



# CITY OF OREGON CITY

## CITY COMMISSION REGULAR MEETING

### AGENDA

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Virtual Meeting  
Wednesday, March 03, 2021 at 7:00 PM

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#### **VIRTUAL MEETING OF THE CITY COMMISSION**

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

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

- 1. CONVENE MEETING AND ROLL CALL**
- 2. FLAG SALUTE**
- 3. CEREMONIES AND PROCLAMATIONS**
- 4. CITIZEN COMMENTS**

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

- 5. PRESENTATIONS**

[5a.](#) Metro Presentation on the Metro South Transfer Station, New Site Search, and Project Update

- 6. ADOPTION OF THE AGENDA**
- 7. CONSENT AGENDA**

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

[7a.](#) Personal Services Agreement with Murraysmith for a Risk and Resiliency Assessment



and Emergency Response Plan for the City's Water Infrastructure (PS 21-002)

[7b.](#) Public Improvement Contract with Trench Line Excavation, Inc. for the 5<sup>th</sup> Street Waterline Replacement and Storm System Improvements Project (CI 21-001)

[7c.](#) 2019 Heritage Stand Nomination for Park Place Park

[7d.](#) Minutes of the December 16, 2020 Work Session

[7e.](#) Minutes of the January 6, 2021 Regular Meeting

[7f.](#) Minutes of the January 12, 2021 Work Session

[7g.](#) Minutes of the February 20, 2021 Special Meeting

## **8. PUBLIC HEARINGS**

[8a.](#) AP-21-00001 - Appeal of the Planning Commission's Approval of a 30-Bed Residential Care Facility with Memory Care at 182 Warner Parrott Road (Planning Files GLUA-20-00020: CU-20-00002 Conditional Use / SP-20-00043 Site Plan and Design Review)

[8b.](#) Resolution No. 21-14, Repealing Resolution No. 04-21, and Adopting a Methodology, Project List, and Amounts for the City's Water System Development Charges and Establishing Effective Dates

## **9. GENERAL BUSINESS**

[9a.](#) Resolution No. 21-15, Revisions to the Parklet & Private Property Restaurant/Retail Guide for March 15,2021 - November 30, 2021

[9b.](#) Resolution No. 21-01, Designating Certain Areas of the City Public Sidewalk to be Used for the Display and Sales of Goods and Merchandise

[9c.](#) Resolution No. 21-03, Adopting the Sidewalk Obstructions Standard Operating Policy

[9d.](#) Resolution No. 21-05, Modifying the Public Works Engineering Fee Schedule, and Amending Resolution No. 20-36

## **10. COMMUNICATIONS**

**City Manager**

**Commissioners**

**Mayor**

## **11. ADJOURNMENT**

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**PUBLIC COMMENT GUIDELINES**

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*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.*

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**ADA NOTICE**

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*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.*

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***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](http://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:** Public Works Director John M. Lewis, PE

**Agenda Date:** 03/03/2021

#### **SUBJECT:**

Metro Presentation on the Metro South Transfer Station, New Site Search, and Project Update

#### **STAFF RECOMMENDATION:**

Presentation for information only – no action is required.

#### **EXECUTIVE SUMMARY:**

Metro has been working to identify a possible new location for the Metro South Transfer Station. A property on Jennifer Street in northern Clackamas County has been identified as a possible site. Metro has signed a purchase option to acquire this property.

#### **BACKGROUND:**

The Metro South Transfer Station in Oregon City can no longer accommodate the region's growing garbage and recycling needs. Due to the age, limitations, and vulnerabilities of the existing location, Metro has been pursuing a project to move *all* or *some* of the services to a new location.

This project is prioritized in the 2030 Regional Waste Plan. Metro adopted several criteria to identify and screen suitable sites. The search has screened 166 properties in an area extending from Oregon City in the South, along the I-205 corridor north to Foster Road including the Milwaukie and Clackamas industrial areas. Metro acquired a purchase option at 10960 SE Jennifer Street in the Clackamas industrial area, and has embarked on due diligence and community engagement through August 2021. Both the potential site and the existing station bring opportunities and risks.

