



CITY OF OREGON CITY

CITY COMMISSION WORK SESSION

AGENDA

Virtual Meeting
Tuesday, April 13, 2021 at 6:00 PM

VIRTUAL MEETING INFORMATION:

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

CONVENE WORK SESSION AND ROLL CALL

FUTURE AGENDA ITEMS

The Commission's adopted goals and available staff resources shall be considered when recommending future agenda items. The Commission may add an item to a future agenda with consensus of the Commission.

1. List of Future Work Session Agenda Items

DISCUSSION ITEMS

2. Review and Discussion of the Proposed 2021-2023 City Commission Goals
3. Proposed Amendments to Chapter 17.44 – Geologic Hazards
4. Restoring Tree Canopy Damage from the 2021 Ice Storm

CITY MANAGER'S REPORT

COMMISSION COMMITTEE REPORTS

A. Beaver Creek Employment Area Blue Ribbon Committee - Commissioner Frank O'Donnell

B. Brownfield Grant Committee - Commissioner Frank O'Donnell

C. Citizen Involvement Committee Liaison - Commissioner Denyse McGriff

D. Clackamas County Coordinating Committee (C4) - Mayor Rachel Lyles Smith

E. Clackamas County I-205 Tolling Diversion Committee - Appointed: Mayor Rachel Lyles Smith
Alternate: Commissioner Frank O'Donnell

F. Clackamas Heritage Partners - Commissioner Rocky Smith, Jr.

G. Clackamas Water Environment Services Policy Committee -

Appointed: *Commissioner Rocky Smith, Jr.*
McGriff

Alternate: *Commissioner Denyse*

H. Downtown Oregon City Association Board - *Commissioner Denyse McGriff***I. Metro Policy Advisory Committee (MPAC) -** Appointed: *Mayor Rachel Lyles*

Smith Alternate: *Commissioner Denyse McGriff*

J. OC 2040 Project Advisory Team - Appointed: *Commissioners Denyse McGriff and Rocky Smith, Jr.***K. Oregon Governor's Willamette Falls Locks Commission -** *Vacant until State Appoints Mayor Rachel Lyles Smith***L. Oregon City Tourism Stakeholder's Group -** Appointed: *Commissioners Denyse McGriff and Rocky Smith, Jr.***M. Oregon City/West Linn Pedestrian and Bicycle Bridge Concept Plan Project Advisory Committee -** Appointed: *Commissioner Denyse McGriff***N. South Fork Water Board (SFWB) -** *Mayor Rachel Lyles Smith, and Commissioners Frank O'Donnell, and Rocky Smith, Jr.***O. Willamette Falls and Landings Heritage Area -** *Commissioner Denyse McGriff***P. Willamette Falls Legacy Project Liaisons –** *Mayor Rachel Lyles Smith and Commissioner Frank O'Donnell***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: 04/13/2021

SUBJECT:

List of Future Work Session Agenda Items

BACKGROUND:

May 11, 2021

Compatible Change Update
Comprehensive Plan Update
Introduction to House Bill 2001 – Additional Housing Choices in Oregon City
Police Annual Report

June 8, 2021

Building Code Changes
Follow-up on the Request for Recording Pre-Application Meetings
Land Use Training
Willamette Falls Trust and Willamette Falls Legacy Project Updates

July 13, 2021

Abandon and/or Semi-Abandon Buildings
City Commission Policies for Review
City Commission Rules of Procedure and Boards & Commissions Orientation Manual
Changes

Additional Upcoming Items (These items are in no particular order)

Beavercreek Road Concept Plan (Thimble Creek) Funding Discussion
Canemah Area - Encroachments in the Right-of-Way Policy Discussion
Clackamas County Water Environmental Services (WES) Rate Differential
Clackamette Park Boat Ramp
Climate Action Plan Presentation (City of Milwaukie)

Code Enforcement Complaint Process

Commission Policies Review

Construction Excise Tax

Cross Street and Utility Pole Banners

Ethics Training

Metro Food Waste Program Requirements - Annual Review

Oregon Main Street Update by Sheri Stuart

Parks Special Event Fees and Application Process

Parking Rate Increase for Permitted Parking in Downtown Oregon City (Green, Purple, Orange, etc. Zones)

South Fork Water Board - Mountain Line Easements Vacation

Transportation Demand Management (TDM) Plan Implementation Update

Water System Risk and Resiliency Review

Willamette Falls Legacy Project Operations and Maintenance Discussion



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: 04/13/2021

SUBJECT:

Review and Discussion of the Proposed 2021-2023 City Commission Goals

STAFF RECOMMENDATION:

Staff recommends that the City Commission review and provide direction on the 2021-2023 City Commission Goals.

EXECUTIVE SUMMARY:

The City Commission held two retreats to identify and discuss the 2021-2023 City Commission goals and strategies. Staff has prepared the draft 2021-2023 Commission Goals based on the Commission discussion and project prioritization. Each strategy includes additional information describing the preliminary project approach to implement the strategy as well as the estimated investment to complete the task, the funding source, the Department lead on the task and the estimated timeline to begin the project and complete.

The attached City Commission Goals Summary is arranged based on the Commission ranking of the Goals rather than sequentially by number. For example, the Commission ranked Goal 8 – Promote diversity, equity and inclusion for a safe, inclusive community and organization highest, therefore it is the first Goal on the spreadsheet. Similarly, the Revised Strategies to implement the Goal are also presented in the order that the Commission ranked the strategies.

Attached to this staff report in addition to the City Commission Goals Summary is the Commission rankings of the Goals and Strategies and the working document of the notes from the retreats as background information.

Staff is requesting that the Commission review the draft 2021-2023 Commission Goals and provide direction to finalize the document for approval by the Commission at a future Commission meeting.

OPTIONS:

1. Direct staff to finalize the 2021-2023 Commission Goals for approval at a future Commission meeting.
2. Direct staff to make additional changes and bring back for further review and discussion at a work session.

City Commission Goals 2021-2023	Revised Strategies	Recommended	Proposed Approach	Proposed Amount	Funding Source	Project Lead	Estimated Timeline	Commission Prioritization
Goal 8 Promote diversity, equity and inclusion for a safe, inclusive community and organization								
Promote diversity, equity and inclusion for a safe, inclusive community and organization	8.2 Using the vision articulated in Resolution 20-19, develop a comprehensive internal and external DEI framework	Yes	Staff will work with a consultant to lead and develop a DEI framework that will guide the City. The framework will include: • The creation of policies and practices that advance diversity, equity and inclusion throughout City operations.	\$75,000	General Fund	Human Resources/City Manager	12/21 - 5/23	1
	8.3 Create a community task force to guide the external DEI work	Yes	Staff will work with a consultant to create, coordinate and lead a community task force. The project will include: • Education and discussion of the concepts lead to equality. • Discussion about the impacts of bias and racism in our community. • Identification of ways to make our community more welcoming and inclusive for all.	\$50,000	General Fund	Human Resources/City Manager	7/21 - 3/23	2
	8.1 Evaluate internal policies, procedures, hiring practices, purchasing, and codes to reduce barriers and systemic inequities	Yes	Staff will establish an internal project team that will discuss and explore opportunities to reduce barriers and systemic inequalities such as: • Establishing the Oregon City Municipal Diversity & Equity Purchasing Program. • Creating a vendor list of minority and women owned businesses that can be utilized by the City. • Drafting municipal code that requires all city departments and subcontractors doing business with the City to initially engage businesses owned by BIPOC. • Promoting the program and educating staff, contractors, vendors, and subcontractors seeking to do business with the City.	No additional funds requested in proposed budget. Existing staff will complete this task.		Human Resources/City Manager	9/21 - 6/23	3
Goal 1 Invest in current and future capital needs for safe, sustainable infrastructure and City services								
	1.7 Prioritize projects in the transportation master plan to maximize safety and connectivity	Yes	Staff with the assistance of a consultant will work with the Transportation Advisory Committee (TAC) to review the Transportation System Plan (TSP) and associated documents to create a prioritization of projects that maximize multimodal safety and connectivity. The process will include: • A public engagement process. • Outreach to the workgroups established by the Planning Department for the OC 2040 Comprehensive Plan Update process, with an emphasis on DEI. • As part of the project, the City will consider and evaluate projects within the TSP, concept plans, the budget, the 5-year pavement maintenance plan, capital improvement plans, transit plans, safety statistics, and existing conditions.	\$40,000	Transportation Fund Transportation SDC Fund	Public Works	9/21-8/22	1

City Commission Goals 2021-2023	Revised Strategies	Recommended	Proposed Approach	Proposed Amount	Funding Source	Project Lead	Estimated Timeline	Commission Prioritization
Invest in current and future capital needs for safe, sustainable infrastructure and City services	1.6 Complete analysis to identify deferred maintenance and ongoing asset management costs for parks and identify funding options	Yes	The Parks and Recreation Department selected Bureau Veritas Technical Assessments LLC to help develop a plan to address the need for immediate repairs, preventative maintenance, deferred project backlog, and capital replacement. This plan will include: - Identifying facility maintenance, reducing the need for reactive repairs, and avoid deferred repairs. - Providing a roadmap for corrective recommendations to help reduce the maintenance backlog. - Identifying funding options for the City Commission to consider.	No additional funds requested in proposed budget. This is an existing project.		Parks	3/21 - 12/21	2
	1.2 Review SDCs and utility rates to strike a balance between SDCs and rates	Yes	Staff will prepare a comprehensive review of Oregon City's Water and Stormwater System Development Charges (SDC's) and utility rates. The review will include: - Third party comparison analysis of rates and SDC's from across the Metro region. - A summary report on what innovative strategies other agencies are utilizing to manage and upgrade utility systems.	\$57,000	Water Fund Stormwater Fund	Public Works	3/21 - 10/21	3
	1.5 Prioritize the implementation of the IT Strategic Plan	Yes	Staff will begin implementation of the IT Strategic Plan which will include: - Adoption of the IT Strategic Plan. - Upgrading the City's disaster recovery and backup systems. - Deploying mobile device management system citywide. - Completing the fiber circuit from Operations Complex to the Robert Libke Public Safety Facility. - Creation of the IT Director position beginning in July 2022.	\$466,000	General Fund	IT	3/21 - 7/22	4
	1.1 Complete parks master plan and update system development fees	Yes	Staff will work with a consultant to create a master plan that will provide a vision for development, maintenance, and operation of the entire park system. The master plan will include: - A public engagement process to identify goals and specific action items envisioned by City staff and the community at large. - An inventory of existing parks and recreation facilities. - Creating a vision statement, goals, and recommendations for system-level and park-specific improvements; park land acquisition strategy; suggested funding strategy. - Identification of capital needs and recommended system development charges (SDC's) to implement the improvements.	\$190,000	General Fund Parks SDC Fund	Parks	9/21 - 9/23	5

