regulation, development other than roads, utilities, public facilities and geotechnical remediation shall be prohibited; provided, however, that the review authority may allow development upon such portions of land upon demonstration by an applicant that failure to permit development would deprive the property owner of all economically beneficial use of the property. This determination shall be made considering the entire parcel in question and contiguous parcels in common ownership on or after January 1, 1994, not just the portion where development is otherwise prohibited by this chapter. Where this showing can be made on residentially zoned land, development shall be allowed and limited to one single-family residence. Any development approved under this chapter shall be subject to compliance with all other applicable city requirements as well as any applicable state, federal or other requirements;
 - b.To the maximum extent practicable as determined by the review authority, the applicant shall avoid locating roads, utilities, and public facilities on or across slopes exceeding thirty-five percent.

Proposed Code:H. Density shall be determined as follows:1. Slope

- a. For those areas with slopes less than twenty-five percent between grade breaks, the allowed density shall be that permitted by the underlying zoning district, unless further limited by the following code section;
- b. For those areas with slopes of twenty-five to thirty-five percent between grade breaks, the density shall not exceed two dwelling units per acre except as otherwise provided in subsection I of this section;
- c. For those areas with slopes over thirty-five percent between grade breaks, development shall be prohibited except as otherwise provided in subsection I.4. of this section.

2. Existing landslide (as shown in the Geologic Hazard Overlay Zone)

- a. For those areas with historic landslides where the structure or ground disturbance will be located within any portion of the mapped landslide or buffer zone, the density shall not exceed two dwelling units per acre except as otherwise provided in subsection I of this section;

I. For properties with slopes of twenty-five to thirty-five percent between grade breaks or are located within any portion of a mapped landslide and buffer zone:

- 1. For those portions of the property with slopes of twenty-five to thirty-five percent or located within any portion of a mapped landslide and buffer zone, the maximum residential density shall be limited to two dwelling units per acre; provided, however, that where the entire site is less than one-half acre in size, a single dwelling shall be allowed on a lot or parcel existing as of January 1, 1994 and meeting the minimum lot size requirements of the underlying zone;
- 2. An individual lot or parcel with slopes between twenty-five and thirty-five percent or located within any portion of a mapped landslide and buffer zone, shall have no more than fifty percent or four thousand square feet of the surface area, whichever is smaller, graded or stripped of vegetation or covered with structures or impermeable surfaces.
- 3. No cut into a slope of twenty-five to thirty-five percent or located within any portion of a mapped landslide and buffer zone, for the placement of a housing unit shall exceed a maximum vertical height of fifteen feet for the individual lot or parcel.
- 4. For those portions of the property with slopes over thirty-five percent between grade breaks:
 - a. Notwithstanding any other city land use regulation, development other than roads, utilities, public facilities and geotechnical remediation shall be prohibited; provided, however, that the review authority may allow development upon such portions of land upon demonstration by an applicant that failure to permit development would deprive the property owner of all economically beneficial use of the property. This determination shall be made considering the entire parcel in question and contiguous parcels in common ownership on or after January 1, 1994, not just the portion where development is otherwise prohibited by this chapter. Where this showing can be made on residentially zoned land, development shall be allowed and limited to one single-family residence. Any development approved under this chapter shall be subject to compliance with all other applicable city requirements as well as any applicable state, federal or other requirements;
 - b. To the maximum extent practicable as determined by the review authority, the applicant shall avoid locating roads, utilities, and public facilities on or across slopes exceeding thirty-five percent.



CITY OF OREGON CITY

Staff Report

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

To: City Commission **Agenda Date:** 05/24/2021
From: Public Works Director John M. Lewis, PE, and Community Development Director
Laura Terway

SUBJECT:

Street Trees and Associated Sidewalk Damage in the Wasco Acres, Trailview, and Tracey Heights Subdivisions

STAFF RECOMMENDATION:

This is an informative topic intended to guide staff on the City Commission's areas of agreement on how to proceed with enforcement and public assistance with sidewalk damage resulting from street tree root intrusion.

EXECUTIVE SUMMARY:

The Oregon City Municipal Code, like most agencies, identifies the abutting property owner as the responsible party for sidewalk repairs and maintenance of abutting street trees. Though trees provide benefits such as stormwater retention, wildlife habitat, and reduced energy consumption, street trees can cause damage to abutting sidewalks. Street trees have caused significant damage in the Wasco Acres, Trailview, and Tracey Heights subdivisions, and thus the City Commission asked staff to address the neighborhood concerns with background and recommendations moving forward.

BACKGROUND:

All trees provide benefits such as stormwater retention, wildlife habitat, and reduced energy consumption. A street tree is a community-owned tree that grows on City property, generally located within a planter strip between the sidewalk and the street. The abutting property owner is responsible for maintaining street trees. The most significant factors contributing to the longevity of a street tree include planting the right species, in the right location, with the right method, with proper maintenance of the tree over time.

The Oregon City Municipal Code, like most agencies, identifies the abutting property owner as the responsible party for sidewalk repairs and maintenance of abutting street trees. Though trees provide benefits, they can cause damage to abutting sidewalks.

Street trees have caused significant damage in the Wasco Acres, Trailview, and Tracey Heights subdivisions, and thus the City Commission asked staff to address the neighborhood concerns with background and recommendations moving forward.

Since the City began consistently requiring street trees to be installed with land divisions in the 1980s, development standards have evolved significantly. Minimum planter strip widths, sidewalk width, curb sections, tree planting requirements, and pavement thickness have evolved to improve and extend the life of these amenities. The code has changed to require larger planting areas, review of tree species, and installation of root barriers.

All of the tree species within the aforementioned subdivisions were either on the street tree plan at the time of review or approved by a landscape architect. However, the trees have grown to create hazardous conditions. A vast majority of the hazards may be addressed temporarily by grinding down minor sidewalk lifts. The Red Sunset Maple in Trailview will likely need to be removed.

While some property owners have been proactive in addressing the hazard through the neighborhoods, others have not. Staff has proposed that the City Commission consider a range of interests and concerns. It is important for the community and the City Commission to recognize that the liability associated with all forms of sidewalk repair are significant.

The following is attached to assist the City Commission:

- The current standards in the Oregon City Municipal Code, as well as a summary of how the code developed and copies of previous codes. Street tree standards were quite vague and have been refined to add greater specificity and flexibility over the years.
- The Street Tree list originally adopted in 1998 and refined in 2013. A review of the street tree approval process for the Wasco Acres, Trailview and Tracey Heights subdivisions and an assessment of the current sidewalk and street tree conditions.
- Example of Sample Sidewalk Assistance Programs throughout the state.
- A perspective paper on sidewalk damage and the possibilities to move forward to help address sidewalk damage due to a variety of conditions associated with street tree plantings.

OPTIONS:

1. Direct staff to provide the City Commission with a specific recommendation for a Sidewalk Assistance Program that largely aligns with the existing design standards and the concept of an annual assistance budget and an individual property owner sidewalk replacement grant program.
2. Continue the matter to a future work session to discuss existing street standards and a completely different sidewalk assistance model.

3. Maintain the status quo as it pertains to sidewalk/street tree code and do not take further action.

BUDGET IMPACT:

Amount: Unknown

FY(s):

Funding Source(s):



Street Trees in the Wasco Acres, Trailview, and Tracey Heights Subdivisions

Wasco Acres

The Wasco Acres development includes 3-3.5' planter strips. The tree species on the approved street tree plan include:

1. Crimpson Sentry (3-4' planter strip approved 1998)
2. Amur Maple (3-4' planter strip approved 1998) **On the current street tree list for 2.5-3' planting strip*
3. Goldenrain Tree (3-4' parking strip approved 1998) **Columinar Goldenrain on the current street tree list for 3'-4' planting strip*

Though staff was unable to locate the staff report or subdivision application, the application was submitted in 1998 and would have been subject to the street tree list if the list was adopted when the subdivision application was submitted. The street tree list was adopted on May 6, 1998, and all three trees were listed on the street tree list for the corresponding planter strip width. Two of the three tree species are identified on the current street tree list as appropriate for the corresponding planter strip size.

Trailview

Development includes 3.0' planter strips. The tree species on the approved street tree plan include:

1. Shogestsv Sunset Maple (not on the approved tree list)
2. Red Sunset Maple (6-8' planter strip approved 1998)
3. Redspire Flowering Pear (not on the approved tree list)
4. Katsura/Cercidiphyllum (6-8' planter strip approved 1998) **On the current street tree list for 6'+ planting strip*

Two of the four tree species were listed on the street tree list at the time of development, though for a larger planter strip width. However, the street tree plan for the subdivision was reviewed and approved by Robert Foster, a Landscape Architect. One of the species is identified on the current street tree list as appropriate for a larger planter strip size.

Tracey Heights

Development includes 4.5' planter strips. The tree species on the approved street tree plan include:

1. Chanticleer Pear (4.5 – 5.5' planter strip approved 1998) **On the current street tree list for 4.5'-5.5' planter strip*
2. Cleveland II Norway (4.5 - 5.5' planter strip approved 1998)

Both tree species were listed on the street tree list for the corresponding planter strip width at the time of development. One of the tree species is identified on the current street tree list as appropriate for the corresponding planter strip size.

Assessment of the Current Sidewalk and Street Tree Conditions in Wasco Acres, Trailview, and Tracey Heights Subdivisions

On May 4, 2021, Pete Walter, Senior Planner, and John Lewis, Public Works Director, visited all three subdivisions to get a first-hand assessment of the street trees and sidewalks. The area has a wide range of sidewalk damage typical of many Oregon City neighborhoods.

Both Wasco Acres and Tracey Heights were developed with trees designated on the City's Street Tree list as it existed during development and some as it exists today. Generally, the sidewalks have less dramatic damage (trip hazards), and most could be corrected with sidewalk grinding. Frontages are showing signs of root pressure, and within a couple years the existing sidewalks will likely require replacement. Removal of some problematic trees now may prevent future impacts to the sidewalk grade, however, several street trees are thriving without any sidewalk impact. Grinding and selective removal and replacement of trees would be less noticeable and maintain safe sidewalks and the tree benefits intended in the original development design.

The trees and sidewalks along most of the Trailview Subdivision are much more problematic. Most sidewalk damage has resulted in significant grade offsets (trip hazards). In many instances, there are heaving grade changes. The tree roots in some instances are growing over the sidewalk and large roots were noted growing under the sidewalk and visible at the surface in the yard on the back of the sidewalk. The root and sidewalk conflicts in the Trailview Subdivision appear to have been ongoing for years, and in many cases could have been resolved years ago before the severe sidewalk damage occurred. The Red Sunset Maple trees are beautiful in the area. Property owners seem to have pruned the trees so that they provide lots of shade yet are high enough so cars and pedestrians can safely operate, however, they are consistently causing damage to the adjacent sidewalk. In almost all cases, the root intrusion from the Red Sunset Maple has continued for so long that many segments of sidewalk must be removed and replaced. It is likely that most or all of these species will be removed over time.



Community Development – Planning

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

History of Street Tree Requirements

All trees provide benefits such as stormwater retention, wildlife habitat, and reduced energy consumption. A street tree is a community-owned tree that grows on City property, generally located within a planter strip between the sidewalk and the street, but that the abutting property owner is responsible for maintaining. The most significant factors contributing to the longevity of a street tree include planting the right species, in the right location, with the right method, and with proper maintenance of the tree over time.

Oregon City Municipal Code

The Oregon City Municipal Code speaks directly to neighborhood amenities such as sidewalks, street trees, and street design. Currently the code includes the following:

- Sidewalks – While the City has jurisdiction and management authority over the Public Rights-of-way, OCMC 12.04 established requirements for streets, sidewalks and public places and OCMC 12.04.030 states “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.” To promote safety, OCMC 12.04.032 states that the property owner will be contacted to make needed repairs when a sidewalk hazard exists. The Chapter goes on to address liability, repair, repair timelines, and enforcement.
- Public Street Trees – In Oregon City, all development shall provide street trees adjacent to all street frontages. Street tree selection, planting, and maintenance requirements are established in OCMC 12.08.015 and includes requirements for tree types, spacing, size, etc. This street tree requirement has always held strong support from the community as street trees are thought to provide a wide range of community benefits. OCMC 12.08.025 states that maintenance of street trees and planting strips is the responsibility of the abutting property owners.
- Street Design – Through the land division process, the City implements its street design code. OCMC 16.12 addresses minimum public improvements and design standards for development which includes requirements for sidewalks and landscape strips.

History of the Oregon City Municipal Code:

Development standards have evolved over time as communities have recognized better solutions. Standard sidewalk widths, planter strip widths, curb sections, and pavement thickness are standards that have evolved as we seek to improve and extend the life of these amenities. The same is true for street trees as communities balance the aesthetic, shade, and tree canopy value to a neighborhood.

The City began consistently requiring street trees to be installed with land divisions in the 1980s. The planned unit development code language of 1982 included landscaping requirements which often led to a condition of installing street trees. The code at the time was very discretionary and did not include specific standards for tree spacing or species selection (1982 OCMC 11-10-3-B-1-f).

In 1991, the City also adopted OCMC Chapter 12.08, Street Trees which identified the placement of trees within the planter strip but did not specifically require them as a condition of development nor add detail about the spacing and species (1991 OCMC 12.08.010). The requirement for landscaping in planned developments was retained to the same level of specificity as the 1982 code (1991 OCMC 17.64.040.F & 17.64.140.F).

In 1998, the City adopted clearer standards for planter strips which specified that the minimum width of a planter strip was four feet with an option for 6-foot tree wells along corridor or arterial roadways, though development could likely vary through a process. The street trees within the planter strips or tree wells were required to be planted per OCMC 12.08 (1998 OCMC 16.12.180).

In 2001, specific guidance for planting street trees was adopted. The Municipal Code identified one tree per every 40 feet as practicable with additional spacing standards from street lights, fire hydrants, stop signs, and intersections. The tree regulations allowed planting in planting strips as narrow as 3 feet, or smaller with approval of the tree committee. The code required the tree species be from the street tree list in OCMC 12.08.020, but also identified in OCMC 12.08.030 that “The planning manager may specify the species of street trees required to be planted if there is an established planting scheme adjacent to the lot frontage, if there are obstructions in the planting strip, or if overhead power lines are present”. The code also required trees which were removed to be replaced with the same species, unless the species was not on the street tree list in which case, the tree must be replaced with a species from the street tree list.

In June 2004, the minimum width of the planter strips was widened even further to 5 feet (2004 OCMC 16.12.180) and the number of street trees was increased to one per every 35 feet as practicable.

In July 2009, the species of street trees was allowed to be selected from the Oregon City Street Tree List or be approved by a certified arborist (2009 OCMC 12.08.015) and an additional spacing requirement of 5 feet from all public utilities (i.e. sewer, storm and water lines, utility meters, etc.) was added.

In August 2019, the selection of species available to the community to plant in the planter strip was further expanded to also include species selected from an approved street tree list for a jurisdiction in the metropolitan region (2019 OCMC 12.08.015). The applicable standards of the code remain primarily the same today.

Over time, the City discovered that the locations in which the trees were planted were not necessarily the best suited for long-term success. The minimum required width of the planter strip has widened over time, requirements to distance trees from infrastructure have been added, and flexibility in species has been incorporated into the code.

Street Tree List

In May 1998, the City adopted our first Street Tree list via Resolution 98-14. The list identified a range of planter strip widths and tree species believed to be appropriate for planting within the corresponding planter strip width.

In December 2013, the street tree list was updated via Resolution 13-27. The Natural Resource Committee (NRC) made recommended changes to the list including removing some problematic species and adding new species. The review utilized resources including regional municipal street tree lists,

Friends of Trees, Metro, OSU Horticulture Department website, advice of NRC's Erik Carr (Clackamas Soil and Water District, Certified Arborist), and other NRC members. After the ice storm, the NRC began updating the street tree list once again to verify the species on the City's adopted street tree list are appropriate and resilient to climate change, including ice storms.

Root Barriers

Root barriers are required for new development in order to add another layer of protection for street trees. It is unknown when we first started requiring root barriers to be installed, though staff has utilized an attached construction detail which was originally published in April 2012. Though earlier subdivisions have street tree planting and staking details, it is likely that root barriers were not used prior.

Process for Street Tree Approval in Land Divisions

The general process of approval of street tree plans is identified below.

1. Subdivision Plan review – Applicants design a preliminary street tree plan which identifies the species, size, and general location of street trees within a subdivision in accordance with the standards in the Oregon City Municipal Code. The plan is reviewed by the public during the land use process, providing an opportunity for input on how the plan complies with the applicable criteria. Planning verifies that the species, size, and spacing requirements in 12.08 are met on a preliminary street tree plan and issues a land use decision.
2. Prior to recording the land division and officially separating the lots, developers typically provide the City with surety (funding) for the cost of the street trees. The City holds the funding knowing that if the developer does not install the street trees, the City could.
3. The City creates a summary form for the subdivision including copies of the approved plat, street tree plans, lot grading plan, setbacks, conditions of approval, etc. The developer and City may share the summary form with the builder for a better understanding of the expectations and constraints.
4. The City allows the homes to be built prior to planting the street trees in order to limit interference or damage to the trees during home construction, allow the trees to be planted in larger quantities which is more economical, and allow planting at a time of year that is most appropriate. Developers may send request changes to the street tree plan prior to installation.
5. A few years after the surety has been submitted and the trees have been planted, the City goes onsite to confirm the trees are planted correctly before the surety may be released back to the developer. The developer is responsible for addressing any errors and updating the street tree plan if there are any discrepancies. The surety is provided back to the developer once the City has confirmed all trees have been planted to City standards.

An interdepartmental staff team has been reviewing the street tree installation process for approximately four months and is expected to have recommendations for opportunities to internally better manage street trees later this month.



Sample Sidewalk Assistance Programs

City	Grant Program	Loan Program
Beaverton	50% of the cost ($\leq$ \$1,500)	No
Fairview	$\leq$ \$6.00 per square foot	No
Grants Pass	50% of the cost ($\leq$ \$1,500)	Yes
Newberg	50% of the cost ($\leq$ \$1,500)	Yes
Portland	Fee waivers for applications	No
Sherwood	50% of the cost	No
Wilsonville	50% of the cost for sidewalk/tree replacement ($\leq$ \$1,500) 50% of the cost for grinding/patching ($\leq$ \$500)	No

Beaverton

<https://www.beavertonoregon.gov/1170/Sidewalk-Repair-Grant-Program>

The maximum grant reimbursement will be 50% of the lowest bid or 50% of the actual invoiced amount, whichever is less, regardless of who the homeowner chooses for the work, subject to a cap of \$1,500 per application. Applications will only be accepted for single-family homes, duplexes, or townhouses in Residential or Multiple Use zones. Homeowners may only apply for one grant for one property in a calendar year.

Fairview

<https://fairvieworegon.gov/320/Sidewalks>

The Sidewalk Repair Grant Assistance Program utilizes limited funds collected in the Street Fund. A citizen can apply for a grant of up to \$6.00 per square foot (contractor or material costs) of replaced sidewalk if the sidewalk is identified as a trip hazard by the City based upon the standards outlined in the Sidewalk Maintenance Program Handbook - Policy and Operating Guidelines and the FMC 12.05.

Grants Pass

<https://www.grantspassoregon.gov/290/Hazardous-Sidewalk-Repair-Program>

Under the Hazardous Sidewalk Repair Program, the City will cover up to 50% of the sidewalk repair cost. If requested, the property owner's repair costs can be paid through the City's Financial Assistance Program, whereby the property owner is required to enter into an agreement for short-term financing with the City. The duration of the financing is dependent on the amount financed.

Newberg

<https://www.newbergoregon.gov/engineering/page/sidewalks-newberg#grant-and-loan>

Residential Sidewalk Repair Grant. The City will reimburse half of the repair cost not to exceed \$1,500. An additional \$500 may be added to the grant if repairs are needed because of trees. This covers the cost of tree removal and replacement. A residential property can only apply for and receive one grant, every two years.

Residential Sidewalk Repair Loan. Estimated cost of project must be over \$2,500. Total loan amount not to exceed \$6,000. An interest rate of 4% applies to monthly repayment. A lien on the property creates repayment if property is sold or transferred. Only one loan can be received by an individual property owner. This loan will not be given to projects where sidewalk repairs are a designated condition of project development.

Business Sidewalk Loan Program. The estimated cost of the project must be over \$2,500. Total loan amount not to exceed \$6,000. An interest rate of 4% applies to monthly repayment. A lien on the property creates repayment if the property is sold or transferred. Only one loan can be received by an individual property owner. This loan will not be given to projects where sidewalk repairs are a designated condition of project development.

Portland

<https://www.portland.gov/trees/treepermits/financial-assistance-tree-permit-application-fees>

The COVID-19 situation has affected many people's finances. To help, Portland Parks and Recreation Urban Forestry is piloting a financial assistance program. You may be able to get a waiver for certain permit application fees for single-family residence properties. You will qualify if you are able to provide proof of enrollment in the Portland Water Bureau Bill Discount Program. Qualified applicants may receive fee waivers for the following application types:

- [Tree removal and replanting](#)
- [Replanting waiver](#)
- [Root pruning](#)
- [Chemical treatment](#)
- [Tree pruning application \(inspection required\)](#)
- [Tree permit decision appeal](#)
- [Administrative review](#)

The piolet program was implemented in June 2020. The eligibility for this assistance based on the existing Portland Water Bureau rate reduction program participation worked well in order to avoid a separate application and eligibility evaluation process. Some of the applicants were already enrolled,

which made the process very simple. Others had to become enrolled, but initial feedback suggests that the process is not too burdensome.

Portland granted approximately 20 applicants financial assistance in the first 6 months. The typical assistance granted was for the \$100 tree removal and replanting permit application fee. The City is now conducting a phone and email survey to gather information to plan implementation beyond the pilot program.

Sherwood

<https://www.sherwoodoregon.gov/publicworks/page/sidewalk-repair-assistance-program>

The City offers two options for repair: shaving or full replacement. The City completes the sidewalk shaving or full replacement and bills 50% of the cost to the responsible property owner through the Sidewalk Repair Assistance Program. The City of Sherwood will be divided into four areas with each area programmed for sidewalk assistance repair once every five years. To begin the program, the City will complete sidewalk repair in one area each year until all areas have received repairs. The City of Sherwood will utilize the sidewalk repair inventory to determine which areas should be treated first. After that, the Public Works Department will determine which areas need repair based on the inspection program and may choose to do repairs in all areas for one year.

The City of Sherwood will evaluate all city sidewalks in the scheduled area to identify all sidewalk areas that need to be repaired. Once this evaluation is complete, a schedule will be compiled, identifying and rating sidewalk repairs for each area. Customers will receive notification of any deficiencies abutting their property and the timeline for repair will be initiated. If the owner does not correct the defect, or eliminate the hazard, or make the repairs to said sidewalk, or construct the sidewalk as required by said ordinance within one hundred twenty (120) days of the giving of the notice, or such longer time as the council by ordinance may specify, the city may construct or repair said sidewalk or sidewalks and assess upon each lot, parcel or part thereof its proportionate part or share of the whole cost of the same, including expense to defray cost of notice, engineering, advertising and attorney's fees, in the form of an assessment lien.

Wilsonville

<https://www.ci.wilsonville.or.us/residents/page/sidewalk-repair-reimbursement-program>

Reimbursable funds may only be used for the repair or replacement of existing sidewalks that have been damaged by the roots of street trees, including tree removal and replacement. In order to access funds, property-owners must obtain three competitive bids. The maximum reimbursement will be 50% of the lowest bid or 50% of the actual invoiced amount, whichever is less, regardless of who the property-owner chooses for the work, subject to a cap of \$1,500 per application. For grinding or patching, the maximum grant reimbursement will be 50% of the invoiced cost, subject to a cap of \$500.



Existing Sidewalk Enforcement and Trip Hazard Problems and Solutions

Oregon City Streets include 158 miles of sidewalks and over 2,600 curb ramps. In accordance with City Code, the responsibility for these assets currently resides with the abutting property owner. The value of a mile of 5-foot-wide sidewalk removal and replacement is estimated at roughly \$700,000, assuming \$26.50/square foot. While this sidewalk trip hazard scenario is not considering a complete replacement of the City's sidewalk system, the citywide sidewalk replacement liability due to tree root damage is high.

Compliance History

Oregon City has a long history of working with property owners to uphold the sidewalk and street tree code. Enforcement of trip hazards in Oregon City is a complaint-driven process rather than an active program where staff might complete routine sidewalk evaluations along with follow-up notifications. Many property owners take the initiative to repair sidewalks before a complaint is submitted, while others wait until the sidewalk damage is reported by others. Some property owners obtain a repair permit while we also know others move forward with the repair work without obtaining a permit. In review of our sidewalk damage tracking records (July 2018 through May 2021), 190 records exist. Of the 190 records, 132 are recorded as having completed their repairs.

Individual sidewalk enforcement and repair efforts have varied depending on the property owner and the disposition of the area. Often sidewalk complaints are limited to one address, but in limited cases, like the Wasco/Trailview/Tracey situation, this area was anonymously reported by a neighbor as an areawide problem. Regardless of the complaint, the sidewalk problem is validated, and the fronting property owner is notified of the City's code and requirements for repair. In years past, the City has worked with property owners in a cooperative way while providing requirements, grouping permits, extending timelines, or seeking out alternative standards. The City's position has been to focus on solutions while at the same time obligating the property owner to their responsibility to complete these repairs. More recently, the City via the COVID-19 impacts has extended repair timelines and

encouraged property owners to group repair work under one group permit. However, permit fees have not been waived and sidewalk regulation and inspection has continued in accordance with City regulation.

Other Agency Programs

As indicated in the Sample Sidewalk Assistance Programs issue paper, seven Oregon cities have sidewalk assistance programs. Many other Cities do not offer sidewalk assistance. The issue paper was created using a staff search of agency websites that publish a program. For those cities that help, the options include grants, loans, and fee waivers to repair/replace services for both sidewalk and tree replacements. Some are based on a unit cost range, while others include contributions of somewhere between \$500 to \$1,500 per property owner. Some offer funding for sidewalk replacement while others support tree removal and replacements. Beaverton limits applications to properties used as residential. Grants Pass offers short-term financing through its Finance Department. Portland is exploring a pilot program offering permit fee waivers. The City of Sherwood, which is a smaller jurisdiction, offers the community an annual sidewalk grinding service. Each program seems to offer some form of assistance to mitigate the same problem of sidewalk damage resulting from tree roots.

Recommendations for Oregon City Sidewalk Compliance

Oregon City, like many cities, has in the past maintained a clear line of delineation on property owner responsibility as it pertains to sidewalk repairs. It is one of the clearest sections of the code. Many years of sidewalk compliance have occurred in Oregon City without a Sidewalk Assistance Program, so City assistance would be a significant change and at least initially would come with some inequities.

However, the sidewalk damage due to tree root intrusion is going to continue. The City could offer an annual budget (limit) for either tree removal and replacement, or sidewalk removal and replacement, or offer a program for both. A funding scenario including fifty properties at \$2000 each would be \$100,000, which is significant. However, it could be funded through a combination of gas tax revenue, pavement maintenance fees, and tree removal mitigation funds. A sidewalk assistance program would involve supporting our existing enforcement and permit program with a simple application for a one-time reimbursement for removal and replacement work. Grant amount limits could be set for tree removal, tree replacement, and sidewalk removal and replacement. We note several properties (corner properties) have much

more sidewalk liability than others, so a grant methodology could be established to respond to the condition of more work for some than others. Commercial sidewalks can be a much higher unit rate due to access and needed accommodations for temporary access.

Other solutions to help avoid a continuum of creating the same problem into the future:

1. Establish a proactive sidewalk evaluation to note observable sidewalk lifting before it becomes a significant grade change. We could provide the property owner with education materials and a simplified tree removal process to deal with the concern before the sidewalk needs sidewalk grinding or replacement.
2. The City could also consider revising its design standards to include more neighborhoods with wider planter strips or curb tight sidewalks, especially in new residential neighborhoods where travel volumes and speeds are low.

LEGEND:

- STREET BARRICADE (SEE DETAIL SHEET 19)
- WOOD BOLLARD (SEE DETAIL SHT 7)
- STREET TREES @ 30 O.C.
ALTERNATE PLANTING OF FOLLOWING THREE SPECIES
CRIMSON SENTRY NORWAY MAPLE
AMUR MAPLE
GOLDEN TREE
- PROPOSED STREET LIGHT-HOLCOMB BLVD. (See notes)
- PROPOSED STREET LIGHT-INTERIOR STREETS (See notes)
- FLOW DIRECTION ARROW
- CENTERLINE MONUMENTS

NOTES:

- ALL C - C INTERSECTIONS AND ALL PCs AND PTs SHALL BE MONUMENTED PER DETAIL ON SHT 21. CONTRACTOR TO SET ALL MONUMENT CANS.
- FOR HOLCOMB RD. STREET IMPROVEMENTS, SEE SHT. 7.
- CONSTRUCT PEDESTRIAN RAMPS IN LOCATIONS AS SHOWN PER DETAIL SHT 19 & 20.
- TEMPORARY TURNAROUND EASEMENT TO BE AUTOMATICALLY VACATED UPON THE APPROVAL OF RIGHT-OF-WAY DEDICATION AND/OR CITY LAND USE ACTION APPROVAL OF ADJACENT PROPERTY TO THE SOUTH.
- STREET LIGHTING:
 - PROPOSED STREET LIGHT: 35-FT., GRAY, ROUND, TAPERED, BASE MOUNTED, ALUMINUM POLE, WITH A 200W, 240V, HPS, "COBRA-HEAD" STYLE LUMINAIRE, MOUNTED ON A 6 FT. NASTARM, 30 FT. ABOVE THE ROADWAY
 - PROPOSED STREET LIGHT: 30-FT., GRAY, ROUND, TAPERED, DIRECT BURY, FIBERGLASS POLE, WITH A 100W, 240V, HPS, "COBRA-HEAD" STYLE LUMINAIRE, MOUNTED ABOVE THE ROADWAY

Street Light Design by:
R.J. Rouse Electric, Inc.
Ph. (503) 612-0840
Fax (503) 612-0891

NATIVE PLANT SPECIES HEDGE
@ 2 FT SPACING
WESTERN SERVICEBERRY
RED-OSIER DOGWOOD
RED-OSIER DOGWOOD
SALMONBERRY

STREET TREES 30 FT O.C.
ALTERNATE SPECIES BETWEEN
AMUR MAPLE, CRIMSON SENTRY NORWAY
AND GOLDENRAIN TREE

HYDROSEED WITH PROTOME 835
OR APPROVED EQUAL

6' CEDAR FENCE

6' CEDAR FENCE
(SEE DETAIL SHEET 22)

PEDESTRIAN
CONNECTION
NOT TO SCALE

WINSTON DRIVE

CL-CL
HOLCOMB ROAD
STA: 20+00
= WINSTON DRIVE
STA: 13+52.97

CENTER OF CUL-DE-SAC
ST STA 15+34.49 (7.62' R)

STREET BARRICADE
(SEE DETAIL SHT#20)

STREET BARRICADE
(SEE DETAIL SHT#20)

CL - CL
BARLOW DR. - STA: 13+35.57
WINSTON DR. - STA: 10+00

CENTER OF PED RAMP
ST STA 12+72.57
SEE DETAIL SHEET 21

CL - CL
WAGON WHEEL DR. - STA: 12+50.60
PLAINS DR. - STA: 10+00

ST STA 13+49.30
END STREET IMPROVEMENTS

ST STA 12+82.64, 16FT LT
END TC = 414.83
BEGIN 6 FT RAMP WING

EP=415.22
EP=414.79
EP=413.79
EP=413.51

ST STA 12+82.64, 16FT LT
END TC = 414.48
BEGIN 6 FT RAMP WING

EP=414.31
EP=414.52
EP=413.38
EP=413.44

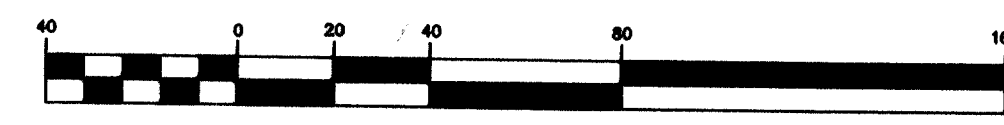
ST STA 13+24.53
END STREET IMPROVEMENTS
CONSTRUCT STREET BARRICADE
SEE DETAIL SHEET 20

SEE SECTION B-B
SHEET 21

CROSS GUTTER
(SEE DETAIL THIS SHEET)

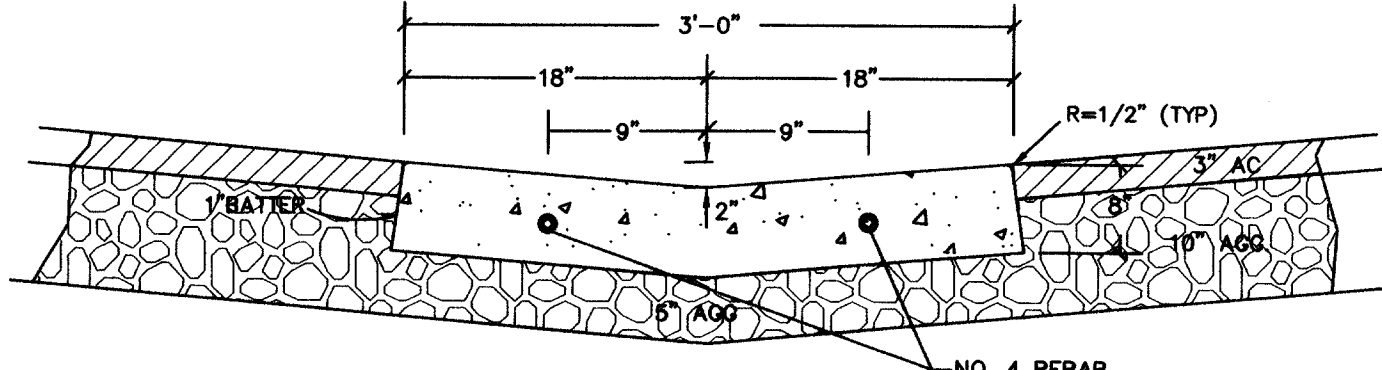
STREET BARRICADE
(SEE DETAIL SHT# 20)

GRAPHIC SCALE



10092.08

NOTE: CONCRETE TO BE 3000 P.S.I. AT 28 DAYS, 6 SACK MIX

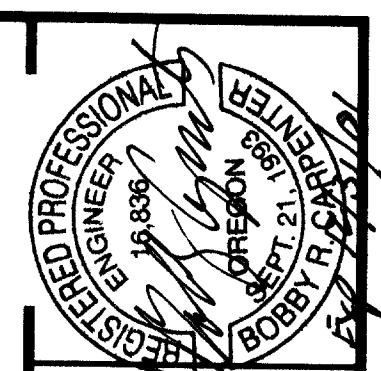


CROSS GUTTER
NOT TO SCALE

The data on this map is the
BEST INFORMATION AVAILABLE
from the records of the City of Oregon City
- errors and omissions may exist.

NOTE:

- SIDEWALK ALONG HOLCOMB BLVD, THE DETENTION POND, THE EXISTING HOUSE FRONTAGE, AND ALL HANDICAP ACCESS RAMPS TO BE CONSTRUCTED AS PART OF STREET CONSTRUCTION.
- ALL LANDSCAPE AREAS BEHIND CONSTRUCTED SIDEWALK AND INCLUDING DETENTION POND, TREE WELLS, PLANTER STRIPS AND BACK FILL BEHIND SIDEWALKS TO HAVE 6" OF COMPACTED TOP-SOIL PRIOR TO PLANTING. VEGETATION MUST BE ESTABLISHED PRIOR TO ACCEPTANCE BY CITY.



HOLT HOMES
P.O. BOX 4507
VANCOUVER WA 98662



WASKO ACRES
TP 98-02

STREET PLAN
& STREET TREE PLAN

THIS SHEET NOT AS-BUILT

2-1072

8 29

REVISIONS	BY
REVISED PER CITY REDLINES 5/2/02	DJ
REVISED LOCATION OF STREET LIGHTS 7/11/02	DJ

TRAILVIEW
CITY FILE # TP 00-05
CENTEX HOMES

Street Tree Plan

ISUL ENGINEERING
375 PORTLAND AVENUE
GLADSTONE, OREGON 97027
(503) 667-0188
DRAWING: Centex\Trailview\Street Tree Plan.dwg

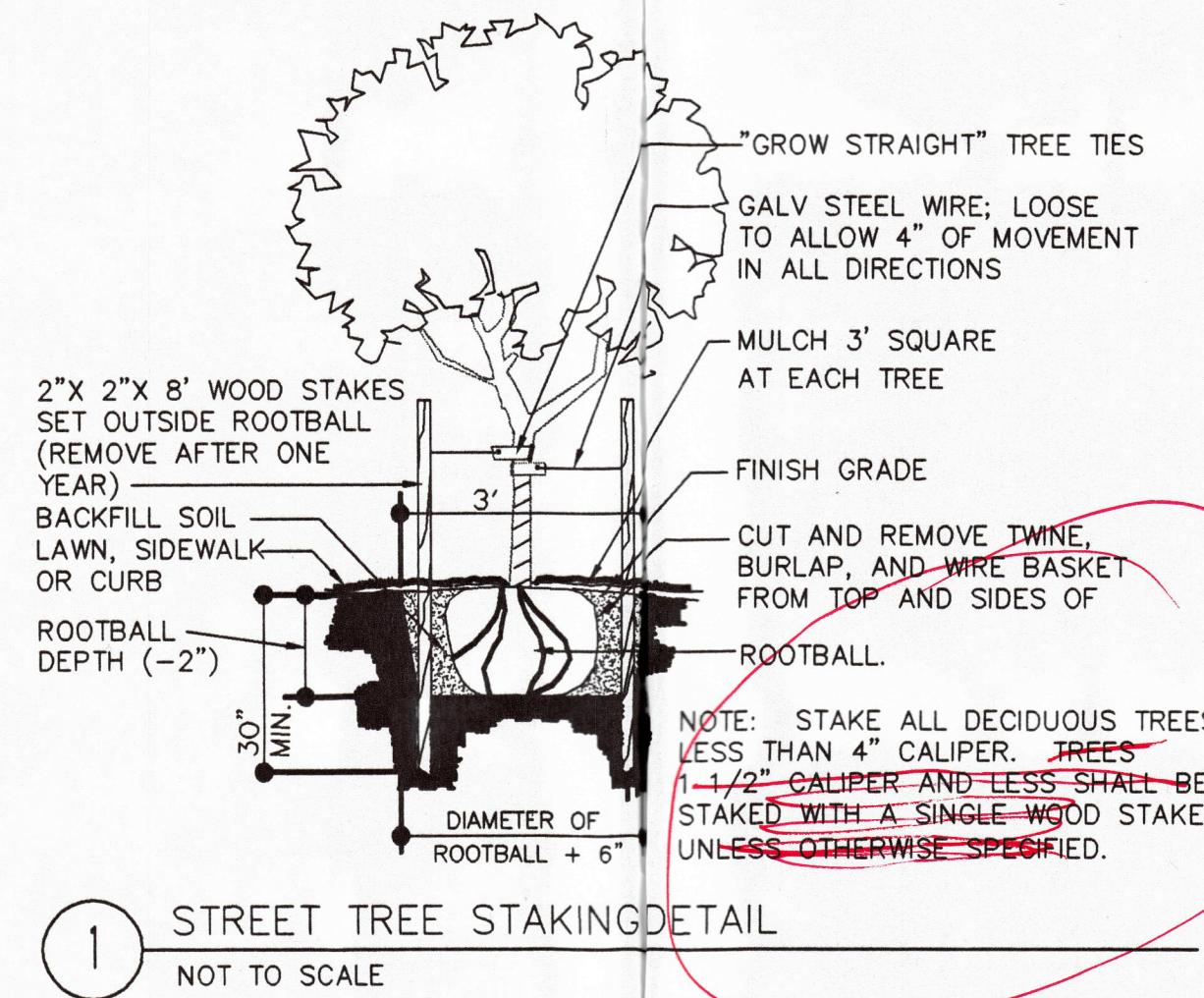
DATE	APRIL 2002
SCALE	1"=50'
DRAWN	RHF
JOB	615
SHEET	1
DF	1 SHEETS



ROBERT H. FOSTER CONSULTANTS
LANDSCAPE ARCHITECTURE & PLANNING
431 Ash Street
Lake Oswego, Or. 97034
E-Mail: rfooster@teleport.com
PH (503) 635-6190 FAX (503) 699-5847

NOTES:

- INSTALLATION:** LANDSCAPE INSTALLATION SHALL BE CARRIED OUT TO CURRENT ACCEPTED NURSERY INDUSTRY STANDARDS FOR THE HIGHEST QUALITY CONSTRUCTION METHODS BOTH MATERIALS AND WORKMANSHIP. THE LANDSCAPE CONTRACTOR IS TO VISIT THE SITE AND DETERMINE CONDITIONS BEFORE PREPARING ANY BIDS OR SUBMITTING ANY PROPOSALS TO THE OWNER.
- IRRIGATION:** THE IRRIGATION SYSTEM SHALL BE DESIGN BUILD FOR ALL STREET TREES BETWEEN THE BACK OF CURB THE THE SIDEWALK. CONTRACTOR TO SUBMIT SHOP DRAWINGS FOR A COMPLETELY AUTOMATIC UNDERGROUND IRRIGATION SYSTEM. SLEEVES SHALL BE INSTALLED UNDER SIDEWALKS, PAVEMENTS AND STREETS TO ACCOMMODATE THE IRRIGATION SYSTEM.
- TOPSOIL:** TOPSOIL SHALL BE SPREAD BY THE LANDSCAPE CONTRACTOR AT A DEPTH OF 12 INS. BETWEEN SIDEWALK AND CURB ON ALL STREETS. USE TOPSOIL AS A BACKFILL MIX FOR ALL STREET TREES. LANDSCAPE CONTRACTOR TO ACCEPT THE SITE FROM THE GENERAL CONTRACTOR AFTER SITE INSPECTION. ALL CONDITIONS OF CORRECT SUB-GRADES, TRASH, DEBRIS AND CONSTRUCTION MATERIALS SHALL BE REMOVED AND SITE MADE READY BY THE GENERAL CONTRACTOR.
- SOIL TREATMENT:** SOIL PREPARATION SHALL BE CARRIED OUT IN ALL LAWN AREAS BETWEEN THE SIDEWALK AND BACK OF CURB. AFTER FINE GRADING, SPREAD ALL LAWN AREAS WITH TWO INCHES OF GARDEN COMPOST AND ROTO-TILL INTO TOP FOUR INCHES OF TOPSOIL. ADD LIME TO BRING PH TO NEUTRAL AND COMPLETE FINE GRADING AND PREPARE BEDS FOR GRASS WHERE INDICATED ON THE PLAN.
- LAWN GRASS SOD OR SEED:** SEE LANDSCAPE LEGEND ON THIS SHEET.
- WATER QUALITY PLANTS:** SEE SHEET 9 IN THE CIVIL ENGINEERS SET FOR THE WATER QUALITY FACILITY.
- STREET TREES:** ALL DECIDUOUS TREES ARE TO BE OF NATURAL FORM AND SPECIMEN QUALITY IS REQUIRED. SEE FERTILIZER PROGRAM IN NOTE #9 AND DETAIL #1 THIS SHEET.
- FIR BARK MULCH:** ALL AREAS IN A 4 FT. SQ. AROUND THE BASE OF STREET TREES SHALL BE SPREAD WITH A 2 IN. DEPTH OF SHREDDED FIR BARK MULCH. A SAMPLE SHALL BE SUPPLIED TO THE OWNER AND APPROVED BEFORE INSTALLATION.
- FERTILIZER:** SHALL BE AGRIFORM PLANT TABLETS, 20-10-5, IN 21 GRAM SIZES. SIX 21 GRAM TABLETS, PLUS ONE PER FOOT OF TREE HEIGHT, TO A MAXIMUM OF 12 FOR EACH TREE.



1 STREET TREE STAKING DETAIL
NOT TO SCALE

PLANT LIST & LEGEND

- SHOGETSU CHERRY/PRUNUS SERRULATA 'SHOGETSU': 2" CALIPER
- RED SUNSET MAPLE / ACER RUBRUM 'FRANKSRED': 2" CALIPER
- RED SPIRE FLOWERING PEAR / PYRUS CALLERYANA 'RED SPIRE': 2" CALIPER
- KATSURA / CERODIPHYLLUM JAPONICUM: 2" CALIPER; STANDARD SINGLE TRUNK TREE FORM

LAWN: OREGON TURF SOD OR SUNMARK SEEDS INTERNATIONAL 'PLEASURE +' AT 10LBS. PER 1,000 SQ. FT.

PLANT QUANTITIES

SHOGETSU CHERRY @ THE ENTRANCE ON WINSTON DR.	9
SUB TOTAL CHERRIES	9
RED SUNSET MAPLES ON S. MEADOW DRIVE	35
RED SUNSET MAPLES ON TRAILVIEW DRIVE	50
SUB TOTAL MAPLES	85
RED SPIRE PEARS ON SMITHFIELD DRIVE	18
SUB TOTAL PEARS	18
KATSURA ON WAGON WHEEL DRIVE	20
SUB TOTAL KATSURA	20
TOTAL STREET TREES	132

LEGEND

- STREET LIGHT
- DRIVEWAY LOCATION (INCLUDING WINGS)

City of Oregon City
Approved as noted in red.
Sam Cook
June 24, 02

APPROVAL BOX

STREET TREE NOTES

3. TREE SPACING SHALL BE ONE PER 40 FEET ON ALL INTERIOR SUBDIVISION STREETS WHERE PRACTICAL. CITY PLANNER MANAGER MAY PERMIT TIGHTER SPACING OF TREES IF THE LOT FRONTAGE IS CONSTRAINED BY DRIVEWAY OR OTHER OBSTRUCTIONS.
2. THE FOLLOWING DIMENSIONAL STANDARDS SHALL BE MAINTAINED WHEN PLANTING TREES:
 - 25' FROM STREET LIGHTS
 - 5' FROM FIRE HYDRANTS
 - 20' FROM STOP SIGNS
 - 25' FROM INTERSECTIONS
 - 5' AT MATURE HEIGHT BELOW POWER LINES
3. ALL ACTIVITY REGARDING STREET TREES SHALL BE PERFORMED IN ACCORDANCE WITH OREGON CITY STANDARDS, CHAPTER 12.08. LEVEL
4. STREET TREES SHOWN ARE FOR VISUAL/INFORMATIONAL PURPOSES ONLY. EXACT LOCATIONS SHALL BE DETERMINED AFTER DRIVEWAYS ARE CUT BY INDIVIDUAL HOMEBUILDERS. AN EXCEPTION TO THIS NOTE IS THAT THE CONTRACTOR SHALL INSTALL STREET TREES IN THE FOLLOWING LOCATIONS AT THE TIME OF THESE IMPROVEMENTS:
 - EAST SIDE OF CATTLE DRIVE ACROSS THE FRONTAGE OF TRACT "B", THE WEST SIDE OF THE PUBLIC ALLEY, AND ALONG THE SOUTH SIDE OF HOLCOMB BLVD ALONG THE FRONTAGE OF THIS PROJECT.
5. TREE SPECIES TO BE CHANTICLEER PEAR (PYRUS CALLERYANA) AND CLEVELAND II NORWAY MAPLE (ACER PLATANOIDES). ALTERNATE TREE SPECIES EVERY OTHER TREE. ALL TREES ARE REQUIRED TO BE A MINIMUM OF 2 INCH CALIPER (AMERICAN-NURSERMAN STANDARDS) AND INSTALLED TO CITY OF OREGON CITY STANDARDS.
6. ALL LANDSCAPE AREAS BEHIND CONSTRUCTED SIDEWALK AND INCLUDING TREE WELLS, PLANTER STRIPS, DETENTION POND, AND BACK FILL BEHIND SIDEWALKS SHALL HAVE 6 INCHES OF COMPACTED TOP-SOIL PRIOR TO PLANTING. VEGETATION MUST BE ESTABLISHED PRIOR TO ACCEPTANCE BY THE CITY.
7. THE CONTRACTOR SHALL HYDROSEED ALL PLANTER STRIPS, WHERE TREES ARE PLANTED, WITH PROTOME 835 SEED MIX OR APPROVED EQUIT.
8. THE CONTRACTOR SHALL PLANT A MIXTURE OF NOOTKA ROSE, RE CURRANT, AND WESTERN WAHOO WITHIN THE PLANTER STRIP OF THE PUBLIC ALLEY. SHRUBS SHALL BE PLANTED 5' ON CENTER AND SHALL TOTAL 27 PLANTS (DIVIDED EVENLY BETWEEN THE SPECIES). SEE PLANTING NOTES ON SHEET 12.