Over the next nine months, Metro will undertake extensive property investigation work, including environmental testing, soil sampling, geotechnical investigations, surveying, and land-use research. At the same time, Metro will begin a new phase of community engagement, reaching out to a wide range of stakeholders and community members to gather input on the project and hear about opportunities and challenges related to the

site. At the end of the site evaluation period in summer 2021, Metro Council will determine whether to purchase the site. If the site is purchased, Metro will subsequently begin a new phase of the project focused on site programming and design, continuing outreach, and involvement of community members and stakeholders.

This update is an opportunity to be briefed on the Metro South capital project, to ask questions of Metro staff regarding the project, and to provide input for future conversations and engagement.

The attached flyer (Exhibit A) provides additional information regarding this Metro effort. The project website at <https://www.oregonmetro.gov/public-projects/future-metro-south-recycling-and-transfer-center> is another source of information.

**OPTIONS:**

1. Presentation for information only – no action required.

**BUDGET IMPACT:**

Amount:

FY(s):

Funding Source(s):



## Metro South Recycling and Transfer Center

*Metro is planning to build a new, state-of-the-art facility to complement and expand the garbage and recycling services currently offered at the Metro South Transfer Station in Oregon City.*

Increasing population means more demand on our garbage and recycling system, including the aging Metro South Transfer Station. This existing facility, which is operating beyond its capacity, handles garbage from large commercial trucks, individual households, small businesses, as well as recycling and household hazardous waste. This results in:

- Long lines and extensive waiting periods for customers
- Delays at peak periods, leading to off-site traffic congestion
- Unsafe conditions because of too many competing uses in a limited space
- Low rates of recycling and recovery due to space constraints

To meet our region's growing needs and as part of a strategy to provide excellent and accessible services to the public that protect the environment and human health, Metro is working to locate and build a new facility in the south part of the region. The preferred site and services to be moved is expected to be determined by Metro Council in late 2020, after extensive engagement with customers, local residents, businesses, government partners and community leaders.

A multi-use facility, it will also provide people with education about reducing their environmental impact, create family-wage jobs and provide community amenities.

Stay informed [oregonmetro.gov/futuresouth](https://oregonmetro.gov/futuresouth)

### REGIONAL MODEL

The new facility will be designed with many features of modern, state-of-the-art facilities in the Pacific Northwest, including the Factoria Recycling and Transfer Station in Bellevue, Washington. While meeting current design standards and increasing facility capacity and efficiency, the Factoria facility incorporates a number of sustainable design features:

- An enclosed building for the collection of garbage and recycling minimizes noise, dust and odors
- Solar skylights and translucent wall panels that reduce energy demand
- Rainwater harvesting technology that saves 1.3 million gallons of water annually
- A household hazardous waste building with advanced environmental protection features



**Over 285,000**  
customers visited  
Metro South in 2018



**Average of 750**  
customers visit  
Metro South a day



**16% increase** in  
customers over  
past 10 years



## Fostering economic well-being and providing excellent and equitable services to the Metro region

Building a new facility to improve garbage and recycling services for the public aligns with the vision of Metro's 2030 Regional Waste Plan—to make “reduce, reuse, recycle, repair, donate” mainstream practices accessible to all. It will create good jobs, will be a safe place for workers and the public and will provide services and programming based on the needs of area residents and a growing region.



The facility will specialize in meeting the needs of residents and small businesses, eliminating long lines, waiting periods and traffic congestion.



On-site programming will provide community members with more options for recovering materials from the waste stream, reuse and recycling.



Customers will be able to safely dispose of household hazardous waste materials such as paint, batteries, cleaners and chemicals.



The new state-of-the-art center will adhere to green building standards that manage noise, dust and odors.



The community will be engaged in the design and programming of the facility so that its features will provide the greatest community benefits. These could include public art, community gathering places, a playground, or bicycle and pedestrian pathways.