City Commission Goals 2021-2023	Revised Strategies	Recommended	Proposed Approach	Proposed Amount	Funding Source	Project Lead	Estimated Timeline	Commission Prioritization
	1.4 Assess the communication infrastructure and equipment to improve overall quality and reliability of service to the community	Yes	Staff will work with a consultant to determine the feasibility of a public/private partnership to improve overall quality and reliability of fiber optic connectivity to the community. The assessment will include: • Conducting a feasibility study to assess the communication infrastructure needed and its marketability of the service. • A strategy to establish community-wide fiber optic connectivity to homes and businesses throughout Oregon City. • If feasible, developing a Request for Proposals and solicitation for partners.	\$200,000	General Fund, contingent upon ARPA funding	Economic Development	9/21 - 6/23	6
	1.3 Develop a citywide facility master plan	Yes	Staff will work with a consultant to develop a facility master plan. This plan will include: • Developing a long-term strategy for City facilities.	\$40,000	General Fund	City Manager	1/23 - 6/23	7
Goal 2 Improve the City's engagement efforts to reach the broader Oregon City community and inform the policy process								
Improve the City's engagement efforts to reach the broader Oregon City community and inform the policy process	2.1 Refine and improve the engagement strategy to enhance two-way engagement and communication, build new relationships in the community, enhance the City's use of online engagement, and gather engagement data to track progress	Yes	Staff will work with a consultant to develop a plan to improve engagement and communication with the community. The plan will include: • An inventory of the tools and resources the City currently utilizes and a report of the effectiveness of these tools and platforms. • Creating a snapshot of followers and current engagement on the City's communication platforms. • Guidance on more effective tools and methods to increase followers and the quality of the engagement. • Providing a strategy to increase public engagement.	\$30,000	General Fund	City Manager/ Communications	7/21-9/22	1
			Staff will research and deploy an engagement website platform to enhance online engagement and disseminate information.	\$15,000		City Manager/ Communications	7/21-9/22	
Goal 6 Adopt and implement a Homelessness Strategy for Oregon City								

City Commission Goals 2021-2023	Revised Strategies	Recommended	Proposed Approach	Proposed Amount	Funding Source	Project Lead	Estimated Timeline	Commission Prioritization
Adopt and implement a Homelessness Strategy for Oregon City	6.2 Formalize our internal strategy to address homelessness and surrounding issues, communicate the strategy with the community, and continue engaging the community	Yes	Staff will work with a consultant to create a written, formalized document that outlines the citywide efforts and approach in response to issues related to homelessness. The document will include: • Development of an internal Oregon City Homeless Solutions task force that will include representatives from multiple departments. • Engagement with existing advisory bodies and community members. • Identification of resources necessary to address the needs of the homeless population. • Identification of the challenges and constraints. • Identification of potential strategies to address the needs of the homeless population with assistance from outside partners. • Development of a communications and engagement plan to inform the community of the resources and strategies that have been identified.	\$40,000	General Fund	Police	7/21 - 12/21	1
	6.1 Develop partnerships with other local and regional governments to develop local and regional solutions including Oregon City's needs in serving the homeless population	Yes	Staff will update the City Commission on different aspects of the issues related to homelessness in the City and strategic opportunities for the City Commission and staff to engage governmental agencies, non-profits, and other entities. Based on the results of the formalized internal strategy the following will occur: • Creation of an inventory of potential partner organizations/agencies. • Prioritization of Oregon City needs and related strategies. • Development of proposals and requests for potential partner organizations to assist with addressing homelessness in Oregon City.	No additional funds requested in proposed budget.		Police	12/21 - 12/22	2
Goal 4 Promote tourism and support economic development to foster community sustainability								
	4.3 Prioritize and implement the Citywide economic development strategy	Yes	Staff will work to create a Citywide Economic Development marketing and promotion strategy to brand and highlight the recreational, business, and investment opportunities in Oregon City. The marketing and promotion strategy will include: • The utilization of various promotional tools and marketing techniques such as paid digital content, developer Familiarization Tours, publicity events, developer and business financial analysis, and social and print media.	\$400,000	General Fund	Economic Development	7/21 - 6/23	1

City Commission Goals 2021-2023	Revised Strategies	Recommended	Proposed Approach	Proposed Amount	Funding Source	Project Lead	Estimated Timeline	Commission Prioritization
Promote tourism and support economic development to foster community sustainability			Staff will implement an Ombudsman program that will assist developers, investors, and businesses with navigating through and understanding the City’s regulatory process. The Ombudsman program will include: • Workshops and seminars on city regulatory processes for businesses • Printing educational brochures and pamphlets to aid with understanding and navigating the City’s regulatory process. • Working with City departments to reduce and clarify regulatory procedures.	\$40,000		Economic Development	11/21 - 12/21	
	4.1 Determine implementation of 2020 urban renewal study.	Yes	Staff will work with the Urban Renewal Commission to complete the Urban Renewal Public Engagement Process. This process is currently ongoing.	No additional funds requested in proposed budget.		Economic Development	5/21 - 10/21	2
	4.2 Implement the Tourism strategy	Yes	Staff will implement the Tourism Strategy to attract and engage the community to the Travel Oregon City website to increase participation and community opportunities. Implementation of the Tourism Strategy will include: • The marketing and promotion of Oregon City tourism assets. • Implementation of the Community Showcase, the Concierge Institute, and the Arts Treasure Trove which are programs identified in the Oregon City Tourism Strategy.	\$680,000	Transient Room Tax \$75,000 is contingent upon ARPA funding	Economic Development	7/21 - 6/23	3
	4.4/3.4 Determine the City's role in supporting community events and other amenities that support tourism	Yes	Staff will work to create a program to support community events. The program will include: • Providing grant funding to private nonprofits that produce city-wide special events designed to re-enforce the community hometown brand.	\$100,000	General Fund	Economic Development	7/21 - 12/21	1 (Supports Goals 3 and 4 : Number 1 Commission priority for Goal 3)
Goal 5 Support diverse housing options in Oregon City								
	5.3 Prepare a plan to identify and implement housing strategies, tools and opportunities that work best for Oregon City	Yes	Staff will create actions the City may take to increase the supply of housing, including affordable housing. The project will include: • An online public engagement effort to identify strategies to increase the supply of housing in Oregon City. • The public engagement results will be incorporated into the strategies identified at the severely rent burdened community conversation, as well as input from the Citizen Involvement Committee, the Planning Commission, and the best practices and strategies identified from partnerships with other agencies. • Recommendations to the City Commission that will include no-cost strategies, as well as strategies which would rely on funding sources such as the Construction Excise Tax.	\$10,000	General Fund	Planning	7/22 - 7/23	1

City Commission Goals 2021-2023	Revised Strategies	Recommended	Proposed Approach	Proposed Amount	Funding Source	Project Lead	Estimated Timeline	Commission Prioritization
Support diverse housing options in Oregon City	5.1 Update our code to provide additional housing choices in Oregon City	Yes	Staff will compare existing Oregon City regulations to HB 2001 and propose amendments to the Oregon City Municipal Code to implement the new requirements. The project will include: • An analysis of the City's infrastructure capacity to determine if there is sufficient capacity for the changes. • Public engagement, such as online surveys and input, Citizen Involvement Committee and Planning Commission presentations, a virtual open house, and a mailer to property owners and tenants. • Final Legislative review by the Planning Commission and City Commission of the proposed changes.	\$20,000	General Fund	Planning	7/21 - 7/22	2
	5.2 Conduct a more detailed analysis of Oregon City's housing inventory	Proposed to be delayed due to lack of funding and staff.	Staff would work with a consultant to conduct a detailed analysis of housing throughout the City to the level of detail that is available. The study will include: • A more in-depth than the housing needs analysis and include the general geographic distribution of various housing types, housing availability, quality, and affordability. • An online survey to identify housing and amenities throughout the City to provide a snapshot of housing in the community. • A review by the public, Citizen Involvement Committee, Planning Commission, and City Commission. • Adoption through a legislative process that is reviewed by the Planning Commission and City Commission.	Proposed to be delayed due to lack of funding and staff. Estimated project cost \$100,000 and 1.0 FTE.	Proposed to be delayed due to lack of funding and staff. If funded, offsets in the General Fund would need to be identified.	Planning	estimated: 18 Months	3
Goal 3 Support Improvements and Partnerships that Contribute to our Hometown Feel and Showcase Oregon City's Unique Community Identity								
	3.1 Determine and establish relationships with the Tribes that have a shared history with Oregon City	Yes	Staff will work jointly with all five tribes identified in the Willamette Falls Legacy Project and make connections with other tribes that reach out. The process for establishing these relationships and partnership building will include: • Arrangement of smaller introductory meetings between elected officials before a full meeting between elected bodies to form the basis of formal government-to-government relationships. • Development of a formal agreement with commitments, such as continued communication, collaboration, and a formal recognition of past harms.	No additional funds requested in proposed budget.	General Fund	Communications/ Planning	5/21 - 6/23	1
			The City would fund the installation of a memorial currently being designed by the Confederated Tribes of the Umatilla Indian Reservation to honor the Cayuse Five.	\$150,000		City Manager / Planning	5/21 - 6/22	

City Commission Goals 2021-2023	Revised Strategies	Recommended	Proposed Approach	Proposed Amount	Funding Source	Project Lead	Estimated Timeline	Commission Prioritization
Support Improvements and Partnerships that Contribute to our Hometown Feel and Showcase Oregon City's Unique Community Identity	3.5 Enhance partnerships with agencies and organizations to promote Oregon City's resources, opportunities and events	Yes	Staff will establish a six to eight week training program on the business of tourism and organizational and professional development for non-profit and for-profit businesses.	No additional funds requested in proposed budget.		Economic Development	9/21 - 6/23	2
	3.3 Promote the arts as a focus of community identity and reactivate the Arts Commission	Yes	Staff will engage the arts community of Oregon City to further nurture community identification and reactivate the Arts Commission. Promotion of the arts will include: - Public display of sculptures, paintings, decorative features, horticultural enhancements and historical portrayals. - Events that include music, dance, poetry and other forms of artistic expression.	\$50,000	General Fund	Economic Development	8/21 - 2/22	3
	3.2 Use art to attract and engage more community members and visitors	Yes	Staff will investigate the feasibility of the development of an arts incubator to help artists realize commercial success by establishing a facility to house studios, conference rooms, and administrative, financial, and legal services.	\$40,000	General Fund	Economic Development	10/21 - 3/22	4
Goal 7 Protect and preserve our environmental health and natural resources								
	7.5 Develop a climate action plan	Yes	Staff will work with a consultant to create a Climate Action Plan focusing on actions the City can take to decrease the environmental footprint of City facilities and operations. The Climate Action Plan will include: - Engagement with PGE and other potential partners to identify opportunities to reduce the impacts created by City facilities and operations. - Recommendations for the City Commission to consider and potentially adopt via Resolution.	\$100,000	General Fund	Planning / City Manager	10/22 - 12/23	1