AS-BUILT

MARCH 16, 2005

THESE AS-BUILT DRAWINGS HAVE BEEN PREPARED, IN PART, ON THE BASIS OF INFORMATION COMPILED AND FURNISHED BY THE CONTRACTOR. THE ENGINEER WILL NOT BE RESPONSIBLE FOR ANY ERRORS OR OMISSIONS WHICH MAY BE INCORPORATED INTO THESE DRAWINGS

Numeric Summary

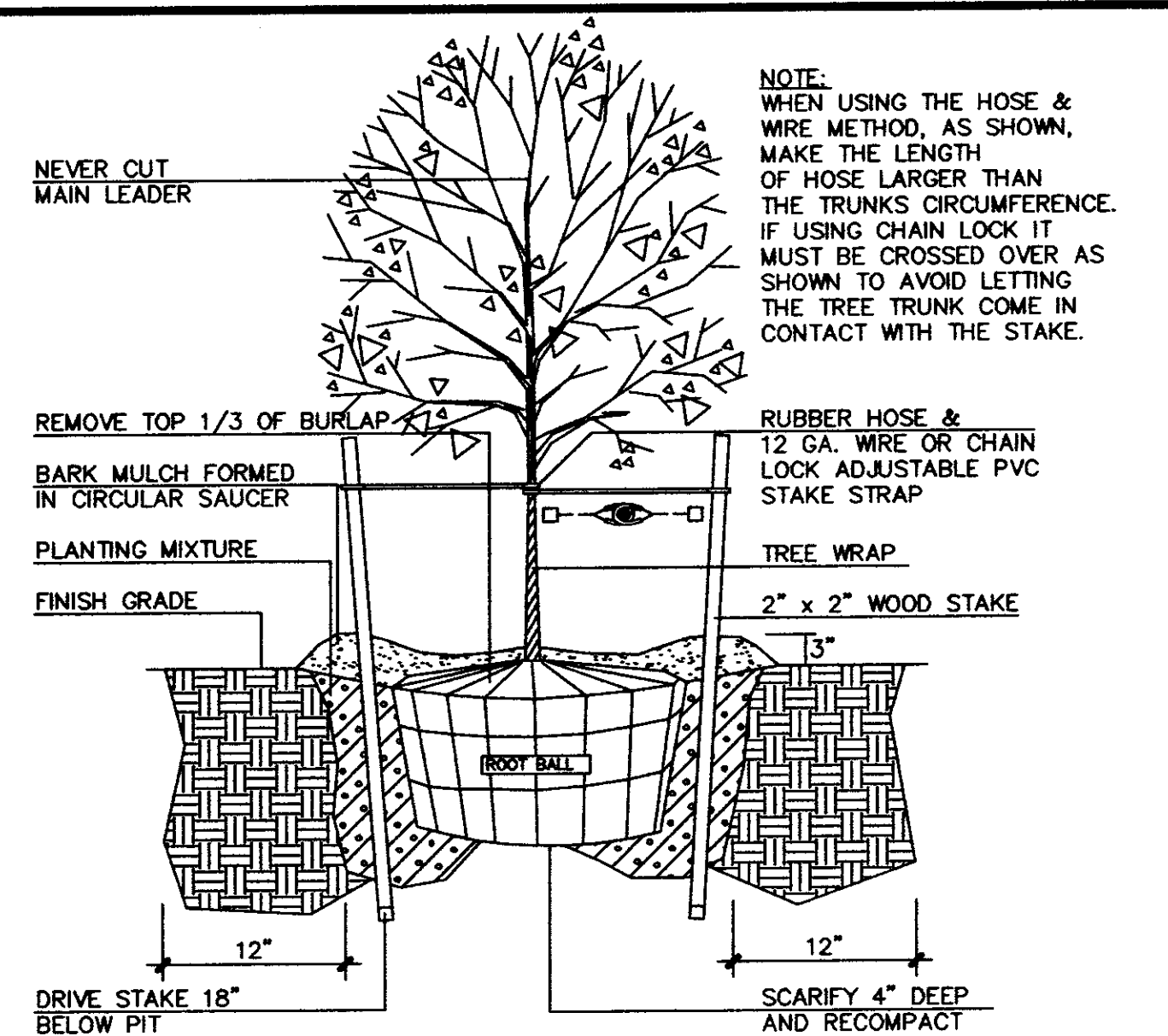
Project: Tracey Heights Sub-division LD1

Label	CalcType	Units	Avg	Max	Min	Avg/Min
Smithfield Drive	Illuminance	Fc	0.64	3.13	0.11	5.82
Cattle Drive	Illuminance	Fc	0.56	3.18	0.10	5.60
Holcomb – Minor Arterial	Illuminance	Fc	1.44	5.17	0.48	3.00
Pathway	Illuminance	Fc	0.83	7.89	0.03	27.67
Tracey Court	Illuminance	Fc	0.79	3.09	0.14	5.64

Luminaire Schedule

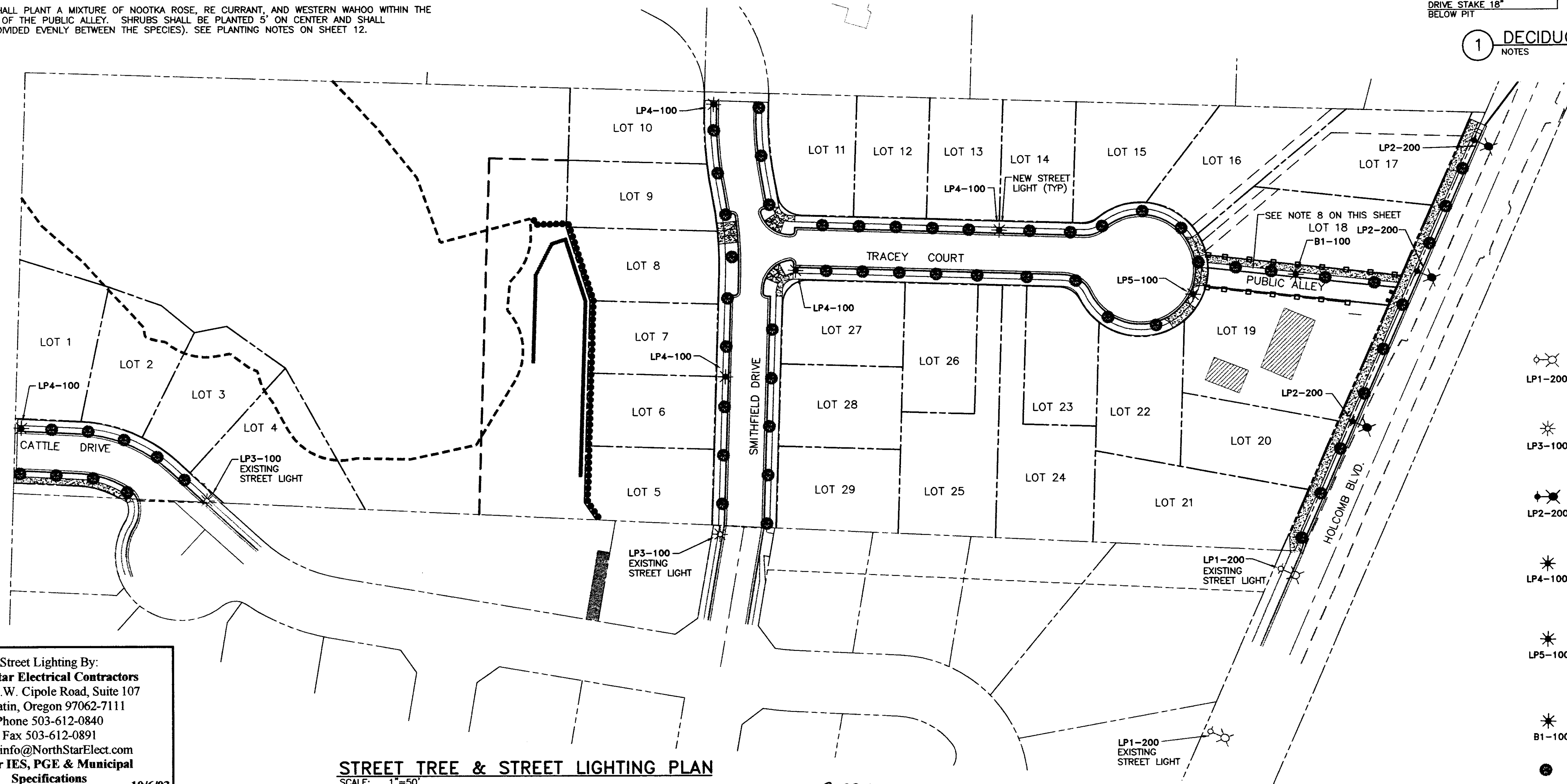
Project: Tracey Heights Sub-division LD1

Qty	Label	Arrangement	Lumens	LLF	Description
1	LP1--Existing Streetlight	SINGLE	22000	0.810	200W HPS Cobra on a 30FT Aluminum Lightpole
2	LP3--Existing Streetlight	SINGLE	9500	0.810	100W HPS Cobra on a 25FT Fiberglass Lightpole
5	LP4--Proposed Streetlight	SINGLE	9500	0.810	100W HPS T2 FL Cobra on a 25FT Fiberglass Lightpole
3	LP2--Proposed Streetlight	SINGLE	22000	0.810	200W HPS T2 FL Cobra on a 30FT Aluminum Lightpole
1	B1--Proposed Path Bollard	SINGLE	9500	0.810	100W HPS 42IN Pathway Bollard
1	LP5--Proposed Streetlight	SINGLE	9500	0.810	100W HPS T3 FL Cobra (Tilt 10degrees) on 25FT FG Pole



1 DECIDUOUS STREET TREE STAKING

NOTES



STREET LIGHT LEGEND

-  LP1-200
LP1 EXISTING INTERIOR STREET LIGHT:
30'-FOOT MOUNTING HEIGHT, GRAY, ROUND, TAPERED,
SPUN ALUMINUM LIGHT POLE, WITH A 200
WATT, 240 VOLT, HPS, "COBRA HEAD" STYLE
LUMINAIRE, AND 6 FOOT MAST ARM. MOUNTED
ON A 5-FOOT PRE-CAST CONCRETE BASE.
-  LP3-100
LP3 EXISTING INTERIOR STREET LIGHT:
25'-FOOT MOUNTING HEIGHT, GRAY, ROUND, TAPERED,
DIRECT BURY, FIBERGLASS POLE, WITH A 100-WATT,
240 VOLT, HPS, "COBRA-HEAD" STYLE
LUMINAIRE, MOUNTED ON A 6-FOOT MAST ARM,
25 FEET ABOVE THE ROADWAY.
-  LP2-200
LP2 PROPOSED EXTERIOR STREET LIGHT:
30'-FOOT MOUNTING HEIGHT, ROUND, TAPERED, BASE
MOUNTED, SPUN ALUMINUM LIGHT POLE, WITH A 200
WATT, 240 VOLT, HPS, "COBRA HEAD" STYLE,
FLAT LENSE LUMINAIRE, AND 6 FOOT MAST ARM.
MOUNTED ON A 5-FOOT PRE-CAST CONCRETE BASE.
-  LP4-100
LP4 PROPOSED INTERIOR STREET LIGHT:
25'-FOOT MOUNTING HEIGHT, GRAY, ROUND, TAPERED,
DIRECT BURY, FIBERGLASS POLE, WITH A 100-WATT,
240 VOLT, HPS, "COBRA-HEAD" STYLE, FLAT LENSE
LUMINAIRE MOUNTED ON A 6-FOOT MAST ARM,
25 FEET ABOVE THE ROADWAY.
-  LP5-100
LP5 PROPOSED INTERIOR STREET LIGHT:
25'-FOOT MOUNTING HEIGHT, GRAY, ROUND, TAPERED,
DIRECT BURY, FIBERGLASS POLE, WITH A 100-WATT,
240 VOLT, HPS, "COBRA-HEAD" STYLE, FLAT LENSE
LUMINAIRE MOUNTED ON A 6-FOOT MAST ARM,
25 FEET ABOVE THE ROADWAY.
SEE NOTE ON LUMINAIRE SCHEDULE
-  B1-100
B1 PROPOSED PATHWAY BOLLARD LIGHT:
42-INCH MOUNTING HEIGHT, ROUND, BOLLARD
WITH 100 WATT, 120/240VOLT, HPS LUMINAIRE
ON A POURED IN PLACE CONCRETE BASE.
- 
STREET TREE (TYPICAL). TYPE SHALL BE FROM CITY
OF OREGON/CITY STREET TREE LIST. SEE NOTE 5.

SEE LIST. SEE NOTE 5
10105.08

Street Lighting By:

Northstar Electrical Contractors
19450 S.W. Cipole Road, Suite 107
Tualatin, Oregon 97062-7111
Phone 503-612-0840
Fax 503-612-0891
Email info@NorthStarElect.com
**All per IES, PGE & Municipal
Specifications**

10/6/03

STREET TREE & STREET LIGHTING PLAN

SCALE: 1"=50'

PLANS PREPARED FOR:

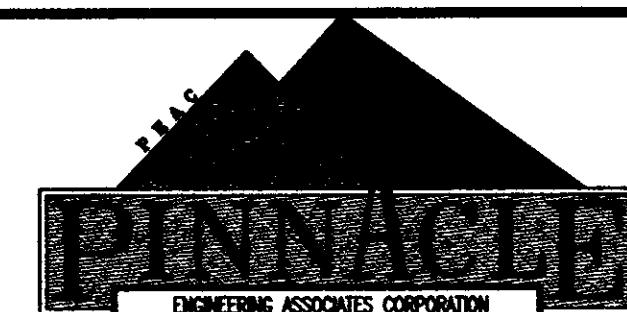
PACIFIC WESTERN HOMES, INC.

5530 N.E. 122nd AVENUE, SUITE "A"

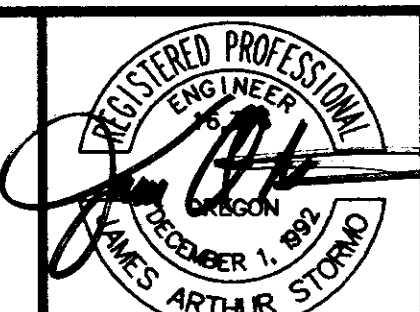
PORTLAND, OREGON 97230

PHONE: (503) 252-3745

FAX: (503) 252-8799



17757 Kelok Road Lake Oswego, OR 97034
Tel. (503) 636-4005 Fax (503) 636-4015



EXPIRES 6/30/2006

TRACEY HEIGHTS
OREGON CITY, OREGON

STREET TREE & STREET LIGHTING PLAN
CITY PLANNING FILE NO. TP 02-07

FILE NO.
TP 02-07

JOB NO.
PAC029

SHEET NO.

8 OF 18

RESOLUTION NO. 98-14

A RESOLUTION BY THE CITY OF OREGON CITY ESTABLISHING A PERMITTED STREET TREE SPECIES LIST.

WHEREAS, the City Commission has reviewed and approved Ordinance No. 98-1010 which repealed and re-established new street tree planting standards in Title 12, STREETS, SIDEWALKS AND PUBLIC PLACES; and

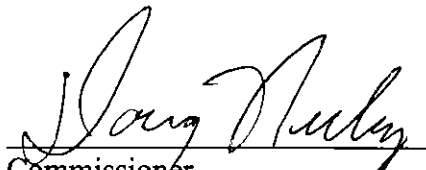
WHEREAS, establishment of a STREET TREE SPECIES LIST will allow the City to regulate the type of trees installed adjacent to street, within the public right of way or an easement; and

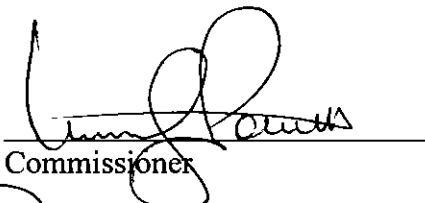
WHEREAS, regulating the species of trees installed in the public right of way is in the best interest of the city to insure that public infrastructure is not impacted by the planting of trees and that they do not cause maintenance problems.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of Oregon City that the Permitted Street Tree List, attached as Exhibit A and incorporated herein, is the designated street tree list for the city.

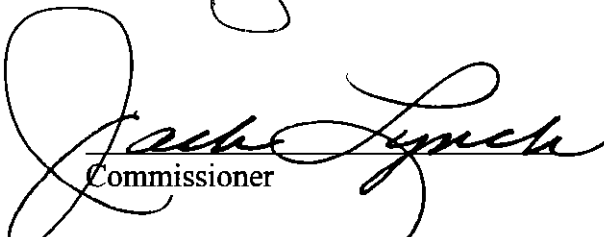
Adopted, signed and approved this 6th day of May, 1998.


Mayor


Commissioner


Commissioner


Commissioner


Commissioner

Comprising the City Commission
Of Oregon City, Oregon

RESOLUTION NO. 98-14

CITY OF OREGON CITY- PERMITTED STREET TREE LIST
RECOMMENDED STREET TREES FOR PLANTING IN 3' TO 4' PARKING STRIPS

Tree Species	Height Spread	Structure	Foliage	Flowers, fruit, and other Special interest
Trident Maple <i>Acer buergeranum</i>	25' 20'	Oval to round	Glossy green turning yellow orange red	Exfoliating bark, adaptable to varied conditions
Vine Maple <i>Acer circinatum</i>	25' 10'	Upright spreading	Medium green turning bright orange and red	Northwest native maple, open delicate form, thrives in shade
Amur Maple <i>Acer ginnala</i>	20' 20'	Upright round	Green turning yellow to scarlet red	Small fragrant flowers followed by winged fruit
Rocky Mountain Glow Maple <i>Acer grandidentatum</i>	25' 15'	Oval	Dark green turning bright red	Requires well drained soil
Paperbark Maple <i>Acer griseum</i>	30' 20'	Round	Green with silver under, turning bright red orange	Interesting cinnamon brown under exfoliating bark
Crimson Sentry Norway Maple <i>Acer platanoides</i> 'Crimson Sentry'	25' 12'	Upright	Red turning maroon to bronze in fall	Smaller than most Norway maple cultivars
Pyramidal Serviceberry <i>Amelanchier canadensis pyramidalis</i>	30' 20'	Very upright	Dark green turning brilliant red and orange	White flowers in spring, dark purple fruit attract birds
Allegheny Serviceberry <i>Amelanchier laevis</i>	25' 15'	Upright and oval	Green turning orange in fall	White flowers in spring, blue purple fruit attract birds
Lavelle Hawthorn <i>Crataegus x lavalleyi</i>	30' 20'	Upright	Dark glossy green turning bronze red	White flowers, red persistent fruit
Crimson Cloud Hawthorn <i>Crataegus laevigata</i> 'Crimson Cloud'	25' 18'	Oval	Glossy green	Flowers are bright red with white center, bright red fruit
Columnar Hawthorn <i>Crataegus monogyna</i> 'Stricta'	30' 10'	Tightly upright	Green turning yellow	White flowers, small clusters of red fruit
Flowering Ash <i>Fraxinus ornus</i>	30' 25'	Pyramidal to round	Medium green turning yellow	Fragrant creamy white flowers
Golden Desert Ash <i>Fraxinus oxycarpa aureopolia</i>	20' 18'	Round, compact	Green turns golden early	Unusual gold colored bark
Goldenrain Tree <i>Koeleruteria paniculata</i>	30' 20'	Round, open	Green turning yellow	Yellow flowers in summer, brown persistent fruits, tolerant of poor conditions

Newport Plum <i>Prunus cerasifera</i> 'Newport'	20' 20'	Oval to round	Purplish red	Single pink flowers
Japanese Tree Lilac <i>Syringa reticulata</i>	25' 15'	Pyramidal	Green	White panicles and yellow brown fruit
Skyrocket Oak <i>Quercus robur</i> 'Fastigiata'	45' 15'	Fastigate	Dark green turning yellow brown	Interesting oak for very narrow spaces

RECOMMENDED STREET TREES FOR PLANTING IN 4 ½ TO 5 ½ PARKING STRIPS

Tree Species	Height Spread	Structure	Foliage	Flowers, fruit, and other Special interest
Queen Elizabeth Hedge Maple <i>Acer campestre</i> 'Queen Elizabeth'	35' 30'	Upright, oval	Dark green turning yellow	Corky bark, tolerant of dry conditions
Paperbark Maple <i>Acer griseum</i>	30' 20'	Round	Green with silver under turning bright red orange	Interesting cinnamon brown under exfoliating bark
Cleveland II Norway Maple <i>Acer platanoides</i> 'Cleveland'	40' 25'	Upright	Medium green turning bright yellow	
Parkway Norway Maple <i>Acer platanoides</i> 'Columnar broad'	40' 25'	Oval	Dark green turning yellow	Good central leader
Variegated Norway Maple <i>Acer platanoides</i> 'Drummondii'	35' 25'	Broadly oval	Light green with white margins	
Columnar Norway Maple-Compact <i>Acer platanoides</i> 'Columnar-Compact'	35' 15'	Fastigate	Dark green turning yellow	Ascending branches, good for very narrow spaces
Olmsted Columnar Norway Maple <i>Acer platanoides columnar</i> 'Olmsted'	40' 20'	Upright	Dark green turning yellow	Also good for narrow spaces
Armstrong Red Maple <i>Acer rubrum</i> 'Gerling'	45' 15'	Fastigate	Light green turning yellow orange red	
Gerling Red Maple <i>Acer rubrum</i> 'Gerling'	35' 20'	Pyramidal	Green turning orange red	
Pacific Sunset Maple <i>Acer truncatum</i> x <i>A. Platanoides</i> 'Warrenred'	30' 25'	Upright	Dark green turning orange red	
Pyramidal European Hornbeam <i>Carpinus betulus</i> 'Fastigiata'	35' 20'	Dense, upright, pyramid to oval	Dark green turning yellow	Retains leaves into winter, small hard nutlets in clusters
Chinese Dogwood <i>Cornus kousa chinensis</i>	30' 30'	Round	Green turning red	White flowers and red pink fruit
Lavelle Hawthorn <i>Crataegus x lavalleyi</i>	30' 20'	Upright	Dark glossy green turning bronze red	White flowers, red persistent fruit
Flowering Ash <i>Fraxinus ornus</i>	30' 25'	Pyramidal to round	Medium green turning yellow	Fragrant creamy white flowers
Sarasota Ginko <i>Ginkgo biloba</i> 'Sarasota'	30' 30'	Round	Greenish gold turning yellow	

Magnolia Kobus <i>Magnolia kobus</i>	30' 20'	Round	Dark Green	Deciduous with large white flowers early
American Hornbeam <i>Ostrya virginiana</i>	35' 25'	Oval	Medium green turning yellow	Male catkins visible in winter, greenish white nutlets
Columnar Sargent Cherry <i>Prunus sargentii</i> 'Columnaris'	35' 15'	Columnar	Green turning orange red	Deep pink flowers
Capital Pear <i>Pyrus calleryana</i> 'Capital'	35' 12'	Columnar	Medium green turning reddish purple	White flowers in clusters, most narrow of flowering pears
Chanticleer Pear <i>Pyrus calleryana</i> 'Glens Form'	40' 15'	Pyramidal	Glossy green turning orange red	White flowers in clusters, good for narrow spaces
Skyrocket Oak <i>Quercus robur</i> 'Fastigiata'	45' 15'	Fastigate	Dark green turning yellow brown	Interesting oak for very narrow spaces
Japanese Stewartia <i>Stewartia Pseudocamellia</i>	40' 20'	Pyramidal	Dark green turning dark red	White camellia like flowers, mottled bark
Chancellor Linden <i>Tillia cordata</i> 'Chancole'	45' 20'	Pyramidal, upright	Dark green turning yellow	Yellow fragrant flowers attractive to bees

RECOMMENDED STREET TREES FOR PLANTING IN 6' TO 8' PARKING STRIPS

Tree Species	Height Spread	Structure	Foliage	Flowers, fruit, and other Special interest
Crimson King Norway Maple <i>Acer platanoides</i> 'Crimson King'	40' 35'	Round	Deep purple turning reddish orange	
Emerald Queen Norway Maple <i>Acer platanoides</i> 'Emerald Queen'	50' 40'	Oval, dense	Dark green to bright yellow	
Superform Maple <i>Acer platanoides</i> 'Superform'	45' 40'	Oval	Medium green turning yellow	
Globe Norway Maple <i>Acer platanoides globosum</i>	15' 18'	Round	Medium green turning yellow	Appropriate for under power lines
Embers Red Maple <i>Acer rubrum</i> 'Embers'	40' 35'	Open	Green turning bright red	
Red Sunset Maple <i>Acer rubrum</i> 'Franksred'	45' 35'	Broad Oval	Dark green turning red orange	
October Glory Maple <i>Acer rubrum</i> 'October Glory'	40' 35'	Broad Oval	Medium green turning red to purple	
Globe Sugar Maple <i>Acer saccharum</i>	15' 20'	Round	Medium green to yellow and orange	Appropriate for under power lines
European Hornbeam <i>Carpinus betulus</i>	50' 35'	Oval to round	Dark green to golden yellow	Holds leaves into winter
Hackberry <i>Celtis occidentalis</i>	40' 30'	Oval	Dark green turning yellow	
Katsura Tree <i>Cercidiphyllum japonicum</i>	40' 35'	Oval	Blue green turning yellow scarlet	
Tricolor Beech <i>Fagus sylvatica</i> 'Roseo-Marginata'	40' 30'	Broad Oval	Purple with light pink border	
Autumn Purple Ash <i>Fraxinus americana</i> 'Autumn Purple'	45' 40'	Round	Green turning red and purple	
Skyline Ash <i>Fraxinus americana</i> 'Skycole'	45' 35'	Oval	Medium green turning orange red	
Marshall Ash <i>Fraxinus pennsylvanica</i> 'Marshall'	50' 40'	Broad Oval	Dark glossy green turning bright yellow	
Urbanite Ash <i>Fraxinus pennsylvanica</i> 'Urbanite'	50' 40'	Broad pyramidal	Lustrous green turning bronze	

Saratoga Ginko <i>Ginko biloba</i> 'Saratoga'	30' 30'	Round	Green gold to yellow	
Shademaster Honeylocust <i>Gleditsia triacanthos</i> 'Shademaster'	45' 35'	Vase	Dark green turning yellow	
Skyline Honeylocust <i>Gleditsia triacanthos</i> 'Skyline'	50' 30'	Broad pyramidal	Medium green turning golden	
Magnolia Kobus <i>Magnolia Kobus</i>	40' 30'	Round	Dark green	Evergreen leaves and white flowers
Royal Burgandy Cherry <i>Prunus serrulata</i> 'Royal Burgandy'	30' 20'	Vase	Purple red to red and orange	Pink flowers
Scarlet Oak <i>Quercus coccinea</i>	50' 40'	Broad oval	Glossy green turning scarlet	
Skymaster Oak <i>Quercus robur</i> 'Pyramich'	50' 25'	Pyramidal	Dark green turning yellow	
Glenleven Linden <i>Tilia cordata</i> 'Glenleven'	45' 30'	Pyramidal	Medium green turning yellow	
Halka Zelkova <i>Zelkova serrata</i> 'Halka'	45' 30'	Vase	Medium green turning yellow	

RECOMMENDED STREET TREES FOR PLANTING IN 8 ½' AND LARGER PARKING STRIPS

Item 3.

Tree Species	Height Spread	Structure	Foliage	Flowers, fruit, and other Special interest
Schwedler Norway Maple <i>Acer platanoides</i> 'Schwedleri'	50' 45'	Round	Green turning yellow	
Globe Norway Maple <i>Acer platanoides globosum</i>	15' 18'	Round	Medium green turning yellow	
Sycamore Maple <i>Acer pseudoplatanus</i>	60' 50'	Wide spread	Green turning yellow	
Wineleaf Sycamore Maple <i>Acer pseudoplatanus</i> "Spaithi"	30' 50'	Pyramidal	Dark green	
Red Maple <i>Acer rubrum</i>	60' 50'	Oval	Medium green turning orange red	
Sugar Maple <i>Acer saccharum</i>	60' 45'	Oval	Green turning bright yellow to orange	
Red Horsechestnut <i>Aesculus x carnea</i> 'Briotii'	60' 40'	Round	Dark green turning yellow	Red flowers
Globe Serviceberry <i>Amelanchierr canadensis oblongifolia</i>	20' 20'	Round	Green turning bright yellow red	White flowers
Catalpa <i>Catalpa speciosa</i>	75' 50'	Round	Green turning yellow	White flowers
Katsura Tree <i>Cercidiphyllum japonicum</i>	40' 35'	Oval	Blue green turning yellow to scarlet	
Red Bud <i>Cercis canadensis</i>	20' 25'	Open spreading	Medium green turning yellow	Pink flowers
Purple Rivers Beech <i>Fagus sylvatica</i> 'Riversi'	60' 40'	Oval	Deep purple turning bronze	
Tricolor Beech <i>Fagus sylvatica</i> 'Roseo-Marginata'	40' 30'	Broad oval	Purple with light pink border	

Flame Ash <i>Fraxinus oxycarpa</i> 'Flame'	35' 30'	Round	Green turning purple and red	
Urbanite Ash <i>Fraxinus pennsylvanica</i> 'Urbanite'	50' 40'	Broad pyramidal	Lustrous green turning bronze	
Summit Ash <i>Fraxinus pennsylvanica lanceolata</i>	45' 25'	Pyramidal	Medium green turning yellow	
Saratoga Ginko <i>Ginko biloba</i> 'Saratoga'	30' 30'	Round	Green gold to yellow	
Halka Honeylocust <i>Gleditsia triacanthos</i> 'Christie'	55' 40'	Upright	Green turning yellow	
Kentucky Coffee Tree <i>Gymnocladus dioicus</i>	70' 40'	Open	Green	
Moraine Sweetgum <i>Liquidambar styraciflau</i> 'Moraine'	60' 30'	Oval	Dark green turning red purple	
Sourwood <i>Oxydendrum arboreum</i>	50' 25'	Pyramidal	Green to brilliant scarlet	White Flowers
Yoshino Cherry <i>Prunus x yedoensis</i>	30' 30'	Spreading	Green turning yellow	Pink or white flowers
Scarlet Oak <i>Quercus coccinea</i>	50' 40'	Broad oval	Glossy green turning scarlet	
Red Oak <i>Quercus rubra</i>	70' 50'	Round	Green turning red	
Halka Zelkova <i>Zelkova serrata</i> 'Halka'	45' 30'	Vase	Medium green turning yellow	

RECOMMENDED STREET TREES FOR PLANTING UNDER POWER LINES

Tree Species	Height Spread	Structure	Foliage	Flowers, fruit, and other Special interest
Amur Maple <i>Acer ginnala</i>	20' 20'	Round	Medium green turning orange to scarlet-red	Bright red, winged fruit
Hedge maple <i>Acer campestre</i>	30-35' 30'	Round to Oval	Dark green turning yellow	Corky bark that is striking in winter
Japanese Maple <i>Acer palmatum</i>	25' 25'	Upright, low branching	Green, yellow or red turning scarlet, orange or yellow	
Paperbark Maple <i>Acer griseum</i>	25' 20'	Narrow to rounded	Dark green above, silvery below turning brilliant red	Cinnamon-brown bark peels away in paper-thin strips
Vine Maple <i>Acer circinatum</i>	25' 10'	Upright, spreading	Medium green turning orange to bright red	Winged fruit resembling bow ties, thrives in shaded areas
Eastern Redbud <i>Cercis canadensis</i>	25-35' 25-30'	Round	Rich green, heartshaped turning yellow	Small rosy pink flowers with 4- 6" dried pods
Flowering Dogwood <i>Cornus florida</i>	20' 20-25'	Upright	Bright green, lighter underside turning glowing red	Small clusters before leaves appear in May
Japanese Dogwood <i>Cornus kousa</i>	15-25' 25'	Vase shaped	Lustrous medium green turning yellow to scarlet	Small clusters with raspberry- like fruit, blooms later than most
Washington Hawthorn <i>Crataegus phaenopyrum</i>	30' 25'	Broad, rounded	Glossy deep green turning orange, scarlet or purple	White cluster flowers, bright glossy red fruit
Lavelle Hawthorn <i>Crataegus x lavalleyi</i>	20-30' 20'	Upright, open	Glossy green turning bronze to copper red	White cluster flowers, showy orange-red fruit
Globe-headed European Ash <i>Fraxinus excelsior globosum</i>	20' 12-15'	Rounded	Dark green, dense	
Flowering Ash <i>Fraxinus ornus</i>	25-30' 20-30'	Pyramidal to rounded	Luxuriant, medium green turning lavender and yellow	Fragrant white fluffy flowers with seed clusters

Golden Desert Ash <i>Fraxinus oxycarpa aureopolia</i>	20' 18'	Rounded	Open green turning gold (July on)	Small lacy look leaf
Goldenrain Tree <i>Koelreuteria paniculata</i>	20-35' 10-20'	Open	Bladder shaped capsule	Small yellow cluster flower, buff to brown pods
Golden Chain Tree <i>Laburnum x waterii</i>	12-15' 15'	Upright, oval to round	Dark, glossy green	Yellow, pea-like chain flowers, small pea pods, seeds are poisonous
Flowering Crabapple <i>Malus</i>	25' 20-25'	Upright, rounded or weeping	Red or green often turning yellow	White, pink or red flowers, red, yellow or green fruit; Recommended varieties: Adirondack, Prairie Fire, Profusion, Red Jewel, Sargent, Springsnow, Strawberry
Flowering Cherry <i>Prunus</i>	20-25' 20-25'	Vase to rounded	Bronze; green in summer turning yellows and reds	Fragrant pink or white flowers; Recommended varieties: Akebono, Autumnalis, Mt. Fuji, Shirofugen, Tai Haku, Whitcomb's, Yoshino
Flower Pear 'Cleveland Select' <i>Pyrus calleryana</i>	30-35' 20'	Horizontal	Glossy, dark green turning wine red to scarlet	White cluster flowers, early bloomer
Japanese Snowbell <i>Styrax japonica</i>	20-30' 25'	Rounded, horizontal	Dark green turning yellow to red	Faintly fragrant white, bell-shaped flowers
Japanese Tree Lilac <i>Syringa reticulata</i>	30' 20-25'	Rounded to oval	Dark green	Large, pyramidal, creamy-white cluster flowers; reddish-brown bark turns gray with age

RESOLUTION NO. 13-27

A RESOLUTION RESCINDING RESOLUTION NUMBER 98-14 AND ADOPTING A NEW OREGON CITY STREET TREE SPECIES LIST

WHEREAS, on May 6th, 1998, the City Commission adopted Resolution 98-14, a resolution by the City of Oregon City establishing a permitted street tree species list; and

WHEREAS, the Oregon City Municipal Code, Section 12.08.015 – Street Tree Planting and Maintenance Requirements, requires, in part, that species of street trees shall be selected from the Oregon City Street Tree List or be approved by a certified arborist; and

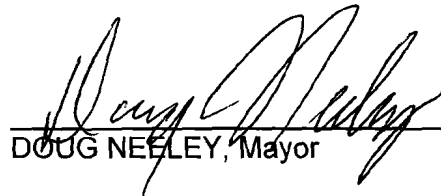
WHEREAS, City staff has worked with the Natural Resources Committee and Planning Commission to research, review and prepare the Oregon City Street Tree List that is attached as Exhibit 1, which identifies the appropriate species of tree to plant within a planter strip of a certain width; and

WHEREAS, regulating the species of trees installed in the public right of way is in the best interest of the City to insure that public infrastructure is not impacted by the planting of trees and that they do not cause maintenance problems.

NOW, THEREFORE, OREGON CITY RESOLVES AS FOLLOWS:

Section 1: The City hereby rescinds Resolution Number 98-14 and adopts the Oregon City Street Tree List, set forth herein as Exhibit "1", as the designed Street Tree List for the City, which will become effective December 4th, 2013.

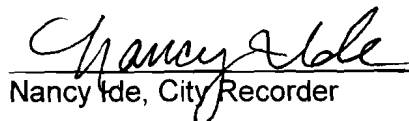
Approved and adopted at a regular meeting of the City Commission held on the 4th day of December 2013.



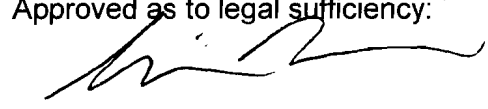
DOUG NEELEY, Mayor

Attested on this 4th day of December 2013:

Approved as to legal sufficiency:¹



Nancy Ide, City Recorder



City Attorney

Exhibits:

1. Oregon City Street Tree List

OREGON CITY STREET TREE LIST - Resolution No. 13-27

COMMON NAME	SCIENTIFIC NAME	MATURE HEIGHT (ft)	CANOPY SPREAD (ft)	POWER LINE OK?	STRUCTURE	FOLIAGE	FLOWERS, FRUIT, OTHER SPECIAL INTEREST	OREGON NATIVE?
RECOMMENDED STREET TREES FOR 2.5' TO 3' PLANTING STRIP								
<u>Cornelian Cherry Dogwood</u>	<i>Cornus mas</i>	15	20	Yes	upright rounded to upright spreading	medium to dark green		
<u>Eddie's White Wonder Dogwood</u>	<i>Cornus nuttallii</i> x <i>Cornus florida</i>	40	15	Yes	Dense horizontal drooping habit.	Good fall color	White flowers	
<u>Flowering Dogwood</u>	<i>Cornus florida</i>	20	25	Yes	Upright	Bright green, lighter underside turning glowing	Small clusters before leaves appear in May	
<u>Japanese Dogwood</u>	<i>Cornus kousa</i>	25	25	Yes	Vine shaped	Lustrous medium green turning yellow to scarlet	Small clusters with raspberry like fruit, blooms later than most	
<u>Starlight Dogwood</u>	<i>Cornus kousa</i> X <i>nuttallii</i>	30	20	Yes	Upright, oval	Deep green, Fall red	Large, creamy white flower, fruit 3/4" , orange	
<u>Carolina Silverbell</u>	<i>Halesia carolina</i>	35	15'	Yes	Rounded, often low branched	yellow to yellow green autumn color.	White, bell-shaped flowers in spring offer mild interest;	
<u>Bigleaf Snowbell Tree</u>	<i>Styrax obassia</i>	35	25'	Yes	upright and pyramidal-oval when	dark green above, pubescent beneath	Flowers white, fragrant	
<u>Blireiana Plum</u>	<i>Prunus x blireiana</i>	20	20'	Yes	rounded, dense branching, trunk often	first purple but fade to green	Blooms early spring. Flowers pink, fragrant. Fruit purplish red	
<u>Chinese Pistache</u>	<i>Pistachia chinensis</i>	25	25'	Yes	Oval, Rounded or Umbrella	Green, Red, Gold, Orange or Multicolored in Fall.	Inconspicuous. Flowers in Spring. Fruit Prolific, Red or Mostly	
<u>Grape Myrtle</u>	<i>Lagerstroemia cultivars</i>	20	20'	Yes	Oval, Rounded, Umbrella or Vase	Dark green, usually with a slight gloss.	Showy, Lavender, Pink, Red, Rose or White. Flowers in Summer	
<u>Amur Maple</u>	<i>Acer ginnala</i>	20	20	Yes	Round	Medium green turning orange to scarlet red	Bright red, winged fruit	
<u>Hedge Maple</u>	<i>Acer campestre</i>	35	30	Yes	Round to oval	Dark green turning yellow	Corky bark that is striking in winter	
<u>Japanese Maple</u>	<i>Acer palmatum</i>	25	25	Yes	Upright, low branching	Green, yellow or red turning scarlet, orange or		
<u>Paperbark Maple</u>	<i>Acer griseum</i>	25	20	Yes	Narrow to rounded	Dark green above, silvery below turning brilliant	thin strips	
<u>Roughbark Maple</u>	<i>Acer triflorum</i>	25	20'	Yes	Oval	dark green, becoming yellow, orange and/or	Flower yellow.	
<u>Vine Maple</u>	<i>Acer circinatum</i>	25	10	Yes	Upright, spreading	Medium green turning orange to bright red	Winged fruit resembling bow ties, thrives in shade	Native
<u>Japanese Snowbell</u>	<i>Styrax japonicus</i>	25	25'	Yes	Rounded, horizontal	Medium to dark green, glabrous above.	Flowers perfect, bell-shaped. 2 cm wide, white with yellow	
<u>Japanese Tree Lilac</u>	<i>Syringa reticulata</i>	25	20'	Yes	Pyramidal	Green	White panicles and yellow brown fruit	
<u>Eastern Redbud</u>	<i>Cercis canadensis</i>	35	30	Yes	Round	Rich green, heart shaped turning yellow	Small rosy pink flowers with 4-6 dried pods "	
<u>Lavalle Hawthorn</u>	<i>Crataegus x lavalleii</i>	30	20	Yes	Upright, open	Glossy green turning bronze to copper red	White cluster flowers, showy orange-red fruit	
<u>Summer Sprite Linden</u>	<i>Tilia cordata 'Halka'</i>	20	15'	Yes	Dense compact crown, sheared	Yellow fall color	JF Schmidt small varietal	

COMMON NAME	SCIENTIFIC NAME	MATURE HEIGHT (ft)	CANOPY SPREAD (ft)	POWER LINE OK?	STRUCTURE	FOLIAGE	FLOWERS, FRUIT, OTHER SPECIAL INTEREST	OREGON NATIVE?
RECOMMENDED STREET TREES FOR PLANTING IN 3' TO 4' PLANTING STRIP								
<u>Trident Maple</u>	<i>Acer buergeranum</i>	25	20	Yes	Oval to Round	Glossy green turning yellow orange red	Exfoliating bark, adaptable to varied conditions	
<u>Vine Maple</u>	<i>Acer circinatum</i>	25	10	Yes	Upright Spreading	Medium green turning bright orange and red	Northwest native maple, open delicate form, thrives in shade	Native
<u>Amur Maple</u>	<i>Acer ginnala</i>	20	20	Yes	Upright Round	Green turning yellow to scarlet red	Small fragrant flowers followed by winged fruit	
<u>Rocky Mountain Glow Maple</u>	<i>Acer grandidentatum "schmidt"</i>	25	15	Yes	Oval	Dark green turning bright red	Requires well drained soil	
<u>Paperbark Maple</u>	<i>Acer griseum</i>	30	20	Yes	Round	Green w/silver under, bright red orange in fall	Interesting cinnamon brown under exfoliating bark	
<u>Japanese Maple</u>	<i>Acer palmatum</i>	25	25	Yes	Upright, low branching	Green, yellow or red turning scarlet, orange or	Many varieties including dwarf species	
<u>Roughbark Maple</u>	<i>Acer triflorum</i>	25	20	Yes	Dense and rounded	Dark green, becoming yellow, orange and/or		
<u>Pyramidal Serviceberry</u>	<i>Amelanchier canadensis pyramidalis</i>	30	20	Yes	Very Upright	Dark green turning brilliant red and orange	White flowers in spring, dark purple fruit attract birds	
<u>Allegheny Serviceberry</u>	<i>Amelanchier laevis</i>	25	15	Yes	Upright and Oval	Green turning orange in fall	White flowers in spring, blue purple fruit attract birds	
<u>Western serviceberry</u>	<i>Amelanchier alnifolia</i>	25	25	Yes	Vertical, dense		Metro Green Street Tree**	Native
<u>Eddies White Wonder Dogwood</u>	<i>Cornus nuttallii X florida</i>	40	15	Yes	Dense horizontal drooping	Good fall color,	White flowers	
<u>Starlight Dogwood</u>	<i>Cornus kousa X nuttallii</i>	30	20	Yes	Upright, oval	Deep green, Fall red	Large, creamy white flower, fruit 3/4" , orange	
<u>Crimson Cloud Hawthorn</u>	<i>Crataegus laevigata "Crimson Cloud"</i>	25	18		Oval	Glossy green	Flowers are bright red with white center, bright red fruit	
<u>Columnar Goldenrain</u>	<i>Koeleruteria paniculata fastigiata</i>	30	6		Narrow Fastigate	Green turning yellow	Yellow flowers in summer, brown persistent fruits, tolerant of	
<u>Goldenrain Tree</u>	<i>Koeleruteria paniculata</i>	30	20		Round, Open	Green turning yellow	Yellow flowers in summer, brown persistent fruits, tolerant of	
<u>Newport Plum</u>	<i>Prunus cerasifera</i>	20	20		Oval to Round	Purplish Red	Single pink flowers	
<u>Japanese Tree Lilac</u>	<i>Syringa reticulata</i>	25	15	Yes	Pyramidal	Green	White panicles and yellow brown fruit	
<u>Ivory Silk Tree Lilac</u>	<i>Syringa reticulata 'Ivory Silk'</i>	25	15	Yes	Pyramidal	Green	White panicles and yellow brown fruit	
<u>Skyrocket Oak</u>	<i>Quercus robur "Fastigiata"</i>	45	15		Fastigate	Dark green turning yellow brown	Interesting oak for very narrow spaces	
<u>Summer Sprite Linden</u>	<i>Tilia cordata 'Halka'</i>							

COMMON NAME	SCIENTIFIC NAME	MATURE HEIGHT (ft)	CANOPY SPREAD (ft)	POWER LINE OK?	STRUCTURE	FOLIAGE	FLOWERS, FRUIT, OTHER SPECIAL INTEREST	OREGON NATIVE?
RECOMMENDED STREET TREES FOR PLANTING IN 4 ½' TO 5 ½' PLANTING STRIPS								
<u>Queen Elizabeth Hedge Maple</u>	<i>Acer campestre</i> "Queen Elizabeth"	35	30	Yes	Upright, Oval	Dark green turning yellow		
<u>Rocky Mountain Glow Maple</u>	<i>Acer grandidentatum</i> 'Schmidt'	25	15		Oval	dark green, orange/yellow in fall		
<u>Paperbark Maple</u>	<i>Acer griseum</i>	30	20	Yes	Round	Green w/silver under, bright red orange in fall	Interesting cinnamon brown under exfoliating bark	
<u>Pyramidal European Hornbeam</u>	<i>Carpinus betulas</i> "Fastigiata"	35	20		Dense, Upright, Pyramid to Oval	Dark green turning yellow	Retains leaves into winter, small hard nutlets in clusters	
<u>Frans Fontaine Hornbeam</u>	<i>Carpinus betulas</i> "Frans Fontaine"	35	15		Broadly oval	Dark green turning yellow		
<u>Chinese Dogwood</u>	<i>Cornus kousa chinensis</i>	30	30		Round	Green turning red	White flowers and red pink fruit	
<u>Lavalle Hawthorne</u>	<i>Crataegus x lavelle</i>	30	20		Upright	Dark glossy green turning bronze red	White flowers, red persistent fruit	
<u>Saratoga Ginkgo</u>	<i>Ginkgo biloba</i> "Saratoga"	30	30	Yes	Round	Greenish gold turning yellow	Avoid female plants, fruit is extremely messy and malodorous	
<u>Autumn Gold Ginkgo</u>	<i>Ginkgo biloba</i> "Autumn Gold"	45	35		Narrow broadening in age	Medium green turning gold/yellow	Seedless clone	
<u>Princeton Sentry Ginkgo</u>	<i>Ginkgo biloba</i> "Princeton Sentry"	40	15		Narrowly pyramidal	Light green turning bright yellow		
<u>American Hornbeam</u>	<i>Ostrya virginiana</i>	35	25		Oval	Medium green turning yellow	Male catkins visible in winter, greenish white nutlets	
<u>Columnar Sargent Cherry</u>	<i>Prunus sargentii</i> 'Columnaris'	35	15		Columnar	Green turning orange red	Deep pink flowers	
<u>Pink Flair Cherry</u>	<i>Prunus sargentii</i> 'IFS KWS8'	25	15		Narrow / Upright	Bright orange, red fall	pink clusters, blooms later (avoids frost), upright symmetry	
<u>Capital Pear</u>	<i>Pyrus calleryana</i> 'Capital'	35	12		Columnar	Medium green turning reddish purple	White flowers in clusters, good for narrow spaces	
<u>Chanticleer Pear</u>	<i>Pyrus calleryana</i> 'Glens Form'	40	15		Pyramidal	Glossy green turning orange red	White flowers in clusters, good for narrow spaces	
<u>Flowering Pear 'Cleveland Select'</u>	<i>Pyrus calleryana</i> "Cleveland Select"	40	15		Upright, pyramidal	Glossy, dark green turning wine red to scarlet	White cluster flowers, early bloomer	
<u>Skyscraper Oak</u>	<i>Quercus robur</i> "Fastigiata"	45	15		Fastigate	Dark green turning yellow brown	Interesting oak for very narrow spaces	
<u>Japanese Stewartia</u>	<i>Stewartia pseudocamellia</i>	40	20		Pyramidal	Dark green turning dark red	White camellia like flowers, mottled bark	
<u>Chancellor Linden</u>	<i>Tilia cordata</i> "Chancole"	45	20		Pyramidal, upright	Dark green turning yellow	Yellow fragrant flowers attractive to bees	
<u>"WirelessTM" Zelkova</u>	<i>Zelkova serrata</i> "Schmidtlow"	24	36	Yes	Broadly spreading vase	Medium green turning red		
<u>Mushshino Zelkova</u>	<i>Zelkova serrata</i> "Musashino"	45	20		Very narrow upright vase	Medium green	ideal for narrow street, good canopy clearance	