***“This project has the potential to bring innovative approaches to recycling and waste reduction. Metro is determined to be a good and valued neighbor in Clackamas County. Early engagement with residents will ensure their desires and creative ideas inform the project every step of the way.”***

Christine Lewis  
Metro Councilor| District 2

## PROJECT TIMELINE

### 2019–2020

Community engagement, site analysis, due diligence, recommendation for acquisition of site for new facility

### 2020–2023

Community engagement, site acquisition, project design, programming of facility

### 2023–2025

Permitting and construction of new facility, community benefits, and/or good neighbor agreement

### 2025–2026

Planning, design, construction focused on the redevelopment of the existing Metro South Transfer Station site to compliment new facility

*The COVID-19 pandemic and the public health crisis has delayed our timeline. Yet, Metro is committed to engaging with the public in a safe and meaningful way and will provide multiple virtual opportunities to hear from the community.*



# 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:** 03/03/2021

### **SUBJECT:**

Personal Services Agreement with Murraysmith for a Risk and Resiliency Assessment and Emergency Response Plan for the City's Water Infrastructure (PS 21-002)

### **STAFF RECOMMENDATION:**

Award the contract and authorize the City Manager to execute the Contract Agreement with Murraysmith in the amount of \$83,682 for professional services for the Water Risk and Resiliency Assessment and Emergency Response Plan (PS 21-002).

### **EXECUTIVE SUMMARY:**

On October 23, 2018, Congress signed into law America's Water Infrastructure Act (AWIA). Section 2013 of the AWIA requires community drinking water systems serving more than 3,300 people to develop or update Risk and Resiliency Assessments (RRA) and Emergency Response Plans (ERP), with federally-mandated deadlines.

To meet the AWIA-mandated deadlines, this contract will provide professional services to complete the City's Risk and Resiliency Assessments by June 30, 2021, and update its Emergency Response Plans by December 30, 2021.

### **BACKGROUND:**

Safe drinking water is needed by all communities. Reliability of the water system is integral to ensuring that water is available when needed. The US Environmental Protection Agency signed into law the America's Water Infrastructure Act (AWIA). The AWIA "improves drinking water and water quality, deepens infrastructure investments, enhances public health and quality of life, increases jobs, and bolsters the economy." The AWIA changes the Safe Drinking Water Act, including over 30 mandated programs. One of the mandates is the completion of a water Risk and Resiliency Assessment (RRA) and the preparation of an Emergency Response Plan (ERP) to meet current AWIA standards.

The AWIA requires that the Risk and Resiliency Assessment include:

- The risk to the system from malevolent acts and natural hazards;
- The resilience of the pipes and constructed conveyance, physical barriers, source water, water collection and intake, pretreatment, treatment, storage and distribution facilities, and electronic, computer or other automated systems (including the security of such systems) which are utilized by the system;
- The monitoring practices of the system;
- The financial infrastructure of the system;
- The use, storage, or handling of various chemicals by the system; and
- The operation and maintenance of the system.

The assessment may include an evaluation of capital and operational needs for risk and resilience management for the system.

In addition, an Emergency Response Plan that incorporates findings of the assessment is required within six months of completion of the RRA certification. This plan includes:

- Strategies and resources to improve the resilience of the system, including the physical security and cybersecurity of the system;
- Plans and procedures that can be implemented, and identification of the equipment that can be utilized, in the event of a malevolent act or natural hazard that threatens the ability of the community water system to deliver safe drinking water;
- Actions, procedures, and equipment which can obviate or significantly lessen the impact of a malevolent act or natural hazard on the public health and the safety and supply of drinking water provided to communities and individuals. This includes the development of alternative source water options, relocation of water intakes, and construction of flood protection barriers; and
- Strategies that can be used to aid in the detection of malevolent acts or natural hazards and threaten the security or resilience of the system.

The City currently has an ERP but will be revising it to include the results of the RRA and to ensure that the ERP meets current AWIA requirements.

The attached scope of work (Exhibit A) outlines the detail by which the RRA and ERP will be completed. The work under this contract will be complete no later than December 30, 2021.

Murraysmith is a consultant on the City's shortlist to provide professional services.