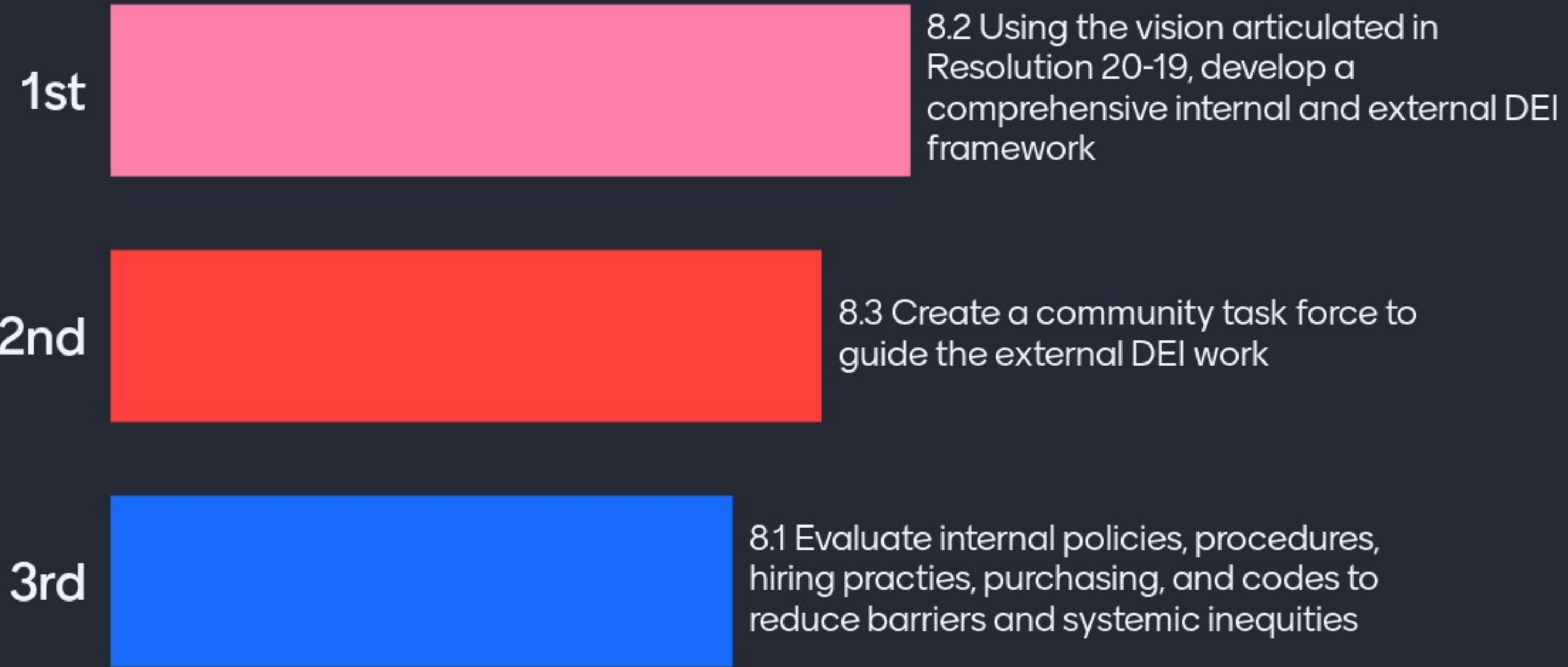
City Commission Goals 2021-2023	Revised Strategies	Recommended	Proposed Approach	Proposed Amount	Funding Source	Project Lead	Estimated Timeline	Commission Prioritization
Protect and preserve our environmental health and natural resources	7.6 Evaluate a citywide tree protection ordinance	Proposed to be delayed due to lack of funding and staff.	Staff would work with a consultant to assist with a comprehensive review tree preservation and incentives that currently exist within the Oregon City Municipal Code. The project will include: - Rewriting applicable portions of approximately nine sections of the Oregon City Municipal Code and associated guides to assist the community in understanding tree regulations. - Public engagement, such as two required mailed notices to every property owner, surveys, a virtual open house, and the Legislative review of any proposed code amendments by the Planning Commission and City Commission.	Proposed to be delayed due to lack of funding and staff. Estimated project cost \$85,000 and 1.0 FTE.	Proposed to be delayed due to lack of funding and staff. If funded, offsets in the General Fund would need to be identified.	Planning	estimated: 18 Months	2

	2021								2022								2023															
	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D
	FY 2021/22								FY 2022/23																							
GOAL 8 - Promote diversity, equity and inclusion for a safe, inclusive community and organization																																
Strategy 8.2 - DEI Framework																																
Strategy 8.3 - Community Task Force																																
Strategy 8.1 - Evaluate Policies and Practices																																
GOAL 1 - Invest in current and future capital needs for safe, sustainable infrastructure and City services																																
Strategy 1.7 - Prioritize Projects in the Transportation Master Plan																																
Strategy 1.6 Complete Analysis of Deferred Maintenance of Parks																																
Strategy 1.2 Review SDCs and Utility Rates and Balance w/SDC's																																
Strategy 1.5 Prioritize the Implementation of the IT Strategic Plan																																
Strategy 1.1 Complete Parks Master Plan/Update System Dev. Fees																																
Strategy 1.4 Assess the Communication Infrastructure and Equipment																																
Strategy 1.3 Develop a Citywide Facility Master Plan																																
GOAL 2 - Improve the City's engagement efforts to reach the broader Oregon City community and inform the policy process																																
Strategy 2.1 Refine and Improve the Engagement Strategy																																
GOAL 6 - Adopt and implement a Homelessness Strategy for Oregon City																																
Strategy 6.2 Formalize our Internal Strategy to Address Homelessness																																
Strategy 6.1 Develop Partnerships with Other Local and Regional Govs.																																
GOAL 4 - Promote tourism and support economic development to foster community sustainability																																
Strategy 4.4 Prioritize and Implement Citywide Ec Dev Strategy																																
Strategy 4.1 Determine Implementation of 2020 Urban Renewal Study																																
Strategy 4.3 Implement the Tourism strategy																																
Strategy 4.2 Determine the City's Role in Supporting Community Events																																
GOAL 5 - Support diverse housing options in Oregon City																																
Strategy 5.3 Prepare a Plan to Identify and Implement Housing Strategies																																
Strategy 5.1 Update Code to Provide Additional Housing Choices																																
Strategy 5.2 Conduct a More Detailed Analysis of Housing Inventory																																
GOAL 3 Support improvements and partnerships that contribute to our hometown feel and showcase Oregon City's unique community identity																																
Strategy 3.2 Determine and Establish Relationships with the Tribes																																
Strategy 3.1 Enhance partnerships with County, Museum, DOCA, etc.																																
Strategy 3.4 Promote the Arts and Reactivate the Arts Commission																																
Strategy 3.3 Use Art to Attract and Engage Community and Visitors																																
GOAL 7 Protect and preserve our environmental health and natural resources																																
Strategy 7.5 Develop a Climate Action Plan																																
7.6 Evaluate a Citywide Tree Protection Ordinance																																

Rank the goals



Promote diversity, equity and inclusion for a safe, inclusive community and organization: Rank these actions (1= highest priority)

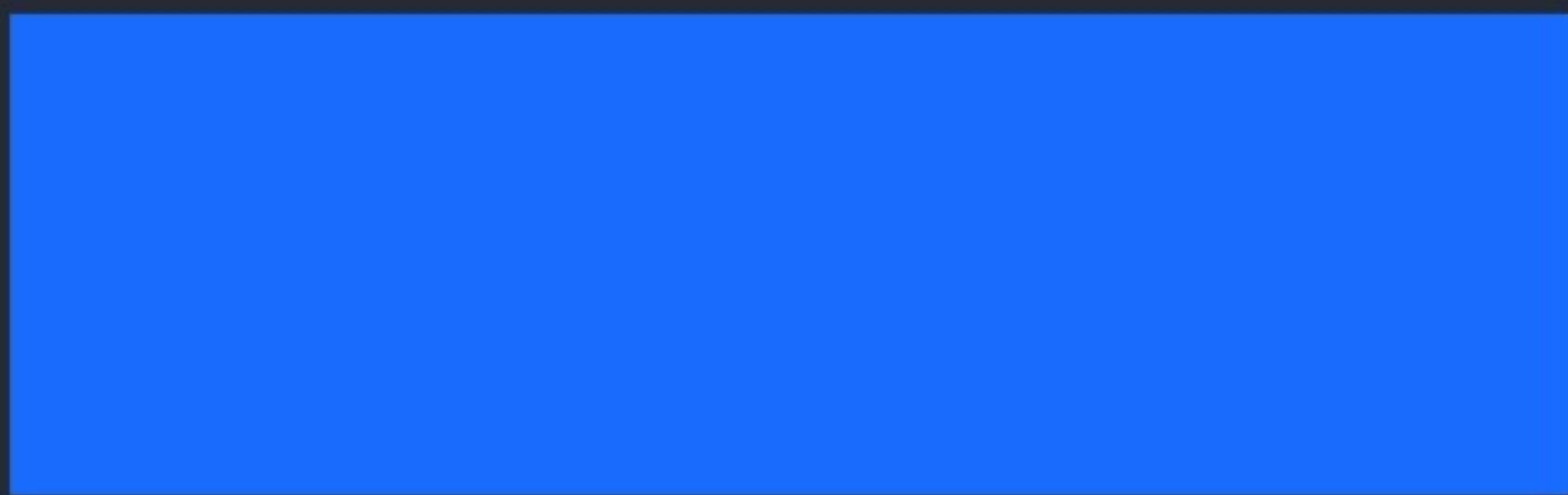


Invest in current and future capital needs for safe, sustainable infrastructure and City services. Rank these actions (1= highest priority)



Adopt and implement a Homelessness Strategy for Oregon City: Rank these actions (1= highest priority)

1st



6.2 Formalize our internal strategy to address homelessness and surrounding issues, communicate the strategy with the community, and continue engaging

2nd



6.1 Develop partnerships with other local and regional governments to develop local and regional solutions including Oregon City's needs in serving th