COMMON NAME	SCIENTIFIC NAME	MATURE HEIGHT (ft)	CANOPY SPREAD (ft)	POWER LINE OK?	STRUCTURE	FOLIAGE	FLOWERS, FRUIT, OTHER SPECIAL INTEREST	OREGON NATIVE?
RECOMMENDED STREET TREES FOR PLANTING IN 6' TO 8' PARKING STRIPS								
<u>State Street™ Maple</u>	<i>Acer miyabei</i> 'Morton'	45	30		Upright, oval	Dark green turning yellow	Native to Japan, endangered	
<u>European Hornbeam</u>	<i>Carpinus betulus</i>	50	35		Oval to Round	Dark green to golden yellow	Holds leaves into winter	
<u>Hackberry</u>	<i>Celtis occidentalis</i>	40	30		Oval	Dark green turning yellow	**Metro Green Street Tree	
<u>Katsura Tree</u>	<i>Cercidiphyllum japonicum</i>	40	35		Oval	Blue green turning yellow scarlet		
<u>Yellowwood</u>	<i>Cladostriis lutea</i>	40	35		Round	Yellow to bright green, orange/yellow fall	White fragrant flower clusters	
<u>Pacific Dogwood</u>	<i>Cornus nuttallii</i>	60	30		Broad upright	Deep green, bright fall color.		Native
<u>Tricolor Beech</u>	<i>Fagus sylvatica</i> 'Raseo-Marginata'	40	30		Broad Oval	Purple with light pink border		
<u>Saratoga Ginkgo</u>	<i>Ginkgo biloba</i> 'Saratoga'	30	30		Round	Green gold to yellow	Avoid female plants, fruit is extremely messy and malodorous	
<u>Autumn Gold Ginkgo</u>	<i>Ginkgo biloba</i> "Autumn Gold"	45	35		Narrow broadening in age	Medium green turning gold/yellow	Seedless clone	
<u>Princeton Sentry Ginkgo</u>	<i>Ginkgo biloba</i> "Princeton Sentry"	40	15		Narrowly pyramidal	Light green turning bright yellow		
<u>Shademaster Honeylocust</u>	<i>Gleditsia triacanthos</i> 'Shademaster'	45	35		Vase	Dark green turning yellow		
<u>Skyline Honeylocust</u>	<i>Gleditsia triacanthos</i> 'Skyline'	50	30		Broad pyramidal	Medium green turning golden		
<u>Halka Honeylocust</u>	<i>Gleditsia triacanthos</i> 'Christie'	55	40		Upright	Green, yellow fall		
<u>Kobus Magnolia</u>	<i>Magnolia kobus</i>	40	30		Round	Dark green	Evergreen leaves and flowers	
<u>Royal Burgandy Cherry</u>	<i>Prunus serrulata</i> 'Royal Burgandy'	30	20		Vase	Purple red to red and orange	Pink flowers	
<u>Rancho Pear</u>	<i>Pyrus calleryana</i> 'Rancho'	35	30		Narrow upright		White flowers	
<u>Trinity Pear</u>	<i>Pyrus calleryana</i> 'Trinity'	30	25		Broadly oval to round	Glossy green, orange/red fall	White flowers	
<u>Scarlet Oak</u>	<i>Quercus coccinea</i>	50	40		Broad Oval	Glossy green turning scarlet		
<u>Skymaster Oak</u>	<i>Quercus robur</i> 'Pyramich'	50	25		Pyramidal	Dark green turning yellow		
<u>Forest Green Oak</u>	<i>Quercus frainetto</i> 'Schmidt'	50	30		Upright w/ strong central leader	Glossy deep green		
<u>Glenleven Linden</u>	<i>Tilia cordata</i> 'Glenleven'	45	30		Pyramidal	Medium green turning yellow		
<u>Greenspire Linden</u>	<i>Tilia cordata</i> 'Greenspire'	40	30		Pyramidal, symmetrical	Dark green, yellow fall		
<u>Redmond Bigleaf Linden</u>	<i>Tillia americana x euchlora</i> "Redmond"	35	25		Pyramidal	light green, yellow fall		
<u>Rancho Linden</u>	<i>Tillia cordata</i> 'Rancho'	40	30		Vigorous pyramidal	Small leaves		
<u>Frontier Elm</u>	<i>Ulmus</i> 'Frontier'	40	30		Broadly oval	Glossy green, burgundy fall	Disease tolerant	
<u>Accolade Elm</u>	<i>Ulmus japonica x wilsonia</i>	70	60		Vase shaped w/ arching limbs	Glossy green, yellow fall	Resistant to elm leaf beetle and dutch elm disease	
<u>Triumph Elm</u>	<i>Ulmus</i> 'Morton Glossy'	70	60		Upright oval to vase shaped	Glossy dark green, yellow fall		
<u>Green Vase Zelkova</u>	<i>Zelkova serrata</i> 'Green Vase'	50	40		Vase shaped w/ upright arching limbs	Green, yellow fall		
<u>Halka Zelkova</u>	<i>Zelkova serrata</i> 'Halka'	45	30		Vase	Medium green turning yellow	Cultivar	
<u>Village Green Zelkova</u>	<i>Zelkova serrata</i> 'Village Green'	40	38		Vase to round	Deep green / rusty red fall	Not recommended for high wind areas	
<u>"Wireless™" Zelkova</u>	<i>Zelkova serrata</i> 'Schmidtlow'	24	36		Broadly spreading vase	Medium green turning red	Cultivar	
<u>Musashino Zelkova</u>	<i>Zelkova serrata</i> 'Musashino'	45	20		Very narrow upright vase	Medium green	Good for narrower street, clearance beneath canopy	

COMMON NAME	SCIENTIFIC NAME	MATURE HEIGHT (ft)	CANOPY SPREAD (ft)	POWER LINE OK?	STRUCTURE	FOLIAGE	FLOWERS, FRUIT, OTHER SPECIAL INTEREST	OREGON NATIVE?
RECOMMENDED STREET TREES FOR PLANTING IN 8 ½' AND LARGER PARKING STRIPS								
<i>Metro's Illustrated Guide "Trees for</i>								
<u>Grand fir</u>	<i>Abies grandis</i>	100	40		Upright, vertical, dense	Needles	Metro Green Street Tree**	Native
<u>Sycamore Maple</u>	<i>Acer pseudoplatanus</i>	60	50		Wide spread	Green turning yellow		
<u>Wineleaf Sycamore Maple</u>	<i>Acer pseudoplatanus 'Spaithii'</i>	30	50		Pyramidal	Dark green		
<u>Red Horsechestnut</u>	<i>Aesculus x carnea 'Briati'</i>	60	45		Round	Dark green turning yellow	Red flowers	
<u>Globe Serviceberry</u>	<i>Amelanchier canadensis oblongifolia</i>	60	40		Round	Green turning bright yellow red	White flowers	
<u>Canoe or Paper Birch</u>	<i>Betula papyrifera</i>	50	35		Oval	Dark green, yellow fall	The most permanent of the birches	Native
<u>Katsura Tree</u>	<i>Cercidiphyllum japonicum</i>	40	35		Oval	Blue green turning yellow to scarlet		
<u>Red Bud</u>	<i>Cercis canadensis</i>	20	25		Open spreading	Medium green turning yellow	Pink flowers	
<u>Deodar cedar</u>	<i>Cedrus deodara</i>	80	60		Horizontal, dense			
<u>Atlas cedar</u>	<i>Cedrus libani ssp. Atlantica</i>	60	60				Metro Green Street Tree**	
<u>Purple Rivers Beech</u>	<i>Fagus sylvatica 'Riversii'</i>	60	40		Oval	Deep purple turning bronze	Metro Green Street Tree**	
<u>Tricolor Beech</u>	<i>Fagus sylvatica 'Roseo-Marginata'</i>	40	30		Broad Oval	Purple with light pink border		
<u>Flame Ash</u>	<i>Fraxinus oxycarpa 'Flame'</i>	35	30		Round	Green turning purple and red		
<u>Urbanite Ash</u>	<i>Fraxinus pennsylvanica 'Urbanite'</i>	50	40		Broad pyramidal	Lustrous green turning bronze		
<u>Summit Ash</u>	<i>Fraxinus pennsylvanica lanceolata</i>	45	25		Pyramidal	Medium green turning yellow		
<u>Saratoga Ginkgo</u>	<i>Ginkgo biloba 'Saratoga'</i>	30	30		Round	Green gold to yellow		
<u>Halka Honeylocust</u>	<i>Gledisia triacanthos 'Christie'</i>	55	40		Upright	Green turning yellow		
<u>Kentucky Coffee Tree</u>	<i>Gymnocladus dioica</i>	70	40		Open	Green		
<u>Dawn Redwood</u>	<i>Metasequoia glyptostroboides</i>	70	25		Pyramidal to oval	Green, yellow fall	Deciduous conifer, looks like a redwood in summer	
<u>Black Tupelo</u>	<i>Nyssa sylvatica</i>	40	20	Yes	Pyramidal when young, spreading w/	Dark green glossy, copper/red in fall		
<u>Sourwood</u>	<i>Oxydendrum arboreum</i>	50	25		Pyramidal	Green to brilliant scarlet	White flowers	
<u>Chinese scholar tree</u>	<i>Sophora japonica</i>	50	40		Oval	Green, yellow in fall	Metro Green Street Tree**	
<u>Yoshino Cherry</u>	<i>Prunus x yedoensis</i>	30	30		Spreading	Green turning yellow	Pink or white flowers	
<u>London plane</u>	<i>Platanus x acerifolia</i>	100	65		Spreading	Green turning red in fall	Metro Green Street Tree**	
<u>Scarlet Oak</u>	<i>Quercus coccinea</i>	50	40		Broad oval	Glossy green turning scarlet		
<u>Bur Oak</u>	<i>Quercus macrocarpa</i>	80	40		Horizontal, dense	Glossy green above and paler below	Not shade tolerant, needs ample space, somewhat susceptible	
<u>Shumard Oak</u>	<i>Quercus shumardii</i>	70	50		Horizontal, open	Glossy, dark green, turning brown to red in fall	Large acorns, tolerates drought and seasonal flooding	
<u>Swamp White Oak</u>	<i>Quercus bicolor</i>	60	45		Vertical, dense	Glossy green above, gray / white pubescent	some tolerance to drought and urban conditions	
<u>Oregon White Oak</u>	<i>Quercus garryana</i>	65	45		Vertical, dense	Dark green, round lobed	Autumn color is saddle brown, wildlife tree, Needs ample space	Native
<u>English Oak</u>	<i>Quercus robur</i>	60	40		Vertical, dense	Dark green above, bluish green below,	Tolerates drought / seasonal flooding, poor soils, prefers well-	
<u>Red Oak</u>	<i>Quercus rubra</i>	70	50		Round	Green turning red		
<u>Western red cedar</u>	<i>Thuja plicata</i>	100	60		Pyramidal	Persistent, green	Metro Green Street Tree**, Does not like direct sun	Native
<u>Accolade Elm</u>	<i>Ulmus hybrids</i>	60	40		Vase	lustrous dark green and smooth	Resembles American Elm, Reportedly tolerant of Dutch elm	
<u>Halka Zelkova</u>	<i>Zelkova serrata 'Halka'</i>	45	30		Vase	Medium green turning yellow		

OREGON NATIVE TREE SPECIES

Please Note: In general, native trees are NOT recommended as Street Trees within parking strips due to the large planting area required (at least 10' wide). There are some exceptions, which are listed above.

Large native trees are appropriate behind the sidewalk in a yard or park area. The city encourages the planting of native plants and trees where appropriate. For further information, please refer to the following resources:

OSU Extension Service Landscape Plants website	http://oregonstate.edu/dept/ldplants/native-or.htm#native
Oregon City Native Plant List	http://www.orcity.org/sites/default/files/Native%20Plant%20List.pdf
Portland Plant List	http://www.portlandonline.com/auditor/index.cfm?&a=322280&c=34460
Metro Trees for Green Streets	http://www.oregonmetro.gov/index.cfm/go/by.web/d=26337

OTHER LARGE TREES

Please Note: Many species of large trees are NOT recommended as Street Trees within parking strips due to the large planting area required (at least 10' wide) or because they have certain characteristics that make them unsuitable as street trees (e.g. intolerance of clay soils, dust, or weaker structure or wood). There are some exceptions, which are listed above.

Large trees may be appropriate behind the sidewalk in a yard or park area. The city encourages the planting of large trees where appropriate. For further information, please refer to the following resources:

Portland Plant List	http://www.portlandonline.com/auditor/index.cfm?&a=322280&c=34460
Metro Trees for Green Streets	http://www.oregonmetro.gov/index.cfm/go/by.web/d=26337

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CHAPTER 10

PLANNED DEVELOPMENT

SECTION:

- 11-10- 1: Definition and Purpose
- 11-10- 2: Initiation of PD Projects
- 11-10- 3: Procedures for Applications
- 11-10- 4: Planning Commission Action on Final Development Plan and Program
- 11-10- 5: City Commission Action on Final Development Plan and Program
- 11-10- 6: Filing of Approved Final Plan and Program
- 11-10- 7: Recording of Notice of Final Development Plan
- 11-10- 8: Development Improvement Prohibited Pending Compliance
- 11-10- 9: Changes to Final Development Plan and Program
- 11-10-10: Expiration of Planned Development
- 11-10-11: Permitted and Conditional Uses
- 11-10-12: Development Standards

11-10-1 **DEFINITION AND PURPOSE:** A Planned Development (hereafter referred to as PD) is not a land use zone, but rather a special approach to land development applied to achieve the basic objectives of good zoning practices. The use of this approach is intended to permit a greater degree of flexibility in the use and design of structures and land in situations where modification of specific provisions of this Ordinance will not be contrary to its intent and purpose or significantly inconsistent with the planning on which it is based and will not be harmful to the neighborhood in which they occur. It is further intended to achieve land economies in land development, maintenance, street systems and utility networks, while providing building groupings for privacy, usable and attractive open spaces, safe circulation and the general well-being of the inhabitants.

11-10-2 **INITIATION OF PD PROJECTS:** PD projects may be initiated by:

- (A) The ownership of all property involved, if under one ownership of a governmental agency.

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- (B) An application filed jointly by all owners having title to all of the property in the area proposed for the PD project, if there is more than one owner.

11-10-3: PROCEDURES FOR APPLICATIONS:

(A) Preliminary Development Plan and Program:

1. Information Applicant Must Submit. The applicant shall submit a preliminary development plan and program to the Planning Commission for preliminary approval. The preliminary plan and program shall contain the following elements:

(a) Identification and Description. Proposed name of PD, location by legal description, names and addresses of applicant, designers and others having a major interest in the development, plan scale, date and north point.

(b) Existing Conditions. A map of the property and adjacent lands showing contours with a two foot (2') interval; location and direction of all water courses; natural features, such as rock outcropping, marshes, wooded areas; land ownership; location and names of all platted streets, public ways, easements and utility rights of way, parks and other public open spaces; buildings and structures and their uses; City boundaries; existing sewers, water mains, culverts and other underground facilities, indicating pipe sizes, grades, manholes and their exact location.

(c) Proposed Development:

(1) A map showing the following in addition to other requirements of the Planning Commission:

- a. Proposed land uses and densities.
- b. Building types and coverage.
- c. Circulation patterns for vehicular and pedestrian traffic.
- d. Parks, playgrounds, open spaces.

(2) A preliminary written program containing the following information in addition to other requirements of the Planning Commission:

- a. Proposed ownership pattern.
- b. Operation and maintenance proposals (neighborhood easements, condominiums, co-ops, neighborhood associations, etc.)

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c. Waste disposal facilities.

d. Lighting.

e. Water supply, public transportation, community facilities, such as schools, libraries, fire protection, shopping.

f. Names and addresses of the design team who will prepare the final plan and program together with their qualifications.

(d) Fee and Number of Copies. The applicant shall submit fifteen (15) copies of a preliminary development plan and program to the City along with the filing fee listed in Section 11-13-6.

2. Staff Review of Preliminary Development Plan and Program. Upon filing of the preliminary development plan and program and receipt of the preliminary filing fee, the Planning Department shall prepare for the Planning Commission a report containing the following information as well as other pertinent data:

(a) A map showing the existing zoning of the subject property and all adjoining properties.

(b) Existing land use map of the area within one thousand feet (1,000') of the subject property.

(c) Consistency of the proposed planned development with the Oregon City plan, zoning and subdivision ordinances, and the effects which may be expected upon land use, traffic, City services, etc.

3. Planning Commission Review of Preliminary Development Plan and Program. After receiving the above report, the Planning Commission shall hold a public hearing as provided by Title XI, Chapter 13 herein.

4. Conditional Approval by Planning Commission. Following the public hearing, the Planning Commission may conditionally approve in principle the preliminary plan and program, require amendment and modification thereto, or reject said planned development. Such action shall be based upon the Comprehensive Plan, the standards of this Title and other applicable regulations and the suitability of the proposed development in relation to the character of the area as set forth in Section 11-15-3. Approval in principle of the preliminary acceptability of the land uses proposed and their inter-relationships and shall not be construed to endorse precise location of uses nor engineering feasibility. The Planning Commission may require additional information to be submitted with the final development plan and program.

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A,4) If the planned development will involve the subdividing of land as defined in the City subdivision regulations, approval of the preliminary development plan and program will constitute approval to proceed with the preparation of the preliminary subdivision plat.

(B) Final Development Plan and Program:

1. Information Applicant Must Submit. After receiving approval in principle of the preliminary plan and program, a final development plan and program shall be submitted which contains the following information:

(a) Land Use.

(1) A land use plan indicating all proposed uses within the PD.

(2) All areas proposed to be dedicated or reserved for interior circulation, public parks, open space playgrounds, school sites, public buildings, or otherwise dedicated or reserved to the public.

(3) Open space to be maintained and controlled by the owners of the property and their successors in interest for their recreational and leisure use.

(b) Contours and Utilities.

(1) Contours as they will be after development.

(2) Water, sewer and drainage systems and treatment facilities.

(c) Circulation.

(1) A street system and lot design with appropriate dimensions. If the land is to be subdivided all requirements of the subdivision ordinance shall be complied with.

(2) A traffic flow map showing vehicular and pedestrian circulation patterns within and adjacent to the proposed development and any special engineering, traffic or safety devices or regulations.

(3) Location and dimensions of pedestrian walkways, malls and trails.

(d) Parking and Loading.

(1) Location, arrangement, number and dimension of automobile garages, parking spaces, aisles and bays.

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(2) Location, arrangement and dimensions of truck-loading spaces and docks.

(e) Architectural Sketches.

(1) Preliminary architectural sketches depicting the type, use, height, bulk, type of construction, location and proximity of structures on lots, and their relationship to improvements upon adjacent land.

(2) In a PD containing more than twenty five (25) acres, the developer shall submit architectural sketches as required above for each phase of development containing less than twenty five (25) acres before actual construction begins on such phase.

(f) Landscaping.

(1) For a PD or construction phases thereof containing less than twenty five (25) acres, the developer shall submit a preliminary landscaping plan depicting tree plantings, ground cover, grades, slopes, screen plantings, fences, etc. The type and location of existing trees more than twelve inches (12") in diameter measured four feet (4') from the ground and trees to be removed shall also be shown.

(2) In a PD containing more than twenty five (25) acres, in addition to the above, the developer shall submit material describing proposed landscaping design concepts concerning residential and commercial structures in and around open spaces and public recreational areas.

(g) Program Elements. The written program shall contain the following information.

(1) Table showing: Total number of acres, acreage, distribution by use, percentage designated for each dwelling type and for non-residential uses, such as off-street parking, streets, parks, playgrounds, schools and open spaces.

(2) Table showing overall density of residential developments and density by dwelling types.

(3) Drafts of proposed restrictive covenants, property owners association agreements, dedications, deeds, easements, reservations of public open spaces not dedicated to the City.

(4) Time schedule, rate and staging for construction, and approximate completion dates for private improvements and public facilities.

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B,1,g) (5) Written consent of all persons owning any interest in the real property within the planned development to the final development plan and program.

(6) Other information as required by the Planning Commission.

(C) Application for Approval of Preliminary Subdivision Plat. If the PD will involve the subdivision of land, as defined in City subdivision regulations, the owner-applicant shall prepare and submit a preliminary subdivision plat along with information required by said ordinance to be considered at the same time as the final development plan and program.

11-10-4: PLANNING COMMISSION ACTION ON FINAL DEVELOPMENT PLAN AND PROGRAM: Upon receipt of the final development plan and program, petition for zone change, preliminary subdivision plat where applicable, and reports upon the same by the City Administrator, the Planning Commission shall hold a public hearing on these matters in accordance with Title XI, Chapter 13 herein. If the final development plan and program is found to be in compliance with Sections 11-10-1 and 11-10-12 of this Ordinance, it shall recommend approval, along with appropriate conditions, to the City Commission for adoption. It shall at the same time approve the preliminary subdivision plat in accordance with the Oregon City subdivision regulations.

11-10-5: CITY COMMISSION ACTION ON FINAL DEVELOPMENT PLAN AND PROGRAM: Upon receipt of Planning Commission recommendations, as set forth above, the City Commission shall hold a public hearing as provided in Title XI, Chapter 13 herein.

Following the public hearing, the City Commission may adopt the approved final development plan and program with any amendments it deems necessary, as the standards and requirements. The City Commission shall also accept or reject all or part of the dedications of public facilities, land and open space.

The City Commission may also continue the public hearing and refer the matter back to the Planning Commission with recommendations for amendment thereof. The City Commission may also reject the proposals and abandon further hearings and proceedings thereon. In this event, the proposed final development plan or a substantially similar plan for the same property may not be resubmitted for a period of one year. This shall not restrict the City Commission or applicant from review as provided by Section 11-13-4(H) herein.

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11-10-6: FILING OF APPROVED FINAL PLAN AND PROGRAM: Following action to amend the Zoning Ordinance and prior to its effectiveness, the owner-applicant shall file with the City a confirmed and approved final development plan and program together with all pertinent documents approved as to form by the City Attorney.

11-10-7: RECORDING OF NOTICE OF FINAL DEVELOPMENT PLAN: Each owner of property approved for a PD shall execute a notice prepared by the City, which acknowledges the final development plan and program approved by the City Commission. Such notice shall contain a legal description of the property, and reference to the certified copy of the final development plan and program filed in the office of the City Recorder. Said notices shall be recorded in the office of the County Recorder of Clackamas County.

11-10-8: DEVELOPMENT IMPROVEMENT PROHIBITED PENDING COMPLIANCE: No excavation, grading, construction, improvement or building shall begin and no permits therefor shall be issued within the PD until all provisions of this Article, including execution and filing of required documents; all requirements of the City Subdivision Ordinance; and all requirements of the final development plan and program have been complied with.

11-10-9: CHANGES TO FINAL DEVELOPMENT PLAN AND PROGRAM: The owner-applicant may make such changes in the approved final plan and program as are necessitated by any subsequent subdivision plat approved by the Planning Commission, provided such changes do not alter total density, ratio of dwelling unit types, boundaries of the planned development or location or area of public spaces.

Proposed changes which do not meet these criteria shall be processed in the same manner as for a new PD.

11-10-10: EXPIRATION OF PLANNED DEVELOPMENT: If within two (2) years substantial construction or development has not occurred in compliance with the approved final development plan and program and schedule for stage completion, the authorization shall expire. The Planning Commission may authorize for good cause up to two (2) additional one year extensions, following public hearing after application by the owner or authorized agent. If no extensions are granted, the authorization shall expire and the land and structures thereon may be used only for a lawful purpose permitted within the zoning district in which the planned development is located. Decision of the Planning Commission may be appealed to the City Commission by written notice filed within ten (10) days of the Planning Commission action.

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11-10-11: PERMITTED AND CONDITIONAL USES: In a PD, the following uses and accessory uses may be permitted:

(A) Permitted Uses:

1. Single-family, duplex or multi-family dwelling.
2. Public or private park and playground, community center or recreation facility.
3. Common public and private open space.
4. Hiking and riding trail.
5. Private non-commercial club, such as golf, swimming, tennis and country club.
6. Accessory structures and uses permitted in the existing regular zone.

(B) Conditional Uses:

1. Commercial uses providing goods and services primarily to residents of the development.
2. Library or educational, religious, social or cultural facility.

11-10-12: DEVELOPMENT STANDARDS: All standards and requirements of this Ordinance and all other City ordinances shall apply in a PD unless the Council grants an area variance from said standards in its approval of a PD or accompanying subdivision plat. In cases of conflict between the underlying zone district and the PD, the standards of the PD shall apply.

- (A) Minimum Size of PD. A PD may be established only on land which is suitable for the proposed development and of sufficient size to be planned and developed in the manner consistent with the purpose of this Article. A PD district shall not be established on less than two (2) acres of contiguous land unless the Planning Commission finds that a smaller site is suitable because of unique character, topography, landscaping features or constitutes an isolated problem area. The Planning Commission finding may be reviewed by the City Commission pursuant to Title XI, Chapter 13.
- (B) Compatibility with Neighborhood. The proposed development shall present an organized arrangement of buildings, service facilities, landscaping and fencing compatible with the City plan as set forth by the findings of the

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- B) Planning Commission. Adequate services normally provided by the City shall be available in the proposed development.
- (C) Special Improvements. In its approval of the final plan or subdivision plat within a PD, the City may require the developer to provide special or oversize sewer lines, water lines, roads and streets or other service facilities. Such approval shall not obligate the City to extend funds for additional construction equipment or for special road, sewer, lighting, water, fire or police service.
- (D) Residential Density. The number of dwelling units permitted in any PD shall be determined as follows:
1. Divide the net development area by the minimum lot area per dwelling unit required by the pre-existing regular zone.
 2. Net development area shall be determined by subtracting the area which will be devoted to churches, schools and other non-residential uses from the gross development area and deducting twenty percent (20%) of the remainder as an allowance for public streets.
- (E) Peripheral Yards. Along the periphery of any PD, additional yard depth, buffering or screening may be required. Peripheral yards shall be at least as deep as that required by the front yard regulations of the adjoining zones, unless the Planning Commission grants a variance from these requirements.
- Open space may serve as peripheral yard and/or buffer strips to separate one planned area from another if such dual use of the land is deemed to comply with this Section.
- (F) Open Space. Open space means the land area to be set aside and used for scenic, landscaping or open recreational purposes within the development. Open space may also include areas which, because of topographic or other conditions, are deemed by the Planning Commission to be suitable for leaving in a natural condition. Open space shall be adequate for the recreational and leisure needs of the occupants of the development and shall include the reservation of green space shown in the City plan. The development plan and program shall provide for the landscaping and/or preservation of the natural features of the land. Open space must constitute at least fifteen percent (15%) of the land area of the Planned Development.

In order to insure that open space will be permanent, deeds or dedication of easements or development rights to the City may be required. Instruments and documents guaranteeing the maintenance of open space shall be approved as to form by the City Attorney. Failure to maintain open space or

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- F) any other property in the manner specified in the development plan and program shall empower the City to enter said property in order to bring it up to the specified standards. In order to recover such maintenance costs, the City may, at its option, assess the real property and improvements within the Planned Development.
- (G) Commercial Development in Planned Residential Development. Commercial uses may be permitted in accordance with conditions set forth in the adopting ordinance. Only commercial uses permitted in a neighborhood commercial zone and designed primarily to serve residents of the development shall be allowed, subject to all requirements of the Zoning and Subdivision Ordinances of the City.
- (H) Construction Standards. All provisions of the zoning, subdivision, sign, building, and other applicable ordinances, shall apply within a PD zone unless specifically varied by the City Commission in its approval of the final plan and subdivision plat. (Ord. 1953, 3-13-80)

12.04.130 Obstructions--Sidewalk sales. A. It is unlawful for any person to use the public sidewalks of the city for the purpose of packing, unpacking or storage of goods or merchandise or for the display of goods or merchandise for sale. It is permissible to use the public sidewalks for the process of expeditiously loading and unloading goods and merchandise.

B. The city commission may, in its discretion, designate certain areas of the city to permit the display and sale of goods or merchandise on the public sidewalks under such conditions as may be provided. (Prior code §9-5-2)

12.04.140 Obstructions--Nuisance--Penalty. Any act or omission in violation of this chapter shall be deemed a nuisance. Violation of any provision of this chapter shall constitute a civil infraction, subject to the code enforcement procedures of Chapters 1.16 and 1.20. (Prior code §9-5-3)

12.04.150 Street vacations--Cost. At the time of filing a petition for the vacation of a street or alley, or any part thereof, a fee of three hundred fifty dollars shall be paid to the recorder to defray costs of publication, investigation and processing. (Prior code §9-11-1)

12.04.160 Street vacations--Restrictions. The 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. (Prior code §9-11-2)

Chapter 12.08

STREET TREES

Sections:

- 12.08.010 Planting.
- 12.08.020 Trimming.
- 12.08.030 Mowing.
- 12.08.040 Tree removal.
- 12.08.050 Violation--Penalty.

12.08.010 Planting. All shade and ornamental trees that shall hereafter be planted or set out in the streets of the city shall be placed on a line in the center of the space known as the parking, between the curb and sidewalk line. (Prior code §9-3-1)

12.08.020 Trimming. It shall be the duty of all property owners to properly trim and keep trimmed each year all shade and ornamental trees or plants of nine feet above the curb stone and the sidewalk. It shall be the duty of every person to trim and keep trimmed all such trees in the street in the front of their premises, so that the same shall not interfere with the telephone or telegraph wires or police alarm systems or fire department fixtures of the city, or come in contact therewith. (Prior code §9-3-2)

12.08.030 Mowing. It is the duty of the owner and occupant of any such premises to keep the grass mowed in the parking at all times and to keep the sidewalk clean from leaves or other rubbish and dirt. If there is no sidewalk and/or parking, it shall be the duty of the owner and occupant of such premises to keep the grass mowed all the way to the street, and the area clear of leaves, rubbish and obstructing vegetation. (Prior code §9-3-3)

12.08.040 Tree removal. Whenever in the opinion of the engineer, the roots of any shade or ornamental tree in the streets have entered any sewer, lateral sewer or house connection in the streets and are stopping or retarding the flow of sewerage therein, or damaging the sewer, or damaging the curbs or sidewalks, the engineer shall cause the tree to be girdled sufficiently to kill the same, and it shall be the duty of the property owner to remove the same. (Prior code §9-3-4)

12.08.050 Violation--Penalty. Any act or omission in violation of this chapter shall be deemed a nuisance. The violation of any provision of this chapter shall constitute a civil infraction, subject to the code enforcement procedures of Chapters 1.16 and 1.20. (Prior code §9-3-5)

Chapter 12.12

UTILITY WIRES AND POLES

Sections:

- 12.12.010 Permit--Required.
- 12.12.020 Permit--Application.
- 12.12.030 Permit--Denied.
- 12.12.040 Erection restrictions.
- 12.12.050 Violation--Penalty.

12.12.010 Permit--Required. It is unlawful for any person to erect poles or stretch wires or cables in, on, under, over or across any of the streets, alleys, bridges,

antee have been accepted by the city. If construction has not begun within one year from date of site plan approval, such approval shall expire unless an extension is requested and granted. (Prior code §11-9-6)

17.62.070 Fees. A nonrefundable application fee, as listed in Section 17.50.480, shall accompany the application for design review. (Prior code §11-9-7)

Chapter 17.64

PLANNED DEVELOPMENT

Sections:

- 17.64.010 Definition and purpose.
- 17.64.020 Initiation of PD projects.
- 17.64.030 Procedures for application.
- 17.64.040 Final development plan and program.
- 17.64.050 Application for approval of preliminary subdivision plat.
- 17.64.060 Final development plan--Planning commission action.
- 17.64.070 Final development action--City commission action.
- 17.64.080 Filing of approved final plan.
- 17.64.090 Recording of notice.
- 17.64.100 Development improvement prohibited pending compliance.
- 17.64.110 Changes to final development plan.
- 17.64.120 Expiration of planned development.
- 17.64.130 Permitted and conditional uses.
- 17.64.140 Development standards.

17.64.010 Definition and purpose. Planned Development (hereafter referred to as PD) is not a land use zone, but rather a special approach to land development applied to achieve the basic objectives of good zoning practices. The use of this approach is intended to permit a greater degree of flexibility in the use and design of structures and land in situations where modification of specific provisions of this title will not be contrary to its intent and purpose or significantly inconsistent with the planning on which it is based and will not be harmful to the neighborhood in which they occur. It is further intended to achieve land economies in land development, maintenance, street systems and utility networks, while providing building groupings for privacy, usable and attractive open spaces, safe circulation and the general well-being of the inhabitants. (Prior code §11-10-1)

17.64.020 Initiation of PD projects. PD projects may be initiated by:

A. The ownership of all property involved, if under one ownership of a governmental agency;

B. An application filed jointly by all owners having title to all of the property in the area proposed for the PD project, if there is more than one owner. (Prior code §11-10-2)

17.64.030 Procedures for application. A. Preliminary Development Plan and Program.

1. Information Applicant Must Submit. The applicant shall submit a preliminary development plan and program to the planning commission for preliminary approval. The preliminary plan and program shall contain the following elements:

a. Identification and Description. Proposed name of PD, location by legal description, names and addresses of applicant, designers and others having a major interest in the development, plan scale, date and north point.

b. Existing Conditions. A map of the property and adjacent lands showing contours with a two foot interval; location and direction of all water courses; natural features, such as rock outcropping, marshes, wooded areas; land ownership; location and names of all platted streets, public ways, easements and utility rights of way, parks and other public open spaces; buildings and structures and their uses; city boundaries; existing sewers, water mains, culverts and other underground facilities, indicating pipe sizes, grades, manholes and their exact location.

c. Proposed Development.

i. A map showing the following in addition to other requirements of the planning commission:

(A) Proposed land uses and densities;

(B) Building types and coverage;

(C) Circulation patterns for vehicular and pedestrian traffic;

(D) Parks, playgrounds, open spaces.

ii. A preliminary written program containing the following information in addition to other requirements of the planning commission:

(A) Proposed ownership pattern;

(B) Operation and maintenance proposals (neighborhood easements, condominiums, co-ops, neighborhood associations, etc.);

(C) Waste disposal facilities;

(D) Lighting;

(E) Water supply, public transportation, community facilities;

(F) Names and addresses of the design team who will prepare the final plan and program together with their qualifications.

d. Fee and Number of Copies. The applicant shall submit fifteen copies of a preliminary development plan and program to the city along with the filing fee listed in Section 17.50.480.

2. Staff Review of Preliminary Development Plan and Program. Upon filing of the preliminary development plan and program and receipt of the preliminary filing fee, the planning department shall prepare for the planning commission a report containing the following information as well as other pertinent data:

a. A map showing the existing zoning of the subject property and all adjoining properties.

b. Existing land use map of the area within one thousand feet of the subject property.

c. Consistency of the proposed planned development with the city plan, zoning and subdivision ordinances, and the effects which may be expected upon land use, traffic, city services, etc.

3. Planning Commission Review of Preliminary Development Plan and Program. After receiving the above report, the planning commission shall hold a public hearing as provided by Chapter 17.50.

4. Conditional Approval by Planning Commission. Following the public hearing, the planning commission may conditionally approve in principle the preliminary plan and program, require amendment and modification thereto, or reject the planned development. Such action shall be based upon the comprehensive plan, the standards of this title and other applicable regulations and the suitability of the proposed development in relation to the character of the area as set forth in this chapter. Approval in principle of the preliminary acceptability of the land uses proposed and their inter-relationships and shall not be construed to endorse precise location of uses nor engineering feasibility. The planning commission may require additional information to be submitted with the final development plan and program. If the planned development will involve the subdividing of land as defined the city subdivision regulations, approval of the preliminary development plan and program will constitute approval to proceed with the preparation of the preliminary subdivision plat. (Prior code §11-10-3(A))

17.64.040 Final development plan and program. Information Applicant Must Submit. After receiving approval in principle of the preliminary plan and program, a final development plan and program shall be submitted which contains the following information:

A. Land Use.

1. A land use plan indicating all proposed uses within the PD;

2. All areas proposed to be dedicated or reserved for interior circulation, public parks, open space playgrounds, school sites, public buildings, or otherwise dedicated or reserved to the public;

3. Open space to be maintained and controlled by the owners of the property and their successors in interest for their recreational and leisure use.

B. Contours and Utilities.

1. Contours as they will be after development;

2. Water, sewer and drainage systems and treatment facilities.

C. Circulation.

1. A street system and lot design with appropriate dimensions. If the land is to be subdivided all requirements of the subdivision ordinance shall be complied with.

2. A traffic flow map showing vehicular and pedestrian circulation patterns within and adjacent to the proposed development and any special engineering, traffic or safety devices or regulations.

3. Location and dimensions of pedestrian walkways, malls and trails.

D. Parking and Loading.

1. Location, arrangement, number and dimension of automobile garages, parking spaces, aisles and bays;

2. Location, arrangement and dimensions of truck-loading span and docks.

E. Architectural Sketches.

1. Preliminary architectural sketches depicting the type, use, height, bulk, type of construction, location and proximity of structures on lots, and their relationship to improvements upon adjacent land.

2. In a PD containing more than twenty-five acres, the developer shall submit architectural sketches as required above for each phase of development containing less than twenty-five acres before actual construction begins on such phase.

F. Landscaping.

1. For a PD or construction phases thereof containing less than twenty-five acres, the developer shall submit a preliminary landscaping plan depicting tree plantings, ground cover, grades, slopes, screen plantings, fences, etc. The type and location of existing trees more than twelve inches in diameter measured four feet from the ground and trees to be removed shall also be shown.

2. In a PD containing more than twenty-five acres, in addition to the above, the developer shall submit material describing proposed landscaping design concepts concerning residential and commercial structures in and around open spaces and public recreational areas.

G. Program Elements. The written program shall contain the following information:

1. Table showing: total number of acres, acreage, distribution by use, percentage designated for each dwelling type and for nonresidential uses, such as off-street parking, streets, parks, playgrounds, schools and open spaces;

2. Table showing overall density of residential developments and density by dwelling types;

3. Drafts of proposed restrictive covenants, property owners association agreements, dedications, deeds, easements, reservations of public open spaces not dedicated to the city;

4. Time schedule, rate and staging for construction and approximate completion dates for private improvements and public facilities;

5. Written consent of all persons owning any interest in the real property within the planned development to the final development plan and program;

6. Other information as required by the planning commission. (Prior code §11-10-3(B))

17.64.050 Application for approval of preliminary subdivision plat. If the PD will involve the subdivision of land, as defined in city subdivision regulations, the owner-applicant shall prepare and submit a preliminary subdivision plat along with information required by the ordinance to be considered at the same time as the final development plan and program. (Prior code §11-10-3(C))

17.64.060 Final development plan--Planning commission action. Upon receipt of the final development plan and program, petition for zone change, preliminary subdivision plat where applicable, and reports upon the same by the city administrator, the planning commission shall hold a public hearing on these matters in accordance with Chapter 17.50. If the final development plan and program is found to be in compliance with Sections 17.64.010 and 17.64.020, it shall recommend approval, along with appropriate conditions, to the city commission for adoption. It shall at the same time approve the preliminary subdivision plat in accordance with the city subdivision regulations. (Prior code §11-10-4)

17.64.070 Final development action--City commission action. A. Upon receipt of planning commission recommendations, as set forth above, the city commission shall hold a public hearing as provided in Chapter 17.50.

B. Following the public hearing, the city commission may adopt the approved final development plan and program with any amendments it deems necessary, as the standards and requirements. The city commission shall also accept or

reject all or part of the dedications of public facilities, land and open space.

C. The city commission may also continue the public hearing and refer the matter back to the planning commission with recommendations for amendment thereof. The city commission may also reject the proposals and abandon further hearings and proceedings thereon. In this event, the proposed final development plan or a substantially similar plan for the same property may not be resubmitted for a period of one year. This shall not restrict the city commission or applicant from review as provided by Chapter 17.50. (Prior code §11-10-5)

17.64.080 Filing of approved final plan. Following action to amend the zoning ordinance and prior to its effectiveness, the owner-applicant shall file with the city a confirmed and approved final development plan and program together with all pertinent documents approved as to form by the city attorney. (Prior code §11-10-6)

17.64.090 Recording of notice. Each owner of property approved for a PD shall execute a notice prepared by the city, which acknowledges the final development plan and program approved by the city commission. Such notice shall contain a legal description of the property, and reference to the certified copy of the final development plan and program filed in the office of the city recorder. The notices shall be recorded in the office of the county recorder of the county. (Prior code §11-10-7)

17.64.100 Development improvement prohibited pending compliance. No excavation, grading, construction, improvement or building shall begin and no permits therefor shall be issued within the PD until all provisions of this chapter, including execution and filing of required documents; all requirements of the city subdivision ordinance; and all requirements of the final development plan and program have been complied with. (Prior code §11-10-8)

17.64.110 Changes to final development plan. A. The owner-applicant may make such changes in the approved final plan and program as are necessitated by any subsequent subdivision plat approved by the planning commission, provided such changes do not alter total density, ratio of dwelling unit types, boundaries of the planned development or location or area of public spaces.

B. Proposed changes which do not meet these criteria shall be processed in the same manner as for a new PD. (Prior code §11-10-9)

17.64.120 Expiration of planned development. If within two years substantial construction or development

has not occurred in compliance with the approved final development plan and program and schedule for stage completion, the authorization shall expire. The planning commission may authorize for good cause up to two additional one-year extensions, following a public hearing after application by the owner or authorized agent. If no extensions are granted, the authorization shall expire and the land and structures thereon may be used only for a lawful purpose permitted within the zoning district in which the planned development is located. Decision of the planning commission may be appealed to the city commission by written notice filed within ten days of the planning commission action. (Prior code §11-10-10)

17.64.130 Permitted and conditional uses. In a PD, the following uses and accessory uses may be permitted:

A. Permitted Uses.

1. Single-family, duplex or multi-family dwelling;
2. Public or private park and playground, community center or recreation facility;
3. Common public and private open space;
4. Hiking and riding trail;
5. Private noncommercial club, such as golf, swimming, tennis and country club;
6. Accessory structures and uses permitted in the existing regular zone.

B. Conditional Uses.

1. Commercial uses providing goods and services primarily to residents of the development;
2. Library or educational, religious, social or cultural facility. (Prior code §11-10-11)

17.64.140 Development standards. All standards and requirements of this title and all other city ordinances shall apply in a PD unless the council grants an area variance from said standards in its approval of a PD or accompanying subdivision plat. In cases of conflict between the underlying zone district and the PD, the standards of the PD shall apply.

A. Minimum Size of PD. A PD may be established only on land which is suitable for the proposed development and of sufficient size to be planned and developed in the manner consistent with the purpose of this chapter. A PD district shall not be established on less than two acres of contiguous land unless the planning commission finds that a smaller site is suitable because of unique character, topography, landscaping features or constitutes an isolated problem area. The planning commission finding may be reviewed by the city commission pursuant to Chapter 17.50.

B. Compatibility with Neighborhood and Adjacent Development. The proposed development shall present an organized arrangement of buildings, service facilities, land-

scaping and fencing compatible with the city's plan and land use regulations as set forth by the findings of the planning commission. Within a planned development, compatibility with adjacent land uses shall be demonstrated. For the purposes of this section, "adjacent" shall be defined to mean land area measured one hundred feet from the property line, excluding right-of-way width. Compatibility shall be based on consideration of immediately adjacent uses. If the adjacent land use is single-family, then any dwelling units constructed immediately abutting thereto shall be single-family to be deemed compatible. If the adjacent land use is other than single-family, then single-family, duplex and multi-family units shall be deemed compatible. If the adjacent land is undeveloped, then the zoning district of the undeveloped land shall be the determining factor for compatibility. Adequate services normally provided by the city shall be available in the proposed development.

C. Special Improvements. In its approval of the final plan or subdivision plat within a PD, the city may require the developer to provide special or oversize sewer lines, water lines, roads and streets or other service facilities. Such approval shall not obligate the city to extend funds for additional construction equipment or for special road, sewer, lighting, water, fire or police service.

D. Residential Density. The number of dwelling units permitted in any PD shall be determined as follows:

1. Divide the net development area by the minimum lot area per dwelling unit required by the pre-existing regular zone;

2. Net development area shall be determined by subtracting the area which will be devoted to churches, schools and other non-residential uses from the gross development area and deducting twenty percent of the remainder as an allowance for public streets.

E. Peripheral Yards.

1. Along the periphery of any PD, additional yard depth, buffering or screening may be required. Peripheral yards shall be at least as deep as that required by the front yard regulations of the adjoining zones, unless the planning commission grants a variance from these requirements.

2. Open space may serve as peripheral yard and/or buffer strips to separate one planned area from another if such dual use of the land is deemed to comply with this section.

F. Open Space.

1. Open space means the land area to be set aside and used for scenic, landscaping or open recreational purposes within the development. Open space may also include areas which, because of topographic or other conditions,

are deemed by the planning commission to be suitable for leaving in a natural condition. Open space shall be adequate for the recreational and leisure needs of the occupants of the development and shall include the reservation of green space shown in the city plan. The development plan and program shall provide for the landscaping and/or preservation of the natural features of the land. Open space must constitute at least fifteen percent of the land area of the planned development.

2. In order to insure that open space will be permanent, deeds or dedication of easements or development rights to the city may be required. Instruments and documents guaranteeing the maintenance of open space shall be approved as to form by the city attorney. Failure to maintain open space or any other property in the manner specified in the development plan and program shall empower the city to enter the property in order to bring it up to the specified standards. In order to recover such maintenance costs, the city may, at its option, assess the real property and improvements within the planned development.

G. Commercial Development in Planned Residential Development. Commercial uses may be permitted in accordance with conditions set forth in the adopting ordinance. Only commercial uses permitted in a neighborhood commercial zone and designed primarily to serve residents of the development shall be allowed, subject to all requirements of the zoning and subdivision ordinances of the city.