## **OPTIONS:**

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



**BUDGET IMPACT:**

Amount: \$83,682

FY(s): FY 20/21 and FY 21/22

Funding Source(s): Water Fund

**CITY OF OREGON CITY  
PERSONAL SERVICES AGREEMENT**

**RISK AND RESILIENCY STUDY AND EMERGENCY RESPONSE PLAN (PS 21-002)**

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

**RECITALS**

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

The parties agree as follows:

**AGREEMENT**

1. Term. The term of this Agreement shall be from the date the contract is fully executed until **December 30, 2021**, unless sooner terminated pursuant to provisions set forth below. However, such expiration shall not extinguish or prejudice City's right to enforce this Agreement with respect to (i) breach of any warranty; or (ii) any default or defect in Consultant's performance that has not been cured.
2. Compensation. City agrees to pay Consultant on a time-and-materials basis for the services required. Total compensation, including reimbursement for expenses incurred, shall not exceed **eighty-three thousand six hundred and eighty-two and no/100 dollars (\$83,682.00)**.
3. Scope of Services. Consultant's services under this Agreement shall consist of services as detailed in Exhibit A, attached hereto and by this reference incorporated herein.
4. Standard Conditions. This Agreement shall include all of the standard conditions as detailed in Exhibit B, attached hereto and by this reference incorporated herein.
5. Schedule. The components of the project described in the Scope of Services shall be completed according to Term, above.
6. Integration. This Agreement, along with the description of services to be performed attached as Exhibit A and the Standard Conditions to Oregon City Personal Services Agreement attached as Exhibit B, contain the entire agreement between and among the parties, integrate all the terms and conditions mentioned herein or incidental hereto, and supersede all prior written or oral discussions or agreements between the parties or their predecessors-in-interest with respect to all or any part of the subject matter hereof.
7. Notices. Any notices, bills, invoices, reports or other documents required by this Agreement shall be sent by the parties by United States mail, by hand delivery or by electronic means. All notices shall be in writing and shall be effective when delivered. If mailed, notices shall be deemed effective forty-eight (48) hours after mailing, unless sooner received.

To the City:

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

To Consultant:

**Murraysmith, Inc.**  
**888 SW Fifth Avenue, Suite 1170**  
**Portland, OR 97204-2012**  
**Attention: Carissa Shelley, P.E.**

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

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

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

CITY OF OREGON CITY

**MURRAYSMITH, INC.**

By: \_\_\_\_\_  
Anthony J. Konkol, III  
Title: City Manager

By: \_\_\_\_\_  
Title: \_\_\_\_\_

DATED: \_\_\_\_\_, 20\_\_\_\_.

DATED: \_\_\_\_\_, 20\_\_\_\_.

By: \_\_\_\_\_  
John M. Lewis  
Title: Public Works Director

DATED: \_\_\_\_\_, 20\_\_\_\_.

APPROVED AS TO LEGAL SUFFICIENCY:

By: \_\_\_\_\_  
City Attorney

P:\PublicWorks\CIP\_PS\_RFQ\_RFP\PS\_Open\PS 21-002 Water Risk and Resiliency Study and Emergency Response Plan\COMMISSION REPORTS\Contract AWIA RR Study and ERP-PSA\_Murraysmith V3.docx

# EXHIBIT A

## SCOPE OF WORK

### AWIA RISK AND RESILIENCE ASSESSMENT AND EMERGENCY RESPONSE PLAN

### CITY OF OREGON CITY

## Introduction

The City of Oregon City (City) is pursuing the completion of a Risk and Resilience Assessment (RRA) to meet the requirements of the America's Water Infrastructure Act, signed into law by Congress in late 2018.

## Project Understanding

The America's Water Infrastructure Act (AWIA), signed into law by Congress in late 2018, which provides guidelines to complete an assessment of the risks to and resilience of drinking water systems. The AWIA states that public water systems serving as many people as the City of Oregon City's system will need to submit a certified letter that their Risk and Resilience Assessment has been completed prior to June 30, 2021. Within six months of submitting their RRA certification letter, or at a minimum prior to December 31, 2021, the City must submit a letter certifying that the City has updated its Emergency Response Plan, as required in the AWIA. The Risk and Resilience Assessment will follow AWWA J100, and will include malevolent acts, natural hazards, and critical dependencies.