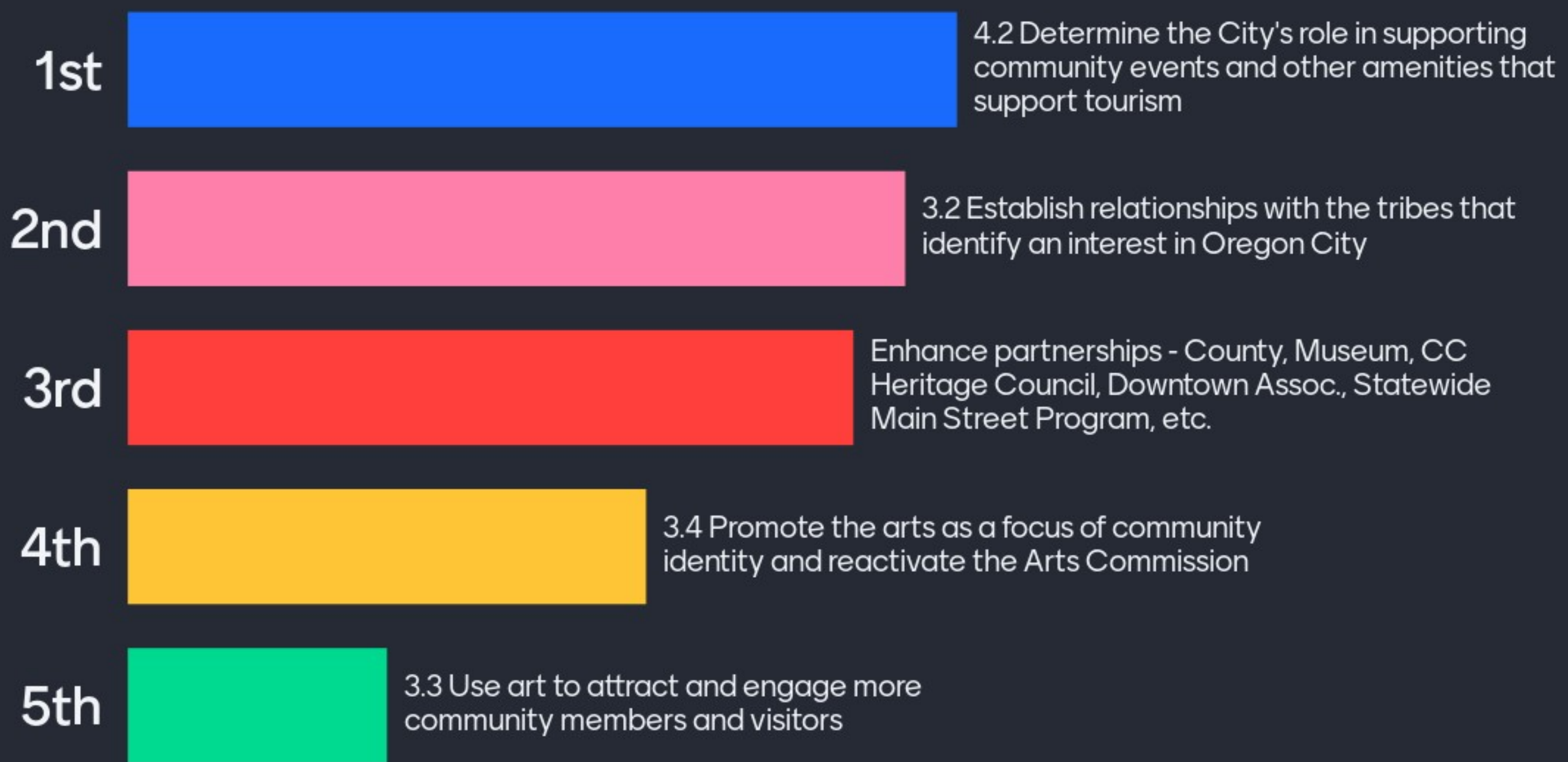
Promote tourism and support economic development to foster community sustainability. Rank these actions (1= highest priority)



Support diverse housing options in Oregon City: Rank these actions (1= highest priority)



Support improvements and partnerships that contribute to our hometown feel and showcase Oregon City's unique community identity. (1= highest priority)



Protect and preserve our environmental health and natural resources: Rank these actions (1= highest priority)



Oregon City Commission Goals 2021-2023

Goals	Revised Strategies	Refinement Notes	Priority	Project Lead	Timeline
Goal 1					
Invest in current and future capital needs for safe, sustainable infrastructure and City services	1.1 Complete parks master plan and update system development fees.		5		
	1.2 Review SDCs and utility rates to strike a balance between SDCs and rates.	Review System Development Charges. (Water, Storm, etc.) Review water rate increases and SDCs in the interest of improving the water infrastructure, striking balance between SDCs and rates.	3		
	1.3 Develop a citywide facility master plan.		7		
	1.4 Assess the communication infrastructure and equipment to improve overall quality and reliability of service to the community.	Not city-owned facilities. Improve for economic development. Communications infrastructure - equipment and process.	6		
	1.5 Prioritize the implementation of the IT Strategic Plan.		4		
	1.6 Complete an analysis to identify deferred maintenance and ongoing asset management costs for parks and identify funding options.	Needs to include funding	2		
	1.7 Prioritize projects in the transportation master plan to maximize safety and connectivity.		1		
Goal 2					
Improve the City's engagement efforts to reach the broader Oregon City community and inform the policy process	2.1 Refine and improve the engagement strategy to enhance two-way engagement and communication, build new relationships in the community, enhance the City's use of online engagement, and gather engagement data to track progress.	Strengthen the system and the personnel within the system. Hoping this would include a website refresh (ex/ Milwaukie website - Engage Milwaukie). Needs to include neighborhoods in the analysis/strategy	1		
Goal 3					
Support improvements and partnerships that contribute to our hometown feel and showcase Oregon City's unique community identity	3.1 Determine and establish relationships with the Tribes that have a shared history with Oregon City.	Memorial to the Cayuse Five and any others that present themselves	2		
	3.2 Use art to attract and engage more community members and visitors.		5		
	3.3 Promote the arts as a focus of community identity and reactivate the Arts Commission		4		
	3.4 Determine the City's role in supporting community events and other amenities that support tourism and contribute to hometown feel.	supports goals 3 and 4	1		
	3.5 Enhance partnerships - County, Museum, CC Heritage Council, Downtown Assoc., Statewide Main Street Program, etc.	Wording will be refined	3		
Goal 4					
Promote tourism and support economic development to foster community sustainability	4.1 Determine implementation of 2020 urban renewal study.		2		
	4.2 Implement the Tourism Strategy.		3		
	4.3 Prioritize and implement the Citywide Economic Development Strategy.		1		
Goal 5					
Support diverse housing options in Oregon City	5.1 Update our code to provide additional housing choices in Oregon City.	We are tailoring this to fit the needs of our community	2		
	5.2 Conduct a more detailed analysis of Oregon City's housing inventory.		3		
	5.3 Prepare a plan to identify and implement housing strategies, tools and opportunities that work best for Oregon City.		1		
Goal 6					
Adopt and implement a Homelessness Strategy for Oregon City	6.1 Develop partnerships with other local and regional governments to develop local and regional solutions including Oregon City's needs in serving the homeless population.	regional solutions to reduce the impact to the cities is the goal	2		
	6.2 Formalize our internal strategy to address homelessness and surrounding issues, communicate the strategy with the community, and continue engaging the community.		1		
Goal 7					
Protect and preserve our environmental health and natural resources	7.1 Develop a climate action plan		1		
	7.2 Evaluate a citywide tree protection ordinance	move towards consolidation of our ordinances	2		
Goal 8					
Promote diversity, equity and inclusion for a safe, inclusive community and organization	8.1 Evaluate internal policies, procedures, hiring practices, purchasing, and codes to reduce barriers and systemic inequities		3		
	8.2 Using the vision articulated in Resolution 20-19, develop a comprehensive internal and external DEI framework		1		
	8.3 Create a community task force to guide the external DEI work		2		

Oregon City Commission Goals 2021-2023

Goals	Revised Strategies	Refinement Notes	Priority	Project Lead	Timeline
Goal 1					
Invest in current and future capital needs for safe, sustainable infrastructure and City services	1.1 Complete parks master plan and update system development fees				
	1.2 Review SDCs and utility rates to strike a balance between SDCs and rates. Implement water rate increases as approved by the Commission to fund water infrastructure	Review System Development Charges. (Water, Storm, etc.) Review water rate increases and SDCs in the interest of improving the water infrastructure, striking balance between SDCs and rates.			
	1.3 Develop a citywide facility master plan				
	1.4 Assess the communication infrastructure and equipment need for broadband infrastructure to improve overall quality and reliability of service to the community. Review the through a DEI lens	Not city-owned facilities. Improve for economic development. Communications infrastructure - equipment and process			
	1.5 Prioritize the implementation of the IT Strategic Plan. Use a DEI framework in reviewing and implementing the plan				
	1.6 Complete analysis to identify deferred maintenance and ongoing asset management costs for parks and identify funding options	Needs to include funding			
	1.7 Prioritize projects in the transportation master plan to maximize safety and connectivity				
Goal 2					
Improve the City's engagement efforts to reach the broader Oregon City community and inform the policy process	2.1 Refine and improve the Develop an engagement strategy to enhance two-way engagement and communication, build new relationships in the community, enhance the City's use of online engagement, and gather engagement data to track progress	Strengthen the system and the personnel within the system. Hoping this would include a website refresh (ex Milwaukee website - Engage Milwaukee). Needs to include neighborhoods in the analysis/strategy			
Goal 3					
Support improvements and partnerships that contribute to our hometown feel and showcase Oregon City's unique community identity	3.1 Work with ReStore Oregon to explore opportunity of bringing the Jantzen Beach Carousel to Oregon City to honor its connection to OC's historical identity (Portland, PGE, Streetcar, etc.)	Keep on the radar and reach out to Restore Oregon			
	3.2 Determine and establish relationships with the Tribes that have a shared history with Oregon City	Memorial to the Cayuse Five and any others that present themselves			
	3.3 Use art to attract and engage more community members and visitors by implementing the Arts Treasure Trove from the tourism strategic plan				
	3.4 Promote the arts as a focus of community identity and evaluate the need to reactivate the Arts Commission				
	4.2 Determine the City's role in supporting community events and other amenities that support tourism	supports goals 3 and 4			
	Enhance partnerships - County, Museum, CC Heritage Council, Downtown Assoc., Statewide Main Street Program, etc.	Wording will be refined			
Goal 4					
Promote tourism and support economic development to foster community sustainability	4.1 Determine implementation of 2020 urban renewal study.				
	4.2 Determine the City's role in supporting community events and other amenities that support tourism	supports goals 3 and 4			
	4.3 Support tourism by facilitating networking opportunities with tourism businesses/providers to create more experiences in Oregon City Implement the Tourism strategy	Implement the Tourism strategy.			
	4.4 Prioritize and implement the Citywide economic development strategy				
Goal 5					
Support diverse housing options in Oregon City	5.1 Update our code to provide additional housing choices in Oregon City	We are tailoring this to fit the needs of our community			
	5.2 Conduct a more detailed analysis of Oregon City's housing inventory				
	5.3 Prepare a plan to identify and implement housing strategies, tools and opportunities that work best for Oregon City				
Goal 6					
Adopt and implement a Homelessness Strategy for Oregon City	6.1 Develop partnerships with other local and regional governments to develop local and regional solutions including Oregon City's needs in serving the homeless population	regional solutions to reduce the impact to the cities is the goal			
	6.2 Formalize our internal strategy to address homelessness and surrounding issues, communicate the strategy with the community, and continue engaging the community				
Goal 7					
Protect and preserve our environmental health and natural resources	7.1 Encourage and promote the installation of electric vehicle charging stations throughout the City				
	7.2 Reduce green house gases by replacing fleet with electric vehicles				
	7.3 Strengthen City's Code to include provision for green materials				
	7.4 Greener and safer multi-modal transportation				
	7.5 Develop a climate action plan				
	7.6 Evaluate a citywide tree protection ordinance	move towards consolidation of our ordinances			
Goal 8					
Promote diversity, equity and inclusion for a safe, inclusive community and organization	8.1 Evaluate internal policies, procedures, hiring practices, purchasing, and codes to reduce barriers and systemic inequities				
	8.2 Using the vision articulated in Resolution 20-19, develop a comprehensive internal and external DEI framework				
	8.3 Create a community task force to guide the external DEI work				



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: 04/13/2021

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~~ 30th.