H. Construction Standards. All provisions of the zoning, subdivision, sign, building, and other applicable ordinances, shall apply within a PD zone unless specifically varied by the city commission in its approval of the final plan and subdivision plat. (Prior code §11-10-12)

Chapter 17.66

MOBILE HOME PARKS

Sections:

- 17.66.010 Description and purpose.
- 17.66.020 Definitions.
- 17.66.030 Permitted uses.
- 17.66.040 License--Required.
- 17.66.050 Restricted areas for mobile homes.
- 17.66.060 Criteria for construction, expansion.
- 17.66.070 General conditions and limitations.
- 17.66.080 Site requirements.
- 17.66.090 Mobile home space requirements.
- 17.66.100 Improvement requirements.
- 17.66.110 Mobile home parks in annexed areas.

ORDINANCE NO. 98-1007

AN ORDINANCE REPEALING TITLE 16: SUBDIVISIONS, OF THE OREGON CITY MUNICIPAL CODE OF 1991 AND ENACTING A NEW TITLE 16: LAND DIVISIONS AND DECLARING AN EFFECTIVE DATE.

OREGON CITY MAKES THE FOLLOWING FINDINGS:

WHEREAS, City Code, Title 16, Subdivisions, provides for a complicated and lengthy review and approval process with subjective approval criteria that are highly discretionary and require a substantial amount of deliberation to decide all but the simplest applications; and

WHEREAS, recently the City Commission adopted a substantial revision to Title 17, Zoning, Chapter 17.64, Planned Unit Development, and in light of those changes, the subdivision ordinance, as the City's other primary method of residential development, should be revised to better compliment the new Planned Unit Development chapter; and

WHEREAS, since 1991, State law has recognized that subdivisions and partitions involve limited discretion and should be processed more expeditiously and with less discretion than was the case in most jurisdictions, including Oregon City, and that both forms of land divisions can and should be processed administratively; and

WHEREAS, Oregon City's present subdivision approval process involves two steps: the preliminary subdivision plat requires a Planning Commission hearing with appeals being heard by the City Commission and the final subdivision plat is reviewed administratively; and

WHEREAS, the Planning Commission is presently burdened with a large and growing work load of public hearing items, and the public process presently provided for subdivision review is of limited utility in verifying compliance with purely dimensional standards; and

WHEREAS, the Planning Commission work load and elaborate subdivision process means there is a substantial lag built into the processing time for subdivision applications which is unnecessarily expensive and which carries with it a substantial penalty should the City take longer than 120 days to render a decision; and

WHEREAS, a quicker and more predictable process for deciding subdivisions can be achieved if the criteria are made clearer and more objective and, consistent with State law, decisions are made administratively with the sole local appeal being heard by the City Commission; and

WHEREAS, to bring about this change in substantive approval criteria and process for all land divisions, the City must adopt a completely revised Title 16.

Now, therefore,

OREGON CITY ORDAINS AS FOLLOWS:

Section 1. That Title 16: SUBDIVISIONS, of the Oregon City Municipal Code of 1991, is hereby repealed in its entirety and a new Title 16: LAND DIVISIONS, is hereby enacted to read as follows:

Title 16

LAND DIVISIONS

Chapters:

- 16.04 General Provisions and Administration of Land Divisions
- 16.08 Subdivisions--Process and Standards
- 16.12 Minimum Improvements and Design Standards for Land Divisions
- 16.16 Partitions--Process and Standards
- 16.20 Property Line Adjustments and Abandonment--Process and Standards

Chapter 16.04

GENERAL PROVISIONS AND ADMINISTRATION OF LAND DIVISIONS

Sections:

- 16.04.010 Purpose.
- 16.04.020 Scope and Procedural Overview.
- 16.04.030 Definitions.
- 16.04.040 Fees.
- 16.04.050 Variances.
- 16.04.060 Conditions of Land Division Approval.
- 16.04.070 Restrictions on Sale of Lots Until Process is Complete.
- 16.04.080 Duration of Approval and Extensions.
- 16.04.090 Severability.
- 16.04.100 Nuisance--Violations and Penalties.

16.04.010 Purpose. This Title is enacted in compliance with ORS 92.010 through 92.160 to establish procedures and standards for partitioning and subdividing land within the City. These regulations, along with the requirement of the City's underlying zoning, provide the dimensional requirements for building lots, streets, rights-of-way, locational requirements for houses on residential lots, the provision of adequate open space for recreation and community facilities, and the basic requirements for the installation of public utilities, all with the aim of achieving:

- A. A sufficient supply of needed housing with satisfactory living conditions in new subdivisions that complies with Statewide Planning Goal 10 and implementing administrative rules, guidelines and statutes;
- B. The protection, conservation and proper use of the land;
- C. The timely and efficient extension of public facilities and services without excessive expenditure of public funds in accordance with Statewide Planning Goals 11 and 14 and their implementing administrative rules and guidelines;
- D. The simplification and greater accuracy of land descriptions;
- E. The protection of property owners from excessive assessment for future utility installations and to provide a means of ensuring that property owners pay only their fair share of the cost of providing public facilities and services;

F. The protection of the health, safety and general welfare of the public;

G. Increased consumer protection by assuring that only those lots which have met City requirements and have been lawfully created through subdivision or partition approval are allowed to be advertised for sale;

H. Increased urban density and a livable design that achieves Metro-mandated requirements, while providing an enjoyable living and working environment; and

I. Safe, direct and convenient pedestrian and bicycle access, where reasonably possible within, from and between residential, commercial, industrial and institutional developments and neighborhood activity centers in accordance with Statewide Planning Goal 12 and the implementing administrative rule.

16.04.020 Scope and procedural overview. All forms of land division and adjustments to, or elimination of, property boundaries within the City shall be subject to the requirements of this Title.

A. Partitions and subdivisions are processed as Type II decisions as outlined in Chapter 17.50 or, at the applicant's option, may be processed as an expedited land division pursuant to State law. Generally, under the City's Type II process, notice and an opportunity to comment on all preliminary subdivision plat or partition applications shall be provided to property owners within 300 feet of the subject property. The Planning Manager makes an initial administrative decision on the application which is appealable to the City Commission, with notice to the Planning Commission, by the applicant or any party who has provided written comments within the 14-day comment period. On appeal, the City Commission provides notice and holds a public hearing, and its decision is appealable to the Land Use Board of Appeals pursuant to State law.

B. Partitions are processed as Type II decisions as outlined in Chapter 17.50 or, at the applicant's option, may be processed as an expedited land division pursuant to State law.

C. Property line adjustments and abandonments are processed as Type I decisions as outlined in Chapter 17.50, pursuant to which the Planning Manager renders a final decision which is appealable directly to the Land Use Board of Appeals pursuant to State law.

16.04.030 Definitions. The following definitions shall apply to this Title. Where a particular term used in this Title is not defined in this Section but is defined in Title 17, then the definition in Title 17 shall control:

A. "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 or similar designations.

B. "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.

C. "Alley" means a public or private way not more than 20 feet wide that provides access to a property or properties from a side other than the designed front of the property.

U. "Local street" means any street so designated in the City's Transportation Master Plan. Typically, a local street is a public street that serves abutting lands, is designed to carry a minimal amount and weight of traffic.

V. "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.

W. "Lot line adjustment" means the relocation of a common property line between two abutting properties which does not create a new lot or parcel.

X. "Map" means a final diagram, drawing or other graphical representation concerning a partition or subdivision.

Y. "Nearby", when used in connection with bicycle and pedestrian access, means 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.

Z. "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.

AA. "Non-final decision" means any decision by the Planning Manager which is not a final decision because it is appealable to another decision-maker within the City.

AB. "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.

AC. "Partition" means the act of partitioning land into 3 or fewer lots.

AD. "Partition land" means to divide land into two or three parcels of land within a calendar year, but 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 or condominium plat; or
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.

AE. "Partition plat" includes a final map and other writing containing all the descriptions, locations, specifications, provisions and information concerning a partition.

AF. "Pedestrian or bicycle accessway" means any off-street path or way as described in Chapter 12.24, 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 where the street system does not otherwise provide such routes. Accessways and connections shall be designed and constructed in accordance with all applicable provisions of the Americans with Disabilities Act.

AG. "Permit" means any form of quasi-judicial approval relating to the use of land rendered by the City under Title 16 or Title 17 of this Code, 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.

AH. "Planning division" means the Planning Division of the City.

AI. "Planning Manager" means the Planning Manager of the Planning Division or the Planning Manager's designee.

AJ. "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 Title 16 and Title 17.

AK. "Preliminary plan" or "plat" mean a preliminary subdivision plat or partition plat as appropriate.

AL. "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.

AM. "Property line" means the division or boundary between two legal lots or parcels.

AN. "Record" means the public record compiled for each quasi-judicial action and includes the written minutes of all public meetings, audio tape recordings, if any, of 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 the City's decision-makers.

AO. "Reserve strip" means a parcel of land, usually one foot in width, running the length of a half-street parallel to the centerline 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.

AP. "Right-of-way" means the area between boundary lines of a street, alley or other public accessway,.

AQ. "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.

AR. "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.

AS. "Subdivision" means an act of subdividing land. Requirements of this Title that apply to subdivisions shall also apply equally to Planned Unit Developments (PUDs), which include subdividing property, that is proposed or approved under Chapter 17.64.

AT. "Subdivision plat" includes a final map or other writing containing all the descriptions, locations, specifications, dedications, provisions and information concerning a subdivision.

AU. "Subject property" means the land that is the subject of a permit application.

AV. "Through lot" means a lot having frontage on two streets that are not alleys.

AY. "Transit stop" means any posted bus, light rail or other mass transit stop.

AZ. "Transit street" means any street identified as an existing or planned bus or rail transit route as shown in the current City's Transportation Master Plan (1989 or as subsequently amended).

16.04.040 Fees. A. Filing Fees. The City Commission shall establish by resolution a schedule of fees for all land division and engineering plan reviews, inspections, applications and appeals provided for under this Title. Fees shall be structured to reflect the City's actual cost of providing the required services and must be paid in full at the time of application, along with all other required information and documents before the application to be deemed complete. Filing fees shall not be refundable or reimbursable except as provided in Section 17.50.270 of this Code.

B. Technical Plan Check and Inspection Fees. The City Commission shall establish by resolution a plan check and inspection fee. This fee shall be paid to cover the City's costs of reviewing plans and inspecting public improvements.

C. Other Fees. The fees required by this Chapter are in addition to any fees charged by any other department of the City and any other governmental entity with regulatory jurisdiction.

16.04.050 Variances. The dimensional requirements for lots and public improvements created through the various methods provided for under this Title are specified in the Municipal Code sections corresponding to the underlying zoning and in the regulations pertaining to any other special site constraints, e.g., unstable slopes under Chapter 17.44 and water resources under Chapter 17.49. Any variation from these dimensional requirements must be specifically requested through an application for a variance pursuant to the Type III process provided in Chapter 17.50 and reviewed according to the approval standards for variances in Chapter 17.60. Ideally, applicants will specifically request all necessary variances as part of a consolidated application. However, if the applicant requests a variance after the commencement of the approval process for a land division under this Title, the applicant shall have the option of having the variance and land division consolidated and subject to a Type III process or allowing the applications to proceed separately under their respective procedures.

16.04.060 Conditions of land division approval. The decision-maker may impose reasonable conditions of approval on any approval granted under this Title to ensure that the application meets, or will meet, any application approval standard.

16.04.070 Restrictions on sale of lots until process is complete. A. No person shall negotiate to sell any lot in a subdivision until a preliminary plat has been approved pursuant to this Title.

B. No person shall complete the sale of any lot in any subdivision until the final subdivision plat for the development has been approved under this Title and properly recorded with the County.

C. Parcels subject to the partition process under this Title may be advertised, and sales negotiated, prior to preliminary partition plat approval; however, no sale of any such lot may be completed until the City has granted final partition approval under this Title and the plat is properly recorded with the County.

16.04.080 Duration of approval and extensions. A. Any approval granted under this Title shall be valid for 12 months following the date of the City's final decision of approval. If the applicant has not vested its right to develop under an approval granted pursuant to this Title within this 12-month period, the approval shall automatically expire and be void without any further action by the City. To vest its right to develop pursuant to any approval granted under this Title, the applicant must obtain any final plat approval required by this Title and record the plat with the County.

B. Extensions. Any approval granted pursuant to this Title may be extended beyond the 1 month period provided in subsection A. To extend an approval, the applicant must request an extension by applying to the Planning Manager prior to the expiration of the 12-month period, as identified in Section 17.50.210. The Planning Manager may extend the expiration period for a maximum of two 6-month periods, for an aggregate for up to one year, subject to the criteria set forth in Section 17.50.210.

16.04.090 Severability. If any part of this title is for any reason held invalid or unconstitutional by a court of competent jurisdiction, that part shall be deemed separate from the balance of the Title and the invalidation of any part of this Title shall not affect the validity or enforceability of any of the Title's remaining portions.

16.04.100 Nuisance--violations and penalties. Any act, omission or use of property in violation of the requirements of this Title shall constitute a nuisance and a civil infraction subject to the enforcement provisions of Chapters 1.16 and 1.20.

Chapter 16.08

SUBDIVISIONS--PROCESS AND STANDARDS

Sections:

16.08.010	Purpose and general provisions.
16.08.020	Preapplication conference required.
16.08.030	Preliminary subdivision plat application.
16.08.040	Preliminary subdivision plat--required plans.
16.08.050	Preliminary subdivision plat--narrative statement.
16.08.060	Notice and invitation to comment.
16.08.070	Preliminary subdivision plat--approval standards and decision.
16.08.080	Appeals
16.08.090	Final subdivision plat--application requirements and approval standards.
16.08.100	Filing and recording of final subdivision plat.
16.08.110	Post-approval modifications to approved plat.

16.08.010 Purpose and general provisions. A. Applicability. This Chapter controls the process and approval standards applicable to subdivisions and partitions that involve the creation of an accessway. These applications shall generally follow a type II process. However, if an applicant opts to process either application as an expedited 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. If an applicant proposes a subdivision as a Planned Unit Development, the City shall follow the process set forth in Chapter 17.64.

B. Purpose. The purpose of this Chapter is to provide a speedy review and decision making process, applying relatively clear and objective criteria with little discretion, but with little opportunity to deviate from the City's dimensional standards. For example, any deviation from the dimensional standards that apply requires a variance and a more elaborate decision making process that involves a mandatory hearing. Also, subdivision applications are not eligible for any density transfer or credit for undevelopable portions of the property, such as for wetlands or unbuildable steep slopes. If an applicant wishes greater flexibility in lotting pattern or lay-out, or relief from dimensional or public improvement standards the appropriate procedure would be a planned unit development under Chapter 17.64 or an additional application for a variance(s) under Chapter 17.60.

C. Process overview. The subdivision 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 lay-out, 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 is a formal reproduction of the approved preliminary plat, including all conditions imposed by the decision-maker, submitted in recordable form. So long as the final plat does not deviate from the product approved in the preliminary plat, the City's review of the final plat shall be conducted through a Type I process. If the final plat deviates from the approved preliminary plat, the final plat review shall be processed in the same manner as was the preliminary plat.

16.08.020 Preapplication conference required. Before the City will accept a subdivision application, the applicant must schedule and attend a preapplication conference in accordance with Section 17.50.040. At a minimum, an applicant should bring to the preapplication conference a tax map of the subject tax lot(s) and surrounding tax lots, scale drawings of the proposed subdivision lotting pattern, streets, utilities and important site features and improvements, and a topographic map of the property.

16.08.030 Preliminary subdivision plat application. At any time following a preapplication conference, an applicant may apply for Preliminary Subdivision Plat approval. The applicant's submittal must provide a complete description of existing conditions, the proposed subdivision and an explanation of how the application meets all applicable approval standards. The following sections describe the specific submittal requirements for a Preliminary Subdivision Plat, which include plan drawings, a narrative statement and certain tabular information.

Once the application is deemed to be complete, the Planning Manager shall provide notice of the application and an invitation to comment for 14 days to surrounding property owners in accordance with 17.50.090(A). At the conclusion of the 14-day comment period, the Planning Manager will evaluate the application, taking into consideration all relevant, timely filed comments, and render a written decision in accordance with 17.50.130. The Planning Manager's decision may be appealed to the City Commission with notification to the Planning Commission.

16.08.040 Preliminary subdivision plat--required plans. The Preliminary Subdivision Plat shall specifically and clearly show the following features and information on the maps, drawings, application form or attachments. All maps and site drawings shall be at a minimum scale of one inch to 50 feet.

A. **Site Plan.** A detailed site development plan showing the location and dimensions of lots, streets, pedestrian ways, transit stops, common areas, building envelopes and setbacks, all existing and proposed utilities and improvements including sanitary sewer, storm water and water facilities, and an indication of existing and proposed land uses for the site.

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. The City Engineer may waive any of the foregoing requirements if the City Engineer determines 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 250 feet of the property's boundary. The map shall also illustrate the approximate topography and approximate grade of the site before and after development. Illustrated features must include the approximate grades and radius of curves of all proposed streets and cul-de-sacs, the location and estimated volume of all cuts and fills, and all storm water management features. This plan shall identify the location of drainage patterns and courses on the site and within 250 feet of the property boundaries, where possible. Features that must 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 with a diameter 6 inches or greater measured 4 feet from the ground;
4. All jurisdictional wetlands shown in a delineation according to the Corps of Engineers Wetlands Delineation Manual, January 1987 edition, and approved by the Division of State Lands and wetlands identified by the Oregon City Comprehensive Plan.
5. All known geologic hazards, landslides or faults and, areas with a water table within one (1) foot of the surface;
6. The location of any known state or federal threatened or endangered species;
7. All historic areas or cultural features acknowledged as such on any federal, state or City inventory; and,
8. All wildlife habitat or other natural features listed on any of the City's official inventories.

The Planning Manager may waive any of the foregoing requirements if the Planning Manager determines that the requirement is unnecessary in the particular case.

D. **Erosion Control Plan:** The applicant shall submit an erosion control plan illustrating the measures that will be implemented throughout construction of the subdivision to control erosion and sedimentation, unless waived by the City Engineer. This plan must be consistent with all applicable erosion control requirements in Chapter 17.47. Upon consultation with appropriate experts, the City Engineer may waive any of the foregoing requirements if the City Engineer determines that the requirement is unnecessary in the particular case.

16.08.050 Preliminary subdivision 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. Subdivision Description: A detailed description of the proposed development, including a description of any phasing, 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. For each such variance, a separate application will be required pursuant to Chapter 17.60, Variances.

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 Storm Water Drainage
4. Parks and Recreation
5. Traffic and Transportation
6. Schools
7. 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. Approval Criteria and Justification for Variances: The applicant shall explain how the proposed subdivision is consistent with the standards set forth in Chapter 16.12 and any other applicable approval standards identified in the Municipal Code. For each instance where the applicant proposes a variance from some applicable dimensional or other numeric requirement, the applicant shall address the approval criteria from Chapter 17.60 in a separate application for each such variance. Variance applications shall be processed under the Type III process provided for in Chapter 17.50.

D. Geologic Hazards: For property subject to Chapter 17.44, the applicant shall submit a report prepared by a qualified professional engineer, certified in geology or geotechnical engineering, describing how construction of the proposed subdivision is feasible and meets the applicable requirements of Chapter 17.44. The City Engineer may waive any of the forgoing requirements if the City Engineer determines that the requirement is unnecessary in the particular case.

E. Water Resources: For property subject to Chapter 17.49, the applicant shall submit a report prepared by a qualified professional describing the location and quality of any water resource subject to regulation under Chapter 17.49. This report shall also explain in detail how the proposed subdivision is feasible and meets the applicable requirements of Chapter 17.49. The City Engineer may waive any of the forgoing requirements if the City Engineer determines that the requirement is unnecessary in the particular case.

F. 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 subdivision.

G. A description of any proposed phasing, including for each phase the time, acreage, number of residential units, amount of area for non-residential use, open space, development of utilities and public facilities.

H. Overall density of the subdivision and the density by dwelling type for each.

16.08.060 Notice and invitation to comment. Upon the City's determination that an application for a preliminary subdivision plat is complete, pursuant to Section 17.50.060, the City shall provide notice of the application in accordance with requirements of Sections 17.50.080 and .090 applicable to Type II decisions.

16.08.070 Preliminary subdivision plat--approval standards and decision. The minimum approval standards that must be met by all preliminary subdivision plats are set forth in Chapter 16.12, and in the dimensional and use requirements set forth in the chapter of this Code that corresponds to the underlying zone. The Planning Manager shall evaluate the application to determine that the proposal does or can through the imposition of conditions of approval, meet these approval standards. The Planning Manager's decision shall be issued in accordance with the requirements of Section 17.50.130.

16.08.080 Appeals. Any appeal of the Planning Manager decision on a Preliminary Subdivision Plat shall be filed according to the requirements of Section 17.50.190 applicable to Type II decisions. Any deviation from these requirements shall be a jurisdictional defect and result in the City's rejection of any improperly filed appeal.

16.08.090 Final subdivision plat--application requirements and approval standards. The applicant must apply for Final Subdivision Plat approval within 12 months following approval of a Preliminary Subdivision Plat. The Final Subdivision Plat is processed as a Type I decision by the Planning Manager so long as the Final Subdivision Plat does not deviate from the approved Preliminary Subdivision Plat as conditioned by the decision-maker.

A. If the Planning Manager determines that the Final Subdivision Plat submitted by the applicant deviates from the approved Preliminary Subdivision Plat, the modified subdivision shall be subject to the same Type II process and review standards as were applicable to the Preliminary Subdivision Plat. However, 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. The decision-maker's original approval of all other aspects of the subdivision may be relied upon as a conclusive determination of compliance with the applicable standards.

B. The Planning Manager shall approve a Final Subdivision Plat that is consistent with the approved Preliminary Subdivision Plat, including any conditions attached thereto and required permits for access to facilities owned by another jurisdiction.

16.08.100 Filing and recording of final subdivision plat. Following approval of the Final Subdivision Plat, the applicant 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.

16.08.110 Post-approval modifications to approved plat. All modifications to a subdivision that has received Final Plat approval shall be applied for and processed in the same manner as was the original Preliminary Subdivision Plat and subject to the same approval standards. 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.

Chapter 16.12

MINIMUM IMPROVEMENTS AND DESIGN STANDARDS FOR LAND DIVISIONS

Sections:

16.12.010	Purpose and general provisions.
16.12.020	Street design--generally.
16.12.030	Street design--minimum right-of-way.
16.12.040	Street design--reserve strips.
16.12.050	Street design--alignment
16.12.060	Street design--constrained local streets and/or rights of way.
16.12.070	Street design--intersection angles.
16.12.080	Street design--additional right-of-way.
16.12.090	Street design--half street.
16.12.100	Street design--cul-de-sac.
16.12.110	Street design--private street.
16.12.120	Street design--street names.
16.12.130	Street design--grades and curves.
16.12.140	Street design--access control.
16.12.150	Street design--pedestrian and bicycle safety.
16.12.160	Street design--alleys.
16.12.170	Street design--transit.
16.12.180	Street design--planter strips.
16.12.190	Blocks--generally.
16.12.200	Blocks--length.
16.12.210	Blocks--width.
16.12.220	Blocks--pedestrian and bicycle access.
16.12.230	Building sites.
16.12.240	Building site--frontage width requirement.
16.12.250	Building site--through lots.
16.12.260	Building site--lot and parcel side lines.
16.12.270	Building site--solar access.
16.12.280	Building site--grading.
16.12.290	Building site--setbacks and building location.
16.12.300	Building site--division of lots.
16.12.310	Building site--protection of trees.
16.12.320	Easements.
16.12.330	Water resources.
16.12.340	Minimum improvements--procedures.
16.12.350	Minimum improvements--public facilities and services.
16.12.360	Minimum improvements--road standards and requirements.
16.12.370	Minimum improvements--timing requirements.

16.12.010 Purpose and general provisions. All land divisions shall be in conformance with the policies and design standards established by this Chapter and with applicable standards in the City's Public Facility Master Plan and City design standards and specifications. In reviewing applications for land division, the decision-maker shall take into consideration any approved land divisions and the remaining development potential of adjacent properties. All street, water, sanitary sewer, storm drainage and utility plans association with any land division must be reviewed and approved by the City Engineer prior to construction. All streets, driveways or storm drainage connections to another jurisdiction's facility or right-of-way must be reviewed by the appropriate jurisdiction as a condition of the preliminary plat and when required by law or intergovernmental agreement shall be approved by the appropriate jurisdiction.

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to all existing or approved stub streets that abut the development site. Where location is not shown in the development plan, the arrangement of streets shall either:

A. Provide for the continuation or appropriate projection of existing principal streets in the surrounding area and on adjacent parcels or conform to a plan for the area approved or adopted by the City to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical

B. Where necessary to give access to or permit a satisfactory future development of adjoining land, streets shall be extended to the boundary of the land division and the resulting dead-end street (stub) may be approved with a temporary turnaround as approved by the City Engineer. Reserve strips shall be required to preserve the objectives of street extensions.

16.12.030 Street design--minimum right-of-way. A. Unless otherwise required by the decision-maker, all accessways shall comply with the following standards:

Table 1

Type of Street	Minimum Right-of-Way Width	Required Pavement Width
Major Arterial	80 to 100 feet	58 to 74 feet
Minor Arterial	60 to 80 feet	34 to 66 feet
Collector Street	60 to 70 feet	34 to 50 feet
Local Street	40 to 50 feet	32 to 34 feet
Alley	20 feet	16 feet
Private Street	none	20 feet

B. Specific right-of-way and pavement widths shall be determined by the decision-maker based upon the City Engineer's recommendation. New primary structures on an accessway with a pavement width of less than 32 feet may be required to install fire suppression devices, as determined by the Fire Chief to assure an adequate level of fire and life safety.

C. The decision-maker may require or allow a constrained standard for a proposed local street in order to accommodate some site condition or achieve a particular design objective, which ordinarily shall not be built on a right of way narrower than 30 feet and shall comply with the following criteria:

1. Applies only to lands with Comprehensive Plan land use designation of Low Density Residential (5,000 square foot minimum); and
2. Satisfies Section 16.12.060.

D. The City may require an increase in fire suppression devices when access constraints exist.

E. The decision maker may allow the creation of private streets designed and built to AASHTO standards specified by the City Engineer and maintained by the applicant or a home owner's association. Where private streets are proposed, the applicant shall submit for City review the proposed covenants, conditions and restrictions that create and organize the home owners association. The design and construction standards specified for the private street shall meet applicable fire and life safety emergency access standards.

16.12.040 Street design--reserve strips. The decision-maker shall require the dedication of reserve strips to prevent access to streets when recommended by the City Engineer to protect public safety and welfare. When so required, the applicant shall deed a one (1) foot reserve strip to the public for street or public purposes.

16.12.050 Street design--alignment. As far as is practicable, streets other than local or constrained streets shall be aligned with existing streets by continuation of the centerlines. For local streets, staggered street alignment resulting in "T" intersections shall, wherever practicable, leave a minimum distance of 200 feet between the center lines of streets having approximately the same direction and, in no case, shall be less than 100 feet. The minimum distance between streets intersecting a collector or arterial shall be 500 feet between centerlines, unless the decision-maker finds that a lesser distance will not pose a safety hazard.

16.12.060 Street design--constrained local streets and/or rights-of-way. Any accessway with a pavement width of less than 32 feet shall require the approval of the City Engineer, Planning Manager and Fire Chief and shall meet minimum life safety requirements, which may include fire suppression devices as determined by the Fire Chief to assure an adequate level of fire and life safety. The standard width for constrained streets is 20 feet of paving with no on-street parking and 28 feet with on-street parking on one side only. Constrained local streets shall maintain a 20-foot wide unobstructed accessway. Constrained local streets and/or right-of-way shall comply with necessary slope easements, sidewalk easements and altered curve radius, as approved by the City Engineer and Planning Manager.

Table 2

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

16.12.070 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. However, in no case shall the acute angles be less than 80 degrees unless there is a special intersection design. An arterial or collector street intersecting with another street shall have at least 100 feet of tangent adjacent to the intersection unless topography requires a lesser distance. Other streets, except alleys, shall have at least 50 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 25 feet for local streets. Larger radii shall be required for higher street classifications as determined by the City Engineer. Additional right-of-way shall be required to accommodate curb returns and sidewalks at intersections. Ordinarily, intersections should not have more than two streets at any one point.

16.12.080 Street design--additional right-of-way. During consideration of the preliminary plan for a subdivision or partition, the decision-maker shall determine whether existing streets adjacent to or within the land division meet the City's applicable planned minimum design or dimensional requirements. Where such streets fail to meet these requirements, the decision-maker shall require dedication of additional right-of-way sufficient to achieve conformance with minimum applicable design standards, and that dedication shall be shown on the final plat. Where streets abutting a proposed development do not meet City design or dimensional standards, the decision-maker shall require the applicant to make improvements and provide right of way required to bring those streets up to the City's minimum planned design standards required to serve the applicant's proposed development.

16.12.090 Street design--half street. Half streets, while generally not acceptable, may be approved where essential to the reasonable development of the land division, when it is in conformance with all other applicable requirements, and where it will not create a safety hazard. When approving half streets, the decision-maker must first determine that it will be practical to require the dedication of the other half of the street when the adjoining property is divided or developed. Where the decision-maker approves a half street, the applicant must construct an additional 10 feet of pavement width so as to make the half street safe and usable until such time as the other half is constructed. Whenever a half street is adjacent to property capable of being divided or developed, the other half of the street shall be provided and improved when that adjacent property divides or develops. Reserve strips may be required to preserve the objectives of half streets.

16.12.100 Street design--cul-de-sac. 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; some significant physical constraint such as unstable soils, wetland, natural or historic resource areas, dedicated open space, existing development patterns, or arterial access restrictions. When permitted, cul-de-sacs shall have a maximum length of 350 feet and include pedestrian/bicycle accessways as provided in Section 16.12.220 of this Code and Chapter 12.24. This Section is not intended to preclude the use of curvilinear eyebrow widening of a local street where needed to provide adequate lot coverage.

16.12.110 Street design--private street. The City discourages the use of private streets and permanent dead-end private streets except where construction of a through street is found by the decision-maker to be impracticable due to topography; some significant physical constraint such as unstable soils, wetlands, natural or historic resource areas, dedicated open space, existing development patterns, or arterial access restrictions. As a minimum, private streets and/or right-of-way shall comply with the following criteria and, if necessary, slope easements and altered curve radius may be required by the City Engineer:

1. Maximum length of 200 feet. An exception to this may only be permitted if emergency vehicular access and supportive facilities are provided and the application is recommended by the City Engineer;
2. Applies only to Planned Unit Developments;
3. Facilities are constructed to City standards;
4. Sidewalk located on one side of the street and may include rolled curbs;
5. Maintenance Agreement identifying all owners of the lots in the plat which identifies the maintenance of the private street and mechanism for implementation; and
6. Minimum of 20 feet pavement width.

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

16.12.130 Street design--grades and curves. Grades and center line radii shall conform to the standards in the City's Street Design Standards and Specifications.

16.12.140 Street design--access control. Where a land division abuts or contains an existing or proposed arterial or collector street, the decision-maker may require: access control; screen planting or wall contained in a reserve strip 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 land division(s) abut and connect for vehicular access to another jurisdiction's facility then authorization by that jurisdiction may be required.

16.12.150 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 non-local automobile traffic.

16.12.160 Street design--alleys. Alleys shall be provided in commercial and industrial districts, unless other permanent provisions for access to off-street parking and loading facilities are approved by the decision-maker. The corners of alley intersections shall have a radius of not less than 10 feet. Alleys also may be permitted in residential districts.

16.12.170 Street design--transit. Streets shall be designed and laid out in a manner that promotes pedestrian and bicycle circulation. The applicant shall coordinate with Tri-Met where the application impacts transit streets. Pedestrian/bicycle accessways shall be provided as necessary in conformance with the requirements in Section 16.12.220 of this Code and Chapter 12.24 to minimize the travel distance to transit streets and stops and neighborhood activity centers. The decision-maker may require provisions, including easements, for transit facilities along transit streets where a need for bus stops, bus pullouts or other transit facilities within or adjacent to the subdivision has been identified.

16.12.180 Street design--planter strips. Where practicable, all development proposed along local streets shall include planter strips that are four (4) feet in width or larger, located adjacent to the curb. Development proposed along collector or arterial streets may use tree wells located near the curb in lieu of a planter strip, in which case each tree shall have a protected area of at least six (6) feet in diameter to ensure proper root growth. Trees shall be selected and planted in accordance with Section 12.08, Street Trees. Individual abutting lot owners shall be legally responsible for maintaining in a healthy and attractive condition all trees and vegetation in the planter strip. If a homeowners association is created as part of the development, the association may assume the maintenance obligation through a legally binding mechanism, e.g., deed restrictions, maintenance agreement, etc., which shall be reviewed and approved by the City Attorney. Failure to properly maintain trees and vegetation in a planter strip shall be a violation of this Code and enforceable as a civil infraction.

16.12.190 Blocks--generally. 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.

16.12.200 Blocks--length. Block lengths for local streets and collectors shall not exceed 600 feet between through streets, as measured between nearside right-of-way lines. The maximum perimeter of the blocks formed by local streets shall not exceed 1,800 feet between through streets, except where precluded by topography or other physical constraint or by existing development patterns.

16.12.210 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.

16.12.220 Blocks--pedestrian and bicycle access. A. To facilitate the most practicable and direct pedestrian and bicycle connections to adjoining or nearby neighborhood activity centers, public rights-of-way, and pedestrian/bicycle accessways which minimize out-of-direction travel, subdivisions shall include pedestrian/bicycle accessways between discontinuous street right-of-way where the following applies:

1. Where a new street is not practicable;
2. Through excessively long blocks at intervals not exceeding 500 feet of frontage; or
3. Where the lack of street continuity creates inconvenient or out of direction travel patterns for local pedestrian or bicycle trips.

B. Pedestrian/bicycle accessways shall be provided:

1. To provide direct access to nearby neighborhood activity centers, transit streets and other transit facilities;
2. Where practicable, to provide direct access to other adjacent developments and to adjacent undeveloped property likely to be subdivided or otherwise developed in the future;
3. To provide direct connections from cul-de-sacs and internal private drives to the nearest available street or neighborhood activity center;
4. To provide connections from cul-de-sacs or local streets to arterial or connector streets.

C. An exception may be made where the decision-maker determines that construction of a separate accessway is not feasible due to physical or jurisdictional constraints. Such evidence may include but is not limited to:

1. That other federal, state or local requirements prevent construction of an accessway;
2. That the nature of abutting existing development makes construction of an accessway impracticable;
3. That the accessway would cross an area affected by an overlay district in a manner incompatible with the purposes of the overlay district;
4. That the accessway would cross topography consisting predominantly of slopes over 25%;
5. That the accessway would terminate at the urban growth boundary and extension to another public right-of-way is not part of an adopted plan.

D. Pedestrian/bicycle accessways shall comply with the development standards set out in Section 12.24.040 of this Code, with the ownership, liability and maintenance standards in Section 12.24.060 of this Code, and with such other design standards as the City may adopt.

16.12.230 Building sites. The size, width, shape and orientation of building sites shall be appropriate for the primary use of the land division, and shall be consistent with the residential lot size provisions of the zoning ordinance with the following exceptions:

A. Where property is zoned and planned for commercial or industrial use, the decision-maker may approve other widths in order to carry out the City's Comprehensive Plan. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.

B. Minimum lot sizes contained in Title 17 are not affected by those provided herein.
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16.12.240 Building site--frontage width requirement. Each lot in a subdivision shall abut upon a cul-de-sac or street other than an alley for a width of at least 20 feet.

16.12.250 Building site--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. A reserve strip may be required. A planting screen easement may be required to separate residential development from major arterial streets, adjacent nonresidential development, or other incompatible use, where practicable. Where practicable, alleys shall be used for access for lots that have frontage on a collector or minor arterial street, eliminating through lots.

16.12.260 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.

16.12.270 Building site--solar access. The lines of lots and parcels, as far as is practical, shall be oriented to allow structures constructed on the lots or parcels to utilize solar energy by establishing the axis in the east-west direction permitting sunlight access three hours before and after solar noon. The decision-maker may require easements or deed restrictions as necessary to assure solar access.

16.12.280 Building site--grading. Grading of building sites shall conform to the State of Oregon Structural Specialty Code, Chapter 29, Appendix Chapter 70 of the Uniform Building Code, any approved grading plan, the City's residential lot grading criteria policy, and the erosion control requirements of Chapter 17.47.

16.12.290 Building site--setbacks and building location. Lots located on collector or minor arterial streets shall locate the front yard setback on and orient the front of the primary structure to face the collector or minor arterial street. Garage setbacks in residential areas shall be a minimum of 20 feet from the public right-of-way where access is taken, except for alleys. Garages on an alley shall be setback a minimum of five (5) feet in residential areas. Any special building setback lines established in a subdivision or partition shall be shown on the preliminary and final plats or guaranteed through deed restrictions or easements.

16.12.300 Building site--division of lots. Where a tract of land is to be divided into lots or parcels capable of redivision in accordance with this chapter, the decision-maker shall require an arrangement of lots, parcels and streets which facilitates future redivision. In such a case, building setback lines may be required in order to preserve future right-of-way or building sites.

16.12.310 Building site--protection of trees. Site planning, including the siting of structures, roadways and utility easements, shall provide for the protection of tree resources. All trees with a diameter six (6) inches or greater measured four (4) feet from the ground shall be preserved wherever practicable outside the building area. Where the decision-maker determines it is impracticable or unsafe to preserve these trees, the applicant may be allowed to remove the trees so long as they are replaced in accordance with an approved landscape plan that includes new plantings at least two (2) inches in caliper. Where the decision-maker finds this requirement would cause an undue hardship, the requirement may be modified in a manner, which the decision-maker finds will reasonably satisfy the objectives of this section. The decision-maker 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.

16.12.320 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 land division and with adjoining subdivisions or partitions. Specific utility easements for water, sanitary or storm drainage shall be provided based on approved final engineering plans.

B. **Unusual Facilities.** Easements for unusual facilities such as high voltage electric transmission lines, drainage channels, and storm water 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.

C. **Watercourses.** Where a land division is traversed or bounded by a watercourse, drainageway, channel or stream, a storm water 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 land division, 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. All access easements shall also provide for utility placement.

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

16.12.330 Water resources. Any land division which contains or lies within 100 feet of a wetland, water course or water area shall comply with the requirements of the water resources overlay district, Chapter 17.49.

16.12.340 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 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. 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. **Where erosion control or resource protection facilities or measures are required**, such measures shall be installed prior to any grading or other development or site alteration of the property. 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 and sanitary sewers shall be placed to the lot lines.

D. As built construction plans shall be filed with the City Engineer upon completion of the improvements.

E. The decision-maker may regulate the hours of construction and access routes for construction equipment to minimize impacts on adjoining residences or neighborhoods.

16.12.350 Minimum improvements--public facilities and services. The following minimum improvements shall be required of all applicants for a land division under Title 16, 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 land division and those portions of public streets adjacent to but only partially within the land division. All applicants shall execute a binding agreement to not remonstrate against the formation of a local improvement district for street improvements that benefit the applicant's property. 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. Catch basins shall be installed and connected to drainage tile leading to storm sewers or 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. **Storm Water Drainage System.** Applicants shall design and install drainage facilities within land divisions and shall connect the development's drainage system to the City's storm drainage system as a minimum requirement for providing services to the applicant's development. All applicants shall execute a binding agreement to not remonstrate against the formation of a local improvement district for storm water drainage improvements that benefit the applicant's property. Applicants are responsible for extending the City's storm drainage system to the development site and for providing for the connection of up-gradient properties to that system. The applicant shall design the drainage facilities in accordance with City Drainage Master Plan requirements and Clackamas County's Erosion/Sedimentation Control Plans Technical Guidance Handbook (1991 edition or as subsequently amended), and shall take into account the capacity and grade necessary to maintain unrestricted flow from areas draining through the property and to allow extension of the system to serve such areas. The applicant shall be responsible for ensuring that waters draining from the development meet the applicable water quality standards as established by the Oregon Department of Environmental Quality, Clackamas County and Oregon City. The City Engineer shall approve final design before construction begins.

C. **Sanitary Sewer System.** The applicant shall design and install a sanitary sewer system to serve all lots or parcels within a land division and to connect those lots or parcels to the City's sanitary sewer system. All applicants shall execute a binding agreement to not remonstrate against the formation of a local improvement district for sanitary sewer improvements that benefit the applicant's property. Applicants are responsible for extending the City's sanitary sewer system to the development site and through the applicants' property to allow for the future connection of neighboring undeveloped properties that are suitable 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 land division and to connect those lots or parcels to the City's water system. All applicants shall execute a binding agreement to not remonstrate against the formation of a local improvement district for water improvements that benefit the applicant's property. 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. **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 land division. 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 land division 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 land division application. Applicants for partitions may be allowed to meet this requirement by executing a binding agreement to not remonstrate against the formation of a local improvement district for sidewalk improvements that benefit the applicant's property.

F. **Bicycle Routes.** If appropriate to the extension of a system of bicycle routes, existing or planned, the decision-maker may require the installation of separate bicycle lanes within streets and separate bicycle paths.

G. **Street Name Signs and Traffic Control Devices.** The applicant shall pay the City and the City installs street name signs at all street intersections. The applicant shall install 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.

H. **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.

I. **Street Trees.** Refer to Chapter 12.08 - Street Trees.

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

K. **Other.** The applicant shall make all necessary arrangements with utility companies or other affected parties for the installation of underground lines and facilities. Electrical lines and other wires, including but not limited to communication, street lighting and cable television, shall be placed underground.

L. **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. 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.

M. **Erosion Control Plan--Mitigation.** The applicant shall be responsible for complying with all applicable provisions of Chapter 17.47 with regard to erosion control.

16.12.360 Minimum improvements--road standards and requirements. A. Subdivision applicants may propose private streets so long as the design for all accessways are reviewed and approved by the City Engineer as being adequate for fire and life safety access and so long as the applicant provides a legally binding means for the repair and maintenance of all private streets proposed.

B. The creation of a public street and the resultant separate land parcels shall be in conformance with requirements for subdivisions or partitions. 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.

C. For any public street created pursuant to this subsection, a copy of a preliminary plan and the proposed deed shall be submitted to the Planning Manager and City Engineer at least 10 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.

16.12.370 Minimum improvements--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. Which ever option the applicant elects shall be in accordance with this section.

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 must be complete and accepted by the City Engineer prior to final plat approval.

C. Financial Guarantee. The applicant shall provide the City with a financial guarantee in a form acceptable to the City Attorney and equal to 110% of the cost of constructing the public improvements. Possible forms of guarantee include an irrevocable or standby letter of credit, guaranteed construction loan set-aside, reserve account, or performance bond, but the form of guarantee shall be specified by the City Engineer and, prior to execution and acceptance by the City, must be reviewed and approved by the City Attorney. The amount of the guarantee shall be based upon approved final engineering plans, equal to at least 110% of the estimated cost of construction, and shall be supported by a verified engineering estimate and approved by the City Engineer.

Chapter 16.16

PARTITIONS--PROCESS AND STANDARDS

Sections:

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|-----------|--|
| 16.16.010 | Purpose and general provisions. |
| 16.16.020 | Preapplication conference required. |
| 16.16.030 | Partition application submission requirements. |

- 16.16.040 Frontage width requirement.
- 16.16.050 Accessway requirements.
- 16.16.060 Pavement requirements.
- 16.16.070 Partition approval standards.
- 16.16.080 Final recordable partition plat.
- 16.16.090 Final partition plat requirements.

16.16.010 Purpose and general provisions. A. Partitions shall be processed as a Type II decision by the Planning Manager in the same manner as set forth in Section 16.04.020(A) and the applicable provisions in Section 16.12. and Chapter 17.50. Approval shall be granted only upon determination that all applicable requirements of this Title and ORS Chapter 92 have been met.

B. If a parcel of land to be partitioned will create lots large enough to be divided again, the Planning Manager may require the applicant to supply a hypothetical non-binding plan or "shadow plat" depicting possible future development of the resulting lots.

16.16.020 Preapplication conference required. Before the City will accept an application for a partition, the applicant must attend a preapplication conference under Section 17.50.040.

16.16.030 Partition application submission requirements. A partition application shall include five (5) copies of the proposed partition to the Planning Manager on a reproducible material, drawn at a minimum scale of one inch equals 100 feet with the following information:

- A. A completed application on a form as provided by the Planning Division;
- B. A boundary survey prepared by an Oregon Professional Land Surveyor;
- C. Legal descriptions of the parent parcel(s) and the resulting parcels to be created;
- D. Copies of proposed deeds for the parcels to be created;
- E. A receipt from the County Assessor's office indicating that all taxes for the lot or parcels involved are paid in full for the preceding tax year;
- F. The name and address of the owner and the land surveyor or engineer, if any;
- G. County tax assessment map number(s) of the land to be partitioned;
- H. The map scale and true north point;
- I. Approximate courses and distances of all parts of the partition;
- J. Around the periphery of the proposed partition, the boundary lines and names of adjacent partitions and subdivisions, streets and tract lines of adjacent parcels of property;
- K. The location, width and names of all existing or platted streets, other public ways and easements within the proposed partition, and other important features, such as the general outline and location of permanent buildings, pedestrian/bicycle accessways, water courses, power lines, telephone lines, railroad lines, gas lines, water lines, municipal boundaries and section lines;
- L. All areas designated as being within the floodplain overlay district regulated under Chapter 17.42;
- M. All areas identified as unstable slopes and regulated under Chapter 17.44; and,
- N. All areas or features designated and regulated under the water resources overlay district in Chapter 17.49.

16.16.040 Frontage width requirement. Where a joint accessway is provided pursuant to Section 16.16.050(B), all parcels of land that are created by a partition in a one-family or two-family zoning district shall collectively have a minimum frontage of 20 feet in width, for one or two parcels, or 24 feet in width, for three or more parcels, on an existing public, county, state or federal road or street, as

approved by the City Engineer. For parcels that cannot have a joint access, due to topography, 20 feet of frontage shall be required for each parcel on an existing public, county, state or federal road or street. For parcels of land created by a partition in all other zoning districts, the parcels shall have a minimum of 30 feet of frontage on an existing public, county, state or federal road or street.

16.16.050 Accessway requirements. A. Flag lots may be permitted only where the configuration of topography of the property would otherwise preclude the partitioning and development of the property. A perpetual reciprocal access easement and maintenance agreement shall be recorded for the joint accessway, in a format acceptable by the City Attorney.

B. Accessways shall have a pavement width of at least 16 feet to service one to two units or 20 feet to service three or more units. No private accessway may serve more than five (5) single-family homes.

C. A fire access corridor shall be provided to all parcels with a minimum width of 16 feet to service two units or 20 feet to service three or more units as based on the zoning, as approved by the City Engineer and Fire Chief. No vehicular obstruction, including trees, fences, landscaping, or structures shall be located within the fire access corridor.

16.16.060 Pavement requirements. Accessways for lots created through the partitioning process shall satisfy the requirements of Section 16.16.050. If the proposed accessway exceeds 150 feet in length, it shall be paved to a minimum width of 20 feet and, if more than two residences are served, a turnaround for emergency vehicles shall be provided. The turnaround shall be approved by the City Engineer and Fire Chief. Improvements shall comply with Section 16.12 - Minimum Improvements and Design Standards for Land Divisions.

16.16.070 Partition approval standards. All parcels created by partition shall conform to the requirements of this Title, ORS 92.010 to ORS 92.160, and any other applicable City or state law. The applicant shall submit a written statement addressing conformity with these standards. The Planning Manager shall determine if the applicant's submission complies with these standards, and issue to the applicant a notice of decision consistent with Section 17.50.120. The Planning Manager decision shall be the City's final decision shall be appealable to the the City Commission and then to the Land Use Board of Appeals as a limited land use decision pursuant to applicable state law.