Additionally, the Risk and Resilience Assessment will be written as a live document to be updated as needed and reviewed and revised at least every five years per AWIA requirements. The Risk and Resilience Assessment will provide a valuable resource for the City to use in planning for emergencies and creating and maintaining a reliable, high-quality water supply to its customers.

To address the AWIA requirements, Murraysmith has developed the following scope of services consisting of two major scopes of work; Risk and Resilience Assessment, and an Emergency Preparedness Plan.

To accomplish this work we respectfully request a Notice to Proceed of no later than March 4, 2021 to meet deadline of June 30 for the Risk and Resilience portion.

The Risk and Resilience portion of the project will be complete by June 30, 2021 so that the City of Oregon City can submit the certification letter in the time required by the Act, and maximize

the time allowed before the next 5-year renewal and completion of their Emergency Response Plan.

The Emergency Response Portion of the work may extend past June 2021 but will be completed by December 1, 2021.

## Scope of Services

Murraysmith will perform the following services.

### Task 1 - Project Management

To provide overall leadership and team strategic guidance aligned with the City of Oregon City staff objectives. To coordinate, monitor, and control the project resources to meet the technical, communication, and contractual obligations required for developing and implementing the project scope.

Note that sensitive documents will be transferred with secure file sharing formats, with specifics to be confirmed in the kick off meeting.

#### 1.1 Kick-Off Meeting

Once the City of Oregon City has issued the Notice to Proceed, a kick-off meeting will be held to officially start the project, review the scope and discuss the City's goals. Murraysmith will lead the meeting to introduce the project team, establish project objectives, review communication protocols, discuss the scope and examine the deliverable schedule. **The meeting will also include a tour of the current water facilities and areas of specific concern to the City.**

The Murraysmith project manager will lead the kick-off meeting lasting up to 2 hours, with the following site visit to not exceed 4 hours.

In the kick off meeting, the City and Murraysmith will discuss the cyber security option. By the conclusion of the meeting, direction will be given by the City.

#### Task Deliverables

1. Agenda and notes with action items from the kick-off meeting will be delivered via email.

#### Assumptions

1. Kick off meeting will be held within a week of NTP.

## 1.2 General Project Management

This task provides management of the project team, scope, schedule, and budget, and includes monthly invoicing, budget and schedule review, updates, and general administrative tasks.

As project manager, Carissa Shelley will maintain regular communication with the City and the team throughout the duration of the project, lead meeting and workshop discussions, keep the City up-to-date on any study issues or details, and make sure the City's input is incorporated into the final product.

The project will be managed to maintain its scope, schedule, and budget. At a minimum, updates on project schedule and budget will be provided as part of the monthly invoicing process.

### *Task Deliverables*

1. Due to the short duration of this project, bi-monthly status meetings will be held virtually with the City to provide updates and identify issues requiring project team action.

### *Assumptions*

1. 2 hours per month for each of the 4-month duration are included for general PM plus two additional hours for the initial month.

## Task 2 – Data Collection

Murraysmith will review information provided by the City for the kick-off meeting and develop a formal data request for any additional information required for completion of the Risk and Resilience Work. To minimize the required City staff time, Murraysmith will endeavor to limit the number of data requests.

The City will be responsible for collecting and delivering any additional information requested. It is anticipated that additional data requests will be made throughout the project, but the majority of the required data will be requested at the beginning of the work.

It is anticipated that the City has several documents that may be relevant in completing the City's RRA. These documents include the City's Water System Master Plan as well as its Vulnerability Assessment and Emergency Response Plan, developed in response to the Public Health Safety and Bioterrorism Preparedness Act of 2002. It is assumed that, in addition to these documents, Murraysmith will review up to five additional documents. Additional documents may include: Hazard-specific plans, Business Continuity Plans, IT Recovery or SCADA Plan, Facility Specific Plans, Emergency Operations Plan or Emergency Management Plan. The City will compile all requested/relevant documents and send them to Murraysmith if they are not available for the kick off meeting. Murraysmith will review the received documents to gather necessary information prior to initiating the work program.