(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

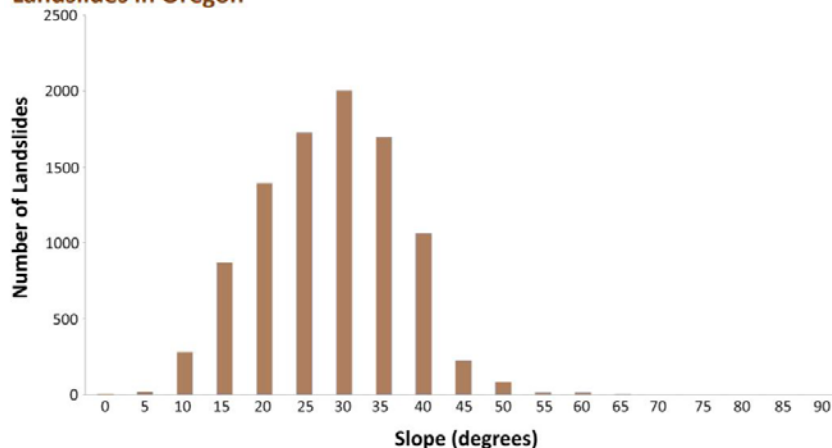
April 13, 2021

GEOLOGIC HAZARDS

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

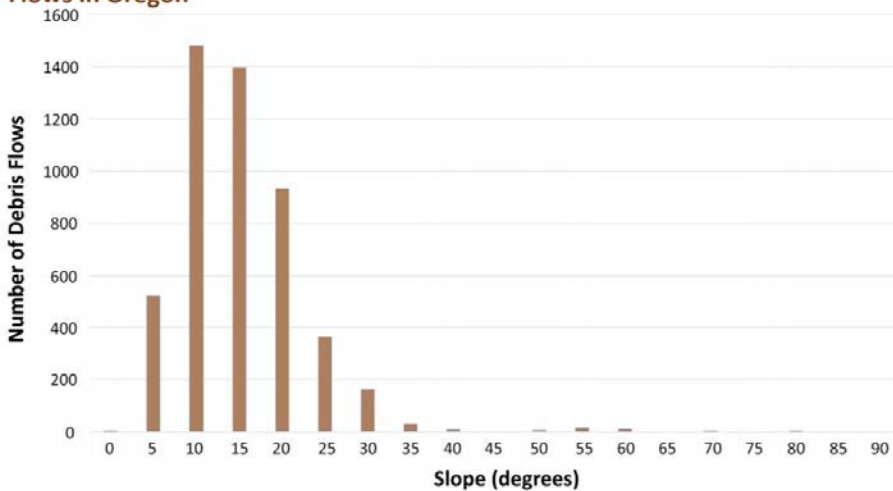
The “Preparing for Landslide Hazards: A Land Use Guide for Oregon Communities” document published October 2019 by DLCD (Department of Land Conservation and Development) and DOGAMI (Department of Geology and Mineral Industries) provides the following charts:

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



Source: Burns, Calhoun, Franczyk, Koss, & Bordal (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.

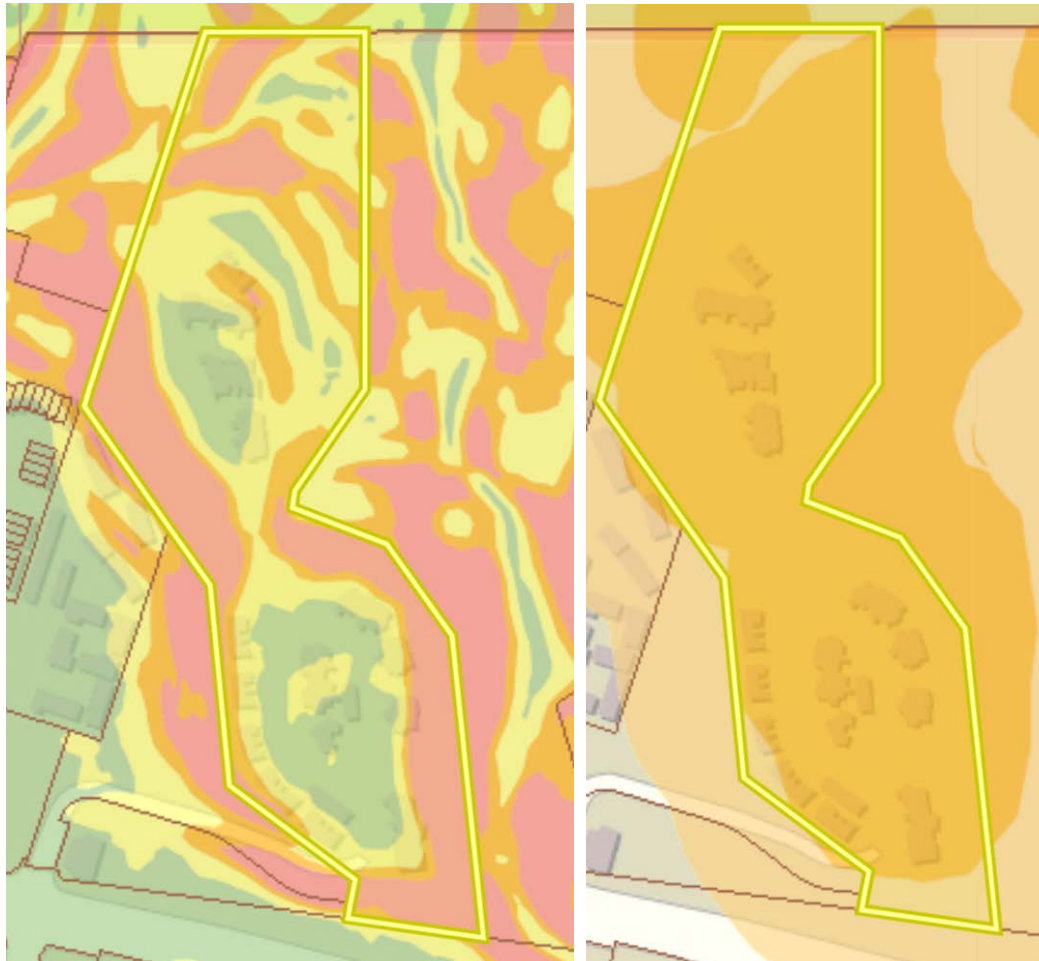
1. Forest Edge Apartments
2. Trillium Drive

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

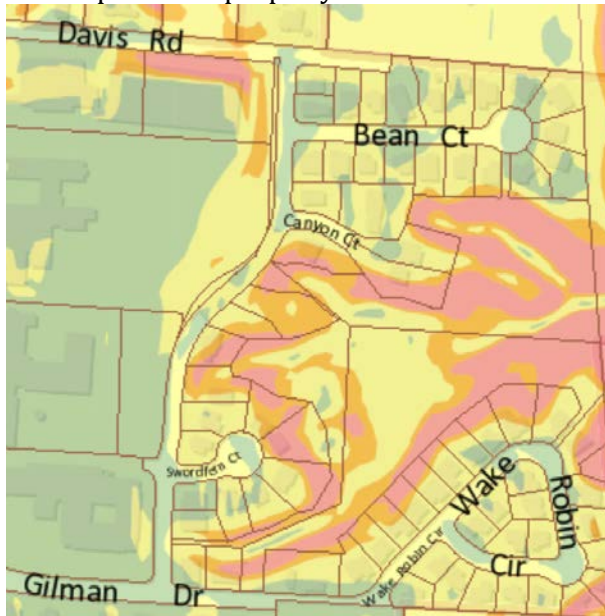
 Landslides

 Buffered (200 ft)

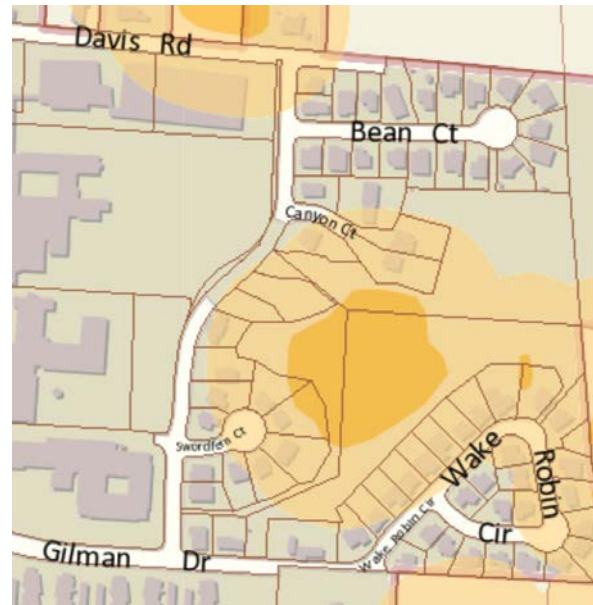
Trillium Drive:

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

The slopes of the property are:



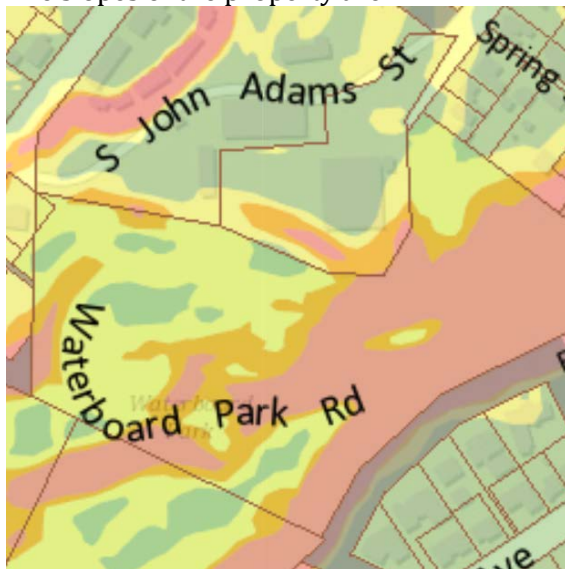
The landslide deposits are shown here:



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:

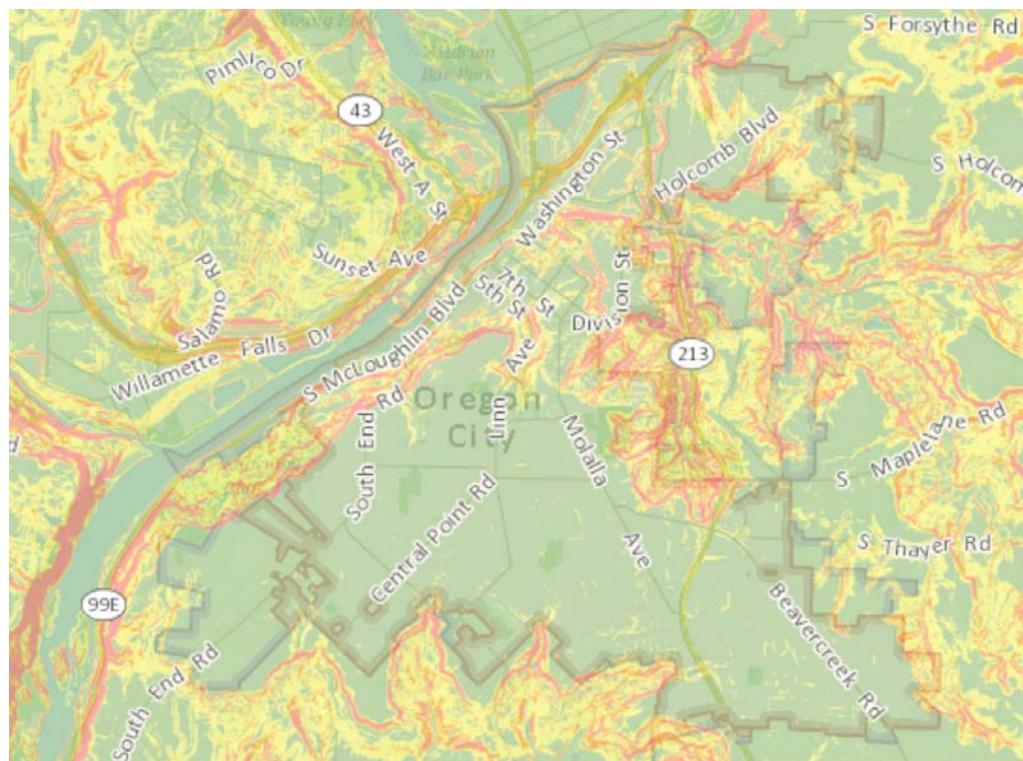


The landslide deposits are shown here:

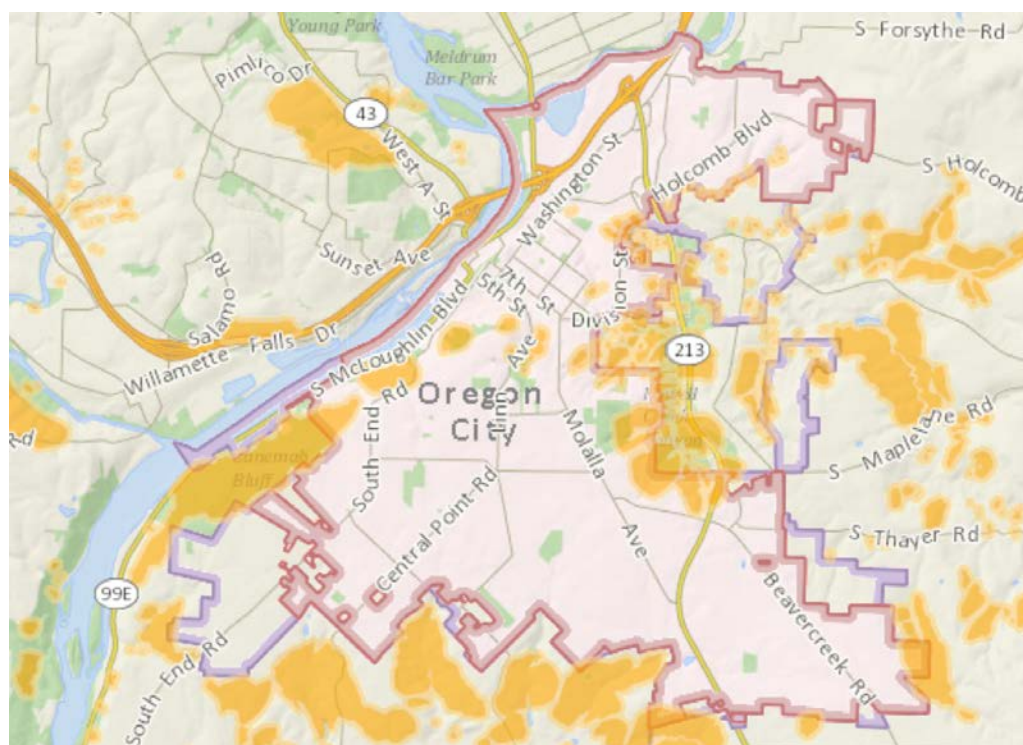


Again, the areas where the slides are happening are at historic landslide deposit areas. The properties are developed mostly on the 0-25% regions, and mostly 0-10% areas.

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:** 04/13/2021
From: Community Development Director Laura Terway

SUBJECT:

Restoring Tree Canopy Damage from the 2021 Ice Storm

STAFF RECOMMENDATION:

Staff recommends the City Commission waive tree removal permits and replanting requirements for trees damaged in the 2021 ice storm, with the exception of a modified replanting and review process for a majority of the trees subject to overlay district review. In addition, staff proposes to spend \$200,000 of the tree mitigation funds from development to replant new trees, arborists support, support the long-term health of existing trees with pruning and pruning education, urban forestry programming, tree giveaways, stump grinding, and a crowdsourced tree inventory.

EXECUTIVE SUMMARY:

In February of 2021, a snow and ice storm resulted in significant damage to our urban forest. Trees throughout the City were encapsulated with a thick layer of heavy ice and as a result, many trees fell over or had significant limb breakage. The severe weather event changed our urban canopy in a way we had not seen in the recent past. This conversation is intended for the City Commission to provide direction on two basic questions:

- Does the Commission want to waive tree removal permits and replanting requirements for trees damaged in the 2021 ice storm?
- Should there be a \$200,000 tree recovery program and what should it include?

Staff has assembled a list of recommendations for the City Commission to consider.

BACKGROUND:

In February of 2021, a snow and ice storm resulted in significant damage to our urban forest. Trees throughout the City were encapsulated with a thick layer of heavy ice and as a result, many trees fell over or had significant limb breakage. The severe weather event changed our urban canopy in a way we had not seen in the recent past. This

conversation is intended for the City Commission to provide direction on the following two basic questions:

Does the Commission want to waive tree removal permits and replanting requirements for trees damaged in the 2021 ice storm?

Tree removal generally requires a permitting process as well as planting replacement tree to mitigate for the tree lost. The cost and time for permitting varies significantly depending on the characteristics of the location where the tree was removed or fell. Due to the widespread nature of the tree damage, staff recommends removing requirements for permitting and replanting for the trees removed due to the severe weather between February 11, 2021 and May 31, 2021, provided the trees were not subject to review for compliance with an overlay district. Tree removal which was subject to an overlay district would be required to comply with the replanting standards in OCMC 17.49.180, except for the cases of extreme removal in which nothing would be waived. The public review and fee would be modified and streamlined. The proposals would be posted online and charged \$89, equivalent to the NROD exemption review fee.

Lastly, on December 4, 2020, the City Commission passed Resolution No. 20-33, which adopted a policy for additional permitting, notification and other requirements for removal of significant city trees. This policy applies for removal of trees on city-owned land or any tree removal by city staff. This policy applies in addition to existing tree removal permit requirements for the removal of trees over a certain diameter. Staff is proposing to permit the City removed trees in a group permit.

Should there be a \$200,000 tree recovery program and what should it include?

Staff has proposed a suite of approaches to both plant additional canopy, support our existing canopy, and support tree education and care in the future. The City Commission is encouraged to provide direction and adjust the approach as necessary.

- Tree Planting (~ \$140,000)
- Consulting Arborists (~ \$17,000)
- Neighborhood Young Street Tree Pruning Event (~ \$5,500)
- Young Tree Pruning Workshop (~ \$5,500)
- Large Tree Pruning (~ \$9,600)
- Urban Forestry Programming (~ \$10,400)
- Tree Giveaway (~ \$2,000)
- Stump Grinding (~ \$2,000)
- Tree Inventory (~ \$2,000)
- Property Owner Mailing (~ \$6,000)
- Tree Removal – Not Recommended

OPTIONS:

1. Agree with the proposed approach;

2. Alter the approached approach; or
3. Discuss the approach and continue the matter for a future work session.

BUDGET IMPACT:

Amount: \$200,000 & Loss of Revenue from Waiving Process/Fees

FY(s): 2021, 2022, & 2023

Funding Source(s): Tree Mitigation Fund & General Fund for Lost Revenue



Community Development – Planning

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

April 7, 2021

To: City Commission of Oregon City

From: Kelly Reid, AICP, Planner
Laura Terway, AICP, Community Development Director

Re: Restoring Tree Canopy Damage from the 2021 Ice Storm

In February of 2021, a severe snow and ice storm resulted in significant damage to Oregon City's urban forest. Trees throughout the City were encapsulated with a thick layer of heavy ice and as a result, many trees fell over or had significant limb breakage. The severe weather event changed our urban canopy in a way we had not seen in the recent past. Many of the trees destroyed or damaged appear to have either had structural deficiencies or had not been properly pruned over time. The storm event highlighted the importance of a holistic approach to maintenance of trees including planting the right trees in the right location, proper watering, pruning and maintenance, and recognition of the lifespan of tree species.

Because the damage was so widespread, the City immediately asked the community to self-report trees which had fallen or been removed so to better understand the scale of the devastation. As of March 31st, 64 submissions identified the removal of 124 trees, 33 of which were street trees. The Public Works Department also removed approximately 35 greatly-damaged street trees along our commercial corridors of 7th, Molalla, and Beavercreek, in addition to removal of large dangerous limbs hanging over the streets throughout the city. Private property and City Parks also experienced significant loss of trees and limb breakage.