16.16.080 Final recordable partition plat. If the partition application is approved, the applicant shall prepare a final partition plat that meets all applicable requirements and conditions of the Planning Manager decision, and the applicable requirements of ORS Chapter 92. The applicant shall then submit the final plat for signature by the appropriate City official prior to recording with the County.

16.16.090 Final partition plat requirements. The Planning Manager shall review the final partition plat for conformance with any conditions, required permits for access to facilities owned by another jurisdiction, and the applicable requirements of ORS Chapter 92. The final partition plat shall contain, or be accompanied by, the following information:

A. The City planning file number, located just below the title block.

B. A tie to the City's GPS Geodetic Control Network. This shall include (1) ties to at least two control monuments showing measured distance and bearing between the two control monuments tied and record distance and bearing, (2) state plane coordinates for control points ties; and (3) scale factor to convert ground measured distances to grid distances. Based on the tie to the City's GPS Geodetic Control Network, a state plan coordinate shall be shown on the initial point. The bearings for the plat shall be based on the City's GPS Geodetic Control Network.

C. 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.

D. The length and bearings of all straight lines, curves, radii, arcs and semi-tangents of all curves. Data may be shown on a separate table on the same plat sheet.

E. All dimensions along the lines of each lot in feet and decimals of a foot to the nearest hundredth, with the true bearings, and any other data necessary for the location of any lot line in the field.

F. Suitable, primary control points or monuments approved by the City Engineer and descriptions and ties to such control points, to which all dimensions, angles, bearings, and similar data given on the plat map shall be referred.

G. Street centerline control based on recorded City control surveys for street centerlines, if applicable.

H. The locations of all permanent monuments.

I. The names or official reference numbers of all recorded subdivision or partition plats immediately adjacent to the land division.

J. The date, true north point and scale.

K. The boundary of the divided tract, with the bearings, course and distances marked thereon, based on a survey made by a professional land surveyor registered in the State of Oregon, and to close with an error of not more than one foot in 4,000 feet.

L. Building envelopes indicating compliance with setbacks. This shall be shown on a separate copy of the final plat.

M. 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.

N. The following declaration shall appear on the face of the final plat:

"Know all people by these presents that _____, owner(s) of the land depicted hereon, does (do) hereby make, establish and declare the attached plat of " _____" as described in the accompanying surveyor's certificate, to be a true and correct map and plat thereof. All lots and tracts are of the dimensions shown hereon and all streets and public rights of way are the dimensions shown hereon. I (we) do hereby dedicate to the use of the public as public ways forever, all streets, reserve strips and easements as shown or stated on said map, ("and hereby grant Tracts " _____" to the City of Oregon City for the uses indicated and that the public is hereby granted the right to maintain or replace utilities in these easements and will not be in any way responsible for replacing the landscaping, fencing or other structures, shrubs or trees that may exist or be placed in these easements. The City is required to give adequate notice before such activities are commenced and shall limit activities to those necessary to achieve the purpose of maintaining utilities, and does further state that _____."

O. The description in the surveyor's certification of the land divided shall be a metes and bounds description.

P. The location of reserve strips. Tracts granted to the City as reserve strips shall be automatically dedicated to the public as public ways forever upon dedication of the future street extensions.

Chapter 16.20

PROPERTY LINE ADJUSTMENTS AND ABANDONMENT - PROCESS AND STANDARDS

Sections:

- 16.20.010 Purpose and general provisions.
- 16.20.020 Adjustment/abandonment submission requirements.
- 16.20.030 Contents of property line adjustment deed.
- 16.20.040 Adjustment/abandonment approval standards.

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

16.20.020 Adjustment/abandonment submission requirements. An application for a property line adjustment or abandonment shall include two copies of the following documents submitted to the Planning Manager:

- A. A completed application, on a form as provided by the planning division;
- B. A boundary survey prepared by an Oregon professional land surveyor in accordance with ORS 92.060(7) except where the application proposes the relocation of a currently monumented common boundary of a lot in a subdivision or a parcel in a partition when the adjusted property line is a distance of even width along the common boundary. The survey shall include in its title the following: "Proposed Property Line Adjustment Survey", shall identify the City planning file number and approval date immediately below the title block with space for signature and date by the Planning Manager.
- C. Legal descriptions of the parent parcels to be adjusted and the resulting parcels to be created;
- D. The proposed property line adjustment deed as provided in Section 16.24.040;
- E. A receipt from the County Assessor's office indicating that all taxes for the lot or parcels involved are paid in full for the preceding tax year.

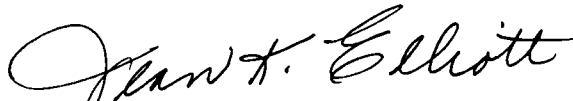
16.20.030 Contents of property line adjustment deed. A. In accordance with ORS 92.190(4), the proposed property line adjustment deed shall contain the names of the grantors and grantees, the legal description of the tract of land to be conveyed to create the adjusted line, references to the original recorded documents, and the signatures of all grantors and grantees, with property acknowledgments.

B. The property line adjustment deed shall identify the City planning file number and shall contain a statement declaring that the purpose of the deed is for a property line adjustment. Reference to the affected properties by map and tax lot shall be in addition to reference by legal description.

16.20.040 Adjustment/abandonment approval standards. All parcels created through a lot line adjustment or abandonments shall conform to the applicable requirements of this Title, ORS 92.010 to ORS 92.160, and any other applicable City or state law. The Planning Manager shall determine if the applicant's submission complies with these standards, and issue to the applicant a notice of decision consistent with Section 17.50.120. The Planning Manager decision is final and not appealable to any other decision-maker within the City. The applicant shall record the new property descriptions within six (6) months of the Planning Manager's approval, after which the decision shall be null and void.

Section 2. The provisions of this ordinance shall be applicable to all applications filed on or after October 1, 1998.

Read first time at a regular meeting of the City Commission held on the 5th day of August, 1998, and the foregoing ordinance was finally enacted by the City Commission this 5th day of August, 1998 to become effective October 1, 1998.


JEAN K. ELLIOTT, City Recorder

ATTESTED to this 5th day of August, 1998.


DANIEL W. FOWLER, Mayor

ORDINANCE NO. 98-1007

Effective Date: October 1, 1998

Exhibit A
Findings and Conclusions
Title 16 - Subdivisions
Ordinance 98-1007; File: ZC97-12
May 20, 1998

FINDINGS OF FACT

1. The City of Oregon City Planning and City Commission have directed staff to propose revisions to the Municipal Code to increase the amount of time that the Planning Commission and staff have available to work on long range planning. To this end, the City staff and the Processing Subcommittee are proposing Title 16 - Subdivisions to be replaced in its entirety with the attached ordinance. The new language reduces the amount of review that will be needed for partitions and property line adjustments. In addition, subdivisions will be reviewed under a more strict criteria with the final approval to be given by the Planning Manager, instead of the Planning Commission. The approach that the staff has taken is that if the applicant is requiring any special consideration for typical standards, wetlands, or other constrain then they should use the Planned Unit Development process, which requires a public review before the Planning Commission.

2. ***The Oregon City Municipal Code Section 17.68.020 states "A. The proposal shall be consistent with the goals and policies of the comprehensive plan"***

0 *State Planning Goal 1 - Citizen Involvement*

Comprehensive Plan Chapter B - Citizen Participation, Goals and Policies

4. *Encourage citizen participation in all functions of government and land use planning.*

The City of Oregon City has noticed: the stated and federal agencies of the pending adoption; the Planning Commission and City Commission have held public work sessions on December 12, 1996, and May 13 and November 13, 1997; the Planning Commission conducted a public work session on Title 16 on December 11, 1997; copies of the hearing schedule has been provided to all of the Neighborhood Associations; and notices have been published in the local newspaper. The Planning Commission conducted hearings on this matter on January 27 and February 12, 1998, with a recommendation of approval and adoption of Title 16 - Land Division by the City Commission. The City Commission has conducted three public hearing on updated text of Title 16,

Ordinance No. 98-1007, on March 18, April 15, and May 20, 1998. Therefore this goal has been satisfied.

0 *State Planning Goal 2 - Land Use Planning*

The amendment to the replace Title 16 - Subdivisions language will provide clear criteria for review and standards for implementation of land divisions. This will help clarify the land use options available to the property owner and developer. The proposed standards are essential for the efficient extension of public facilities, the coordination of public services, and maximize the density potential for the developable areas within the Urban Growth Boundary. Therefore, the application satisfies Goal 2.

0 *State Planning Goals 3 - Agricultural Resources and Goal 4 - Forest Resources*
These goals do not apply.

0 *State Planning Goal 5 - Open Space, Scenic and Historic Areas, and Natural Resources -*

Natural Resources Goals and Policies - States:

9. *Preserve the environmental quality of major water resources by requiring site plan review, and/or other appropriate procedures on new development.*

The proposed language requires water quality facilities and water detention facilities to be considered in the site plan review of all land divisions. Therefore the proposed language supports Goal 5.

0 *State Planning Goal 6 - Air, Water and Land Resource*

The amendment establishes the Zoning Title, Tile 17, to be used as the standard for lot dimensions in development. The language introduces standards for Constrained Local Streets which facilitate additional light and air through the requiring space for planter strips and sidewalks. The Constrained Streets and the addition of Private Streets allow for the reduction of impervious surfaces and, thereby, reduce the impact on storm water facilities. Therefore, the proposed plan satisfies Goal 6.

0 *State Planning Goal 7 - Areas Subject to Natural Disasters and Hazards*
Does not apply.

- 0 *State Planning Goal 8 - Recreational Needs.* This goal is not applicable.
- 0 *State Planning Goal 9 - Economy of the State.* This goal is not applicable.
- 0 *State Planning Goal 10 - Housing. The Housing Goals and Policies of the Comprehensive Plan state:*

3. *The City shall encourage the private sector in maintaining an adequate supply of single and multiple family housing units. This shall be accomplished by relying primarily on the home building industry and private sector market solutions.*

The proposed amendment supports this policy by establishing clear criteria and procedures for review for land divisions. Therefore, the proposal satisfies Goal 10 - Housing.

- 0 *State Planning Goal 11 - Public Facilities and Services.*

Comprehensive Plan Chapter I - Community Facilities, Policies state:

5. *The City will encourage development on vacant buildable land within the City where urban facilities and services are available or can be provided.*
7. *Maximum efficiency of existing urban facilities and services will be reinforced by encouraging development at maximum levels permitted in the Comprehensive Plan and through infill of vacant City land.*

The proposed revisions encourages developers to maximize the potential developable land. Therefore, the proposed amendment satisfies State Planning Goal 11.

- 0 *State Planning Goal 12 - Transportation- does not apply.*
- 0 *State Planning Goal 13 - Energy Conservation*

The proposed amendment maintains the existing standard use of public facilities and services. The proposed language for Constrained Local Streets and Private Streets create an opportunity for the reduction of infrastructure impact in developing areas, thereby reducing up-front resource needs and potential maintenance services for these facilities. Therefore, this Goal is satisfied.

2. ***Public Facilities and Services are presently capable of supporting the uses allowed by the zone, or can be made available prior to issuing a certificate of occupancy; - Does not apply***
3. ***The land uses authorized by the proposal are consistent with the existing or planned function, capacity and level of service of the transportation system serving the proposed zoning district. - Does not apply.***
4. ***The Statewide Planning Goals shall be addressed if the Comprehensive Plan does not contain specific policies or provisions which control the amendment. - Does not apply.***

Therefore, the criterion has been satisfied.

CONCLUSION:

The revision of Title 16 - Subdivision (Land Divisions) of the Municipal Code establishes needed updates to a document which is almost ten years old. The changes tighten up the criteria needed for reviewing land divisions and revises the review process by making Subdivisions a Type II (Limited Land Use Decision) and Partitions and Property Line Adjustments a Type I (Administrative). It introduces implementation considerations for Constrained Local Streets and Private Streets.

RECOMMENDATION:

Approval of Ordinance No. 98-1007; file ZC97-12 - Oregon City Municipal Code Title 16 : Land Divisions, with supportive findings and exhibits.



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FOR AGENDA

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DATED

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Zone Change Approval (ZC97-12)

Repealing Title 16 - Subdivisions of the Oregon City Municipal Code, 1991,
and enacting a new Title 16 - Land Divisions

PUBLIC HEARING

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The City Commission has conducted four public hearings on this proposed ordinance on March 18, April 15, June 3, and July 15, 1998. The last meeting was concluded with a continuance and clear direction to staff on the proposed language and procedures. Attached in the revised draft Ordinance. The significant changes that have been made to the text are as follows:

Additions are in ** italics*.

Deletes are in **[brackets]*

1. ***Review and Appeal Process for Subdivisions and Partitions.***

Subdivisions and Partitions are to be reviewed as a Type II. This includes staff level review and appeals to the City Commission with notice to the Planning Commission.

"16.04.020 Scope and procedural overview. All forms of land division and adjustments to, or elimination of, property boundaries within the City shall be subject to the requirements of this Title.

A. Partitions that create an accessway and subdivisions are processed as Type II decisions as outlined in Chapter 17.50 or, at the applicant's option, may be processed as an expedited land division pursuant to State law. Generally, under the City's Type II process, notice and an opportunity to comment on all preliminary subdivision plat applications shall be provided to property owners within 300 feet of the subject property. The Planning Manager makes an initial administrative decision on the application which is appealable to the **City [Planning] Commission *,with notice to the Planning Commission*, by the applicant or any party who has provided written comments within the 14-day comment period. On appeal, the **City [Planning] Commission* provides notice and holds a public hearing, and its decision is appealable to the Land Use Board of Appeals pursuant to State law."

"16.04.030(M). "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 Planning Manager or the **City [Planning] Commission* as designated by Chapter 17.50."

"16.04.030(AA). "Non-final decision" means any decision by the Planning Manager **[or Planning Commission]* which is not a final decision because it is appealable to another decision-maker



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within the City."

"16.08.030 Preliminary subdivision plat application. At any time following a preapplication conference, an applicant may apply for Preliminary Subdivision Plat approval. The applicant's **submittal* [submission] must provide a complete description of existing conditions, the proposed subdivision and an explanation of how the application meets all applicable approval standards. The following sections describe the specific **submittal* [submission] requirements for a Preliminary Subdivision Plat, which include plan drawings, a narrative statement and certain tabular information.

Once the application is deemed to be complete, the Planning Manager shall provide notice of the application and an invitation to comment for 14 days to surrounding property owners in accordance with 17.50.090(A). At the conclusion of the 14-day comment period, the Planning Manager will evaluate the application, taking into consideration all relevant, timely filed comments, and render a written decision in accordance with 17.50.130. The Planning Manager's decision*[is the City's final decision and] may be appealed to the City Commission with notification to the Planning Commission."

"16.16.010 Purpose and general provisions. A. Partitions shall be processed as a **Type II* [I] decision by the Planning Manager **in the same manner as set forth in is Section 16.04.020(A) and* (under) the applicable provisions in **Section 16.12, and Chapter 17.50.* Approval shall be granted only upon determination **[by the Planning Manager]* that all applicable requirements of this Title and ORS Chapter 92 have been met."

"16.16.070 Partition approval standards. All parcels created by partition shall conform to the requirements of this Title, ORS 92.010 to ORS 92.160, and any other applicable City or state law. The applicant shall submit a written statement addressing conformity with these standards. The Planning Manager shall determine if the applicant's submission complies with these standards, and issue to the applicant a notice of decision consistent with Section 17.50.120. The Planning Manager **[decision shall be the City's final] decision *[and] shall be appealable *[directly] to the *the City Commission and then to the Land Use Board of Appeals as a limited land use decision pursuant to applicable state law."*

"16.16.080 Final recordable partition plat. **[If the Planning Manager approves the applicant's partition,]If the partition application is approved,* the applicant shall prepare a final partition



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plat that meets all applicable requirements and conditions of the Planning Manager decision, and the applicable requirements of ORS Chapter 92. The applicant shall then submit the final plat for signature by the appropriate City official prior to recording with the County."

2. *Pedestrian and Bicycle Accessways.*

Defined pedestrian or bicycle accessway in subsection AF- "Pedestrian or bicycle accessway" to include that which was previously under subsection A - "Accessway".

"16.04.030(A). "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 or similar designations. *["Pedestrian or bicycle accessway" means any off-street path or way as described in Chapter 12.24, 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 where the street system does not otherwise provide such routes. Accessways and connections shall be designed and constructed in accordance with all applicable provisions of the Americans with Disabilities Act.]

"16.04.030(AF). *"Pedestrian or bicycle accessway" means any off-street path or way as described in Chapter 12.24, 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 where the street system does not otherwise provide such routes. Accessways and connections shall be designed and constructed in accordance with all applicable provisions of the Americans with Disabilities Act. ["Pedestrian way" means a right-of-way for pedestrians and bicycles and non motorized vehicle traffic.]*

3. *Waiver of 120 Day Rule*

The last sentence has been deleted since the waiver of the 120 day rule is to be voluntary and applicants are permitted by law to consolidate projects.

"16.04.050 Variances. The dimensional requirements for lots and public improvements created through the various methods provided for under this Title are specified in the Municipal Code sections corresponding to the underlying zoning and in the regulations pertaining to any other special site



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constraints, e.g., unstable slopes under Chapter 17.44 and water resources under Chapter 17.49. Any variation from these dimensional requirements must be specifically requested through an application for a variance pursuant to the Type III process provided in Chapter 17.50 and reviewed according to the approval standards for variances in Chapter 17.60. Ideally, applicants will specifically request all necessary variances as part of a consolidated application. However, if the applicant requests a variance after the commencement of the approval process for a land division under this Title, the applicant shall have the option of having the variance and land division consolidated and subject to a Type III process or allowing the applications to proceed separately under their respective procedures. *[If the applicant opts to consolidate the applications, the applicant shall waive the requirements of the 120-day rule under 17.50.060.]”

4. ***Preliminary Subdivision Plat Requirements***

Staff deleted the words [unless the Director determines that any of the following are not necessary for a particular development proposal] and replaced it with the responsible authority, City Engineer or Planning Manager, at the end of the applicable subsections. Also, the word *approximate* has been added to the section on required topographic information.

“16.08.040 Preliminary subdivision plat--required plans. The Preliminary Subdivision Plat shall specifically and clearly show the following features and information on the maps, drawings, application form or attachments *[, unless the Director determines that any of the following are not necessary for a particular development proposal]. All maps and site drawings shall be at a minimum scale of one inch to 50 feet.”

“A. Site Plan. A detailed site development plan showing the location and dimensions of lots, streets, pedestrian ways, transit stops, common areas, building envelopes and setbacks, all existing and proposed utilities and improvements including sanitary sewer, storm water and water facilities, and an indication of existing and proposed land uses for the site.”

“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



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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. **The City Engineer may waive any of the foregoing requirements if the City Engineer determines 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 250 feet of the property's boundary. The map shall also illustrate the **approximate* topography and **approximate* grade of the site before and after development. Illustrated features must include the approximate grades and radius of curves of all proposed streets and cul-de-sacs, the location and estimated volume of all cuts and fills, and all storm water management features. This plan shall identify the location of drainage patterns and courses on the site and within 250 feet of the property boundaries, where possible. Features that must 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 with a diameter 6 inches or greater measured 4 feet from the ground;
4. All jurisdictional wetlands shown in a delineation according to the Corps of Engineers Wetlands Delineation Manual, January 1987 edition, and approved by the Division of State Lands and wetlands identified by the Oregon City Comprehensive Plan.
5. All known geologic hazards, landslides or faults and, areas with a water table within one (1) foot of the surface;
6. The location of any known state or federal threatened or endangered species;
7. All historic areas or cultural features acknowledged as such on any federal, state or City inventory; and,
8. All wildlife habitat or other natural features listed on any of the City's official inventories.



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The Planning Manager may waive any of the foregoing requirements if the ~~City Engineer~~ determines that the requirement is unnecessary in the particular case.

"D. Erosion Control Plan: The applicant shall submit an erosion control plan illustrating the measures that will be implemented throughout construction of the subdivision to control erosion and sedimentation, unless waived by the City Engineer. This plan must be consistent with all applicable erosion control requirements in Chapter 17.47. **The City Engineer may waive any of the foregoing requirements if the City Engineer determines that the requirement is unnecessary in the particular case.**"

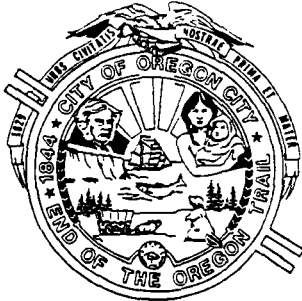
5. **Fire Suppression Devices on Constrained Streets**

The language has been revised to assure that the Fire Department fire suppression requirements are considered where constrained streets are to be developed.

"16.12.030(B)". Specific right-of-way and pavement widths shall be determined by the decision-maker based upon the City Engineer's recommendation. New primary structures on an accessway with a pavement width of less than 32 feet **may be required to install* [shall be required to install sprinklers and/or] fire suppression devices, as determined by the Fire Chief ** to assure an adequate level of fire and life safety.*"

"16.12.060 Street design--constrained local streets and/or rights-of-way. Any accessway with a pavement width of less than 32 feet shall require the approval of the City Engineer, Planning Manager and Fire Chief and shall meet minimum life safety requirements, which may include **fire suppression devices as determined by the Fire Chief to assure an adequate level of fire and life safety* [fire sprinklers]. The standard width for constrained streets is 20 feet of paving with no on-street parking and 28 feet with on-street parking on one side only. Constrained local streets shall maintain a 20-foot wide unobstructed accessway. Constrained local streets and/or right-of-way shall comply with necessary slope easements, sidewalk easements and altered curve radius, as approved by the City Engineer and Planning Manager."

Table 2



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

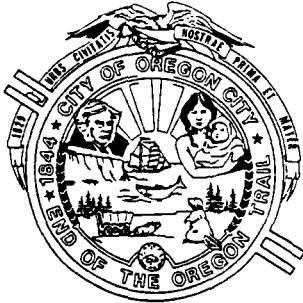
6. *Frontage and Access Requirements for Partitions*

Staff worked with the other departments to clarify language that was conflicting and phrases were repeated unnecessarily in the following sections. Collective frontage requirements are used where flag lots are created while assuring cross access easements to each parcel. Accessway widths and pavement are linked to the zoned density so that parcels that could contain greater density can be adequately serviced.

“ 16.16.040 Frontage width requirement. *Where [Unless] a joint accessway is provided pursuant to Section 16.*16.050(B)[12.060(B)], all parcels of land that are created by a partition in a one-family or two-family zoning district shall *[have a minimum of 20 feet of frontage] collectively have a minimum frontage of 20 feet in width, for one or two parcels, or 24 feet in width, for three or more parcels, on an existing public, county, state or federal road or street, *as approved by the City Engineer. *For parcels that cannot have a joint access, due to topography, 20 feet of frontage shall be required for each parcel on a on an existing public, county, state or federal road or street. For parcels of land created by a partition in all *other zoning districts, the parcels shall have a minimum of 30 feet of frontage on an existing public, county, state or federal road or street.”

“16.16.050 Accessway requirements. A. Flag lots may be permitted only where the configuration of topography of the property would otherwise preclude the partitioning and development of the property. *[The width of the accessway for flag lots shall be equal to or greater than the width of the street frontage.] A perpetual reciprocal access easement and maintenance agreement shall be recorded for the joint accessway, in a format acceptable by the City Attorney.”

“B. Accessways shall have a pavement width of at least *16 [10] feet *to service one to two units or 20 feet to service three or more units. No private accessway may serve more than five (5) single-family homes.”



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COMMISSION REPORT

TO THE HONORABLE MAYOR AND COMMISSIONERS

FOR AGENDA

DATED

August 5, 1998

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Subject:

Report No. 98-119

Zone Change Approval (ZC97-12)
Repealing Title 16 - Subdivisions of the Oregon City Municipal Code, 1991,
and enacting a new Title 16 - Land Divisions

PUBLIC HEARING

If Approved, Proposed Ordinance No. 98-1007

"C. A [minimum 12-foot wide] fire access corridor shall be provided to all parcels **with a minimum width of 16 feet to service two units or 20 feet to service three or more units as based on the zoning [created through the partitioning process]**, *as approved by the City Engineer and Fire Chief.* No vehicular obstruction, including trees, fences, landscaping, **or [and]* structures shall be located within the fire access corridor."

"16.16.060 Pavement requirements. Accessways for lots created through the partitioning process shall **satisfy the requirements of Section 16.16.050.* [have a pavement width of at least 10 feet. No paved accessway shall be required to exceed 28 feet in width.] If the proposed accessway exceeds 150 feet in length, it shall be paved to a minimum width of 20 feet and, if more than two residences are served, a turnaround for emergency vehicles shall be provided. The turnaround shall be approved by the City Engineer and Fire Chief. **Improvements shall comply with Section 16.12 - Minimum Improvements and Design Standards for Land Divisions.*"

7. **Ordinance Effective Date October 1, 1998**

Staff has added a Section stating the effective date for this Ordinance will be October 1, 1998. This will give the Community Development Department the time to revise the Planning handouts and brochures with the new procedures.

Staff recommends that the attached Ordinance be amended with the revisions by the City Commission and to approve ZC97-12, repealing Title 16 - Subdivisions of the Oregon Municipal Code, 1991, and replacing it by adopting a new Title 16 - Land Divisions.

Attached for Commission review and consideration are the following documents:

1. Public Notice
2. Proposed Ordinance No. 98-1007;
3. City Commission minutes from March 18, April 15, and June 3, 1998 (July 15th, 1998, are in August 5, Commission packet);
4. Memorandum from Ed Sullivan, City Attorney, dated July 29, 1998; (on file)
5. Planning Commission minutes from January 27, and February 12, 1998; (on file)
6. Previously reviewed letters (on file);



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Repealing Title 16 - Subdivisions of the Oregon City Municipal Code, 1991,
and enacting a new Title 16 - Land Divisions

PUBLIC HEARING

If Approved, Proposed Ordinance No. 98-1007

7. Previously reviewed City Commission and Planning Commission staff reports (on file)

Staff recommends that the Commission support the recommendation from the Planning Commission by approving this application with amendments as drafted by City Staff, ZC97-12, to repeal and replace in its entirety Title 16 and call for the first and second reading for the adoption of Ordinance No. 98-1007 on August 5, 1998.

With adoption of the ordinance on August 5, 1998, the decision will become effective on October 1, 1998.

CHARLES LEESON
City Manager

cc - Rich Carson, Community Development Director
- Tamara DeRidder, Planning Manager
- Jim Davis, Fire Chief
- Bob Cullison, Engineering Manager
- Rick McClung, Public Works
- Home Builders Association
- (4) Consulting Planning/ Engineer firms
- (14) Neighborhood Associations



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Repealing Title 16 - Subdivisions of the Oregon City Municipal Code, 1991,
and enacting a new Title 16 - Land Divisions

PUBLIC HEARING

If Approved, Proposed Ordinance No. 98-1007

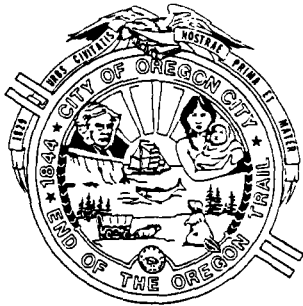
The City Commission has conducted three public hearings on this proposed ordinance on March 18, April 15, and June 3, 1998. The last meeting concluded as an open hearing session with the request by the Commission for the Neighborhood Associations and everyone who has issue with the ordinance to make their comments by July 2, 1998, in preparation for the July 15th Commission public hearing. Staff received a two pages of recommendations from the Citizen Involvement Coordinating Committee (CICC) in letter dated June 25, 1998, submitted by Acting Chairman Paul Trahan. In addition, on July 7, 1998, the City received three pages of recommendations in a fax from Kevin Wing at the Home Builders Association of Metro Portland (HBA). The attached ordinance is consistent with the recommendations that were requested by the Commission at their June 3rd public hearing.

The CICC conducted a public workshop at the Clackamas Community College on June 16, 1998, with representatives present from most of the recognized neighborhood associations and some representation from neighborhoods that are striving for recognition. The committee invited Planning Manager Tamara DeRidder, Planning Commission Chairman Jim Hall, and former Planning Commission Chairman James Bean to come and respond to questions that they had regarding both Title 16, Land Use Divisions, and Section 17.50, Administration and Procedures. We discussed a variety of issues regarding the history behind the proposed changes, staff concerns with appeal directly to the City Commission, the significance of the 120 day rule, and concerns regarding limiting public involvement in Partitions. We left the meeting to allow the group to debate the issues independently. From this session, I understand, their recommendations were generated.

The following is an itemization of the comments received to date and staff responses to proposed changes:

1. *Appeal Process for Subdivisions.*

CICC: 16.08.030 Preliminary plat application. Second paragraph modified to read as follows:
"Once the application is deemed to be complete, the planning manager shall provide notice of the application and an invitation to comment for 14 days to surrounding property owners in accordance with 17.50.090(A). At the conclusion of the 14-day comment period, the planning manager will evaluate the application, taking into consideration all relevant, timely filed



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PUBLIC HEARING

If Approved, Proposed Ordinance No. 98-1007

comments, and render a written decision in accordance with 17.50.130. The Planning Manager's decision is the City's final decision ~~and may be appealed to the City Commission with notification to the Planning Commission.~~ And may be appealed first to the Planning Commission with a final appeal to the City Commission."

Staff: Staff concurs. Any appeal of a staff level decision, otherwise referred to as a Limited Land Use Decision or Type 2, should first go to the Planning Commission prior to any other hearing body. However; the limitation of the 120 day rule remains a real concern.

The time line flow as follows:

Day 1 31(30) 51(20) 61(10) 71(10) 96(25) 103(7)
Submittal ->Complete-->Route/Notice->Staff Report->Appeal->Route/Notice/Publish->Report->

Day 104(1) 106(2) 116(10) 141(25) 148(7) 149(1) 151(2)
Hearing-> Final Order ->Appeal->Notice/Publish/Transcribe->Report->Hearing->Final Order

There are several options that the Commission may take to help mitigate the potential for a Mandamus.

- A. Double noticing for both commissions whenever there is an appeal of a subdivision, or other Type II, will take out the 25 days at the end but still leaves us extended at least 6 days beyond the 120 day deadline, and that is assuming the City Commission meeting schedule lines up. Fees would need to increase to cover added costs.
- B. Limiting the first appeal to the issues raised within the 14 comment period.
- C. Limiting the second appeal to the record of the Planning Commission.
- D. Requiring all appellants to supply address labels of property owners within 300 feet of and including the site.
- E. Increase the fees for of appeals to cover next day transcription of record. Increase overhead costs to cover appeals whose fees are waived by the City Commission
- F. Other? Try the review process with appeals only to the Planning Commission or create some process by which some may be allowed to go to the City Commission or more staff.

2. ***Subdivision Narrative Statement***

CICC: 16.08.050 Preliminary subdivision plat - narrative statement. Paragraph B to read as follows:



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"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 Storm Water Drainage
4. Parks and recreation
5. Traffic and transportation
6. Schools
7. Fire and Police Services

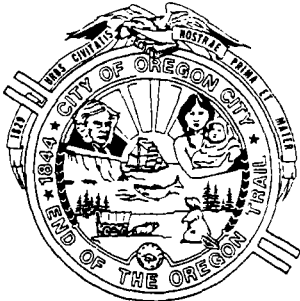
Where adequate capacity for ~~these~~ ^{for} these public facilities and services is not demonstrated to be currently available, the applicant shall describe how adequate capacity in these services and facilities will be financed and constructed before recording of the plat."

Staff: Concurs with the recommendation. Fire and Police services are a needed urban service and should be required for consideration.

HBA: 16.08.050(B). Preliminary subdivision plat - narrative statement. The HBA raises concerns that "an individual cannot possibly answer the question of if and/or when the school district will provide adequate public facilities or services or facilities to serve the proposed development. Nor should an individual applicant be required to spend time and money researching and analyzing the issue to the satisfaction of the planning department....Instead of the applicant performing the city's planning needs, the city should determine whether or not there is adequate capacity and either approve the development, approve it with conditions, or deny it."

Staff: Staff recommends that no revisions be made to this subsection other than those noted above by the CICC.

The facility plans for the city are community wide in nature. Individual developments add demand for service capacity to the existing systems. This applies to all the critical services



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listed, including schools, police, fire, etc. By identifying specific area limits on these facilities the city then can determine improvements costs and criteria for the approval.

HBA: 16.08.050(C) Approval Criteria and Justification for Variances: "We suggest deleting the words "and other applicable approval standards identified by city staff". If the purpose of rewriting Titles 16 and 17 are to make the process as clear and predictable as possible, what is the need for such a general "open-door" piece of language?"

Staff: Staff agrees. Fairly recent legislation limits the criteria that may apply to subdivisions, partitions, and planned unit developments to that which is contained in the Municipal Code. This language may be narrowed down to the following:
"... and other applicable approval standards identified in the Municipal Code, as identified by city staff."

HBA: 16.08.050(F). Drafts of Proposed Covenants, Conditions, and Restrictions. "The city does not enforce CCR's, nor is there a need for the city to review and/or approve them. We suggest deleting this language."

Staff: No Change recommended.

CC and Rs are an additional tool that the City may want to use and become involved with in certain circumstances. This would typically take place where there is a City recognized resource or liability at stake. These situations are atypical, but, are becoming more frequent when development is pushing into more sensitive areas. The enforcement of covenants and restrictions are processed through civil court unless they are included in the conditions of approval, which would allow the city could refuse to issue of development permits.

3. *Partition Review Process*

CICC: The committee refers to this issue under the recommendation for the companion document to Title 16, Section 17.50 - Administration and Procedures, as identified in the following public hearing item. The committee identify Partitions to be reviewed as a Type II, same as subdivisions, rather than as a Type I. Refers to Section 16.16.010.



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Staff: No change recommended.

I recall that at the meeting with the CICC, concern was shared by several members that they would not receive notification of a partition if it were a Type I. The proposed language has been refined in such a way that the review of a Partition allows neither staff or anyone else discretion in determining the decision, it allows only yes or no responses. The CICC proposes a change which does not really provide them any more discretion, just notice.

Staff proposes that the CICC representatives receive a copy of the all the Type I applications received on a weekly basis. The increase in staff activity, mailing, and copies need to be reflected in the fees. Keep partitions as a Type I.

4. *Duration of Approval and Extensions*

HBA: Section 16.04.080 Duration of Approval and Section 16.08.090 Final Subdivision Plat. HBA recommends the approvals of land divisions should be increased from 1 year to 2 years with the opportunity for two 6-month extensions, for a total of potentially 3 years from the date of approval. He cites concerns of federal and state regulations that may occur due the endangered species listing and potential impacts.

Staff: No change recommended.

The City Commission discussed this item at their previous hearing and decided to keep the standard as it is currently stated. In the past two years we have experienced only one subdivision that did not qualify for a requested extension and that was because the request was submitted to the city several months after the deadline. If we get into a bind with regulations beyond our control, then this section of the code could then be modified.

5. *Preliminary Plat Requirements*

HBA: 16.08.040 Preliminary Plat Application Requirements. The HBA proposes several changes:

HBA 16.080.040(A). Traffic/ Transportation Plan. The HBA states that they feel that transportation planning, especially to analyze the adequacy of the existing transportation system, is a cost and



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responsibility of the city not the individual developer. Instead of requiring a traffic impact study for every application, language should be developed the could require a traffic impact study for only certain situations. "We understand that the city's transportation master plan is in need of updating. Requiring a traffic study for each development, however, is and unfair, costly, and inefficient way for the city to take care of its transportation planning needs." He further states that since developers are required to pay into the system development charges that these charges should be used to update the transportation system plan.

Staff: Staff recommends no change to the existing language.

The HBA is correct in that the transportation master plan for the city is out of date. We are currently updating this document with the assistance of individual traffic studies which are up to two years old. The Transportation System Plan (TSP) provides a 20 year system wide forecast for all land area within the Urban Growth Boundary. The traffic studies for individual sites are needed to identify what local improvements required to provide access and capacity to the site.

If needed improvements are identified in the system wide TSP there is a chance that the developer may be able to supplement the costs for needed improvements to mitigate the capacity problems through use of the City's system development charges, as sanctioned by the Capital Improvements Plan. In other words, the TSP and the traffic studies required of developers work hand in hand to identify and support needed improvements to the transportation system.

HBA: 16.08.040(C). Natural Features and Topography. Preliminary Grading and Drainage Plan: "This section requires the applicant to "illustrate the topography and the grade of the site before and after development". It is very difficult for an applicant to predict with certainty what the grade will be like after development. This sentence should have the word "estimated" inserted just prior to the word "topography".

Staff: Staff recommends no changes to the existing language.

There needs to be a level of certainty in reviewing the proposal as a Type II review. Staff has found a wide variation in submittal material on this issue in the past where grade cuts and the



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destruction of vegetation or natural features have been compromised after planning review. The primary problem has been insufficient information on proposed grading during the preliminary plat stage.

HBA: 16.08.040(D). Erosion Control Plan: "The question we have is why the planning department would require a copy of the erosion control plan. Developers are already required to submit detailed erosion control plans to the city engineer who reviews them and grants an erosion control permit. Further, creating and erosion control plan can be costly, and we don't feel that is warranted at the preliminary stage. Tamara stated that the intent was that the planning department wants to make sure that erosion control is an issue that the developer considers. She suggested that a rough schematic would suffice. The proposed language. However, does not concur with that concept and should be changes to clarify this."

Staff: Staff agrees that a schematic level erosion control plan will work for a preliminary plat. Staff has two concerns in the area of erosion control. First, the on-site protection and preservation of native vegetation in sensitive areas. Second, management and control of water quality in support of Title 3 (Metro regulations) and Endangered Species (Division of State Land and Federal regulations). Prior to site work a pre-engineering conference is called with developer where the specifics of an erosion control plan and other engineering standards are identified and required before earth movement. Nonetheless, alternatives to site grading that reduce sedimentation need to be introduced in the preliminary plat stage.

Staff recommends the following change:

"E. Erosion Control Plan: The applicant shall submit a preliminary erosion control plan illustrating the measures that will be implemented throughout construction of the subdivision to control erosion and sedimentation. This plan must be consistent with all applicable erosion control requirements in chapter 17.47, unless waived by the City Engineer."

6. Fire Sprinkler Requirement

HBA: 16.12.030(B) Street Design -- minimum right-of-way. and 16.12.060 Street Design - constrained local streets and/or rights-of-way. "Allows the Fire Chief to require sprinklers and/or fire suppression devices in new primary structures built on a street with less than 32 feet of



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pavement. The HBA strongly opposes this language. This could dramatically increase the price of housing and would certainly make it impossible for a large segment of people to afford a home. The goal of providing access for fire trucks could easily be accomplished by restricting parking to one side of the street. We would support language which removed the ability of the fire chief to require anything other than restriction on streets less than 32 feet."

Staff: Fire Chief Jim Davis and Fire Marshal Clark Poulton stated to me July 8, 1998, that they would be willing to amend the language on the required sprinkler systems but would not remove their options for fire suppression on streets less than 32 feet in width. Recommended language is as follows:

16.12.030(B). "Specific right-of-way and pavement widths shall be determined by the decision-maker based upon the city engineer's recommendation. New primary structures on an accessway width of less than 32 feet may be required to install ~~shall be required to install sprinklers and/or~~ fire suppression devices, as determined by the Fire Chief."

"16.12.060 Street design - Constrained Local Streets and/or Rights-of-Way. Any accessway with a pavement width of less than 32 feet shall require approval of the City Engineer, Planning Manager, and Fire Chief and shall meet the minimum fire life safety requirements, which may include fire suppression devices, as determined by the Fire Chief ~~sprinklers~~. The standard width for constrained streets is 20 feet of paving with no on-street parking and 28 feet with on-street parking on one side only. Constrained local streets shall maintain a 20-foot side unobstructed accessway...."

Staff recommends that the attached Ordinance be amended with the revisions by the City Commission, and, together with Findings, to approve ZC97-12, repealing Title 16 - Subdivisions of the Oregon Municipal Code, 1991, and replacing it by adopting a new Title 16 - Land Divisions.

Attached for Commission review and consideration are the following documents:

1. Public Notice
2. Proposed Ordinance No. 98-1007 with Exhibit "A", findings;



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3. City Commission minutes from March 18, April 15, and June 3, 1998, ;
4. Planning Commission minutes from January 27, and February 12, 1998;
5. Letter from the CICC, dated June 25, 1998
6. Letter from the Home Builders Association of Metro Portland, dated July 1 and received by fax July 7, 1998.
7. City Commission staff report 98-32 dated March 18, 1998 (on file);
8. Findings and Conclusions of the Planning Commission, Staff report dated February 12, 1998 (on file);
9. Letter to the file reviewed at previous hearings (on file)

Staff recommends that the Commission support the recommendation from the Planning Commission by approving this application with amendments as drafted by City Staff, ZC97-12, to repeal and replace in its entirety Title 16 and call for the first and second reading for the adoption of Ordinance No. 98-1007 on July 15, 1998.

With adoption of the ordinance on July 15, 1998, the decision will become effective on August 15, 1998.

14

CHARLES LEESON
City Manager

- cc
- Rich Carson, Community Development Director
 - Tamara DeRidder, Planning Manager
 - Jim Davis, Fire Chief
 - Bob Cullison, Engineering Manager
 - Rick McClung, Public Works
 - Home Builders Association
 - (4) Consulting Planning/ Engineer firms



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PUBLIC HEARING

If Approved, Proposed Ordinance No. 98-1007

At its March 18, and April 15, 1998 meeting, the City Commission conducted public hearings and received public testimony on proposed Ordinance No. 98-1007. After significant discussion and a very late meeting on April 15th, the City Commission offered staff limited direction of actions to be taken. City staff subsequently conducted an internal meeting, including the Fire, Engineering, and Planning Departments, to come to some consensus on how to proceed with constrained streets and fire sprinkler requirements. Copies of the revised language was first routed internally to City staff. Corrections were then made and routed to individuals who had contacted me and three planning and engineering firms. Not everyone felt they had adequate time to respond by the May 20th, 1998, City Commission hearing date. The hearing was then continued until June 3, 1998. Staff has responded to each comment and, in many cases, integrated them in the following revisions.

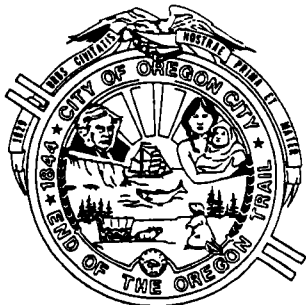
Staff proposes the following revisions to the proposed Title 16 language.

1. **Definitions.** A number of definitions were questioned by Paul Trahan and Bryan Cavaness, of Trahan and Associates, at the City Commission hearing on April 15, 1998. The issues that were raised include the following:

- A. Concern was that all partitions which create common driveways (accessways) would be required to be processed as subdivisions. Staff recommends removing language that refers to "accessways" in the following definitions for clarification:

16.04.030 Definitions.

"AD. "Partition land" means to divide land into two or three parcels of land within a calendar year ~~without the concurrent creation of an accessway~~, but does not include:



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- "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 or condominium plat; or"
- "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, ~~and~~ applicable state statutes, and does not create additional parcels."

"AQ. "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. ~~Subdivide also means to divide an area or tract of land into three or fewer lots or parcels along with the concurrent creation of an accessway. Divisions resulting in three or fewer lots or parcels without the concurrent creation of an accessway is a partition.~~"

- B. Concern was raised that the definition of "Development" in the proposed Title 16 differed from the definition of the same term in proposed Chapter 17.50.



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Staff was directed to come back with a consistent definition that was more specific. Staff recommends the following language for both Title 16 and for inclusion in the second reading of Ordinance No. 98-1008, relating to Chapter 17.50.

"16.04.030 Definitions.

N. "Development" means a building or grading operation, the construction of buildings, structures or impervious surfaces, making a material change in the use or appearance of a structure or land, dividing land into two or more parcels, the partitioning or subdividing or partitioning of land, as provided in ORS 92.010 to 92.285, or the creation or termination of an access right."

2. **Preliminary Subdivision Process.** Paul Trahan identified inconsistency between the procedures identified by Chapter 17.50 - Administration and Procedures, Ordinance No.98-1008, and the current Title 16 process. Staff agrees. The following revision is proposed:

"16.08.030 Preliminary subdivision plat application. "

(Paragraph #2)

"Once the application is deemed to be complete, the planning manager shall provide notice of the application and an invitation to comment for 14 days to surrounding property owners in accordance with 17.50.080(A). At the conclusion of the 14-day comment period, the planning manager will evaluate the application, taking into consideration all relevant, timely filed comments, and render a written decision in accordance with 17.50.120. The planning manager's decision is the city's final decision and may be appealed to the Land Use Board of Appeals." ~~planning commission as provided in 17.50.180. Any decision by the planning commission is the city's final decision for purposes of appeal under state law."~~

3. **Preliminary Plan Submittal Requirements.** Concerns were raised by Bryan Cavaness regarding the amount of specificity that is required of the applicant in the preliminary review process. Staff discussed the matter and determined that all issues that warrant public consideration must be a part of the record for the preliminary plat decision since the Final Plat



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decision is a Type I review. Nonetheless, staff agrees Mr. Cavaness and Tom Sisul, who commented on the revised draft, that requiring calculated grading plans and an approved wetland delineation would be premature for the Preliminary Plat stage. In addition, staff proposes to combine the Natural Features Map and the Grading Plan so that it is clear where vegetation or natural features are to be disturbed. Staff recommends the following revisions to the Ordinance:

"16.08.040 Preliminary Subdivision Plat - required plans. The Preliminary Subdivision Plat, prepared by a surveyor or engineer licensed in the state of Oregon, shall specifically and clearly show the following features and information on the maps, drawings, application form or attachments, unless the director determines that any of the following are not necessary for a particular development proposal. All maps and site drawings shall be at a minimum scale of one inch to 50 feet."

"A. Site Plan. A detailed site development plan showing the location and dimensions of lots, streets, pedestrian ways, transit stops, common areas, building envelopes and setbacks, all existing and proposed utilities and improvements including sanitary sewer, storm water and water facilities, and an indication of existing and proposed land uses for the site."

"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, ~~certified or experienced in Traffic Engineering,~~ 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."

"C. Natural Features Plan and Topography, Preliminary Grading and Drainage Plan. The applicant shall submit a map illustrating all of the natural features and



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hazards on the subject property and, where practicable, within 250 feet of the property's boundary. The map shall also illustrate the topography and grade of the site before and after development. Illustrated features must include the approximate grades and radius of curves of all proposed streets and cul-de-sacs, the location and estimated ~~calculated~~ volume of all cuts and fills, and all storm water management features. This plan shall identify the location of drainage patterns and courses on the site and within 250 feet of the property boundaries, where possible. Features that must be illustrated shall include the following:

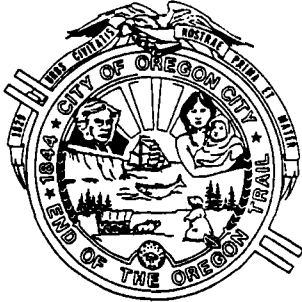
1. Proposed and existing street right of ways and all other transportation facilities;
2. All proposed lots and tracts;
3. All trees with a diameter 6 inches or greater measured 4 feet from the ground;
4. All jurisdictional wetlands shown in a delineation (according to the Corps of Engineers Wetlands Delineation Manual, January 1987 edition) and ~~approved by~~ the Department of State Lands and wetlands identified by the Oregon City Comprehensive Plan;
5. All known geologic hazards, landslides or faults and, areas with a water table within 1 foot of the surface;
6. The location of any known state or federal threatened or endangered species;
7. All historic areas or cultural features acknowledged as such on any federal, state or city inventory; and,
8. All wildlife habitat or other natural features listed on any of the city's official inventories. "

"D. <Combined with C and replaced with the following:>

Erosion Control Plan: The applicant shall submit an erosion control plan illustrating the measures that will be implemented throughout construction of the subdivision to control erosion and sedimentation. This plan must be consistent with all applicable erosion control requirements in chapter 17.47."