## Task Deliverables

1. Formal data request(s).

## Assumptions

1. Murraysmith and the City will endeavor to identify and collect required data in a timely manner to not impact the project schedule.
2. Murraysmith will endeavor to minimize information requests to the City. All known and readily available existing condition information will be collected and developed into preliminary draft form prior to submitting a data request to the City.
3. Data will be collected in the site visit component of the kick off meeting, a second site visit has not been budgeted.

## Task 3 – AWIA Risk and Resilience Assessment

This task includes completion and certification of the Risk and Resilience Assessment required under AWIA and due at the end of June, 2021. Murraysmith will utilize PARRE, which is a licensed software tool provided by AEM to help water systems complete the AWIA Risk and Resilience Assessment and certification process.

### 3.1 Risk Analysis

Murraysmith will produce a list of the City's water system's critical assets. These critical assets include physical elements, cyber elements, and human/living elements that, if compromised, would significantly disrupt the ability to provide service, result in the loss of human life, or have unacceptable economic impacts. Murraysmith will evaluate each of the City's critical assets. For the purposes of this scope, 20 critical assets are assumed.

Murraysmith will then review the potential threats that each critical asset may face. The AWWA J100 standard uses an all-hazard approach, considering malevolent threats, natural hazards, and dependency and proximity threats. The PARRE tool includes the list of threats defined by the J100 that will be used as a starting point; threats will be added or removed as necessary given applicability to the City's water system. The PARRE tool will generate an asset-threat matrix using all identified critical assets and selected threats that will define all potential "asset-threat pairs". This matrix will be used to evaluate asset-threat pair priority levels against a priority level threshold, that will ultimately determine which asset-threat pairs will be carried through the risk and resilience assessments. A total of 120 asset-threat pairs are assumed to be carried through the risk and resilience assessments. Murraysmith will translate the asset-threat matrix to Excel to be reviewed by the City prior to continuing the analysis.

Next, consequences of failure will be evaluated within the PARRE tool for each pair, including public health and economic consequences.

Murraysmith will then use the PARRE tool to calculate scores for the consequence, vulnerability and threat for each asset-threat pair, which will be used to calculate the baseline risk for each. The consequence analysis will calculate the cost of the consequence in dollars. Consequences will be based on data collected by EPA as well as the City's knowledge of their system and its risks. This analysis within the PARRE tool will look at various consequences of the asset-threat pairs, including number of fatalities and serious injuries, financial loss to the City, and economic losses to the community.

As progress is made through the Risk Analysis process, the project manager will be keeping the City updated and making sure there is "buy-in" as we proceed. Engagement with City staff will be crucial to the success of this work.

The PARRE tool vulnerability analysis will calculate the likelihood that a malevolent event is successful, or a given natural, dependency, or proximity threat causes the estimated consequences. This step will determine the ability of each critical asset to withstand each specified threat. The analysis involves examining existing "countermeasures", including security capabilities, structural components, and other mitigation measures to determine their effectiveness in reducing damages from threats.

The PARRE tool threat likelihood analysis estimates the likelihood of malevolent events, dependency/proximity hazards, or natural hazards. While AWWA J100 offers numerous approaches to estimating the likelihood of each threat, the threat likelihood for most threats will be based on historical records, federal agency records, and professional judgment.

Finally, the PARRE tool risk analysis will use the scores calculated in the consequence, vulnerability, and threat likelihood analyses to calculate the baseline risk for each asset-threat pair. This risk score will help the City evaluate which asset-threat pairs pose the most risk and where countermeasure efforts should be focused.

### *3.2 Resilience Analysis and Management*

Under this subtask, Murraysmith will utilize PARRE's Data Analysis tool to assess two different types of resilience: individual asset-threat pair resilience and system-wide Utility Resilience Index (URI). Asset-threat pair resilience assesses the resilience of a single asset-threat pair, whereas City's URI assesses overall utility resilience by evaluating operational and financial indicators that influence resilience. City's URI is a decision support tool that can help a utility benchmark and monitor their overall capacity to respond to disruptive events. It uses two categories of indicators: operational indicators and financial indicators. Each category is then further broken down into components that will help a utility improve resilience. Output includes a score on how well the utility is doing in each functional area.