During the self-reporting period the City has not required permits for tree removal, to allow time to assess the magnitude of the damage and work with the City Commission to determine if an alternative approach to the standard permitting and tree replanting made sense. The purpose of this memorandum and the City Commission work session is to have a discussion of the damage from the storm and allow space for the City Commission to provide direction on two basic questions:

- Does the City Commission want to waive tree removal permits and replanting requirements for trees damaged in the 2021 ice storm?
- Should there be a \$200,000 tree recovery program and what should it include?

Question #1: Does the City Commission want to waive tree removal permits and replanting requirements for trees damaged in the 2021 ice storm?

The Oregon City Municipal Code requires a tree removal permit and tree replacement in many circumstances. The City does not employ a certified arborist to assist the community, though does have guidance in the Oregon City Municipal Code and staff in the Planning Division to assist the community through the process. Tree removal permits are generally required in any of the following situations:

- Street Trees. Replacement or mitigation is required, even when a dead or hazardous tree is removed. Abutting property owners are responsible for the replacement of street trees. OCMC 12.08
- Trees On Non-Residential or Multi-Family Property. Trees on commercial, industrial, institutional, office, multi-family, and office sites require approval for removal. Hazardous or dead trees are not required to be replaced in most cases. OCMC 17.41, 17.52, 17.62, Zoning Designations
- Heritage Trees. Designated heritage trees are required to be replaced if removed. Replacement is required based on size. OCMC 12.32
- Trees Protected by a Recorded Covenant, Landscape Easement or other Legal Document. Some trees are protected by legal documents which may be referenced on a property's title. Usually, replacement is required.
- Within the following Overlay Districts:
 - Natural Resource Overlay District. Replacement is typically required by code. OCMC 17.49
 - Willamette River Greenway. Replacement is not necessarily required by code. OCMC 17.48
 - Geologic Hazard Overlay District. Replacement not necessarily required by code. OCMC 17.44
 - Historic Overlay District. Replacement not necessarily required by code unless tree is significant part of historic property. OCMC 17.40

Each of these situations requires a different permit, and except for street trees, a wide range of review fees, consultant costs, and time to process requests. In addition, the City Commission approved a policy for when City tree initiates tree removal on City property.

Although the exact number of trees that were removed remains unknown, it appears as though a fair number of property owners have not reported tree removal. From a compliance lens, it is rather challenging for the City to know the extent of tree removal on private property because staff is limited to viewing each property from the street or public property. In addition, it will be difficult if not impossible to tell if a tree was actually removed due to the severe weather or if it could have been retained since the tree will be gone. Pictures of the damaged trees would certainly be helpful, though it is unknown to what extent the community took pictures before removing the trees. Without evidence and the expertise of an arborist or similar consultant, staff will not have the tools to challenge property owner's claims.

Staff anticipates it would take a few years to fully assess each property from the street, work through all of the required permitting as well as any necessary enforcement for those who fail to obtain a permit or comply with the permit approval. Staff time would be needed for site visits, working with property owners, processing applications, and enforcement. The City has an obligation to enforce the standards in place, though may have an opportunity to adjust some of the standards and processes as suggested

below. Adjusting the standards should not be taken lightly, as the community has worked together to create the standards and they comply with legal requirements. However, the sheer volume of trees lost to the ice storm is significant and the burden to comply with all of the process, fees, and replanting, is particularly challenging a year into a pandemic when the cause of the tree removal was weather related.

As the ice and snow event was so severe and uncharacteristic, staff proposes the City Commission pass an Ordinance or Resolution to:

- ❖ Remove requirements for permitting and replanting trees which were forced to be removed due to the ice storm, provided the trees were not subject to review for compliance with an overlay district. Trees must have been removed between February 11, 2021 and May 31, 2021.
- ❖ Amend the review process and mitigation plantings for a majority of the trees removed which would have been subject to an overlay district approval process. As the requirements for replanting are not specified within a majority of the overlay districts, staff has proposed a streamlined approach whereby trees removed due to the ice storm which would have been subject to any overlay district review comply with the replanting standards in OCMC 17.49.180.

OCMC 17.49.180 Tree Replacement Requirements

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

The proposals would be posted online, rather than be subject to the notification processes identified in the code and charged a reduced fee of \$89. The City would reserve the right to require full mitigation per code in extreme or hazardous circumstances where severe environmental damage, erosion or slope stability is a concern. If there is insufficient space to replant trees onsite, we could direct the extra plantings (or funding therefore) to city property or parks.

- ❖ Encourage voluntary tree replanting and maintenance of existing trees throughout the City. This would be supported by a \$200,000 tree recovery program.

Effective December 4, 2020, the City Commission passed Resolution No. 20-33, which adopted a policy for additional permitting, notification and other requirements for removal of significant city trees. This policy applies for removal of trees on city-owned land or any tree removal by city staff. This policy applies in addition to existing tree removal permit requirements for the removal of trees over a certain diameter. Staff is proposing to permit the City removed trees in a group permit.

Question 2: Should there be a \$200,000 tree recovery program and what should it include?

Staff has a proposed program to support Oregon City's urban canopy in a comprehensive way. The program includes measures to encourage new tree plantings, support our existing tree canopy, and provide educational opportunities to support our urban canopy into the future. The funding for program would come from reallocating a majority of the city's tree mitigation fund, which is made up of funds

paid by developers or property owners who have removed trees but do not have adequate space to replant them onsite. Staff has proposed to use \$200,000 of the dedicated funding to support the community in this rebuilding effort.

- Property Owner Mailing

City staff would reach out to all property owners to inform them of the program and the options available to them as well as the permit waiver deadline. The notice would also encourage the community to self-report trees removed due to the ice storm so they may be memorialized during future development or code enforcement proceedings. The cost of the citywide mailing is estimated to be \$6,000.

- Tree Planting.

The City has been working with the Friends of Trees (FOT) over the past seven years to plant more than 100 trees throughout the community each year. The program builds partnerships with property owners to plant primarily street trees with the support of the community at a day-long weekend event. FOT offers outreach in a variety of forms such as door to door identification and canvassing, mailings, email, community meetings, media, and general social media outreach in coordination with the City to identify the properties who would like a tree as well as volunteers to participate in a community building event. The plantings would be limited to street trees or locations near the street. Staff proposes to reach out to the property owners who contact us about their trees to offer the service, then to the general public. Any remaining trees would be planted on City property, or in City parks.

The tree plantings will be conducted in collaboration with FOT staff, volunteers, community members, local businesses and partners, and interns. If it is COVID-safe, community planting events will be offered to gather planting teams together to foster community and celebrate the plantings of the day. The program provides surety that the right trees are planted in the right location, with the proper technique.

The program is highly subsidized by the City. The City pays approximately \$350 per tree, while the property owner generally pays \$35 per tree. Over a series of four or five community planting events, the City could fund installation of 400 trees at a cost of \$140,000.

- Consulting Arborists

The City does not have an arborist or forester to assist the community with assessing trees. The City could hire consulting arborists to evaluate trees and offer advice for if the tree is able to be recovered, or selective pruning to save the tree. Staff suggests this service only apply to trees over 13" DBH. Staff suggests \$17,000 be allocated to this effort.

- Neighborhood Young Street Tree Pruning

The City could hire a company to prune young street trees (6" DBH and under, typically 8 years in the ground and under). The purpose would be to ensure the proper form and long-term health of the trees. Trees in need of pruning would be tagged and information would be left behind for the property owner on the program and how to opt-out if not interested. If the tags are still present, the trees will be assessed and dead wood, problematic branches, and lower limbs for clearance would be removed and pruning guidance would be left for each property. Each neighborhood event would be \$5,500. Staff recommends the City implement one event at a total cost of up to \$5,500.

- Young Tree Pruning Community Workshop (In-Person or Virtual)
The City may host a young tree structural pruning workshop to teach pruning skills to community members and empower them to care for their own trees, as they feel comfortable. The workshop will offer informational discussion, demonstration on how and why to prune, and the opportunity for those that feel comfortable to make pruning cuts. The workshop will cover proper pruning cuts, identifying how and why to prune a tree (clearance, structure, problematic branches, dead and dying branches and more), tool safety and proper usage, and City regulations that governs tree pruning and removal. The goal would be focused on teaching the skill of pruning, with a few young trees also being pruned. Staff recommends one workshop at \$5,500.
- Large Tree Pruning
The City could hire an arborist and/or tree company to prune trees within the right-of-way with broken branches over city ROW (for trees over 20" DBH). Though some of the major risks have already been addressed by Public Works or properties, there are likely still a few worrisome branches throughout the City. The cost can vary widely, but is estimated to be about \$1,000 per tree, though some may be more. Staff recommends up to \$9,600 to this effort to be directed at the most dangerous trees Public Works or the community identifies.
- Urban Forestry Programming
The City could work with the Parks Department, schools, or daycares to plant trees and provide tree education. Topics may include: tree benefits, how trees grow, tree identification and mapping, how they fit into watershed health and stormwater management, or career pathways. Staff recommends using this at one or two schools for a total cost of \$10,400.
- Tree Giveaway
The City could work with local nurseries to offer a gift certificate for up to a certain value of tree. This would help support replanting trees on private property, or in the right-of-way. Staff recommends using this program for up to \$2,000.
- Tree Inventory
The Natural Resources Committee (NRC) has recommended that the City initiate a coordinated effort for a city wide, crowd-sourced tree inventory. Staff from Oregon Community Trees and the Oregon Department of Forestry – Urban and Community Forest program would provide technical support. The City's GIS staff would create a program which allows NRC members and the community at large to take pictures of trees and answer a series of questions to allow a collection of data about the City's existing tree canopy. The data could include tree locations, species, size, as well as the location of dead and dying trees. Some funding could be dedicated to advertisement, or it could be paired with other programs such as the tree giveaway. Staff recommends implementation at a cost of \$2,000.
- Tree Removal/Stump Grinding
The City could subsidize the costs for removal of street trees which are in poor health or stump grinding of the trees which were already removed. Staff suggests this approach for up to \$2,000 of stump grinding. Staff does not recommend any funding toward tree removal.

Program Element	Approximate Cost
Property Owner Mailing	\$6,000
FOT Tree Planting (400 trees)	\$140,000
Arborist Advice and Consultations	\$17,000
Pruning – Small Trees	\$5,500
Pruning Workshop	\$5,500
Large Tree Pruning	Up to \$9,600
Urban Forestry Programming	\$10,400
Tree Giveaway	\$2,000
Tree Inventory	\$2,000
Stump Grinding	\$2,000
TOTAL	\$200,000

Staff seeks the City Commission's input and guidance on the attached program. The commission is encouraged to provide feedback and amend the approach as needed. There are many different variations to be explored at the City Commission work session.

Appendix A: What Are Other Cities Doing?