E. <Section Deleted>

4. **Variances.** The question was raised on whether Variance requests should be combined into one application cost instead of a fee for each Variance (16.08.050(A)). Staff finds that a different analysis is typically done for each variance request. Exceptions could occur where one request may affect several lots. For example, reducing the required depth for four lots near an



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entranceway of a subdivision due to a constrained site would be one request since the lots are contiguous and the reason for the variance is the same. The existing proposed language allows for this interpretation. No change is recommended.

5. **Preliminary Plan Narrative.** Concern was raised on whether an analysis of how and when Parks and Recreation would be adequate to service the proposed site should be included in the narrative statement for the preliminary plan. This also raises the question regarding the absence of schools in this list. As in schools, Park and Recreation, are not seen as a sole reason by which an application may be denied. Nonetheless, it may be a cumulative factor in a denial. Staff recommends keeping Parks and Recreation and add Schools to the list, as follows:

"16.08.050 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 Storm Water Drainage
4. Parks and recreation
5. Traffic and transportation
6. Schools"

"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."

6. **Preliminary Plat Approval.** A typo was discovered in assigning the criteria used to review a preliminary plat. This will clarify the public facilities and other the areas of review considered in the approval of a subdivision.

"16.08.070 Preliminary Subdivision Plat - approval standards and decision. The minimum approval standards that must be met by all preliminary subdivision plats are set forth in chapter 16.12 08, and in the dimensional and use requirements set forth in the chapter of this code that corresponds to the underlying zone. The planning manager shall evaluate the application to



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determine that the proposal does or can through the imposition of conditions of approval, meet these approval standards. The planning manager's decision shall be issued in accordance with the requirements of Section 17.50.120.

7. **Through Lots.** The commission gave clear direction that they did not want double fronted lots, through lots, where the result is a walled street created by back yard fences. There was general agreement that the exception to this rule could occur where the residential area fronted on a Major Arterial street. Staff recommends keeping flexibility where there are topographical constraints on a site.

"16.12.250 Building site - through lots. Through lots and parcels shall be avoided except where they are essential to provide separation of residential development from Major Arterial ~~or collector streets adjacent nonresidential activities~~ or to overcome specific disadvantages of topography ~~or orientation~~. A reserve strip may be required and/or a planting screen easement may be required to separate residential development from Major Arterial or collector streets, adjacent nonresidential development or other incompatible use. Where practicable, a Alleys ~~may~~ shall be used for access for ~~through~~ lots that have frontage on a ~~local or collector street or Minor Arterial streets, eliminating through lots.~~

Staff recommends additional language to clarify the intent by the commission to have residential structures have front yards and the front of structures facing Collector and Minor Arterial streets while using alleys for access.

"16.12.290 Building site - Setbacks and Building Location. Lots located on Collector or Minor Arterial streets shall locate the front yard setback on and orient the front of the primary structure to face the Collector or Minor Arterial street. Garage setbacks in residential areas shall be a minimum of 20 feet from the public right-of-way where access is taken, except for alleys. Detached garages on an alley shall be setback a minimum of 5 feet in residential areas. Any special building setback lines established in a subdivision or partition shall be shown on the preliminary and final plats or guaranteed through deed restrictions or easements."

8. **Street Trees.** The issue was raised that the street trees should be spaced based on the variety of tree used. In addition, the installation of street trees was proposed to be done by a licensed landscaper contracted by the City with the cost paid through an account by the developer to



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benefit the City. The direction was not clear on the latter issue. Based on the recent adoption of revisions to Chapter 12.08 - Street Trees, the ordinance may be restated as follows:

"16.12.180 Street design - Planter strips. Where practicable, all development proposed along local streets shall include planter strips that are 4 feet in width or larger, located adjacent to the curb. Development proposed along collector or arterial streets may use tree wells located near the curb in lieu of a planter strip, in which case each tree shall have a protected area of at least 6 feet in diameter to ensure proper root growth. ~~Under this option, trees shall be selected and planted in accordance with Chapter 12.08 - Street Trees, applicable city street tree requirements and planted in accordance with applicable city street tree requirements and planted along the frontage at a density of one tree for every 20 feet for Local Streets and every 30 feet for Collector and Arterial Streets.~~ Individual abutting lot owners shall be legally responsible for maintaining in a healthy and attractive condition all trees and vegetation in the planter strip. If a homeowners association is created as part of the development, the association may assume the maintenance obligation through a legally binding mechanism, e.g., deed restrictions, maintenance agreement, etc., which shall be reviewed and approved by the city attorney. Failure to properly maintain trees and vegetation in a planter strip shall be a violation of this code and enforceable as a civil infraction."

"16.12.350(I). Street Trees. ~~Refer to Municipal Code Chapter 12.08 - Street Trees. The applicant shall plant street trees every 20 feet along all Local street and accessway frontages and every 30 feet along all Collector and Arterial street and accessway frontage.~~

9. **Automatic Fire Sprinklers.** The Fire Department stated that they would prefer to have all structures on any accessway with a width of less than 32 feet of pavement width be required to have automatic fire sprinklers. To require sprinklers systems on new structures where access is less than 32 feet will require the City to apply for and obtain a special exemption to the State Specialty Code, requiring the review by the States Building Codes Official.

The ordinance may be restated as follows to impose the use of sprinkler systems in new primary structures where access is less than 32 feet in width, as noted above:

"16.12.030(B). Specific right-of-way and pavement widths shall be determined by the decision-maker based upon the city engineer's recommendation, ~~unless the applicant~~



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~~" applies for a variance to any of the above-listed dimensions pursuant to chapter 17.60. Any variance application shall be processed according to the city's Type III procedure set forth in chapter 17.50. New primary structures on an Any accessway with a pavement width of less than 32 feet shall be required to install sprinklers and/or fire suppression devices and/or sprinklers in all new structures, as determined by the Fire Chief or their designee."~~

Note: The costs for increasing the size of water meters for sprinkler systems is an outstanding issue that may require further action beyond the review of this ordinance.

10. **Street Width.** Several issues were raised on this topic, including: Local Streets change from 28-34 to 32 - 34; Maintenance of a 20 foot clearance for emergency vehicles for constrained streets; and the use of Constrained Streets only with review by the City Engineer, Planning Manager, and the Fire Chief. Staff reviewed the issues and recommends the following revisions:

The ordinance language may be restated as follows:

"16.12.030 Street Design -- minimum right-of-way

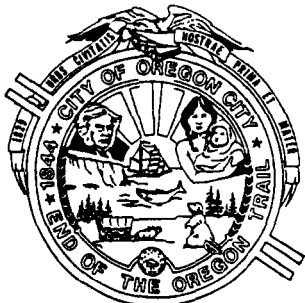
Table <Revised>

Type of Street	Minimum Right-of-Way	Required Pavement Width
Local Street	40 to 50	32 28 to 34 feet
Constrained Local Street	30 to 40 feet	24 to 28 feet

"16.12.030

- (C) The decision-maker may require or allow a constrained standard for a proposed local street in order to accommodate some site condition or achieve a particular design objective, which ordinarily shall not be built on a right of way narrower than 30 feet and ~~shall not have a pavement width narrower than 24 feet~~ and shall comply with the following criteria:

- 1). Applies only to lands with Comprehensive Plan land use designation of Low Density Residential (5,000 square foot minimum); and



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"2). Satisfies Section 16.20.060."

"16.12.060 Street design - Constrained Local Streets and/or Rights-of-Way. Any accessway with a pavement width of less than 32 feet shall require the approval of the City Engineer, Planning Manager and Fire Chief and shall meet minimum life safety requirements, which may include fire sprinklers. The standard width for constrained streets is 20 feet of paving with no on-street parking and 28 feet with on-street parking on one side only. Constrained Local Streets shall maintain a 20 foot wide unobstructed accessway. As far as practicable, Constrained local streets and/or ROW shall comply with the following criteria and, if necessary, slope easements, sidewalk easements, and altered curve radius, as approved by the City Engineer and Planning Manager. may be required."

"Table 2

Type of Street	Minimum Right-of-Way	Required Pavement Width
Constrained Local Street	30 to 40 feet	<u>20 to less than 32 feet "</u> 24 to 28 feet

<Delete the remaining section of 16.12.060>

11. **Street Signs.** It was identified that the Applicant typically pays the city to install signs.

"16.12.350(G). **Street Name Signs and Traffic Control Devices.** The applicant shall pay the city and the city installs ~~install~~ street name signs at all street intersections. The applicant shall install 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.

It was recommended by the Planning Commission in the attached Ordinance and Findings to approve ZC97-12, repealing Title 16 - Subdivisions of the Oregon Municipal Code, 1991, and replacing it by adopting a new Title 16 - Land Divisions.



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Staff recommends that the attached Ordinance be amended with the revisions by the City Commission, and, together with Findings, to approve ZC97-12, repealing Title 16 - Subdivisions of the Oregon Municipal Code, 1991, and replacing it by adopting a new Title 16 - Land Divisions.

Attached for Commission review and consideration are the following documents:

1. Public Notice
2. Proposed Ordinance No. 98-1007 with Exhibit "A", findings;
3. City Commission minutes from March 18, and April 15, 1998, ;
4. Planning Commission minutes from January 27, and February 12, 1998;
5. City Commission staff report 98-32 dated March 18, 1998 (on file);
6. Findings and Conclusions of the Planning Commission, Staff report dated February 12, 1998 (on file);
7. Letter from Bryan Cavaness, dated May 13, 1998.

Staff recommends that the Commission support the recommendation from the Planning Commission by approving this application, ZC97-12, to repeal and replace in its entirety Title 16 and call for the first and second reading for the adoption of Ordinance No. 98-1007 on June 3, 1998.

With adoption of the ordinance on June 3, 1998, the decision will become effective on July 3, 1998.

CHARLES LEESON
City Manager

cc - Rich Carson, Community Development Director
- Tamara DeRidder, Planning Manager
- Jim Davis, Fire Chief
- Bob Cullison, Engineering Manager
- Rick McClung, Public Works
- Home Builders Association
- (4) Consulting Planning/ Engineer firms

ORDINANCE NO. 98-1007

AN ORDINANCE REPEALING TITLE 16: SUBDIVISIONS, OF THE OREGON CITY MUNICIPAL CODE OF 1991 AND ENACTING A NEW TITLE 16: LAND DIVISIONS

OREGON CITY MAKES THE FOLLOWING FINDINGS:

WHEREAS, City Code, Title 16, Subdivisions, provides for a complicated and lengthy review and approval process with subjective approval criteria that are highly discretionary and require a substantial amount of deliberation to decide all but the simplest applications; and

WHEREAS, recently the City Commission adopted a substantial revision to Title 17, Zoning, Chapter 17.64, Planned Unit Development, and in light of those changes, the subdivision ordinance, as the City's other primary method of residential development, should be revised to better compliment the new Planned Unit Development chapter; and

WHEREAS, since 1991, State law has recognized that subdivisions and partitions involve limited discretion and should be processed more expeditiously and with less discretion than was the case in most jurisdictions, including Oregon City, and that both forms of land divisions can and should be processed administratively; and

WHEREAS, Oregon City's present subdivision approval process involves two steps: the preliminary subdivision plat requires a Planning Commission hearing with appeals being heard by the City Commission and the final subdivision plat is reviewed administratively; and

WHEREAS, the Planning Commission is presently burdened with a large and growing work load of public hearing items, and the public process presently provided for subdivision review is of limited utility in verifying compliance with purely dimensional standards; and

WHEREAS, the Planning Commission work load and elaborate subdivision process means there is a substantial lag built into the processing time for subdivision applications which is unnecessarily expensive and which carries with it a substantial penalty should the City take longer than 120 days to render a decision; and

WHEREAS, a quicker and more predictable process for deciding subdivisions can be achieved if the criteria are made clearer and more objective and, consistent with State law, decisions are made administratively with the sole local appeal being heard by the Planning Commission; and

WHEREAS, to bring about this change in substantive approval criteria and process for all land divisions, the City must adopt a completely revised Title 16.

Now, therefore,

OREGON CITY ORDAINS AS FOLLOWS:

Section 1. That Title 16: SUBDIVISIONS, of the Oregon City Municipal Code of 1991, is hereby repealed in its entirety and a new Title 16: LAND DIVISIONS, is hereby enacted to read as follows:

Title 16LAND DIVISIONS

Chapters:

- 16.04 General Provisions and Administration of Land Divisions
- 16.08 Subdivisions--Process and Standards
- 16.12 Minimum Improvements and Design Standards for Land Divisions
- 16.16 Partitions--Process and Standards
- 16.20 Property Line Adjustments and Abandonment--Process and Standards

Chapter 16.04GENERAL PROVISIONS AND ADMINISTRATION OF LAND DIVISIONSSections:

- 16.04.010 Purpose.
- 16.04.020 Scope and Procedural Overview.
- 16.04.030 Definitions.
- 16.04.040 Fees.
- 16.04.050 Variances.
- 16.04.060 Conditions of Land Division Approval.
- 16.04.070 Restrictions on Sale of Lots Until Process is Complete.
- 16.04.080 Duration of Approval and Extensions.
- 16.04.090 Severability.
- 16.04.100 Nuisance--Violations and Penalties.

16.04.010 Purpose. This Title is enacted in compliance with ORS 92.010 through 92.160 to establish procedures and standards for partitioning and subdividing land within the City. These regulations, along with the requirement of the City's underlying zoning, provide the dimensional requirements for building lots, streets, rights-of-way, locational requirements for houses on residential lots, the provision of adequate open space for recreation and community facilities, and the basic requirements for the installation of public utilities, all with the aim of achieving:

- A. A sufficient supply of needed housing with satisfactory living conditions in new subdivisions that complies with Statewide Planning Goal 10 and implementing administrative rules, guidelines and statutes;
- B. The protection, conservation and proper use of the land;
- C. The timely and efficient extension of public facilities and services without excessive expenditure of public funds in accordance with Statewide Planning Goals 11 and 14 and their implementing administrative rules and guidelines;
- D. The simplification and greater accuracy of land descriptions;
- E. The protection of property owners from excessive assessment for future utility installations and to provide a means of ensuring that property owners pay only their fair share of the cost of providing public facilities and services;
- F. The protection of the health, safety and general welfare of the public;
- G. Increased consumer protection by assuring that only those lots which have met City requirements and have been lawfully created through subdivision or partition approval are allowed to be advertised for sale;

H. Increased urban density and a livable design that achieves Metro-mandated requirements, while providing an enjoyable living and working environment; and

I. Safe, direct and convenient pedestrian and bicycle access, where reasonably possible within, from and between residential, commercial, industrial and institutional developments and neighborhood activity centers in accordance with Statewide Planning Goal 12 and the implementing administrative rule.

16.04.020 Scope and procedural overview. All forms of land division and adjustments to, or elimination of, property boundaries within the City shall be subject to the requirements of this Title.

A. Partitions that create an accessway and subdivisions are processed as Type II decisions as outlined in Chapter 17.50 or, at the applicant's option, may be processed as an expedited land division pursuant to State law. Generally, under the City's Type II process, notice and an opportunity to comment on all preliminary subdivision plat applications shall be provided to property owners within 300 feet of the subject property. The Planning Manager makes an initial administrative decision on the application which is appealable to the Planning Commission by the applicant or any party who has provided written comments within the 14-day comment period. On appeal, the Planning Commission provides notice and holds a public hearing, and its decision is appealable to the Land Use Board of Appeals pursuant to State law.

B. Partitions are processed as Type I decisions as outlined in Chapter 17.50 or, at the applicant's option, may be processed as an expedited land division pursuant to State law. Under the City's Type I process, the Planning Manager renders a final decision which is appealable directly to the Land Use Board of Appeals pursuant to State law.

C. Property line adjustments and abandonments are processed as Type I decisions as outlined in Chapter 17.50, pursuant to which the Planning Manager renders a final decision which is appealable directly to the Land Use Board of Appeals pursuant to State law.

16.04.030 Definitions. The following definitions shall apply to this Title. Where a particular term used in this Title is not defined in this Section but is defined in Title 17, then the definition in Title 17 shall control:

A. "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 or similar designations. "Pedestrian or bicycle accessway" means any off-street path or way as described in Chapter 12.24, 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 where the street system does not otherwise provide such routes. Accessways and connections shall be designed and constructed in accordance with all applicable provisions of the Americans with Disabilities Act.

B. "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.

C. "Alley" means a public or private way not more than 20 feet wide that provides access to a property or properties from a side other than the designed front of the property.

D. "Applicant" means the party or parties who initiate an application for a quasi-judicial permit under Title 16 or Title 17. Where a quasi-judicial application is approved, all rights granted and obligations imposed by that approval and this Title shall apply equally to the applicant, the applicant's successor(s) in interest and to any agents of the applicant or the applicant's successor(s).

E. "Application" means any request for approval of a quasi-judicial land use or limited land use decision under Title 16 or Title 17.

F. "Approval criteria" means all standards which must be met in order to approve an application. Depending upon the specific application, approval criteria include standards contained in the Oregon City Municipal Code, the Oregon City Comprehensive Plan and applicable State law.

G. "Arterial" means any street so designated in the City's Transportation Master Plan.

H. "City" means the city of Oregon City.

I. "City Engineer" means the City's Engineering Manager or that person's designee.

J. "Code" means the Oregon City Municipal Code.

K. "Collector" means any street so designated in the City's Transportation Master Plan.

L. "Cul-de-sac" (dead-end street) means a short street having one end open to traffic and the other end terminating in a circular vehicle turnaround.

M. "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 Planning Manager or the Planning Commission as designated by Chapter 17.50.

N. "Development" means a building or grading operation, making a material change in the use or appearance of a structure or land, dividing land into two or more parcels, partitioning or subdividing of land as provided in ORS 92.010 to 92.285 or the creation or termination of an access right.

O. "Direct", when used in connection with bicycle and pedestrian access, means the shortest practicable connection or access between two points.

P. "Director" means the Community Development Director or that person's designee.

Q. "Final action" and "final decision" mean 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 this Title. 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.

R. "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.

S. "Half street" means a portion of the width of a street, usually along the edge of a subdivision, dedication for the balance of the full street improvements shall be obtained from the abutting property owner at the time of development of that property.

T. "Land division" means any partition or subdivision.

U. "Local street" means any street so designated in the City's Transportation Master Plan. Typically, a local street is a public street that serves abutting lands, is designed to carry a minimal amount and weight of traffic.

V. "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.

W. "Lot line adjustment" means the relocation of a common property line between two abutting properties which does not create a new lot or parcel.

X. "Map" means a final diagram, drawing or other graphical representation concerning a partition or subdivision.

Y. "Nearby", when used in connection with bicycle and pedestrian access, means 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.

Z. "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.

AA. "Non-final decision" means any decision by the Planning Manager or Planning Commission which is not a final decision because it is appealable to another decision-maker within the City.

AB. "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.

AC. "Partition" means the act of partitioning land into 3 or fewer lots.

AD. "Partition land" means to divide land into two or three parcels of land within a calendar year, but 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 or condominium plat; or
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.

AE. "Partition plat" includes a final map and other writing containing all the descriptions, locations, specifications, provisions and information concerning a partition.

AF. "Pedestrian way" means a right-of-way for pedestrians and bicycles and non motorized vehicle traffic.

AG. "Permit" means any form of quasi-judicial approval relating to the use of land rendered by the City under Title 16 or Title 17 of this Code, 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.

AH. "Planning division" means the Planning Division of the City.

AI. "Planning Manager" means the Planning Manager of the Planning Division or the Planning Manager's designee.

AJ. "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 Title 16 and Title 17.

AK. "Preliminary plan" or "plat" mean a preliminary subdivision plat or partition plat as appropriate.

AL. "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.

AM. "Property line" means the division or boundary between two legal lots or parcels.

AN. "Record" means the public record compiled for each quasi-judicial action and includes the written minutes of all public meetings, audio tape recordings, if any, of public meetings, the application and all materials submitted by the applicant, all documents, evidence, letters and other materials submitted by any party to the decision making proceeding, staff reports, public notices, and all decisions rendered by the City's decision-makers.

AO. "Reserve strip" means a parcel of land, usually one foot in width, running the length of a half-street parallel to the centerline 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.

AP. "Right-of-way" means the area between boundary lines of a street, alley or other public accessway,.

AQ. "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.

AR. "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.

AS. "Subdivision" means an act of subdividing land. Requirements of this Title that apply to subdivisions shall also apply equally to Planned Unit Developments (PUDs), which include subdividing property, that is proposed or approved under Chapter 17.64.

AT. "Subdivision plat" includes a final map or other writing containing all the descriptions, locations, specifications, dedications, provisions and information concerning a subdivision.

AU. "Subject property" means the land that is the subject of a permit application.

AV. "Through lot" means a lot having frontage on two streets that are not alleys.

AY. "Transit stop" means any posted bus, light rail or other mass transit stop.

AZ. "Transit street" means any street identified as an existing or planned bus or rail transit route as shown in the current City's Transportation Master Plan (1989 or as subsequently amended).

16.04.040 Fees. A. Filing Fees. The City Commission shall establish by resolution a schedule of fees for all land division and engineering plan reviews, inspections, applications and appeals provided for under this Title. Fees shall be structured to reflect the City's actual cost of providing the required services and must be paid in full at the time of application, along with all other required information and documents before the application to be deemed complete. Filing fees shall not be refundable or reimbursable except as provided in Section 17.50.270 of this Code.

B. Technical Plan Check and Inspection Fees. The City Commission shall establish by resolution a plan check and inspection fee. This fee shall be paid to cover the City's costs of reviewing plans and inspecting public improvements.

C. Other Fees. The fees required by this Chapter are in addition to any fees charged by any other department of the City and any other governmental entity with regulatory jurisdiction.

16.04.050 Variances. The dimensional requirements for lots and public improvements created through the various methods provided for under this Title are specified in the Municipal Code sections corresponding to the underlying zoning and in the regulations pertaining to any other special site constraints, e.g., unstable slopes under Chapter 17.44 and water resources under Chapter 17.49. Any variation from these dimensional requirements must be specifically requested through an application for a variance pursuant to the Type III process provided in Chapter 17.50 and reviewed according to the approval standards for variances in Chapter 17.60. Ideally, applicants will specifically request all necessary variances as part of a consolidated application. However, if the applicant requests a variance after the commencement of the approval process for a land division under this Title, the applicant shall have the option of having the variance and land division consolidated and subject to a Type III process or allowing the applications to proceed separately under their respective procedures. If the applicant opts to consolidate the applications, the applicant shall waive the requirements of the 120-day rule under 17.50.060.

16.04.060 Conditions of land division approval. The decision-maker may impose reasonable conditions of approval on any approval granted under this Title to ensure that the application meets, or will meet, any application approval standard.

16.04.070 Restrictions on sale of lots until process is complete. A. No person shall negotiate to sell any lot in a subdivision until a preliminary plat has been approved pursuant to this Title.

B. No person shall complete the sale of any lot in any subdivision until the final subdivision plat for the development has been approved under this Title and properly recorded with the County.

C. Parcels subject to the partition process under this Title may be advertised, and sales negotiated, prior to preliminary partition plat approval; however, no sale of any such lot may be completed until the City has granted final partition approval under this Title and the plat is properly recorded with the County.

16.04.080 Duration of approval and extensions. A. Any approval granted under this Title shall be valid for 12 months following the date of the City's final decision of approval. If the applicant has not vested its right to develop under an approval granted pursuant to this Title within this 12-month period, the approval shall automatically expire and be void without any further action by the City. To vest its right to develop pursuant to any approval granted under this Title, the applicant must obtain any final plat approval required by this Title and record the plat with the County.

B. Extensions. Any approval granted pursuant to this Title may be extended beyond the 12-month period provided in subsection A. To extend an approval, the applicant must request an extension by applying to the Planning Manager prior to the expiration of the 12-month period. The Planning Manager may extend the expiration period for a maximum of two 6-month periods upon the applicant's showing good cause as to why the land division process has not been completed within the 12-month period that is otherwise required.

16.04.090 Severability. If any part of this title is for any reason held invalid or unconstitutional by a court of competent jurisdiction, that part shall be deemed separate from the balance of the Title and the invalidation of any part of this Title shall not affect the validity or enforceability of any of the Title's remaining portions.

16.04.100 Nuisance--violations and penalties. Any act, omission or use of property in violation of the requirements of this Title shall constitute a nuisance and a civil infraction subject to the enforcement provisions of Chapters 1.16 and 1.20.

Chapter 16.08

SUBDIVISIONS--PROCESS AND STANDARDS

Sections:

16.08.010	Purpose and general provisions.
16.08.020	Preapplication conference required.
16.08.030	Preliminary subdivision plat application.
16.08.040	Preliminary subdivision plat--required plans.
16.08.050	Preliminary subdivision plat--narrative statement.
16.08.060	Notice and invitation to comment.
16.08.070	Preliminary subdivision plat--approval standards and decision.
16.08.080	Appeals
16.08.090	Final subdivision plat--application requirements and approval standards.
16.08.100	Filing and recording of final subdivision plat.
16.08.110	Post-approval modifications to approved plat.

16.08.010 Purpose and general provisions. A. Applicability. This Chapter controls the process and approval standards applicable to subdivisions and partitions that involve the creation of an accessway. These applications shall generally follow a type II process. However, if an applicant opts to process either application as an expedited 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. If an applicant proposes a subdivision as a Planned Unit Development, the City shall follow the process set forth in Chapter 17.64.

B. Purpose. The purpose of this Chapter is to provide a speedy review and decision making process, applying relatively clear and objective criteria with little discretion, but with little opportunity to deviate from the City's dimensional standards. For example, any deviation from the dimensional standards that apply requires a variance and a more elaborate decision making process that involves a mandatory hearing. Also, subdivision applications are not eligible for any density transfer or credit for undevelopable portions of the property, such as for wetlands or unbuildable steep slopes. If an applicant wishes greater flexibility in lotting pattern or lay-out, or relief from dimensional or public improvement standards the appropriate procedure would be a planned unit development under Chapter 17.64 or an additional application for a variance(s) under Chapter 17.60.

C. Process overview. The subdivision 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 lay-out, 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 is a formal reproduction of the approved preliminary plat, including all conditions imposed by the decision-maker, submitted in recordable form. So long as the final plat does not deviate from the product approved in the preliminary plat, the City's review of the final plat shall be conducted through a Type I process. If the final plat deviates from the approved preliminary plat, the final plat review shall be processed in the same manner as was the preliminary plat.

16.08.020 Preapplication conference required. Before the City will accept a subdivision application, the applicant must schedule and attend a preapplication conference in accordance with Section 17.50.040. At a minimum, an applicant should bring to the preapplication conference a tax map of the subject tax lot(s) and surrounding tax lots, scale drawings of the proposed subdivision lotting pattern, streets, utilities and important site features and improvements, and a topographic map of the property.

16.08.030 Preliminary subdivision plat application. At any time following a preapplication conference, an applicant may apply for Preliminary Subdivision Plat approval. The applicant's submission must provide a complete description of existing conditions, the proposed subdivision and an explanation of how the application meets all applicable approval standards. The following sections describe the specific submission requirements for a Preliminary Subdivision Plat, which include plan drawings, a narrative statement and certain tabular information.

Once the application is deemed to be complete, the Planning Manager shall provide notice of the application and an invitation to comment for 14 days to surrounding property owners in accordance with 17.50.090(A). At the conclusion of the 14-day comment period, the Planning Manager will evaluate the application, taking into consideration all relevant, timely filed comments, and render a written decision in accordance with 17.50.130. The Planning Manager's decision is the City's final decision and may be appealed to the City Commission with notification to the Planning Commission.

16.08.040 Preliminary subdivision plat--required plans. The Preliminary Subdivision Plat shall specifically and clearly show the following features and information on the maps, drawings, application form or attachments, unless the Director determines that any of the following are not necessary for a particular development proposal. All maps and site drawings shall be at a minimum scale of one inch to 50 feet.

A. Site Plan. A detailed site development plan showing the location and dimensions of lots, streets, pedestrian ways, transit stops, common areas, building envelopes and setbacks, all existing and proposed utilities and improvements including sanitary sewer, storm water and water facilities, and an indication of existing and proposed land uses for the site.

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.

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 250 feet of the property's boundary. The map shall also illustrate the topography and grade of the site before and after development. Illustrated features must include the approximate grades and radius of curves of all proposed streets and cul-de-sacs, the location and estimated volume of all cuts and fills, and all storm water management features. This plan shall identify the location of drainage patterns and courses on the site and within 250 feet of the property boundaries, where possible. Features that must 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 with a diameter 6 inches or greater measured 4 feet from the ground;
4. All jurisdictional wetlands shown in a delineation according to the Corps of Engineers Wetlands Delineation Manual, January 1987 edition, and approved by the Division of State Lands and wetlands identified by the Oregon City Comprehensive Plan.
5. All known geologic hazards, landslides or faults and, areas with a water table within one (1) foot of the surface;
6. The location of any known state or federal threatened or endangered species;
7. All historic areas or cultural features acknowledged as such on any federal, state or city inventory; and,
8. All wildlife habitat or other natural features listed on any of the City's official inventories.

D. Erosion Control Plan: The applicant shall submit an erosion control plan illustrating the measures that will be implemented throughout construction of the subdivision to control erosion and sedimentation, unless waived by the Engineering Manager. This plan must be consistent with all applicable erosion control requirements in Chapter 17.47.

16.08.050 Preliminary subdivision 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. **Subdivision Description:** A detailed description of the proposed development, including a description of any phasing, 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. For each such variance, a separate application will be required pursuant to Chapter 17.60, Variances.

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 Storm Water Drainage
4. Parks and Recreation
5. Traffic and Transportation
6. Schools

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. **Approval Criteria and Justification for Variances:** The applicant shall explain how the proposed subdivision is consistent with the standards set forth in Chapter 16.12 and any other applicable approval standard identified by City staff. For each instance where the applicant proposes a variance from some applicable dimensional or other numeric requirement, the applicant shall address the approval criteria from Chapter 17.60 in a separate application for each such variance. Variance applications shall be processed under the Type III process provided for in Chapter 17.50.

D. **Geologic Hazards:** For property subject to Chapter 17.44, the applicant shall submit a report prepared by a qualified professional engineer, certified in geology or geotechnical engineering, describing how construction of the proposed subdivision is feasible and meets the applicable requirements of Chapter 17.44.

E. **Water Resources:** For property subject to Chapter 17.49, the applicant shall submit a report prepared by a qualified professional describing the location and quality of any water resource subject to regulation under Chapter 17.49. This report shall also explain in detail how the proposed subdivision is feasible and meets the applicable requirements of Chapter 17.49.

F. **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 subdivision.**

G. **A description of any proposed phasing, including for each phase the time, acreage, number of residential units, amount of area for non-residential use, open space, development of utilities and public facilities.**

H. **Overall density of the subdivision and the density by dwelling type for each.**

16.08.060 Notice and invitation to comment. Upon the City's determination that an application for a preliminary subdivision plat is complete, pursuant to Section 17.50.060, the City shall provide notice of the application in accordance with requirements of Sections 17.50.080 and .090 applicable to Type II decisions.

16.08.070 Preliminary subdivision plat--approval standards and decision. The minimum approval standards that must be met by all preliminary subdivision plats are set forth in Chapter 16.12, and in the dimensional and use requirements set forth in the chapter of this Code that corresponds to the underlying zone. The Planning Manager shall evaluate the application to determine that the proposal does or can through the imposition of conditions of approval, meet these approval standards. The Planning Manager's decision shall be issued in accordance with the requirements of Section 17.50.130.

16.08.080 Appeals. Any appeal of the Planning Manager decision on a Preliminary Subdivision Plat shall be filed according to the requirements of Section 17.50.180 applicable to Type II decisions. Any deviation from these requirements shall be a jurisdictional defect and result in the City's rejection of any improperly filed appeal.

16.08.090 Final subdivision plat--application requirements and approval standards. The applicant must apply for Final Subdivision Plat approval within 12 months following approval of a Preliminary Subdivision Plat. The Final Subdivision Plat is processed as a Type I decision by the Planning Manager so long as the Final Subdivision Plat does not deviate from the approved Preliminary Subdivision Plat as conditioned by the decision-maker.

A. If the Planning Manager determines that the Final Subdivision Plat submitted by the applicant deviates from the approved Preliminary Subdivision Plat, the modified subdivision shall be subject to the same Type II process and review standards as were applicable to the Preliminary Subdivision Plat. However, 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. The decision-maker's original approval of all other aspects of the subdivision may be relied upon as a conclusive determination of compliance with the applicable standards.

B. The Planning Manager shall approve a Final Subdivision Plat that is consistent with the approved Preliminary Subdivision Plat, including any conditions attached thereto and required permits for access to facilities owned by another jurisdiction.

16.08.100 Filing and recording of final subdivision plat. Following approval of the Final Subdivision Plat, the applicant 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.

16.08.110 Post-approval modifications to approved plat. All modifications to a subdivision that has received Final Plat approval shall be applied for and processed in the same manner as was the original Preliminary Subdivision Plat and subject to the same approval standards. 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.

Chapter 16.12

MINIMUM IMPROVEMENTS AND DESIGN STANDARDS FOR LAND DIVISIONS

Sections:

- 16.12.010 Purpose and general provisions.
- 16.12.020 Street design--generally.
- 16.12.030 Street design--minimum right-of-way.
- 16.12.040 Street design--reserve strips.
- 16.12.050 Street design--alignment

- 16.12.060 Street design--constrained local streets and/or rights of way.
- 16.12.070 Street design--intersection angles.
- 16.12.080 Street design--additional right-of-way.
- 16.12.090 Street design--half street.
- 16.12.100 Street design--cul-de-sac.
- 16.12.110 Street design--private street.
- 16.12.120 Street design--street names.
- 16.12.130 Street design--grades and curves.
- 16.12.140 Street design--access control.
- 16.12.150 Street design--pedestrian and bicycle safety.
- 16.12.160 Street design--alleys.
- 16.12.170 Street design--transit.
- 16.12.180 Street design--planter strips.
- 16.12.190 Blocks--generally.
- 16.12.200 Blocks--length.
- 16.12.210 Blocks--width.
- 16.12.220 Blocks--pedestrian and bicycle access.
- 16.12.230 Building sites.
- 16.12.240 Building site--frontage width requirement.
- 16.12.250 Building site--through lots.
- 16.12.260 Building site--lot and parcel side lines.
- 16.12.270 Building site--solar access.
- 16.12.280 Building site--grading.
- 16.12.290 Building site--setbacks and building location.
- 16.12.300 Building site--division of lots.
- 16.12.310 Building site--protection of trees.
- 16.12.320 Easements.
- 16.12.330 Water resources.
- 16.12.340 Minimum improvements--procedures.
- 16.12.350 Minimum improvements--public facilities and services.
- 16.12.360 Minimum improvements--road standards and requirements.
- 16.12.370 Minimum improvements--timing requirements.

16.12.010 Purpose and general provisions. All land divisions shall be in conformance with the policies and design standards established by this Chapter and with applicable standards in the City's Public Facility Master Plan and City design standards and specifications. In reviewing applications for land division, the decision-maker shall take into consideration any approved land divisions and the remaining development potential of adjacent properties. All street, water, sanitary sewer, storm drainage and utility plans association with any land division must be reviewed and approved by the city engineer prior to construction. All streets, driveways or storm drainage connections to another jurisdiction's facility or right-of-way must be reviewed by the appropriate jurisdiction as a condition of the preliminary plat and when required by law or intergovernmental agreement shall be approved by the appropriate jurisdiction.

16.12.020 Street design--generally. The location, width and grade of street shall be considered in relation to: existing and planned streets, topographical conditions, public convenience and safety for all modes of travel, existing and identified future transit routes and pedestrian/bicycle accessways, and the proposed use of land to be served by the streets. The street system shall assure an adequate traffic circulation system with intersection angles, grades, tangents and curves appropriate for the traffic to be carried considering the terrain. To the extent possible, proposed streets shall connect to all existing or approved stub streets that abut the development site. Where location is not shown in the development plan, the arrangement of streets shall either:

A. Provide for the continuation or appropriate projection of existing principal streets in the surrounding area and on adjacent parcels or conform to a plan for the area approved or adopted by the City to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical

B. Where necessary to give access to or permit a satisfactory future development of adjoining land, streets shall be extended to the boundary of the land division and the resulting dead-end street (stub) may be approved with a temporary turnaround as approved by the city engineer. Reserve strips shall be required to preserve the objectives of street extensions.

16.12.030 Street design--minimum right-of-way. A. Unless otherwise required by the decision-maker, all accessways shall comply with the following standards:

Table 1

Type of Street	Minimum Right-of-Way Width	Required Pavement Width
Major Arterial	80 to 100 feet	58 to 74 feet
Minor Arterial	60 to 80 feet	34 to 66 feet
Collector Street	60 to 70 feet	34 to 50 feet
Local Street	40 to 50 feet	32 to 34 feet
Alley	20 feet	16 feet
Private Street	none	20 feet

B. Specific right-of-way and pavement widths shall be determined by the decision-maker based upon the city engineer's recommendation. New primary structures on an accessway with a pavement width of less than 32 feet shall be required to install sprinklers and/or fire suppression devices, as determined by the Fire Chief.

C. The decision-maker may require or allow a constrained standard for a proposed local street in order to accommodate some site condition or achieve a particular design objective, which ordinarily shall not be built on a right of way narrower than 30 feet and shall comply with the following criteria:

1. Applies only to lands with Comprehensive Plan land use designation of Low Density Residential (5,000 square foot minimum); and
2. Satisfies Section 16.20.060.

D. The City may require an increase in fire suppression devices when access constraints exist.

E. The decision maker may allow the creation of private streets designed and built to AASHTO standards specified by the city engineer and maintained by the applicant or a home owner's association. Where private streets are proposed, the applicant shall submit for city review the proposed covenants, conditions and restrictions that create and organize the home owners association. The design and construction standards specified for the private street shall meet applicable fire and life safety emergency access standards.

16.12.040 Street design--reserve strips. The decision-maker shall require the dedication of reserve strips to prevent access to streets when recommended by the city engineer to protect public safety and welfare. When so required, the applicant shall deed a one (1) foot reserve strip to the public for street or public purposes.

16.12.050 Street design--alignment. As far as is practicable, streets other than local or constrained streets shall be aligned with existing streets by continuation of the centerlines. For local streets, staggered street alignment resulting in "T" intersections shall, wherever practicable, leave a minimum distance of 200 feet between the center lines of streets having approximately the same direction and, in no case, shall be less than 100 feet. The minimum distance between streets intersecting a collector or arterial shall be 500 feet between centerlines, unless the decision-maker finds that a lesser distance will not pose a safety hazard.

16.12.060 Street design--constrained local streets and/or rights-of-way. Any accessway with a pavement width of less than 32 feet shall require the approval of the City Engineer, Planning Manager and Fire Chief and shall meet minimum life safety requirements, which may include fire sprinklers. The standard width for constrained streets is 20 feet of paving with no on-street parking and 28 feet with on-street parking on one side only. Constrained local streets shall maintain a 20-foot wide unobstructed accessway. Constrained local streets and/or right-of-way shall comply with necessary slope easements, sidewalk easements and altered curve radius, as approved by the City Engineer and Planning Manager.

Table 2

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

16.12.070 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. However, in no case shall the acute angles be less than 80 degrees unless there is a special intersection design. An arterial or collector street intersecting with another street shall have at least 100 feet of tangent adjacent to the intersection unless topography requires a lesser distance. Other streets, except alleys, shall have at least 50 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 25 feet for local streets. Larger radii shall be required for higher street classifications as determined by the city engineer. Additional right-of-way shall be required to accommodate curb returns and sidewalks at intersections. Ordinarily, intersections should not have more than two streets at any one point.

16.12.080 Street design--additional right-of-way. During consideration of the preliminary plan for a subdivision or partition, the decision-maker shall determine whether existing streets adjacent to or within the land division meet the City's applicable planned minimum design or dimensional requirements. Where such streets fail to meet these requirements, the decision-maker shall require dedication of additional right-of-way sufficient to achieve conformance with minimum applicable design standards, and that dedication shall be shown on the final plat. Where streets abutting a proposed development do not meet City design or dimensional standards, the decision-maker shall require the applicant to make improvements and provide right of way required to bring those streets up to the City's minimum planned design standards required to serve the applicant's proposed development.

16.12.090 Street design--half street. Half streets, while generally not acceptable, may be approved where essential to the reasonable development of the land division, when it is in conformance with all other applicable requirements, and where it will not create a safety hazard. When approving half streets, the decision-maker must first determine that it will be practical to require the dedication of the other half of the street when the adjoining property is divided or developed. Where the decision-maker approves a half street, the applicant must construct an additional 10 feet of pavement width so as to make the half street safe and usable until such time as the other half is constructed. Whenever a half street is adjacent to property capable of being divided or developed, the other half of the street shall be provided and improved when that adjacent property divides or develops. Reserve strips may be required to preserve the objectives of half streets.

16.12.100 Street design--cul-de-sac. 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; some significant physical constraint such as unstable soils, wetland, natural or historic resource areas, or dedicated open space, existing development patterns, or arterial access restrictions. When permitted, cul-de-sacs shall have a maximum length of 350 feet and include pedestrian/bicycle accessways as provided in Section 16.12.220 of this Code and Chapter 12.24. This Section is not intended to preclude the use of curvilinear eyebrow widening of a local street where needed to provide adequate lot coverage.

16.12.110 Street design--private street. The City discourages the use of private streets and permanent dead-end private streets except where construction of a through street is found by the decision-maker to be impracticable due to topography; some significant physical constraint such as unstable soils, wetlands, natural or historic resource areas, or dedicated open space, existing development patterns, or arterial access restrictions. As a minimum, private streets and/or ROW shall comply with the following criteria and, if necessary, slope easements and altered curve radius may be required by the Engineering Manager:

1. Maximum length of 200 feet. An exception to this may only be permitted if emergency vehicular access and supportive facilities are provided and the application is recommended by the Engineering Manager;
2. Applies only to Planned Unit Developments;
3. Facilities are constructed to City standards;
4. Sidewalk located on one side of the street and may include rolled curbs;
5. Maintenance Agreement identifying all owners of the lots in the plat which identifies the maintenance of the private street and mechanism for implementation; and
6. Minimum of 20 feet pavement width.

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

16.12.130 Street design--grades and curves. Grades and center line radii shall conform to the standards in the City's Street Design Standards and Specifications.

16.12.140 Street design--access control. Where a land division abuts or contains an existing or proposed arterial or collector street, the decision-maker may require: access control; screen planting or wall contained in a reserve strip 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 land division(s) abut and connect for vehicular access to another jurisdiction's facility then authorization by that jurisdiction may be required.

16.12.150 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 non-local automobile traffic.

16.12.160 Street design--alleys. Alleys shall be provided in commercial, industrial and residential districts, unless other permanent provisions for access to off-street parking and loading facilities are approved by the decision-maker. The corners of alley intersections shall have a radius of not less than 10 feet. Alleys also may be permitted in residential districts.

16.12.170 Street design--transit. Streets shall be designed and laid out in a manner that promotes pedestrian and bicycle circulation. the applicant shall coordinate with Tri-Met where the application impacts transit streets. Pedestrian/bicycle accessways shall be provided as necessary in conformance with the requirements in Section 16.12.220 of this Code and Chapter 12.24 to minimize the travel distance to transit streets and stops and neighborhood activity centers. The decision-maker may require provisions, including easements, for transit facilities along transit streets where a need for bus stops, bus pullouts or other transit facilities within or adjacent to the subdivision has been identified.

16.12.180 Street design--planter strips. Where practicable, all development proposed along local streets shall include planter strips that are four (4) feet in width or larger, located adjacent to the curb. Development proposed along collector or arterial streets may use tree wells located near the curb in lieu of a planter strip, in which case each tree shall have a protected area of at least six (6) feet in diameter to ensure proper root growth. Trees shall be selected and planted in accordance with Section 12.08, Street Trees. Individual abutting lot owners shall be legally responsible for maintaining in a healthy and attractive condition all trees and vegetation in the planter strip. If a homeowners association is created as part of the development, the association may assume the maintenance obligation through a legally binding mechanism, e.g., deed restrictions, maintenance agreement, etc., which shall be reviewed and approved by the City Attorney. Failure to properly maintain trees and vegetation in a planter strip shall be a violation of this Code and enforceable as a civil infraction.

16.12.190 Blocks--generally. 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.

16.12.200 Blocks--length. Block lengths for local streets and collectors shall not exceed 600 feet between through streets, as measured between nearside right-of-way lines. The maximum perimeter of the blocks formed by local streets shall not exceed 1,800 feet between through streets, except where precluded by topography or other physical constraint or by existing development patterns.

16.12.210 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.

16.12.220 Blocks--pedestrian and bicycle access. A. To facilitate the most practicable and direct pedestrian and bicycle connections to adjoining or nearby neighborhood activity centers, public rights-of-way and pedestrian/bicycle accessways which minimizing out-of-direction travel, subdivisions shall include pedestrian/bicycle accessways between discontinuous street right-of-way where the following applies:

- A. Where a new street is not practicable;
- B. Through excessively long blocks at intervals not exceeding 500 feet of frontage;
or
- C. Where the lack of street continuity creates inconvenient or out of direction travel patterns for local pedestrian or bicycle trips.

B. Pedestrian/bicycle accessways shall be provided:

- 1. To provide direct access to nearby neighborhood activity centers, transit streets and other transit facilities;
- 2. Where practicable, to provide direct access to other adjacent developments and to adjacent undeveloped property likely to be subdivided or otherwise developed in the future;
- 3. To provide direct connections from cul-de-sacs and internal private drives to the nearest available street or neighborhood activity center;
- 4. To provide connections from cul-de-sacs or local streets to arterial or connector streets.

C. An exception may be made where the decision-maker determines that construction of a separate accessway is not feasible due to physical or jurisdictional constraints. Such evidence may include but is not limited to:

- 1. That other federal, state or local requirements prevent construction of an accessway;
- 2. That the nature of abutting existing development makes construction of an accessway impracticable;
- 3. That the accessway would cross an area affected by an overlay district in a manner incompatible with the purposes of the overlay district;
- 4. That the accessway would cross topography consisting predominantly of slopes over 25%;
- 5. That the accessway would terminate at the urban growth boundary and extension to another public right-of-way is not part of an adopted plan.

D. Pedestrian/bicycle accessways shall comply with the development standards set out in Section 12.24.040 of this Code, with the ownership, liability and maintenance standards in Section 12.24.060 of this Code, and with such other design standards as the City may adopt.

16.12.230 Building sites. The size, width, shape and orientation of building sites shall be appropriate for the primary use of the land division, and shall be consistent with the residential lot size provisions of the zoning ordinance with the following exceptions:

A. Where property is zoned and planned for commercial or industrial use, the decision-maker may approve other widths in order to carry out the City's Comprehensive Plan. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.

B. Minimum lot sizes contained in Title 17 are not affected by those provided herein.

16.12.240 Building site--frontage width requirement. Each lot in a subdivision shall abut upon a cul-de-sac or street other than an alley for a width of at least 20 feet.

16.12.250 Building site--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. A reserve strip may be required. A planting screen easement may be required to separate residential development from major arterial streets, adjacent nonresidential development, or other incompatible use, where practicable. Where practicable, alleys shall be used for access for lots that have frontage on a collector or minor arterial street, eliminating through lots.

16.12.260 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.

16.12.270 Building site--solar access. The lines of lots and parcels, as far as is practical, shall be oriented to allow structures constructed on the lots or parcels to utilize solar energy by establishing the axis in the east-west direction permitting sunlight access three hours before and after solar noon. The decision-maker may require easements or deed restrictions as necessary to assure solar access.

16.12.280 Building site--grading. Grading of building sites shall conform to the State of Oregon Structural Specialty Code, Chapter 29, Appendix Chapter 70 of the Uniform Building Code, any approved grading plan, the City's residential lot grading criteria policy, and the erosion control requirements of Chapter 17.47.

16.12.290 Building site--setbacks and building location. Lots located on collector or minor arterial streets shall locate the front yard setback on and orient the front of the primary structure to face the collector or minor arterial street. Garage setbacks in residential areas shall be a minimum of 20 feet from the public right-of-way where access is taken, except for alleys. Garages on an alley shall be setback a minimum of five (5) feet in residential areas. Any special building setback lines established in a subdivision or partition shall be shown on the preliminary and final plats or guaranteed through deed restrictions or easements.

16.12.300 Building site--division of lots. Where a tract of land is to be divided into lots or parcels capable of redivision in accordance with this chapter, the decision-maker shall require an arrangement of lots, parcels and streets which facilitates future redivision. In such a case, building setback lines may be required in order to preserve future right-of-way or building sites.

16.12.310 Building site--protection of trees. Site planning, including the siting of structures, roadways and utility easements, shall provide for the protection of tree resources. All trees with a diameter six (6) inches or greater measured four (4) feet from the ground shall be preserved wherever practicable outside the building area. Where the decision-maker determines it is impracticable or unsafe to preserve these trees, the applicant may be allowed to remove the trees so long as they are replaced in accordance with an approved landscape plan that includes new plantings at least two (2) inches in caliper. Where the decision-maker finds this requirement would cause an undue hardship, the requirement may be modified in a manner, which the decision-maker finds will reasonably satisfy the objectives of this section. The decision-maker 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.

16.12.320 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 Engineering Manager. Insofar as practicable, easements shall be continuous and aligned from block-to-block within the land division and with adjoining subdivisions or partitions. Specific utility easements for water, sanitary or storm drainage shall be provided based on approved final engineering plans.

B. Unusual Facilities. Easements for unusual facilities such as high voltage electric transmission lines, drainage channels, and storm water 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.

C. Watercourses. Where a land division is traversed or bounded by a watercourse, drainageway, channel or stream, a storm water 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 land division, 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. All access easements shall also provide for utility placement.

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

16.12.330 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 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. 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. Where erosion control or resource protection facilities or measures are required, such measures shall be installed prior to any grading or other development or site alteration of the property. 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 and sanitary sewers shall be placed to the lot lines.

D. As built construction plans shall be filed with the city engineer upon completion of the improvements.

E. The decision-maker may regulate the hours of construction and access routes for construction equipment to minimize impacts on adjoining residences or neighborhoods.

16.12.350 Minimum improvements--public facilities and services. The following minimum improvements shall be required of all applicants for a land division under Title 16, 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 land division and those portions of public streets adjacent to but only partially within the land division. All applicants shall execute a binding agreement to not remonstrate against the formation of a local improvement district for street improvements that benefit the applicant's property. 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. Catch basins shall be installed and connected to drainage tile leading to storm sewers or 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. **Storm Water Drainage System.** Applicants shall design and install drainage facilities within land divisions and shall connect the development's drainage system to the City's storm drainage system as a minimum requirement for providing services to the applicant's development. All applicants shall execute a binding agreement to not remonstrate against the formation of a local improvement district for storm water drainage improvements that benefit the applicant's property. Applicants are responsible for extending the City's storm drainage system to the development site and for providing for the connection of up-gradient properties to that system. The applicant shall design the drainage facilities in accordance with City Drainage Master Plan requirements and Clackamas County's Erosion/Sedimentation Control Plans Technical Guidance Handbook (1991 edition or as subsequently amended), and shall take into account the capacity and grade necessary to maintain unrestricted flow from areas draining through the

property and to allow extension of the system to serve such areas. The applicant shall be responsible for ensuring that waters draining from the development meet the applicable water quality standards as established by the Oregon Department of Environmental Quality, Clackamas County and Oregon City. The city engineer shall approve final design before construction begins.

C. Sanitary Sewer System. The applicant shall design and install a sanitary sewer system to serve all lots or parcels within a land division and to connect those lots or parcels to the City's sanitary sewer system. All applicants shall execute a binding agreement to not remonstrate against the formation of a local improvement district for sanitary sewer improvements that benefit the applicant's property. Applicants are responsible for extending the City's sanitary sewer system to the development site and through the applicants' property to allow for the future connection of neighboring undeveloped properties that are suitable 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 land division and to connect those lots or parcels to the City's water system. All applicants shall execute a binding agreement to not remonstrate against the formation of a local improvement district for water improvements that benefit the applicant's property. 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. 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 land division. 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 land division 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 land division application. Applicants for partitions may be allowed to meet this requirement by executing a binding agreement to not remonstrate against the formation of a local improvement district for sidewalk improvements that benefit the applicant's property.

F. Bicycle Routes. If appropriate to the extension of a system of bicycle routes, existing or planned, the decision-maker may require the installation of separate bicycle lanes within streets and separate bicycle paths.

G. Street Name Signs and Traffic Control Devices. The applicant shall pay the City and the City installs street name signs at all street intersections. The applicant shall install 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.

H. 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.

I. Street Trees. Refer to Chapter 12.08 - Street Trees.

J. Bench Marks. At least one bench mark shall be located within the subdivision boundaries using datum plane specified by the city engineer.

K. Other. The applicant shall make all necessary arrangements with utility companies or other affected parties for the installation of underground lines and facilities. Electrical lines and other wires, including but not limited to communication, street lighting and cable television, shall be placed underground.

L. 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. 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.

M. Erosion Control Plan--Mitigation. The applicant shall be responsible for complying with all applicable provisions of Chapter 17.47 with regard to erosion control.

16.12.360 Minimum improvements--road standards and requirements. A. Subdivision applicants may propose private streets so long as the design for all accessways are reviewed and approved by the city engineer as being adequate for fire and life safety access and so long as the applicant provides a legally binding means for the repair and maintenance of all private streets proposed.

B. The creation of a public street and the resultant separate land parcels shall be in conformance with requirements for subdivisions or partitions. 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.

C. For any public street created pursuant to this subsection, a copy of a preliminary plan and the proposed deed shall be submitted to the Planning Manager and City Engineer at least 10 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.

16.12.370 Minimum improvements--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. Which ever option the applicant elects shall be in accordance with this section.

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 must be complete and accepted by the city engineer prior to final plat approval.

C. Financial Guarantee. The applicant shall provide the City with a financial guarantee in a form acceptable to the City Attorney and equal to 110% of the cost of constructing the public improvements. Possible forms of guarantee include an irrevocable or standby letter of credit, guaranteed construction loan set-aside, reserve account, or performance bond, but the form of guarantee shall be specified by the city engineer and, prior to execution and acceptance by the City, must be reviewed and approved by the City Attorney. The amount of the guarantee shall be based upon approved final engineering plans, equal to at least 110% of the estimated cost of construction, and shall be supported by a verified engineering estimate and approved by the city engineer.

Chapter 16.16

PARTITIONS--PROCESS AND STANDARDS

Sections:

- 16.16.010 Purpose and general provisions.
- 16.16.020 Preapplication conference required.
- 16.16.030 Partition application submission requirements.
- 16.16.040 Frontage width requirement.
- 16.16.050 Accessway requirements.
- 16.16.060 Pavement requirements.
- 16.16.070 Partition approval standards.
- 16.16.080 Final recordable partition plat.
- 16.16.090 Final partition plat requirements.

16.16.010 Purpose and general provisions. A. Partitions shall be processed as a Type I decision by the Planning Manager under the applicable provisions in Chapter 17.50. Approval shall be granted only upon determination by the Planning Manager that all applicable requirements of this Title and ORS Chapter 92 have been met.

B. If a parcel of land to be partitioned will create lots large enough to be divided again, the Planning Manager may require the applicant to supply a hypothetical non-binding plan or "shadow plat" depicting possible future development of the resulting lots.

16.16.020 Preapplication conference required. Before the City will accept an application for a partition, the applicant must attend a preapplication conference under Section 17.50.040.

16.16.030 Partition application submission requirements. A partition application shall include five (5) copies of the proposed partition to the Planning Manager on a reproducible material, drawn at a minimum scale of one inch equals 100 feet with the following information:

- A. A completed application on a form as provided by the Planning Division;
- B. A boundary survey prepared by an Oregon Professional Land Surveyor;
- C. Legal descriptions of the parent parcel(s) and the resulting parcels to be created;
- D. Copies of proposed deeds for the parcels to be created;
- E. A receipt from the County Assessor's office indicating that all taxes for the lot or parcels involved are paid in full for the preceding tax year;
- F. The name and address of the owner and the land surveyor or engineer, if any;
- G. County tax assessment map number(s) of the land to be partitioned;
- H. The map scale and true north point;
- I. Approximate courses and distances of all parts of the partition;

- J. Around the periphery of the proposed partition, the boundary lines and names of adjacent partitions and subdivisions, streets and tract lines of adjacent parcels of property;
- K. The location, width and manes of all existing or platted streets other public ways and easements within the proposed partition, and other important features, such as the general outline and location of permanent buildings, pedestrian/bicycle accessways, water courses, power lines, telephone lines, railroad lines, gas line, water lines, municipal boundaries and section lines;
- L. All areas designated as being within the floodplain overlay district regulated under Chapter 17.42;
- M. All areas identified as unstable slopes and regulated under Chapter 17.44; and,
- N. All areas or features designated and regulated under the water resources overlay district in Chapter 17.49.

16.16.040 Frontage width requirement. Unless a joint accessway is provided pursuant to Section 16.12.060(B), all parcels of land that are created by a partition in a one-family or two-family zoning district shall have a minimum of 20 feet of frontage on an existing public, county, state or federal road or street. For parcels of land created by a partition in all zoning districts, the parcels shall have a minimum of 30 feet of frontage on an existing public, county, state or federal road or street.

16.16.050 Accessway requirements. A. Flag lots may be permitted only where the configuration of topography of the property would otherwise preclude the partitioning and development of the property. The width of the accessway for flag lots shall be equal to or greater than the width of the street frontage.

B. Accessways shall have a pavement width of at least 10 feet. No private accessway may serve more than five (5) single-family homes.

C. A minimum 12-foot wide fire access corridor shall be provided to all parcels created through the partitioning process. No vehicular obstruction, including trees, fences, landscaping, and structures shall be located within the fire access corridor.

16.16.060 Pavement requirements. Accessways for lots created through the partitioning process shall have a pavement width of at least 10 feet. No paved accessway shall be required to exceed 28 feet in width. If the proposed accessway exceeds 150 feet in length, it shall be paved to a minimum width of 20 feet and, if more than two residences are served, a turnaround for emergency vehicles shall be provided. The turnaround shall be approved by the city engineer and fire chief.

16.16.070 Partition approval standards. All parcels created by partition shall conform to the requirements of this Title, ORS 92.010 to ORS 92.160, and any other applicable City or state law. The applicant shall submit a written statement addressing conformity with these standards. The Planning Manager shall determine if the applicant's submission complies with these standards, and issue to the applicant a notice of decision consistent with Section 17.50.120. The Planning Manager decision shall be the City's final decision and shall be appealable directly to the Land Use Board of Appeals as a limited land use decision pursuant to applicable state law.

16.16.080 Final recordable partition plat. If the Planning Manager approves the applicant's partition, the applicant shall prepare a final partition plat that meets all applicable requirements and conditions of the Planning Manager decision, and the applicable requirements of ORS Chapter 92. The applicant shall then submit the final plat for signature by the appropriate city official prior to recording with the County,

16.16.090 Final partition plat requirements. The Planning Manager shall review the final partition plat for conformance with any conditions, required permits for access to facilities owned by another jurisdiction, and the applicable requirements of ORS Chapter 92. The final partition plat shall contain, or be accompanied by, the following information:

- A. The City planning file number, located just below the title block.
- B. A tie to the City's GPS Geodetic Control Network. This shall include (1) ties to at least two control monuments showing measured distance and bearing between the two control monuments tied and record distance and bearing, (2) state plane coordinates for control points ties; and (3) scale factor to convert ground measured distances to grid distances. Based on the tie to the City's GPS Geodetic Control Network, a state plan coordinate shall be shown on the initial point. The bearings for the plat shall be based on the City's GPS Geodetic Control Network.
- C. 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.
- D. The length and bearings of all straight lines, curves, radii, arcs and semi-tangents of all curves. Data may be shown on a separate table on the same plat sheet.
- E. All dimensions along the lines of each lot in feet and decimals of a foot to the nearest hundredth, with the true bearings, and any other data necessary for the location of any lot line in the field.
- F. Suitable, primary control points or monuments approved by the city engineer and descriptions and ties to such control points, to which all dimensions, angles, bearings, and similar data given on the plat map shall be referred.
- G. Street centerline control based on recorded City control surveys for street centerlines, if applicable.
- H. The locations of all permanent monuments.
- I. The names or official reference numbers of all recorded subdivision or partition plats immediately adjacent to the land division.
- J. The date, true north point and scale.
- K. The boundary of the divided tract, with the bearings, course and distances marked thereon, based on a survey made by a professional land surveyor registered in the State of Oregon, and to close with an error of not more than one foot in 4,000 feet.
- L. Building envelopes indicating compliance with setbacks. This shall be shown on a separate copy of the final plat.
- M. 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.

N. The following declaration shall appear on the face of the final plat:

"Know all people by these presents that _____, owner(s) of the land depicted hereon, does (do) hereby make, establish and declare the attached plat of " _____" as described in the accompanying surveyor's certificate, to be a true and correct map and plat thereof. All lots and tracts are of the dimensions shown hereon and all streets and public rights of way are the dimensions shown hereon. I (we) do hereby dedicate to the use of the public as public ways forever, all streets, reserve strips and easements as shown or stated on said map, ("and hereby grant Tracts " _____" to the City of Oregon City for the uses indicated and that the public is hereby granted the right to maintain or replace utilities in these easements and will not be in any way responsible for replacing the landscaping, fencing or other structures, shrubs or trees that may exist or be placed in these easements. The City is required to give adequate notice before such activities are commenced and shall limit activities to those necessary to achieve the purpose of maintaining utilities, and does further state that _____.")

O. The description in the surveyor's certification of the land divided shall be a metes and bounds description.

P. The location of reserve strips. Tracts granted to the City as reserve strips shall be automatically dedicated to the public as public ways forever upon dedication of the future street extensions.

Chapter 16.20

PROPERTY LINE ADJUSTMENTS AND ABANDONMENT - PROCESS AND STANDARDS

Sections:

- 16.20.010 Purpose and general provisions.
- 16.20.020 Adjustment/abandonment submission requirements.
- 16.20.030 Contents of property line adjustment deed.
- 16.20.040 Adjustment/abandonment approval standards.

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

16.20.020 Adjustment/abandonment submission requirements. An application for a lot line adjustment or abandonment shall include two copies of the following documents submitted to the Planning Manager:

A. A completed application, on a form as provided by the planning division;

B. A boundary survey prepared by an Oregon professional land surveyor in accordance with ORS 92.060(7) except where the application proposes the relocation of a currently monumented common boundary of a lot in a subdivision or a parcel in a partition when the adjusted property line is a distance of even width along the common boundary. The survey shall include in its title the following: "Proposed Property Line Adjustment Survey", shall identify the City planning file number and approval date immediately below the title block with space for signature and date by the Planning Manager.

C. Legal descriptions of the parent parcels to be adjusted and the resulting parcels to be created;

D. The proposed property line adjustment deed as provided in Section 16.24.040;

E. A receipt from the County Assessor's office indicating that all taxes for the lot or parcels involved are paid in full for the preceding tax year.

16.20.030 Contents of property line adjustment deed. A. In accordance with ORS 92.190(4), the proposed property line adjustment deed shall contain the names of the grantors and grantees, the legal description of the tract of land to be conveyed to create the adjusted line, references to the original recorded documents, and the signatures of all grantors and grantees, with property acknowledgments.

B. The property line adjustment deed shall identify the City planning file number and shall contain a statement declaring that the purpose of the deed is for a property line adjustment. Reference to the affected properties by map and tax lot shall be in addition to reference by legal description.

16.20.040 Adjustment/abandonment approval standards. All parcels created through a lot line adjustment or abandonments shall conform to the applicable requirements of this Title, ORS 92.010 to ORS 92.160, and any other applicable City or state law. The Planning Manager shall determine if the applicant's submission complies with these standards, and issue to the applicant a notice of decision consistent with Section 17.50.120. The Planning Manager decision is final and not appealable to any other decision-maker within the City. The applicant shall record the new property descriptions within six (6) months of the Planning Manager's approval, after which the decision shall be null and void.

Read first time at a regular meeting of the City Commission held on the 3rd day of June, 1998, and the foregoing ordinance was finally enacted by the City Commission this 3rd day of June, 1998.

JEAN K. ELLIOTT, City Recorder

ATTESTED to this 3rd day of June, 1998.

DANIEL W. FOWLER, Mayor

ORDINANCE NO. 98-1007

Effective Date: ~~July 3, 1998~~



CITY OF OREGON CITY

INCORPORATED 1844

COMMISSION REPORT

TO THE HONORABLE MAYOR AND COMMISSIONERS

FOR AGENDA

DATED

April 15, 1998

Page 1 of 5

Subject:

Zone Change Approval (ZC97-12)
 Repealing Title 16 - Subdivisions of the Oregon Municipal Code, 1991,
 and enacting a new Title 16 - Land Divisions

Report No. 98-53

PUBLIC HEARING

If Approved, Proposed Ordinance No. 98-1007

March
 At its 18, 1998 meeting, the City Commission conducted a public hearing and received public testimony on proposed Ordinance No. 98-1007. After receiving public testimony, the hearing was closed. After closure of the public hearing and after considerable discussion by the City Commission, staff was directed to prepare changes to the ordinance and present it on the April 15, 1998 agenda.

1. **Recommended Approval by the Planning Commission.** Staff has discovered a language discrepancy as identified by Attorney Dan Kearns and has requested clarification of the February 12, 1998, Planning Commission motion on this application. As identified in the enclosed April 7, 1998, memorandum, the motion made by the Planning Commission did not include the language edits proposed by staff on February 12 that included the recommended changes by Dan Kearns in his February 2, 1998 memorandum. In light of the supportive discussion by the Commissioners at the hearing the city staff and attorney present concur that the exclusion of this material was just an oversight by the Planning Commission. At the Planning Commission meeting April 9, 1998, the Planning Commission agreed with the city staff's assessment. They stated that they had intended to include the information recommended in the February 12th staff report but had not included it because they thought it was understood in the motion and it was an oversight. The enclosed ordinance reflects the editing changes as recommended by the February 12, 1998, Planning Commission staff report *and* motion of approval. Editing changes include the following Sections: 16.12.010 - Purpose and general provisions; 16.12.370 - Minimum Improvements - Timing Requirements; 16.12.030 - Street Design - Minimum right-of-way (Table 1); 16.12.030 Subsections D and E; and 16.12.180 - Street Design - Planter Strips.

2. **Through Lots.** The commission raised the issue of double fronted lots, through lots, where the result is a walled street created by back yard fences. The ordinance may be restated as followings:

"16.12.250 Building site - through lots. Through lots and parcels shall be avoided except where they are essential to provide separation of residential development from major arterial or minor arterials collector streets, adjacent nonresidential activities or to overcome specific disadvantages of topography or orientation. A reserve strip may be required and/or a planting screen easement may be required to separate residential development from arterial or collector streets, adjacent nonresidential development or other incompatible use. The shrubbery and fencing/walls within the planting screen easement and along the abutting property line shall not exceed four feet in height unless fronting a Major Arterial, where the height may be higher. Alleys may shall be used for access for through lots that have frontage on a local or collector street."



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Zone Change Approval (ZC97-12)
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and enacting a new Title 16 - Land Divisions

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3. **Street Trees.** The issue was raised that the street trees should be spaced based on the variety of tree used. In addition, the installation of street trees was proposed to be done by a licensed landscaper contracted by the City with the cost paid through an account by the developer to benefit the City. The direction was not clear on the latter issue. The ordinance may be restated as follows:

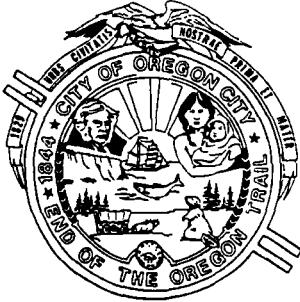
"16.12.350(I). Street Trees. The applicant shall plant street trees along every 20 feet along all Local street and accessway frontages and every 30 feet along all Collector and Arterial street and accessway frontages where the optimum spacing of the trees will allow their canopies to touch. The maximum distance between street trees shall be 40 feet, subject to vision clearance standards."

4. **Automatic Fire Sprinklers.** The Fire Department stated that they would prefer to have all structures on any accessway less than 32 feet of pavement width be required to have automatic fire sprinklers. Issues were raised on the legality of requiring sprinklers for structures in excess of the Oregon Uniform Building Code (OUBC). In addition, the issue was raised that if a subdivision occurred on an existing street that has less than 32 feet of pavement then the existing structures in the partition or subdivision would be required to be retrofitted with sprinkler systems.

City Attorney Dan Kearns stated to me in drafting this report that he was still researching the imposition of sprinklers. However, he believed that the City could exceed the OUBC if they so desired. Staff finds further complications may occur if the code requires the absolute "shall" in requiring "sprinkler systems", including: precluding the option of using other fire suppression devices; forcing existing structures excessive costs to retrofit their structures; and requiring all units to install a one-inch meter box over a typical 3/4 or 5/8 inch.

The ordinance may be restated as follows to impose the use of sprinklers while retaining flexibility in situations as noted above:

"16.12.030(B). Specific right-of-way and pavement widths shall be determined by the decision-maker based upon the city engineer's recommendation, unless the applicant applies for a variance to any of the above-listed dimensions pursuant to chapter 17.60. Any variance application shall be processed according to the city's Type III procedure set forth in chapter 17.50. Any accessway with a pavement width of less than 32 feet shall require fire suppression devices and/or sprinklers in all new structures, as determined by the Fire Chief or their designee."



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Note: The costs for increasing the size of water meters for sprinkler systems is an outstanding issue that may require further action beyond the review of this ordinance.

5. **Street Width.** Several issues were raised on this topic, including: Local Streets change from 28-34 to 32 - 34; Maintenance of 16 foot clearance for emergency vehicles for constrained streets; and the use of Constrained Streets only in Planned Unit Developments, reviewed as a Type III. Concern was raised that if constrained streets could only be used in a Planned Unit Development then the use of this option will be greatly minimized and, possibly, result in reduction of infill by requiring property owners to apply for a Planned Unit Development. In addition, limiting the application to P.U.D.s only may limit constrained streets as a possible application for a variance or conditional use.

The ordinance language may be restated as follows:

"16.12.030 Street Design -- minimum right-of-way
Table 1

Type of Street	Minimum Right-of-Way	Required Pavement Width
Local Street	40 to 50	32 28 to 34 feet
Constrained Local Street (Applies to P.U.D.s only)	30 to 40 feet	24 to 28 feet

"16.12.060 Street design - Constrained Local Streets and/or Rights-of-Way. Constrained Local Streets shall maintain a 16 foot wide permanent accessway. As far as practicable, constrained local streets and/or ROW shall comply with the following criteria and, if necessary, slope easements and altered curve radius may be required."

6. **Asphalt verses Concrete.** Staff was directed to find out the costs associated with the use of asphalt to concrete for streets. Staff contacted Clackamas County's Street Department and spoke with Bill Garriety and Steve Maulby. They shared their experience in promoting the use of concrete streets throughout the county and stated that one-third of their facilities are now concrete. Bill Garriety, the supervisor of the department stated that he loves them, but warned, they had to make the policy that if you



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touch the utility box then you buy it. This reduced a great amount of cost to the county. The comparisons are as follows for a comparable base (Note: they only had accessible data for collector streets).

<u>Material Type</u>	<u>Life Span</u>	<u>Construction Base</u>	<u>Costs</u>
Concrete	50 years	10 inches concrete 6 inches aggregate	\$4.35/ square foot
Asphalt	20 years	5 inches asphalt 18 inches aggregate	\$2.68/ square foot

A one hundred foot section of an asphalt street at 32 feet in width compares to a concrete street at 28 feet in width compare in costs at approximately \$8,576 to \$12, 180, respectively. However; this is only the up-front costs. Over a 50 year time span the maintenance and replacement of a concrete street will be less than half the cost of an asphalt street.

Staff requested that the Fire Department provide a perspective of the size and turning radius of the fire engines and ladder trucks over the past 30 years. Many of the city's constrained streets are thirty years old or older while the fire vehicles have increased significantly in size, (height, width, and turning radius) over the same time period. Deputy Chief Clark Poulton stated that the older trucks fit easily into the historic fire hall bays with 4 to 5 feet of excess room on either side. Now the trucks must fold in their rear view mirrors to fit into the same bay. The fire department recently purchased vehicles called "Quints" which require a turning radius comparable to that of the existing ladder trucks, which a much shallower radius than the current engines require. The size and turning radius of these vehicles now make many of the older structures in the City less accessible and limit the city from using standards that were historically applied in Oregon City..

Staff also was requested to provide street profiles and background data on the research used to support the proposed changes. This material is enclosed and additional material referenced. In addition, staff will provide additional information on the location of existing streets where the pavement width is less than 32 feet and have visual examples of what the proposed street types appear like in profile and, hopefully, photographs.



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It was recommended by the Planning Commission in the attached Ordinance and Findings to approve ZC97-12, repealing Title 16 - Subdivisions of the Oregon Municipal Code, 1991, and replacing it by adopting a new Title 16 - Land Divisions.

Attached for Commission review and consideration are the following documents:

1. Public Notice
2. Proposed Ordinance No. 98-1007 with Exhibit "A", findings;
3. City Commission minutes from March 18, 1998;
4. Planning Commission minutes from January 27, and February 12, 1998;
5. City Commission staff report 98-32 dated March 18, 1998;
6. Findings and Conclusions of the Planning Commission, Staff report dated February 12, 1998;
7. Memorandum to the Mayor, City Commission and Planning Commission from Planning Manager Tamara DeRidder on the motion of approval for Title 16 dated April 9, 1998;
8. Background information: Joint City Commission and Planning Commission Work Session packet on Street Standards, dated November 13, 1997; and Washington County Local Road Standards and results of local Visual Preference Survey (available at City Hall under separate document covers).
9. Letter to the City Commission by Gaffney Lane Neighborhood Association, dated April 1, 1998;
10. Memorandum to the Mayor and City Commission by Clark Poulton, Deputy Fire Chief, dated April 9, 1998.

Staff recommends that the Commission support the recommendation from the Planning Commission by approving this application, ZC97-12, to repeal and replace in its entirety Title 16 and call for the first and second reading for the adoption of Ordinance No. 98-1007 on April 15, 1998.

With adoption of the ordinance on April 15, 1998, the decision will become effective on May 13, 1998.

CHARLES LEESON
City Manager

cc - Rich Carson, Community Development Director
- Tamara DeRidder, Planning Manager
- property owner

ISSUED BY THE CITY MANAGER



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The City Commission and Planning Commission conducted joint workshop sessions on streamlining the procedures for land use permits for the City on December 12, 1996, and May 13, 1997, and November 13, 1997. At that time it was agreed that the city staff should work with the Planning Commission and other agencies to create a process which will reduce the number of land use actions that are currently being reviewed at public hearings. The goal by both bodies has been to create more time for both the Planning Commission and staff to review long range plans and changes to the Comprehensive Plan. The replacement language for Title 16 develops clear and objective language for reviewing subdivisions, reducing this item from a Type III to a Type II review, and Partitions are to meet a yes and no criteria, reducing this item from a Type II to Type I. In addition, the proposed language outlines standards for regular public streets, constrained streets, and private streets.

The Planning Commission conducted a public workshop on December 11, 1997 and held public hearings on January 27 and February 12, 1998, on the matter of Title 16 revisions. At the final hearing, the Planning Commission unanimously voted to recommend approval to the City Commission.

The key changes to Title 16 are summarized as follows:

1. Procedures:
 - A. Subdivisions are reviewed as a Type II, Limited Land Use Decision, requiring notice to property owners and Neighborhood Associations with the final decision by the Planning Manager. Actions are appealable to the Planning Commission
 - B. Partitions and Property Line Adjustments are reviewed as a Type I, Administrative Review, with final decisions by the Planning Manager or her designee. Actions are appealable to the Land Use Board of Appeals.
2. Criteria:
 - A. Subdivisions submittal requirements for Preliminary and Final Plat have been updated to assure complete applications. Clear and objective review criteria are identified.
 - B. Partitions and Property Line Adjustment submittal and review criteria now require no discretion for implementation.
3. Street Standards:
 - A. Public right-of-way and pavement width now mirror language in the Transportation Master Plan.



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- B. Constrained Local Streets rights-of-way and pavement widths are identified and contain requirements for parking and enforcement, emergency access, and sidewalk easements.
- C. Private Street definitions and criteria have been introduced. They can only be used in a Planned Unit Development, which requires review by the Planning Commission as a Type III and is appealable to the City Commission.
- D. Planter strips are introduced as a Street Design with adequate width to accommodate street trees. Maintenance requirements of planter strips and designated landscaping areas are now to be required by the Home Owners Association or other acceptable method.
- 4. Jurisdictional Coordination:
 - A. Language has been introduced to ensure jurisdictional coordination when a development is to access facilities owned by another jurisdiction.

Testimony taken at the Planning Commission hearings raised the following concerns:

1. Fire Department. Fire suppression considerations where width of pavement is less than 32 feet.

Response: The Planning Commission modified the language under Section 16.12.030(B) - Street Design - right-of-way width, identifying that the Fire Chief or designee may require fire suppression devices on any accessway that is less than 32 feet in width.

2. Citizen. Concern that actions by the staff would never have a chance to be heard at a local hearing, even if appealed.

Response: Only Type I actions, which are ministerial and require no discretion, are appealable to an outside review body, Circuit Court. This includes partitions and property line adjustments. All other actions of this title are appealable to either the Planning Commission, as in Subdivisions, or City Commission, as in Planned Unit Developments.

3. Citizen. Fear that public involvement is being brushed aside and that some people are better at responding to issues in a public forum, rather than writing.

Response: Requirements are being established in Chapter 17.50 - Administration and Procedures (next public hearing) requiring applicants to meet with affected neighborhood associations prior to submitting an application. The summary of the neighborhood meeting is required in order to deem an application complete.



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4. Citizen. Concern that \$750 (Appeal cost) was a high price to have an opportunity to be heard at a public hearing.

Response: Chapter 17.50 - Administration and Procedures allows the City Commission the option to waive the cost of an appeal. Neighborhood Associations would be allowed to appeal a decision without cost if the appeal were backed by a vote of the membership.

It was recommended by the Planning Commission in the attached Ordinance and Findings to approve ZC97-12, repealing Title 16 - Subdivisions of the Oregon Municipal Code, 1991, and replacing it by adopting a new Title 16 - Land Divisions.

Attached for Commission review and consideration are the following documents:

1. Public Notice
2. Proposed Ordinance No. 98-1007 with Exhibit "A", findings;
3. Planning Commission minutes from January 27, and February 12, 1998;
4. Findings and Conclusions of the Planning Commission, Staff report dated February 12, 1998;

Staff recommends that the Commission support the recommendation from the Planning Commission by approving this application, ZC97-12, to repeal and replace in its entirety Title 16 and call for the first and second reading for the adoption of Ordinance No. 98-1007 on March 18, 1998.

With adoption of the ordinance on March 18th, 1998, the decision will become effective on April 17, 1998.

CHARLES LEESON
City Manager

cc - Rich Carson, Community Development Director
- Tamara DeRidder, Planning Manager
- property owner



Home Builders Association of Metropolitan Portland

503/684-1880

Fax # 503/684-0588

15555 S.W. Bangy Rd., Suite 301 • Lake Oswego, OR 97035

Item 3.

COPY

August 6, 1998

Mayor Dan Fowler
City of Oregon City
320 Warner Milne Rd.
Oregon City, OR 97045

Dear Mayor Fowler,

The Home Builders Association of Metro Portland continues to have concerns regarding Title 16, which was adopted at the August 5th City Commission meeting. We did not testify at the hearing because we had already expressed our concerns at the previous public hearing, and did not feel that anything would be gained by repetition. I would hope, however, that you do not construe our silence at the August 5th meeting as support for the changes that were made to Title 16.

As we have stated before, one of our main concerns is that the new subdivision application requirements will be extremely difficult and expensive to meet. Smaller in-fill subdivisions, which should be encouraged by the city as an efficient use of land within the urban growth boundary, could become nearly impossible to develop because of the time and costs associated with meeting the city's new requirements. We were pleased that language was added which gives the planning manager and/or city engineer some discretion in waiving requirements when they are deemed to not be necessary, but it is yet to be seen how city staff will implement the new code.

Another part of Title 16 that we question is what the city believes will be gained by requiring applicants to prepare a narrative statement which explains in detail how public facilities will be financed and constructed prior to recording of the final plat. During the previous public hearing, you brought up the point that city staff, and not individual applicants, are the ones who are qualified and responsible for analyzing the need and availability of public services. Requiring individual applicants to perform the same research and analysis seems to be redundant and an unnecessary burden on applicants. Further, an individual applicant has no way to answer the questions because he or she has no control over financing issues other than the required sdc fees that are paid. How can an applicant state how a school or a fire station will be built prior to the recording of his or her plat? I sensed that the commission thinks that requiring a narrative statement will be a way to spark communication between the applicant and the city. This, however, is already accomplished through the pre-application conference, where issues like these can be brought up if necessary.

Lastly, we object to the language which allows the fire chief to require fire suppression devices on streets with less than 32 ft of paved width. It is yet to be seen how the fire Chief will implement this new power, but, regardless, we believe the requirement to be unenforceable without an exception from the State.

At this point, we will be happy to wait and see how the new code will be implemented. Please be assured, however, that we will be keeping a close eye on how applications are processed to make sure that our members are able to build homes in Oregon City without unnecessary burdens. Hopefully, with common-sense implementation and good communication, our concerns will be assuaged.

Best Regards,

Kevin C. Wing
Director of Local Government Affairs

Cc: City Commissioners, Rich Carson, Tamara DeRidder, Oregon City HBA members

ORDINANCE NO. 01-1010

AN ORDINANCE DELETING TITLE 12: STREETS, SIDEWALKS AND PUBLIC PLACES, OF THE OREGON CITY MUNICIPAL CODE OF 1991; CHAPTER 12.08, STREET TREES, AND CREATING A NEW TITLE 12: CHAPTER 12.08, COMMUNITY FOREST AND STREET TREES

Chapter 12.08 **Community Forest and Street Trees**

Sections:

12.08.010	Purpose
12.08.011	Definitions
12.08.020	Street Tree Planting Requirements
12.08.030	Street Tree Species Selection
12.08.040	General Tree Maintenance
12.08.041	Public Property Tree Maintenance
12.08.042	Public Tree Removal
12.08.050	City Tree Committee
12.08.051	Tree Committee Terms of Operation and Compensation
12.08.052	Tree Committee Responsibilities
12.08.053	Tree Committee Procedures
12.08.054	City Commission Review
12.08.055	Preparation of a City Tree Plan
12.08.056	Utility Operations and Tree Maintenance
12.08.060	Heritage Trees
12.08.070	Gifts and Funding
12.08.080	Violation and Penalty

12.00.810 Purpose. The purposes of this chapter are to:

- A. Develop tree-lined streets to protect the living quality and beautify the city;
- B. Establish physical separation between pedestrians and vehicular traffic;
- C. Create opportunities for solar shading;
- D. Improve air quality; and
- E. Increase the community tree canopy and resource.

12.08.011 Definitions. For the purposes of this chapter, the following apply:

- A. "Tree" means a living standing woody plant having a trunk six (6) inches in diameter or nineteen (19) inches in circumference or more at a point four and one-half feet above mean ground level at the base of the tree.
- B. "Street trees" mean trees located in a street right-of-way within the city. 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.
- C. "Public trees" mean trees located on property designated as public park and

trees located in public right-of-way not defined as street right-of-way.

- D. “Hazard tree” means any tree or tree part that poses a high risk of damage or injury to property or people by failure or fracture.
- E. “Tree topping” means the severe cutting back of limbs to stubs larger than three (3) inches in diameter within the tree’s crown to such a degree so as to remove the normal canopy and disfigure the tree.
- F. “Heritage tree” means a tree of significant historical value so as designated by the city commission.

12.08.020 Street Tree Planting Requirements. All new construction or major redevelopment shall provide street trees adjacent to all street frontage. Species of trees shall be selected based upon vision clearance requirements, but shall in all cases be selected from the Oregon City Street Tree List. If a setback sidewalk has already been constructed or the engineering manager determines that the forthcoming street design shall include a setback sidewalk, then all street trees shall be installed with a planting strip. If street design includes a curbside sidewalk, then all street trees shall be placed within the front yard setback, exclusive of any utility easement.

- A. Street trees shall be planted a maximum of forty (40) feet on center for the length of the lot frontage, as practicable. The planning manager may permit tighter spacing of trees if the lot frontage is constrained by driveway locations or other obstructions.
- B. The following dimensional standards shall be maintained when planting trees:
 - 1. 25 feet from street lights;
 - 2. 5 feet from fire hydrants;
 - 3. 20 feet from stop signs;
 - 4. 25 feet from intersections;
 - 5. No less than three (3) feet in tree lawn widths (landscape areas) from curbs or curb lines and sidewalks. The Tree Committee may grant alternatives to this standard in areas where less than three (3) feet is available for planting;
 - 6. A minimum of 5 feet (at mature height) below power lines.
- C. All trees shall be a minimum of two inches in caliper and installed to City specifications.
- D. All trees shall be pruned tight to the trunk at between 8-10 feet to ensure adequate clearance for pedestrians and street cleaning equipment. The Tree Committee may grant exceptions to this requirement if the cost of such trees is prohibitive or if the supply of trees grafted in this manner is limited or not available.

12.08.030 Street Tree Species Selection. The planning manager may specify the species of street trees required to be planted if there is an established planting scheme adjacent to the lot frontage, if there are obstructions in the planting strip, or if overhead power lines are present.

12.08.040 General Tree Maintenance. Abutting property owners shall be responsible for the maintenance of street trees and planting strips. Topping of trees is permitted only

under recommendation of a certified arborist, or other qualified professional, if required by city staff. Trees shall be trimmed appropriately. Maintenance shall include trimming to remove dead branches, dangerous limbs and to maintain a minimum seven (7) foot clearance above all sidewalks and ten foot (10) clearance above the street. Planter strips shall be kept clear of weeds, obstructing vegetation and trash.

12.08.041 Public Property Tree Maintenance. The city shall have the right to plant, prune, maintain and remove trees, plants and shrubs in the all public rights-of-way and public grounds, as may be necessary to insure public safety or to preserve and enhance the symmetry or other desirable characteristics of such public areas. The tree committee may cause to be removed any tree or part thereof which is in an unsafe condition, or which by reason of its nature is injurious to above- or below-ground public utilities or other public improvements.

12.08.042 Public Tree Removal. Existing street trees shall be retained and protected during construction unless removal is specified as part of a land use approval or in conjunction with a public facilities construction project, as approved by the planning manager. Except for diseased trees, any tree that is removed shall be replaced with a similar caliper tree and species, unless the species is not included on the Street Tree List in which case, the tree shall be replaced with a species from the Street Tree List. If it is not practical to replace trees removed with like caliper trees, then the total sum of the newly planted trees shall equal the sum of removed tree caliper. The planning manager may approve off-site installation of replacement trees where necessary due to planting constraints.

12.08.050 City Tree Committee. A tree committee for the city of Oregon City is hereby created, which shall consist of five (5) members, at least three (3) of whom shall be residents of this city, and two of whom may reside outside the city limits. Members shall be appointed by the mayor. Two (2) members shall be from the field of arboriculture, landscape architecture or otherwise have an interest or demonstrated experience in tree care and urban forestry.

12.08.051 Tree Committee Terms of Office and Compensation. Terms of service of the five (5) persons appointed shall be three (3) years, except that the term of two (2) members appointed to the first committee shall be for only one (1) year, and the term of two (2) additional members of the first committee will be for two (2) years. In the event a vacancy occurs during the term of any member, a successor shall be appointed for the remaining portion of the term. Members shall serve without compensation.

12.08.052 Tree Committee Responsibilities. The tree committee is charged with the following responsibilities:

- A. To study, investigate, develop, and submit a written tree plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees in parks, and in public areas, which includes the public right-of-way. The tree plan shall be approved by the city commission.

- B. To investigate, make findings, report, and recommend upon any special matter or question within the committee's scope of work as requested by the city commission or city manager.
- C. To review the city's adopted Street Tree List on a regular basis, using its guidelines in development of 12.08.052 (A) and (B) above and to recommend any changes as necessary.
- D. To promote the planting and proper maintenance of trees through special events, including an annual local celebration of Arbor Day.
- E. To apply for the annual Tree City, USA designation by the National Arbor Day Foundation.
- F. To designate and see that appropriately-located plaques identify heritage trees on public land within the city.
- G. To consider information and data provided by neighborhood associations and organizations; and to coordinate committee plans and activities with other city departments and appropriate agencies.

12.08.053 Tree Committee Procedures. The tree committee shall elect a chairperson and vice-chairperson, and shall develop its own meeting schedule. A majority of its members shall constitute a quorum. The committee shall keep a journal of its proceedings, to be placed on file in the city recorder's office.

12.08.054 City Commission Review. The city commission shall have the right to review the conduct, acts, and decisions of the tree committee. Tree committee decisions that are considered binding may be appealed to the city commission, who shall conduct a public hearing, hear the matter and make a final decision. Review shall be governed by section 17.50.190 of this code.

12.08.055 City Tree Plan. The tree committee, in conjunction with other city departments, shall prepare a tree plan for the planting, maintenance and replacement of trees on the streets of Oregon City. The plan should include, but not be limited to, a series of maps of city streets with specific species designations. The committee shall, within a reasonable time, cause to have prepared a survey of street trees now growing, with a record of their condition.

12.08.056 Utility Operations and Tree Maintenance. The tree committee shall review and recommend to the City Commission regulations for tree pruning and maintenance by utility companies operating in the city.

12.08.057 Tree Maintenance Permits. The tree committee may consider and propose to the City Commission methods of municipal review of any activity which could be detrimental to public trees, such as requiring a permit, including appeal procedures, for tree removal, trimming, planting, trenching near trees, installing pavement, etc. all with the intent to preserve the community tree cover consistent with the overall tree plan.

12.08.060 Heritage Trees. Certain trees, because of their age, type, notability or historical association, are of special importance. A Heritage Tree designation shall be enacted using the following process:

- A. The tree committee shall prepare a list of criteria to be used for determining when a tree qualifies for designation as a heritage tree.
- B. The tree committee shall review a heritage tree nomination by a citizen or the committee itself, and if on private property, by the permission of the property owner.
- C. The tree committee shall make a recommendation on heritage tree designation to the city commission, who shall approve said recommendation by resolution.
- D. The tree committee shall plan for appropriately-placed plaques for such designated trees, and shall make recommendations for tree maintenance.
- E. A list of heritage trees shall be kept in the city manager's office and be available for inspection by the public upon request.

12.08.070 Gifts 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. A separate fund shall be established and maintained for revenues and expenditures created by activities specified in this chapter. The tree commission shall have authority to seek grants and alternative funding for tree projects.

12.08.080 Violation and Penalty. Any act or omission of this chapter shall be deemed a nuisance. The violation of any provision of this chapter shall constitute a civil infraction, subject to code enforcement procedures of Chapter 1.16 and/or Chapter 1.20.

Read for the first time at a regular meeting of the City Commission held on the 4th day of April 2001, and the foregoing ordinance was fully enacted by the City Commission on this 18th day of April 2001.

JOHN F. WILLIAMS, Jr.
Mayor

ATTESTED this 18th day of April 2001:

LEILANI BRONSON-CRELLY
City Recorder

ORDINANCE NO. 01-1010
Effective Date: May 18, 2001

Oregon City Municipal Code

Chapter 16.12 Minimum Improvements and Design Standards for Land Divisions

16.12.010 Purpose and general provisions.

All land divisions shall be in conformance with the policies and design standards established by this chapter and with applicable standards in the city's public facility master plan and city design standards and specifications. In reviewing applications for land division, the City Engineer shall take into consideration any approved land divisions and the remaining development potential of adjacent properties. All street, water, sanitary sewer, storm drainage and utility plans associated with any land division must be reviewed and approved by the city engineer prior to construction. All streets, driveways or storm drainage connections to another jurisdiction's facility or right-of-way must be reviewed by the appropriate jurisdiction as a condition of the preliminary plat and when required by law or intergovernmental agreement shall be approved by the appropriate jurisdiction. (Ord. 98-1007 §1(part), 1998)

16.12.020 Street design--Generally.

The location, width and grade of street shall be considered in relation to: existing and planned streets, topographical conditions, public convenience and safety for all modes of travel, existing and identified future transit routes and pedestrian/bicycle accessways, and the proposed use of land to be served by the streets. The street system shall assure an adequate traffic circulation system with intersection angles, grades, tangents and curves appropriate for the traffic to be carried considering the terrain. To the extent possible, proposed streets shall connect to all existing or approved stub streets that abut the development site. Where location is not shown in the development plan, the arrangement of streets shall either:

- A. Provide for the continuation or appropriate projection of existing principal streets in the surrounding area and on adjacent parcels or conform to a plan for the area approved or adopted by the city to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical;
- B. Where necessary to give access to or permit a satisfactory future development of adjoining land, streets shall be extended to the boundary of the land division and the resulting dead-end street (stub) may be approved with a temporary turnaround as approved by the city engineer. Reserve strips shall be required to preserve the objectives of street extensions. (Ord. 98-1007 §1(part), 1998)

16.12.030 Street design--Minimum right-of-way.

All land divisions shall provide adequate right-of-way and pavement width. Adequate right-of-way and pavement width shall be provided by:

1. Complying with the Street Design Standards contained in table 16.12.030 below. The Street Design Standards are based on the classification of streets that occurred in the Oregon City Transportation System Plan, in particular, the following figures provide the appropriate classification for each street in Oregon City: Figure 5-1: Functional Classification System and New Roadway Connections; Figure 5-3: Pedestrian System Plan; Figure 5.6: Bicycle System Plan; and Figure 5.7: Public Transit System Plan. These figures from the Oregon City Transportation System Plan are incorporated herein by reference in order to determine the classification of particular streets.

Table 16.12.030 STREET DESIGN STANDARDS		
Type of Street	Right-of-Way Width	Pavement Width
Major arterial	124 feet	98 feet
Minor arterial	114 feet	88 feet
Collector street	86 feet	62 feet
Neighborhood Collector street	81 feet	59 feet
Local street	54 feet	32 feet
Alley	20 feet	16 feet
Private street	None	20 feet

2. The applicant may submit an alternative street design plan that varies from the Street Design Standards identified above. An alternative street design plan may be approved by the City Engineer if it is found the alternative allows for adequate and safe traffic, pedestrian and bicycle flows and transportation alternatives and protects and provides adequate service for the residents of the land division as well as the surrounding community.

16.12.040 Street design--Access control strip.

- A. A street which is dedicated to the boundary of the land division shall have an “access control strip” 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 strip” 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 strip.”
- C. The control strip shall be one foot wide between any public street adjacent to the proposed land division.
- D. Any plat requiring an “access control strip” shall contain the following language on the face of the map at the end of each street needing one -- “Access Control Strip ‘A’ (See plat restrictions).” Said plats shall also contain the following plat restriction note(s): “Access Control Strip(s) ‘A’, ‘B’, and ‘C’ are Access Control Strip restrictions granted to the exclusive control of the City of Oregon City by the recording of this plat. Those strip restrictions 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 Control Strips.” (Ord. 02-1014 §1, 2003; Ord. 98-1007 §1(part), 1998)

16.12.050 Street design--Alignment.

The centerline of Streets shall be:

1. Aligned with existing streets by continuation of the centerlines; or
2. Offset from the centerline by no more than 10 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.

16.12.055 Minimum Street Intersection Spacing Standards

All new development and redevelopment shall meet the following Minimum Street Intersection Spacing Standards:

1.