Happy Valley

The City of Happy Valley decided 10 years ago to waive tree removal permits for any street trees damaged in storms or by car crashes. The City replaces damaged trees at no charge in these cases. Happy Valley waived all tree permit requirements through March 2021 and will be replacing all the street trees using City funds. They estimate that over 200 trees were lost. Happy Valley employs a City Arborist to support this work.

West Linn

<https://westlinnoregon.gov/communications/city-west-linn-winter-weather-update#STREET%20TREES>

City crews have experienced arborists that are evaluating and marking street trees (trees in the public right of way, typically between sidewalk and curb) that are unsafe or damaged beyond repair with green flagging tape for removal ("Green means GO"). The City does not take the decision to remove trees lightly and wants to save as many as possible, but cannot leave any trees that may be a present or future hazard in the public right of way. While one item in the criteria below may cause a street tree to be tagged for removal, it often is a combination of items that determine the outcome.

Criteria utilized:

- Extent of damage to tree
- Status of tree after pruning for damage from storm
- Likelihood of root damage
- Potential for further failure due to stress from storm
- Cost effectiveness to City and/or property owner (related to need for future removal)
- Current or potential sidewalk damage (not typically a sole criteria)

Street Tree Permits: If you are unable to wait for City crews to reach your area and need to remove a street tree in the public right-of-way that has been damaged by the storm we ask that you please complete a [Tree Removal Permit Form](#). Follow the directions and email it into the city so that we have a record of what trees have been removed. Documentation and photos are important to the recovery process.

Following the initial cleanup the City will complete a second round of clean up and more extensive analysis of street trees for inspection of damage or disease that may have been missed in the first round. It may be necessary to remove additional trees at that time. Following this work a full assessment of tree damage/loss, sidewalk/curb damage, and an inventory of what trees remain will be done before planning a replacement program. This level of work will take all spring/summer to fully complete. No replacement street trees will be planted until the fall/winter when trees have the best chance of success. This will give the City Council time to review, take community input, and provide direction on long term restoration plans. At this stage, it is anticipated that the City will perform stump grinding, sidewalk/curb repairs, and replanting (cost details to be determined) so are asking residents to wait until the City Council has time to address these details of the storm recovery process.

A City Council work session is forthcoming with discussion of a variety of options including removal of approximately 1,600 stumps that need to be removed and trees replaced in fall/winter. Assuming \$1000/location, the project would be \$1.6 million with no federal aid or reimbursement available.

Wilsonville

<https://www.ci.wilsonville.or.us/residents/page/tree-removal-during-winter-storm-2021>

Can my damaged tree be salvaged?

Not every damaged tree is a “goner” or poses a hazard. Many trees can be salvaged. Pruning is typically more affordable than removing a tree, which requires grinding the stump and replanting, and can become an expensive, time-consuming project.

We advise residents to have a certified arborist assess damaged trees. When that is not possible, we recommend two Oregon Department of Forestry publications that can help with damage assessment:

- [Tree First Aid After a Storm](#)
- [Can These Trees be Saved?](#)

The City encourages selective pruning when it can be done safely. When pruning a weather-damaged tree, no notification is necessary.

- [An Oregon Homeowner’s Guide to Tree Care provides guidance on pruning and proper tree care.](#)

If a tree can’t be salvaged, may I remove it?

Removing a tree can be expensive and detrimental to the urban forest. To qualify for emergency removal, a tree must be irreparably damaged with little to no chance of long-term survival or pose an imminent threat of injury or damage to persons or property. If the tree does not meet these criteria, it cannot be removed without a City permit. City staff can help guide you on the best course of action for your situation.

Do I have to notify the City when I remove a tree?

If you have completed the emergency removal of a hazardous tree from your property, we’d like your assistance in sharing details about the tree to facilitate replacement later this year. Please visit [ci.wilsonville.or.us/treeremoval](https://www.ci.wilsonville.or.us/treeremoval) to fill out our online form, which asks for the following details:

- Property owner’s name and contact information
- Address or location of the tree(s)
- Descriptive details, if known (species, height, approximate diameter at breast)
- Photos of tree damage

Supplying this information helps the City identify how to approach the damage. It also allows our inspectors to visit your property to observe site conditions and to provide guidance if necessary. Tree removal fees are being waived for emergency removals when the tree meets the definition of an “emergency” as described above.

If a tree does not meet the above “emergency” criteria, it will not qualify as an emergency removal. In this event, the City’s tree removal permitting process is required before removal. More information about Type A and Type B Tree Removal [may be found here](#).

Commercial property owners are asked to submit a “Type B” permit, [available here](#).

Will the City help to replace the tree(s)?

The City is working to develop a tree replacement program to help restore the community and repair our urban forest, which is why we are seeking information about trees that have been removed.

If you'd prefer to replant immediately, we ask that you coordinate with City staff to ensure the replacement tree(s) are appropriate for the intended location and chosen from the City's [recommended tree list](#). If you have submitted [the online Emergency Tree Removal Form](#) or applied for a Type A or B Tree Permit, City staff will contact you about replacement. Replacing your tree is generally a requirement of tree removal, and non-compliance can initiate enforcement actions from the City or your HOA.



OREGON CITY

Community Development – Planning

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

POLICY:

ADDITIONAL PERMITTING, NOTIFICATION AND OTHER REQUIREMENTS FOR STAFF REMOVAL OF SIGNIFICANT CITY TREES

The purpose of this policy is to reduce unnecessary tree removal by the City and provide public notification and other best practices when such removal occurs.

Step 1. Determine Applicability of the Policy

This policy applies to City removal of trees:

- On City or Urban Renewal owned property; or
- Within the right-of-way.

The process does not apply to the public removal of City trees.

The following policy is limited to trees which meet or exceed the minimum size in the table below. The policy does not apply for trees which do not meet the minimum size.

Common Name	Species	Minimum Size (d.b.h)*
Oregon White Oak	Quercus garryana	8"
Fir	Pseudotsuga menziesii	18"
Western Red Cedar	Thuja plicata	12"
Ponderosa Pine	Pinus ponderosa	12"
Western Yew	Taxus brevifolia	6"
Douglas Pacific Dogwood	Cornus nuttallii	5"
Coastal Redwood	Sequoia sempervirens	12"
Giant Sequoia	Sequoiadendron giganteum	12"
Pacific Madrone	Arbutus menziesii	5"
Other deciduous tree species		20"
Other evergreen trees		18"

**d.b.h = Diameter at breast height, means a measurement of the trunk or stem diameter of a mature tree at a height four and one-half feet above the ground level at the base of the tree.*

Step 2. Exemptions

Trees which meet any of the following situations are exempt from the policy:

1. Trees within habitat restoration areas. The habitat restoration project must have been approved by the Planning Division.
2. Trees within or abutting water quality facilities.

3. Trees which are on the [Oregon City Nuisance Plant List](#) or otherwise classified as invasive or problem species in the region¹.
4. Imminent Hazard Trees. Imminent hazard trees, as defined in OCMC [17.04.1370](#) may be removed without notification before a permit is obtained due to the necessity to respond to the hazard and restore public safety as soon as possible. Examples include if the tree has fallen across the roadway or if it is leaning significantly due to a heavy windstorm and likely to fall within the next 72 hours, or when a tree is damaged by a vehicle collision. A determination of imminent hazard is made in the field by the City of Oregon City Public Works, or emergency personnel, a forester, or a certified arborist. Permits shall be obtained after the imminent hazard has been removed and any applicable replacement requirements shall be followed. The responding personnel shall provide details of the tree species, size and condition to the extent practicable. Photos and documentation of the hazardous conditions shall be provided with the permit application for tree removal to verify the tree was hazardous, but arborist reports would not be required.

17.04.1370 - Tree, imminent hazard.

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

Step 3. Consideration of Alternatives to Removal

The department most responsible for the tree shall document the tree location, size, and species (if known), the reason for removal, and alternatives considered in a written justification memo. The memo will be reviewed by a department manager, who will send the memo to a third party (an arborist or a staff assessment team) for review. All trees over 40 inches d.b.h must be reviewed by a certified arborist. For trees 40 inches d.b.h or smaller, the department may choose to send the justification memo to either:

- Option #1: A Certified Arborist
A certified arborist will analyze each tree proposed for removal and document the findings in a written report. The report will contain an analysis of alternatives to removal including a rough estimate of approximate general cost and practicality of each alternative.
- Option #2: Staff Assessment
A group of staff including a minimum of two people from Public Works and Parks and one person from Planning who will analyze each tree proposed for removal and document the findings in a written conclusion memo. Staff with experience or an educational background in forestry or tree management is preferred. The memo must be authored by a staff member not in the department responsible for the tree and will contain an analysis of alternatives to removal including a rough estimate of approximate general cost and practicality of each alternative.

Step 4. Submit a Permit for Removal of a Public Tree

A permit is generally always required to assure adequate mitigation for any tree the City is going to remove. However, if the tree meets the specifications of this policy, additional public notice will be required. The purpose of the notice is to inform the public of the proposal and direct them to a city

¹ Includes official noxious weed priority list as designated by the Oregon State Weed Board (OSWB) or the Clackamas Soil and Water Conservation District WeedWise Program.

website where they may review the application, arborist report or internal conclusion memo, and contact the applicant with any questions or concerns. Permits for public tree removal will not be issued until the notice period is complete.

Step 5. Notice of Tree Removal

Upon receipt of a permit application in Step 4, the Planning Division will administer the following notices:

- **Website Notice**
Notice of all proposed removal of heritage eligible trees will be posted to a city website. The public as well as the City Commission, PRAC, NRC, CIC, Neighborhood Associations, etc. will have the ability to subscribe to the website to receive notifications each time a new posting occurs. The website notice will include copies of the permit application form, the arborist report (if applicable), and the internal panel memo.
- **Physical Notice**
A physical notice is also required to be posted on the tree proposed for removal for a minimum of 14 calendar days. This period is intended to provide an opportunity for the public to contact the applicant with questions and comments about the proposed tree removal. Notices shall be provided by the Planning Division on 8.5 X 11 laminated paper with the words "NOTICE OF PROPOSED TREE REMOVAL" in bold, 48-point font and the website where the public may download the permits, arborist reports and associated documentation. Notices shall be tied to the tree with twine or wire. No screws or nails shall be used. The notice will be created by the Planning Division, but will be placed and monitored by the department proposing removal.

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

City Commission Approval for City Owned Trees Over 40 inches D.B.H

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

Additional Requirements

The following shall also apply.

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

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

- Establishment of an Annual Budget for Supporting Fund

The policy above includes provisions which will have unfunded financial impacts to the City. A fund dedicated to arborist reports, supporting tree retention with use of alternatives to tree removal (such as meandering a sidewalk) and putting the wood of a removed tree to use will be established for the Parks and Recreation Department as well as Public Works.