Functional Classification	Major Arterial	Minor Arterial	Collector	Neighborhood Collector	Local Street
Major Arterial	2 miles	1 mile	¼ mile	1,000 feet	500 feet
Minor Arterial	1 mile	½ mile	1,000 feet	800 feet	400 feet
Collector	¼ mile	1,000 feet	800 feet	600 feet	300 feet
Neighborhood Collector	1,000 feet	800 feet	600 feet	500 feet	200 feet
Local Street	500 feet	400 feet	300 feet	200 feet	150 feet

*ODOT access standards supercede these standards on ODOT facilities.

or

- A lesser distance between intersections may be allowed, provided appropriate mitigation, in the judgment of the City Engineer, is provided to ensure that the reduction in intersection spacing will not pose a safety hazard.

16.12.060 Street design--Constrained local streets and/or rights-of-way.

Any accessway with a pavement width of less than thirty-two feet shall require the approval of the city engineer, planning manager and fire chief and shall meet minimum life safety requirements, which may include fire suppression devices as determined by the fire chief to assure an adequate level of fire and life safety. The standard width for constrained streets is twenty feet of paving with no on-street parking and twenty-eight feet with on-street parking on one side only. Constrained local streets shall maintain a twenty-foot wide unobstructed accessway. Constrained local streets and/or right-of-way shall comply with necessary slope easements, sidewalk easements and altered curve radius, as approved by the city engineer and planning manager.

Table 16.12.060 STREET DESIGN STANDARDS FOR LOCAL CONSTRAINED STREETS		
	Minimum	Required
Type of Street	Right-of-Way	Pavement Width
Constrained local street	30 to 40 feet	20 to less than 32 feet

16.12.065 Intersection Level of Service Standards.

When approving land use actions, the City of Oregon City requires all relevant intersections to be maintained at the minimum acceptable Level Of Service (LOS) upon full build-out of the proposed land use action. The minimum acceptable LOS standards are as follows:

- For signalized intersection areas of the city that are located outside the Regional Center boundaries a LOS of "D" or better for the intersection as a whole *and* no approach operating at worse than LOS "E" *and* a v/c ratio not higher than 1.0 for the sum of critical movements.
- For signalized intersections within the Regional Center boundaries a LOS "D" can be exceeded during the peak hour; however, during the second peak hour, LOS "D" or better will be required as a whole and no approach operating at worse than LOS "E" *and* a v/c ratio not higher than 1.0.

3. For unsignalized intersection throughout the city a LOS “E” or better for the poorest approach *and* with no movement serving more than 20 peak hour vehicles operating at worse than LOS “F” will be tolerated for minor movements during a peak hour.

16.12.090 Street design--Half street.

Half streets, while generally not acceptable, may be approved where essential to the reasonable development of the land division, when it is in conformance with all other applicable requirements, and where it will not create a safety hazard. When approving half streets, the decision-maker must first determine that it will be practical to require the dedication of the other half of the street when the adjoining property is divided or developed. Where the decision-maker approves a half street, the applicant must construct an additional ten feet of pavement width so as to make the half street safe and usable until such time as the other half is constructed. Whenever a half street is adjacent to property capable of being divided or developed, the other half of the street shall be provided and improved when that adjacent property divides or develops. Reserve strips may be required to preserve the objectives of half streets. (Ord. 98-1007 §1(part), 1998)

16.12.100 Street design--Cul-de-sac.

The city discourages the use of cul-de-sacs and permanent dead-end streets except where construction of a through street is found by the decision-maker to be impracticable due to topography or some significant physical constraint such as unstable soils, wetland, natural or historic resource areas, dedicated open space, existing development patterns, or arterial access restrictions. When permitted, cul-de-sacs shall have a maximum length of three hundred fifty feet and include pedestrian/bicycle accessways as provided in Section 16.12.220 of this code and Chapter 12.24. This section is not intended to preclude the use of curvilinear eyebrow widening of a local street where needed to provide adequate lot coverage. (Ord. 98-1007 §1(part), 1998)

16.12.110 Street design--Private street.

The city discourages the use of private streets and permanent dead-end private streets except where construction of a through street is found by the decision-maker to be impracticable due to topography; some significant physical constraint such as unstable soils, wetlands, natural or historic resource areas, dedicated open space, existing development patterns, or arterial access restrictions. As a minimum, private streets and/or right-of-way shall comply with the following criteria and, if necessary, slope easements and altered curve radius may be required by the city engineer:

- A. Maximum length of two hundred feet. An exception to this may only be permitted if emergency vehicular access and supportive facilities are provided and the application is recommended by the city engineer;
- B. Applies only to planned unit developments;
- C. Facilities are constructed to city standards;
- D. Sidewalk located on one side of the street and may include rolled curbs;
- E. Maintenance agreement identifying all owners of the lots in the plat which identifies the maintenance of the private street and mechanism for implementation; and
- F. Minimum of twenty feet pavement width. (Ord. 98-1007 §1(part), 1998)

16.12.120 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. 98-1007 §1(part), 1998)

16.12.130 Street design--Grades and curves.

Grades and center line radii shall conform to the standards in the city's street design standards and specifications. (Ord. 98-1007 §1(part), 1998)

16.12.140 Street design--Access control.

Where a land division abuts or contains an existing or proposed arterial or collector street, the decision-maker may require: access control; screen planting or wall contained in a reserve strip 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 land division(s) abut and connect for vehicular access to another jurisdiction's facility then authorization by that jurisdiction may be required. (Ord. 98-1007 §1(part), 1998)

16.12.150 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. (Ord. 98-1007 §1(part), 1998)

16.12.160 Street design--Alleys.

Alleys shall be provided in commercial and industrial districts, unless other permanent provisions for access to off-street parking and loading facilities are approved by the decision-maker. The corners of alley intersections shall have a radius of not less than ten feet. Alleys also may be permitted in residential districts. (Ord. 98-1007 §1(part), 1998)

16.12.170 Street design--Transit.

Streets shall be designed and laid out in a manner that promotes pedestrian and bicycle circulation. The applicant shall coordinate with Tri-Met where the application impacts transit streets as identified on Figure 5.7: Public Transit System Plan of the Oregon City Transportation System Plan. Pedestrian/bicycle access ways shall be provided as necessary in conformance with the requirements in Section 16.12.220 of this code and Chapter 12.24 to minimize the travel distance to transit streets and stops and neighborhood activity centers. The decision-maker may require provisions, including easements, for transit facilities along transit streets where a need for bus stops, bus pullouts or other transit facilities within or adjacent to the subdivision has been identified. (Ord. 98-1007 §1(part), 1998)

16.12.180 Street design--Planter strips.

All development shall include vegetative planter strips that are five feet in width or larger and located adjacent to the curb. This requirement may be waived or modified if the Community Development Director finds it is not practicable. Development proposed along a collector, minor arterial, or major

arterial street may use tree wells located near the curb within a 7-foot wide sidewalk in lieu of a planter strip, in which case each tree shall have a protected area of at least six feet in diameter to ensure proper root growth.

Trees shall be selected and planted in accordance with Chapter 12.08, Street Trees. Individual abutting lot owners shall be legally responsible for maintaining in a healthy and attractive condition all trees and vegetation in the planter strip. If a homeowners' association is created as part of the development, the association may assume the maintenance obligation through a legally binding mechanism, e.g., deed restrictions, maintenance agreement, etc., which shall be reviewed and approved by the city attorney. Failure to properly maintain trees and vegetation in a planter strip shall be a violation of this code and enforceable as a civil infraction. (Ord. 98-1007 §1(part), 1998)

16.12.190 Blocks--Generally.

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. (Ord. 98-1007 §1(part), 1998)

16.12.200 Blocks--Length.

Block lengths for local streets and collectors shall not exceed six hundred feet between through streets, as measured between nearside right-of-way lines. The maximum perimeter of the blocks formed by local streets shall not exceed one thousand eight hundred feet between through streets, except where precluded by topography or other physical constraint or by existing development patterns. (Ord. 98-1007 §1(part), 1998)

16.12.210 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. (Ord. 98-1007 §1(part), 1998)

16.12.220 Blocks--Pedestrian and bicycle access.

- A. To facilitate the most practicable and direct pedestrian and bicycle connections to adjoining or nearby neighborhood activity centers, public rights-of-way, and pedestrian/bicycle accessways which minimize out-of-direction travel, subdivisions shall include pedestrian/bicycle accessways between discontinuous street right-of-way where the following applies:
 - 1. Where a new street is not practicable;
 - 2. Through excessively long blocks at intervals not exceeding five hundred feet of frontage; or
 - 3. Where the lack of street continuity creates inconvenient or out of direction travel patterns for local pedestrian or bicycle trips.
- B. Pedestrian/bicycle accessways shall be provided:
 - 1. To provide direct access to nearby neighborhood activity centers, transit streets and other transit facilities;
 - 2. Where practicable, to provide direct access to other adjacent developments and to adjacent undeveloped property likely to be subdivided or otherwise developed in the future;
 - 3. To provide direct connections from cul-de-sacs and internal private drives to the nearest available street or neighborhood activity center;
 - 4. To provide connections from cul-de-sacs or local streets to arterial or connector streets.

- C. An exception may be made where the decision-maker determines that construction of a separate accessway is not feasible due to physical or jurisdictional constraints. Such evidence may include but is not limited to:
1. That other federal, state or local requirements prevent construction of an accessway;
 2. That the nature of abutting existing development makes construction of an accessway impracticable;
 3. That the accessway would cross an area affected by an overlay district in a manner incompatible with the purposes of the overlay district;
 4. That the accessway would cross topography consisting predominantly of slopes over twenty-five percent;
 5. That the accessway would terminate at the urban growth boundary and extension to another public right-of-way is not part of an adopted plan.
- D. Pedestrian/bicycle accessways shall comply with the development standards set out in Section 12.24.040 of this code, with the ownership, liability and maintenance standards in Section 12.24.060 of this code, and with such other design standards as the city may adopt. (Ord. 98-1007 §1(part), 1998)

16.12.230 Building sites.

The size, width, shape and orientation of building sites shall be appropriate for the primary use of the land division, and shall be consistent with the residential lot size provisions of the zoning ordinance with the following exceptions:

- A. Where property is zoned and planned for commercial or industrial use, the decision-maker may approve other widths in order to carry out the city's comprehensive plan. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.
- B. Minimum lot sizes contained in Title 17 are not affected by those provided herein. (Ord. 98-1007 §1(part), 1998)

16.12.232 Building Sites – Minimum Density

All subdivision layouts shall achieve at least 80% of the maximum density of the base zone for the net developable area as defined in Section 17.04.

16.12.235 Calculations of Lot Area.

A subdivision in a Single Family Dwelling District may include lots that are up to 10% less than the required minimum lot area of the applicable zoning designation provided the entire subdivision on average meets the minimum site area requirement of the underlying zone. The average lot area is determined by calculating the total site area devoted to dwelling units and dividing that figure by the proposed number of dwelling lots.

Accessory dwelling units are not included in this determination nor are tracts created for non-dwelling unit purposes such as open space, storm water tracts, or access ways.

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.

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.

16.12.238 Flag Lots

1. Flag lots shall not be created through the Subdivision process except where an existing dwelling unit on the site is located so that it precludes a land division that meets the minimum lot width and depth standards of the underlying zone.
2. If a flag lot is created, a joint accessway shall be provided unless the location of the existing dwelling unit prevents a joint accessway. A perpetual reciprocal access easement and maintenance agreement shall be recorded for the joint accessway, in a format acceptable by the city attorney.
3. The pole portion of the flag lot shall connect to a public street.
4. The pole shall be at least 20 feet wide for the entire length.
5. The pole shall be part of the flag lot and must be under the same ownership as the flag portion of the lot.

16.12.240 Building site--Frontage width requirement.

Each lot in a subdivision shall abut upon a cul-de-sac or street other than an alley for a width of at least twenty feet. (Ord. 98-1007 §1(part), 1998)

16.12.250 Building site--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. A reserve strip may be required. A planting screen easement may be required to separate residential development from major arterial streets, adjacent nonresidential development, or other incompatible use, where practicable. Where practicable, alleys shall be used for access for lots that have frontage on a collector or minor arterial street, eliminating through lots. (Ord. 98-1007 §1(part), 1998)

16.12.260 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.

16.12.270 Building site--Solar access.

The lines of lots and parcels, as far as is practical, shall be oriented to allow structures constructed on the lots or parcels to utilize solar energy by establishing the axis in the east-west direction permitting sunlight access three hours before and after solar noon. The decision-maker may require easements or deed restrictions as necessary to assure solar access.

16.12.280 Building site--Grading.

Grading of building sites shall conform to the state of Oregon Structural Specialty Code, Chapter 29, Appendix Chapter 70 of the Uniform Building Code, any approved grading plan and any approved residential lot grading plan in accordance with the requirements of Chapter 15.48 and the Public Works Stormwater and Grading Design Standards, and the erosion control requirements of Chapter 17.47. (Ord. 99-1029 §5, 1999; Ord. 98-1007 §1(part), 1998)

16.12.290 Building site--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 and better environment for pedestrians and bicyclists. Lots located on a neighborhood collector, collector or minor arterial street shall locate the front yard setback on and orient the front of the primary structure to face the neighborhood collector, collector or minor arterial street. An alternative to the lot orientation, which incorporates landscaping and fencing into the lot and street design, may be approved if it is found to accomplish the objective of this standard by the Community Development Director.

Garage setbacks in residential areas shall be a minimum of twenty feet from the public right-of-way where access is taken, except for alleys. Garages on an alley shall be set back a minimum of five feet in residential areas. Any special building setback lines established in a subdivision or partition shall be shown on the preliminary and final plats or guaranteed through deed restrictions or easements. (Ord. 98-1007 §1(part), 1998)

16.12.300 Building site--Division of lots.

Where a tract of land is to be divided into lots or parcels capable of redivision in accordance with this chapter, the decision-maker shall require an arrangement of lots, parcels and streets which facilitates future redivision. In such a case, building setback lines may be required in order to preserve future right-of-way or building sites. (Ord. 98-1007 §1(part), 1998)

16.12.310 Building site--Protection of trees.

Site planning, including the siting of structures, roadways and utility easements, shall provide for the protection of tree resources. All trees with a diameter six inches or greater measured four feet from the ground shall be preserved outside the building area, which is defined as right-of-way, public utility easements, and within the building setbacks of each lot. Where the Community Development Director determines it is impracticable or unsafe to preserve these trees, the applicant may be allowed to remove the trees so long as they are replaced in accordance with an approved landscape plan that includes new plantings of at least two inches in caliper measured six inches above the root crown and the plan must meet, at a minimum, the requirements of Table 16.12.310-1.

Table 16.12.310-1 Tree Replacement Requirements	
Size of tree removed (Inches in diameter at the 4-foot height)	Number of Trees to be planted.
6 to 12	3 trees
13 to 18	5 trees
19 to 24	8 trees
25 to 30	10 trees
31 and over	15 trees

Where the Community Development Director finds this requirement would cause an undue hardship, the requirement may be modified in a manner that the Community Development Director finds will reasonably satisfy the objectives of this section. 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. (Ord. 98-1007 §1(part), 1998)

16.12.320 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 land division and with adjoining subdivisions or partitions. Specific utility easements for water, sanitary or storm drainage shall be provided based on approved final engineering plans.
- B. Unusual Facilities. Easements for unusual facilities such as high voltage electric transmission lines, drainage channels and stormwater detention facilities shall be adequately sized for their intended purpose, including any necessary maintenance roads. These easements shall be shown to scale on the preliminary and final plats or maps. If the easement is for drainage channels, stormwater detention facilities or related purposes, the easement shall comply with the requirements of the Public Works Stormwater and Grading Design Standards.
- C. Watercourses. Where a land division 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 land division, 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. All access easements shall also provide for utility placement.
- E. Resource Protection. Easements or other protective measures may also be required as the decision-maker deems necessary to ensure compliance with applicable review criteria protecting any unusual significant natural feature or features of historic significance. (Ord. 99-1029 §6, 1999; Ord. 98-1007 §1(part), 1998)

16.12.330 Water quality resource areas.

Any land division which contains a water quality resource area shall comply with the requirements of the water quality resource area overlay district, Chapter 17.49, including the requirement, pursuant to Section 17.49.060, that new subdivisions and partitions delineate and show the water quality resource area as either a separate tract or part of a larger tract that will not be developed. (Ord. 99-1013 §6, 1999; Ord. 98-1007 §1(part), 1998)

16.12.340 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. 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 Chapter 17.47 and the Public Works Erosion and Sediment Control Standards. 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 and sanitary sewers shall be placed to the lot lines.
- D. As-built construction plans shall be filed with the city engineer upon completion of the improvements.
- E. The decision-maker may regulate the hours of construction and access routes for construction equipment to minimize impacts on adjoining residences or neighborhoods.

16.12.350 Minimum improvements--Public facilities and services.

The following minimum improvements shall be required of all applicants for a land division under Title 16, 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 land division and those portions of public streets adjacent to but only partially within the land division. All applicants shall execute a binding agreement to not remonstrate against the formation of a local improvement district for street improvements that benefit the applicant's property. 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. Catch basins shall be installed and connected to drainage tile leading to storm sewers or 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 land divisions and shall connect the development's drainage system to the city's storm drainage system as a minimum requirement for providing services to the applicant's development. All applicants shall execute a binding agreement to not remonstrate against the formation of a local improvement district for stormwater drainage improvements that benefit the applicant's property. Applicants are responsible for extending the city's 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, Chapter 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 land division and to connect those lots or parcels to the city's sanitary sewer system. All applicants shall execute a binding agreement to not remonstrate against the formation of a local improvement district for sanitary sewer improvements that benefit the applicant's property. 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 land division and to connect those lots or parcels to the city's water system. All applicants shall execute a binding agreement to not remonstrate against the formation of a local improvement district for water improvements that benefit the applicant's property. 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. **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 land division. 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 land division 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 land division application. Applicants for partitions may be allowed to meet this requirement by executing a binding agreement to not remonstrate against the formation of a local improvement district for sidewalk improvements that benefit the applicant's property.
- F. **Bicycle Routes.** If appropriate to the extension of a system of bicycle routes, existing or planned, the decision-maker may require the installation of separate bicycle lanes within streets and separate bicycle paths.
- G. **Street Name Signs and Traffic Control Devices.** The applicant shall pay the city and the city installs street name signs at all street intersections. The applicant shall install 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.
- H. **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.
- I. **Street Trees.** Refer to Chapter 12.08, Street Trees.
- J. **Bench Marks.** At least one bench mark shall be located within the subdivision boundaries using datum plane specified by the city engineer.
- K. **Other.** The applicant shall make all necessary arrangements with utility companies or other affected parties for the installation of underground lines and facilities. Electrical lines and other wires, including but not limited to communication, street lighting and cable television, shall be placed underground.
- L. **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. 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.
- M. **Erosion Control Plan--Mitigation.** The applicant shall be responsible for complying with all applicable provisions of Chapter 17.47 with regard to erosion control. (Ord. 99-1029 §8, 1999; Ord. 98-1007 §1(part), 1998)

16.12.360 Minimum improvements--Road standards and requirements.

- A. Subdivision applicants may propose private streets so long as the design for all accessways are reviewed and approved by the city engineer as being adequate for fire and life safety access and so long as the applicant provides a legally binding means for the repair and maintenance of all private streets proposed.
- B. The creation of a public street and the resultant separate land parcels shall be in conformance with requirements for subdivisions or partitions. 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.
- C. For any public street created pursuant to subsection B of this section, a copy of a preliminary plan and the proposed deed shall be submitted to the planning manager 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. (Ord. 98-1007 §1(part), 1998)

16.12.370 Minimum improvements--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 this section.
- 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 must be complete and accepted by the city engineer prior to final plat approval.
- C. Financial Guarantee. The applicant shall provide the city with a financial guarantee in a form acceptable to the city attorney and equal to one hundred ten percent of the cost of constructing the public improvements. Possible forms of guarantee include an irrevocable or standby letter of credit, guaranteed construction loan set-aside, reserve account, or performance bond, but the form of guarantee shall be specified by the city engineer and, prior to execution and acceptance by the city, must be reviewed and approved by the city attorney. The amount of the guarantee shall be based upon approved final engineering plans, equal to at least one hundred ten percent of the estimated cost of construction, and shall be supported by a verified engineering estimate and approved by the city engineer. (Ord. 98-1007 §1(part), 1998)

Oregon City Municipal Code

Chapter 12.08 Public and Street Trees

12.08.010 Purpose.

The purpose of this chapter is to:

- A. Develop tree-lined streets to protect the living quality and beautify the City;
- B. Establish physical separation between pedestrians and vehicular traffic;
- C. Create opportunities for solar shading;
- D. Improve air quality; and
- E. Increase the community tree canopy and resource.

12.08.015 Street Tree Planting and Maintenance Requirements.

All new construction or major redevelopment shall provide street trees adjacent to all street frontages. Species of trees shall be selected based upon vision clearance requirements, but shall in all cases be selected from the Oregon City Street Tree List or be approved by a certified arborist. If a setback sidewalk has already been constructed or the Development Services determines that the forthcoming street design shall include a setback sidewalk, then all street trees shall be installed with a planting strip. If existing street design includes a curb-tight sidewalk, then all street trees shall be placed within the front yard setback, exclusive of any utility easement.

- 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. The Community Development Director may approve an alternative street tree plan if site or other constraints prevent meeting the placement of one street tree per thirty-five feet of property frontage.
- 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. A minimum of five feet (at mature height) below power lines.
- C. All trees shall be a minimum of two inches in caliper at six inches above the root crown and installed to city specifications.
- 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 compliant clearance for pedestrians.

12.08.020 Street Tree Species Selection.

The Community Development Director may specify the species of street trees required to be planted if there is an established planting scheme adjacent to a lot frontage, if there are obstructions in the planting strip, or if overhead power lines are present.

12.08.025 General Tree Maintenance.

Abutting property owners shall be responsible for the maintenance of street trees and planting strips. Topping of trees is permitted only under recommendation of a certified arborist, or other qualified professional, if required by city staff. Trees shall be trimmed appropriately. Maintenance shall include trimming to remove dead branches, dangerous limbs and to maintain a minimum seven-foot clearance above all sidewalks and ten-foot clearance above the street. Planter strips shall be kept clear of weeds, obstructing vegetation and trash.

12.08.030 Public Property Tree Maintenance.

The City shall have the right to plant, prune, maintain and remove trees, plants and shrubs in all public rights-of-way and public grounds, as may be necessary to ensure public safety or to preserve and enhance the symmetry or other desirable characteristics of such public areas. The Natural Resources Committee may recommend to the Community Development Director the removal of any tree or part thereof which is in an unsafe condition, or which by reason of its nature is injurious to above or below-ground public utilities or other public improvements.

12.08.035 Public Tree Removal.

Existing street trees shall be retained and protected during construction unless removal is specified as part of a land use approval or in conjunction with a public facilities construction project, as approved by the community development director. A diseased or hazardous street tree, as determined by a registered arborist and verified by the City, may be removed if replaced. . A non-diseased, non-hazardous street tree that is removed shall be replaced in accordance with the Table 12.08.035.

All new street trees will have a minimum two-inch caliper trunk measured six inches above the root crown. The Community Development Director may approve off-site installation of replacement trees where necessary due to planting constraints. The Community Development Director may additionally allow a fee in-lieu of planting the tree(s) to be placed into a City fund dedicated to planting trees in Oregon City in accordance with OCMC 12.08.

Table 12.08.035

<i>Replacement Schedule for Trees Determined to be Dead, Diseased or Hazardous by a Certified Arborist</i>		<i>Replacement Schedule for Trees <u>Not</u> Determined to be Dead, Diseased or Hazardous by a Certified Arborist</i>	
Diameter of tree to be Removed (Inches of diameter at 4-ft height)	Number of Replacement Trees to be Planted	Diameter of tree to be Removed (Inches of diameter at 4-ft height)	Number of Replacement Trees to be Planted
Any Diameter	1 Tree	Less than 6"	1 Tree
		6" to 12"	2 Trees
		13" to 18"	3 Trees
		19" to 24"	4 Trees
		25" to 30"	5 Trees
		31" and over	8 Trees

12.08.040 Heritage Trees and Groves.

A. Purpose.

Certain trees, because of their age, species, natural resource value, ecological or historical association, are of special importance to the City. These trees may live on private or public property.

1. The purpose of this chapter is to recognize, foster appreciation and provide for voluntary protection of Heritage Trees.
2. In particular, the following trees are shall be considered significant, and therefore eligible for heritage tree nomination in Oregon City, if they meet the minimum size requirements of the table below:

Tree Eligibility based on Size

Species	Common Name	Size (d.b.h)
<i>Quercus garryana</i>	Oregon white oak	8"
<i>Pseudotsuga menziesii</i>	Douglas-fir	18"
<i>Thuja plicata</i>	Western red cedar	12"
<i>Pinus ponderosa</i>	Ponderosa pine	12"
<i>Taxus brevifolia</i>	Western yew	6"

Other deciduous and horticultural tree species	20"
Other evergreen and conifer trees	18"

B. Recommendation.

1. Any citizen may recommend tree(s) to be designated as a Heritage Tree or Grove. If the proposed Heritage Tree or Grove is located on property other than City property or public right-of-way under City jurisdiction, the recommendation shall be submitted by the property owner or accompanied by the property owner's written consent. If the proposed Heritage Tree or Grove is located on City property or public right-of-way under City jurisdiction, the recommendation shall be submitted to the Community Development Director; if the recommendation is consented to by the City, the Community Development Director shall submit the recommendation to the City Commission.
2. Recommendation shall be made on such form as required by the Community Development Director. The recommendation form shall include a narrative explaining why the tree qualifies for Heritage Tree or Grove status pursuant to the definition in Section 1 and the written consent of the property owner as described in subsection (1) of this section.

C. Review Process.

1. The City Commission shall review all Heritage Trees and Grove recommendations at a public meeting. Notice of the meeting shall be provided to the recommending applicant, the property owner (unless the recommended tree or grove is located on public right-of-way under City jurisdiction, in which event notice shall be given to the Community Development Director), the chair of any recognized neighborhood association in which the tree or grove is located, and the Parks and Recreation Advisory Committee (PRAC), if applicable.
2. Staff shall prepare a report for the City Commission analyzing whether the tree or grove complies with the requirements for designation.
3. After considering the staff report and any testimony by interested persons, the City Commission shall vote on the recommendation.
4. Following approval by the City Commission:
 - a. If the tree or grove is located on private property, the designation shall be complete upon the Property Owner's execution of a covenant running with the land suitable for recordation by the City. The covenant shall describe the subject property, generally describe the location of the heritage tree or grove, and covenant that the tree or grove is protected as a "Heritage Tree" or "Heritage Grove" by the City of Oregon City and is therefore subject to special protection as provided in this Title.
 - b. If the tree or grove is located on public right-of-way, the designation shall be complete upon the Staff's listing of the tree or grove on the City Heritage Tree and Grove records.
 - c. If the tree or grove is located on the public right-of-way, the City shall condition any future Property Owner-requested vacation of the public right-of-way upon the execution of a covenant in accordance with sub-section (a) above, which shall be recorded by the City upon the vacation of the right-of-way.

D. Criteria

1. The City Commission may designate a tree or grove as a Heritage Tree or Heritage Grove if the Commission determines that the following criteria are met:
 - a. The tree or grove is of landmark importance to the City of Oregon City due to age, size, species, horticultural quality or historic importance; or
 - b. It is listed as a State Heritage Tree, as designated by the state division of forest resources; or
 - c. It is a rare species, or provides a habitat for rare species of plants, animals or birds; and

- d. The tree is not irreparably damaged, diseased, hazardous or unsafe, or the applicant is willing to have the tree treated by an arborist and the treatment will alleviate the damage, disease or hazard;

E. Protection of Heritage Trees and Groves.

1. No Heritage Tree or Grove may be removed, topped, or otherwise altered unless permitted by this section.
2. An application to remove a Heritage Tree or Grove shall demonstrate that the burden imposed on the property owner, or, if the tree is located within the public right-of-way under City jurisdiction, then the burden imposed on the City by the continued presence of the tree outweighs the public benefit provided by the tree. For the purposes of making this determination, the following tree impacts shall not be considered unreasonable burdens on the property owner, or if appropriate, the City:
 - a. View obstruction;
 - b. Routine pruning, leaf raking and other maintenance activities; and
 - c. Infrastructure impacts or tree hazards that can be controlled or avoided by appropriate pruning or maintenance.
3. Unless the tree is permitted to be removed due to poor health or hazard pursuant to Section 12.08.042, the applicant shall be required to mitigate for the loss of the tree pursuant to Table 12.08.042.
4. Any person who removes a Heritage Tree or Grove in violation of this chapter shall be subject to the penalties provided in this chapter.

F. Recognition of Heritage Trees and Groves.

1. A Heritage Tree plaque may be designed and furnished by the City to the property owner, or if the tree is in the public right-of-way, to the appropriate City official, of a designated Heritage Tree or Grove. The City may charge a fee to cover the costs of the providing the plaque. The plaque shall be posted at a location at or near the tree or grove and, if feasible, visible from a public right-of-way.
2. The Community Development Director shall maintain a list and map of designated Heritage Trees and Groves.

G. Removal of Heritage Tree or Grove Designation.

1. A Heritage Tree or Grove may be removed from designation if it dies or is removed pursuant to this chapter. If removed from private property, the City shall record a document extinguishing the covenant.

12.08.045 Gifts 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.

12.08.050 Violation--Penalty.

The violation of any provision of this chapter shall be constitute a civil infraction, subject to code enforcement procedures of Chapter 1.16 and/or Chapter 1.20.

*Prior ordinance history: Ords. 98-1010 and 99-1004.

Chapter 12.08 - PUBLIC AND STREET TREES

Item 3.

Footnotes:

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Editor's note— Ord. No. 18-1009, § 1(Exh. A), adopted July 3, 2019, amended Chapter 12.08 in its entirety to read as herein set out. Former Chapter 12.08, §§ 12.08.010—12.08.050, pertained to similar subject matter, and derived from Ord. No. 08-1014, adopted July 1, 2009.

12.08.010 - Purpose.

The purpose of this chapter is to:

- A. Develop tree-lined streets to protect the living quality and beautify the city;
- B. Establish physical separation between pedestrians and vehicular traffic;
- C. Create opportunities for solar shading;
- D. Improve air and water quality; and
- E. Increase the community tree canopy and resource.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

12.08.015 - Street tree selection, planting and maintenance requirements.

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

- A. One street tree shall be planted for every thirty-five feet of property frontage. The tree spacing shall be evenly distributed throughout the total development frontage to meet the clearance distances required in subsection B below. The community development director may approve an alternative street tree plan, or accept fee-in-lieu of planting pursuant to OCMC 12.08.035, if site or other constraints prevent meeting the required total number of tree plantings.
- B. The following clearance distances shall be maintained when planting trees:
 - 1. Fifteen feet from streetlights;
 - 2. Five feet from fire hydrants;
 - 3. Twenty feet from intersections;
 - 4. Five feet from all public utilities (i.e. sewer, storm and water lines, utility meters, etc.).
- C. All street trees planted in conjunction with development shall be a minimum of two inches in caliper at six inches above the root crown and installed to city specifications. Larger 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).

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

12.08.025 - General tree maintenance.

Abutting property owners shall be responsible for the maintenance and replacement of street trees and planting strips. Topping of trees is prohibited, unless under recommendation of a certified arborist, or other qualified professional. Trees shall be trimmed appropriately. Maintenance shall include watering during dry periods, trimming of established trees to remove dead branches and dangerous limbs and to maintain a minimum seven-foot clearance above all sidewalks, eight-foot clearance in clear vision areas pursuant to OCMC 10.32, and ten-foot clearance above the street. Planter strips shall be kept clear of weeds, obstructing vegetation and trash.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

12.08.030 - Public property tree maintenance.

The city shall have the right to plant, prune, maintain and remove trees, plants and shrubs in all public rights-of-way and public grounds, as may be necessary to ensure public safety or to preserve and enhance the symmetry or other desirable characteristics of such public areas. The public works department and parks and recreation department may recommend to the community development director the removal of any tree or part thereof which is in an unsafe condition or may be injurious to above or below-ground public utilities, structures or other public improvements. Removed trees shall be replaced in accordance with this chapter or the mitigation requirements of the OCMC 17.49, Natural Resources Overlay District (NROD), if the tree to be removed is within the NROD.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

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. Tree removal shall be mitigated by the following:

- A. A diseased or hazardous street tree, as determined by a registered arborist and approved by the city, may be removed, if replaced with one new tree for each diseased or hazardous tree.
Hazardous trees which have raised the adjacent sidewalk in a manner which does not comply with the Americans with Disabilities Act may be removed and replaced without approval of an arborist.
- B. A non-diseased, non-hazardous street tree that is removed shall be replaced in accordance with Table 12.08.035. All replaced street trees shall have a minimum one and one-half-inch caliper trunk measured six inches above the root crown.

Table 12.08.035

Replacement Schedule for Trees Determined to be Dead, Diseased or Hazardous by a Certified Arborist		Replacement Schedule for Trees Not Determined to be Dead, Diseased or Hazardous by a Certified Arborist	
Diameter of tree to be Removed (Inches of diameter at 4-ft. height)	Number of Replacement Trees to be Planted	Diameter of tree to be Removed (Inches of diameter at 4-ft. height)	Number of Replacement Trees to be Planted
Any Diameter	1 Tree	Less than 6"	1 Tree
		6" to 12"	2 Trees
		13" to 18"	3 Trees
		19" to 24"	4 Trees
		25" to 30"	5 Trees
		31" and over	8 Trees

- C. For the purposes of this chapter, removed trees shall be replaced by trees within the right-of-way abutting the frontage subject to the clearance distances required under OCMC 12.08.015.B. If a sufficient location to replant tree(s) is not available, the community development director may allow:

1. Off-site installation of replacement trees within the right-of-way or on public property;
 2. Planting of replacement trees or designation of existing trees on the abutting property within ten feet of the right-of-way as street trees. Designated street trees shall be a minimum of two inches in caliper and shall comply with the requirements in section B. In order to assure protection and replacement of the trees on private property, a covenant shall be recorded identifying the tree(s) as subject to the protections and replacement requirements in this chapter; or
 3. If sufficient space to replant tree(s) is not available, the community development director may allow a fee in-lieu of planting the tree(s) to be placed into a city fund dedicated to obtaining trees, planting trees and/or tree education in Oregon City.
- D. Trees that are listed as invasive or nuisance species as defined in OCMC 17.04.605 may be removed without replacement.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

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.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

12.08.050 - Violation—Penalty.

The violation of any provision of this chapter shall constitute a civil infraction, subject to code enforcement procedures of OCMC 1.16 and/or OCMC 1.20.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

Footnotes:

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Editor's note— 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.

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.

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)

16.12.011 - Applicability.

- A. Compliance with this chapter is required for all development including land divisions, site plan and design review, master plan, detailed development plan and conditional use applications and all public improvements. Minor site plan and design review applications shall not be subject to this chapter unless improvements are proposed within the right-of-way, or as otherwise provided in this chapter.
- B. Compliance with this chapter is also required for new construction or additions which exceed fifty percent of the existing square footage of all 3—4 plexes, single- and two-family dwellings living space. Garages, carports, sheds, and porches may not be included in the calculation if these spaces are not living spaces. Accessory dwelling units are not subject to compliance with this chapter. All applicable 3—4 plexes, single- and two-family dwellings shall provide any necessary dedications, easements or agreements as identified in the transportation system plan and this chapter, subject to constitutional limitations. In addition, the street frontage shall be improved to include the following priorities for improvements:
 - 1. Improve street pavement, construct curbs, gutters, sidewalks and planter strips; and
 - 2. Plant street trees.

The cost of compliance with the standards identified in 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 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.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

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. The modification meets the intent of the standard;
- B. The modification provides safe and efficient movement of pedestrians, motor vehicles, bicyclists and freight;
- C. The modification is consistent with an adopted transportation or utility plan; and
- D. The modification is complementary with a surrounding street design; or, in the alternative;
- E. If a modification is requested for constitutional reasons, the applicant shall demonstrate the constitutional provision or provisions to be avoided by the modification and propose a modification that complies with the state or federal constitution. The city shall be under no obligation to grant a modification in excess of that which is necessary to meet its constitutional obligations.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

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 appropriate based on the modification criteria in OCMC 16.12.013. The steps for reducing the street design are found in the transportation system plan.

Item 3.

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	Item 3.
	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.
 - 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. Stre

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)

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 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: Item 3.

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, 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. Item 3.

- 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 Beavercreek 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.

Item 3.

(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 and redevelopment shall meet the minimum driveway spacing standards identified in Table 16.12.035.A.

Table 16.12.035.A
Minimum Driveway Spacing Standards

Street Functional Classification	Minimum Driveway Spacing Standards	Distance
Major Arterial Streets	Minimum distance from a street corner to a driveway for all uses other than detached single- and two-family dwellings	175 feet
Minor Arterial Streets	Minimum distance from a street corner to a driveway for all uses other than detached single- and two-family dwellings	175 feet
Collector Streets	Minimum distance from a street corner to a driveway for all uses other than detached single- and two-family dwellings	100 feet
Local Streets	Minimum distance from a street corner to a driveway for all uses other than detached single- and two-family dwellings	25 feet

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. Nonresidential or multi-family residential driveways that generate high traffic volumes shall be treated as intersections and shall adhere to requirements of OCMC 16.12.020.
- C. One driveway may be allowed per frontage, unless otherwise restricted. In no case shall more than two driveways be allowed for any single-family attached or detached residential property, duplex, 3—4 plex, or property developed with an ADU or internal conversion with multiple frontages, unless otherwise approved by the city engineer.
- D. When a property fronts multiple roads, access shall be provided from the road with the lowest classification in the transportation system plan whenever possible to minimize points of access to arterials and collectors. At the discretion of the city engineer, properties fronting a collector or arterial road may be allowed a second driveway, for the creation of a circulation pattern that eliminates reverse maneuvers for vehicles exiting a property if applied for and granted through procedures in OCMC 16.12.013. All lots proposed with a driveway and lot orientation on a collector or minor arterial shall combine driveways into one joint access per two or more lots unless the city engineer determines that:
1. No driveway access may be allowed since the driveway(s) would cause a significant traffic safety hazard; or
 2. Allowing a single driveway access per lot will not cause a significant traffic safety hazard.
- E. All driveway approaches shall be limited to the dimensions identified in Table 16.12.035.D.

Table 16.12.035.D
Driveway Approach Size Standards

Property Use	Minimum Driveway Approach Width		Maximum Driveway Approach Width
Single-Family Attached	10 feet		12 feet
Single-Family Detached in R-5 & R-3.5	10 feet		12 feet
Single-Family Detached in R-10, R-8, & R-6	12 feet		24 feet
Duplexes	12 feet		24 feet
3—4 plexes	12 feet		24 feet
Multi-Family	18 feet		30 feet
Commercial, Industrial, Office, Institutional, Mixed Use, and/or Nonresidential	One-Way 12 feet	Two-Way 20 feet	40 feet

Driveway widths shall match the width of the driveway approach where the driveway meets sidewalk or property line but may be widened onsite (for example between the property line and the entrance to a garage). Groups of more than four parking spaces shall be so located and served by driveways so that their use will not require backing movements or other maneuvering within a street right-of-way other than an alley.

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.

G. For all driveways, the following standards apply:

1. Each new or redeveloped curb cut shall have an approved concrete approach or asphalted street connection where there is no concrete curb and a minimum hard surface for at least ten feet back into the property as measured from the current edge of sidewalk or street pavement to provide for controlling gravel tracking onto the public street. The hard surface may be concrete, asphalt, or other surface approved by the city engineer.
2. Any driveway approach built within public right-of-way shall be built and permitted per city requirements as approved by the city engineer.
3. No driveway with a slope of greater than fifteen percent shall be permitted without approval of the city engineer.

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, templates may be utilized to develop a driveway width that can safely and expeditiously accommodate the prevalent type of ingress and egress traffic. Item 3.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

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. Specific utility easements for water, sanitary or storm drainage shall be provided based on approved final engineering plans.
- B. Unusual Facilities. Easements for unusual facilities such as high voltage electric transmission lines, drainage channels and stormwater detention facilities shall be adequately sized for their intended purpose, including any necessary maintenance roads. These easements shall be shown to scale on the preliminary and final plats or maps. If the easement is for drainage channels, stormwater detention facilities or related purposes, the easement shall comply with the requirements of the public works stormwater and grading design standards.
- C. Watercourses. Where a development is traversed or bounded by a watercourse, drainageway, channel or stream, a stormwater easement or drainage right-of-way shall be provided which conforms substantially to the line of such watercourse, drainageway, channel or stream and is of a sufficient width to allow construction, maintenance and control for the purpose as required by the responsible agency. For those subdivisions or partitions which are bounded by a stream of established recreational value, setbacks or easements may be required to prevent impacts to the water resource or to accommodate pedestrian or bicycle paths.
- D. Access. When easements are used to provide vehicular access to lots within a development, the construction standards, but not necessarily width standards, for the easement shall meet city specifications. The minimum width of the easement shall be 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)

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 for prior to final plan review.

Item 3.

- B. Improvements shall be constructed under the inspection and approval of the city engineer. Expenses incurred thereby shall be borne by the applicant and paid prior to final approval. Where required by the city engineer or other city decision-maker, the applicant's project engineer also shall inspect construction.
- C. Erosion control or resource protection facilities or measures are required to be installed in accordance with the requirements of OCMC 17.47, 17.49 and the public works erosion and sediment control standards.
- D. Underground utilities, waterlines, sanitary sewers and storm drains installed in streets shall be constructed prior to the surfacing of the streets. Stubs for service connections for underground utilities, such as, storm, water and sanitary sewer shall be placed beyond the ten-foot wide franchise utility easement within private property.
- E. As-built construction plans and digital copies of as-built drawings shall be filed with the city engineer upon completion of the improvements.
- F. The city engineer may regulate the hours of construction and access routes for construction equipment to minimize impacts on adjoining residences or neighborhoods.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

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. Item 3.

- E. Street Trees. Refer to OCMC 12.08, Street Trees.
- F. Bench Marks. At least one bench mark shall be located within the subdivision boundaries using datum plane specified by the city engineer.
- G. Other Utilities. The applicant shall make all necessary arrangements with utility companies or other affected parties for the installation of underground lines and facilities. Existing and new electrical lines and other wires, including but not limited to communication, street lighting and cable television, shall be placed underground.
- H. Oversizing of Facilities. All facilities and improvements shall be designed to city standards as set out in the city's facility master plan, public works design standards, or other city ordinances or regulations. Compliance with facility design standards shall be addressed during final engineering. A development may be required to modify or replace existing offsite systems if necessary to provide adequate public facilities. The city may require oversizing of facilities to meet standards in the city's facility master plan or to allow for orderly and efficient development. Where oversizing is required, the applicant may request reimbursement from the city for oversizing based on the city's reimbursement policy and funds available, or provide for recovery of costs from intervening properties as they develop.
- I. Erosion Control Plan—Mitigation. The applicant shall be responsible for complying with all applicable provisions of OCMC 17.47 with regard to erosion control.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

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.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

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

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.

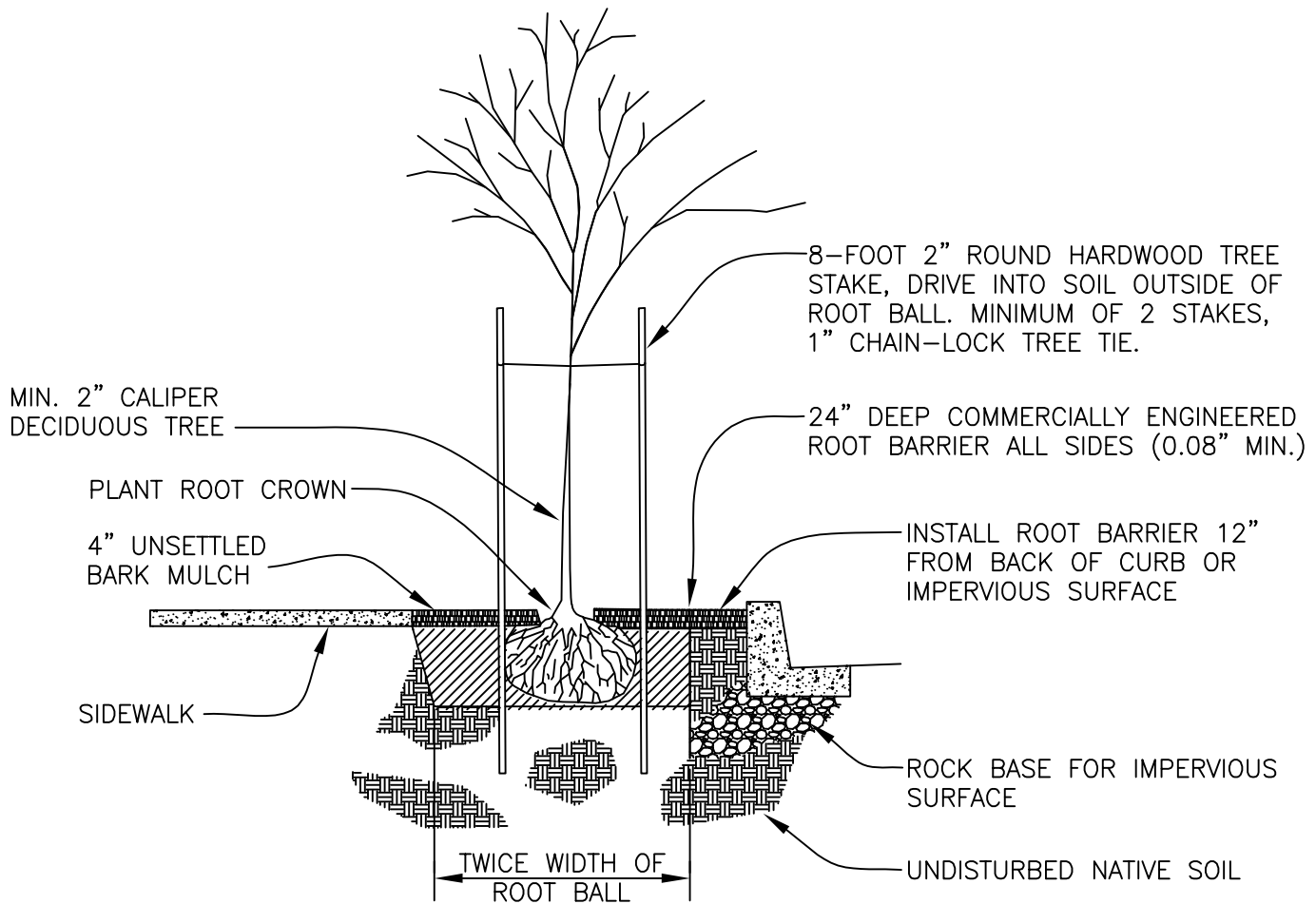
The review authority may require a property owner to sign a waiver of remonstrance against the formation of and participation in a local improvement district where it deems such a waiver necessary to provide needed improvements reasonably related to the impacts created by the proposed development. To 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)



NOTES

1. REMOVE EXCESS SOIL TO EXPOSE ROOT FLARE AND TO ENSURE TOP MOST ROOT IS NO MORE THAN 1-INCH BELOW ROOT BALL SURFACE. SEVER CIRCLING ROOTS WHERE APPROPRIATE. SET TOPMOST ROOT 2 INCHES ABOVE ADJACENT FINISHED GRADE. TRUNK FLARE SHALL BE VISIBLE.
2. CUT AND REMOVE WIRE BASKETS FROM SIDES OF ROOT BALL WITHOUT DEFORMING BALL. CUT OFF AND REMOVE BURLAP AND ROPE FROM TOP HALF OF ROOT BALL. COMPLETELY REMOVE SYNTHETIC ROPE AND NON-BIODEGRADABLE BURLAP.

DRAWN JRF		
ENGR. NJK		
REV.	DATE	APPR.
1	12/19	DW

City of Oregon City
Public Works Standard Drawings

**STREET TREE PLANTING
IN PLANTER STRIP**

SCALE	N.T.S.
DATE	APRIL 2012
APPR.	NJK
DRAWING NO.	530