After computing the resilience of each asset-threat pair as well as the URI, Murraysmith and the City will meet to discuss potential countermeasures that could be implemented to reduce the highest risk asset-threat pairs. This will be in the form of a workshop hosted by Murraysmith. We will submit the agenda to the City the week before the workshop, and it will be either virtual or at

the City's office. Murraysmith will utilize PARRE's Risk/Resilience Management tool to compile the identified new countermeasures and estimated costs for each and group them with the corresponding asset-threat pairs. Murraysmith will then use the tool to perform a benefit/cost analysis by recomputing the risk for asset-threat pairs with identified potential countermeasures to determine which countermeasures provide the highest net benefit to the City. Information developed in this analysis will be included in the Risk and Resilience Assessment technical memorandum (TM).

### *3.3 Develop Risk and Resilience Assessment and Certification*

After the risk and resilience analyses have been completed, Murraysmith and the City will meet to discuss the findings prior to finalizing the assessment. Murraysmith will then use the PARRE tool to generate a high-level summary of the findings. Murraysmith will prepare a Risk and Resilience Assessment TM summarizing the risk analysis and resilience analysis development and findings and will include the PARRE summary as an appendix. The draft TM will be submitted to the City for review and comment prior to finalizing, incorporating the workshop discussion and decisions/directions from the City.

After the TM has been finalized, Murraysmith will coordinate with the City to complete the secure online EPA certification process, indicating that the City has completed its Risk and Resilience Assessment per the requirements of the AWIA.

#### *Task Deliverables*

- Electronic (Excel) version of the asset-threat matrix.
- Draft and final versions of the Risk and Resilience Assessment TM.

#### *Assumptions*

- Murraysmith will utilize AEM's PARRE tool to complete the Risk and Resilience Assessment and certification process.
- Murraysmith will analyze approximately 20 critical assets and an average of six threats per asset.
- Murraysmith will use the list of threats provided in PARRE by AWWA's J100 standard.
- A draft technical memorandum will be presented to the City in PDF and Microsoft Word.
- The Risk and Resilience Assessment will go through one review cycle. All changes requested by the City will be incorporated into the final Risk and Resilience Assessment.
- Murraysmith will submit two hard copies of the final Risk and Resilience Assessment to the City as well as a copy of the digital final assessment in both PDF and Microsoft Word.

- The City will complete the online certification indicating that the Risk and Resilience Assessment is complete.

## Task 4 – Emergency Response Plan

Following the completion of Risk and Resilience Assessment, Murraysmith work with the City to develop its Emergency Response Plan (ERP). The basis of the ERP shall be based on meeting the new AWIA standards and will utilize aspects of the AWIA requirements for ERP that are already covered in the City's existing relevant documents. An example of this will be to leverage the City's recent Seismic Resilience Study.

Per AWIA standards, the Emergency Response Plan will include the following.

1. Strategies and resources to improve the resilience of the system, including the physical security and cyber security of the system.
2. Plans and procedures that can be implemented in the event of a malevolent act or natural hazard that threatens the ability of the community water system to deliver safe drinking water.
3. Actions and procedures which can significantly lessen the impact of a malevolent act or natural hazard to the safety and supply of drinking water.
4. Strategies that can be used to detect malevolent acts or natural hazards that threaten the security or resilience of the system.

The Plan will build on the Risk and Resilience Assessment findings, in addition to existing documentation and procedures wherever possible.

### 4.1 Consolidate Additional Documents for Emergency Response Plan

Murraysmith will look for additional content to add to the Emergency Response Plan. This information may include additional action plans for any malevolent acts, natural disasters, or cyber events that were reviewed in the RRA but not discussed in the previous plan. Murraysmith will prepare a list of data needs and/or requests. The City will compile all requested/relevant documents and send them to Murraysmith. Murraysmith will review these documents along with relevant AWWA standards, including G440 and M19, and adjust the plan as necessary to align the ERP with the most up-to-date industry standards.

Murraysmith will consolidate other relevant City documents that were utilized in the development of the RRA in support of the ERP.

## 4.2 Emergency Response Plan Workshop

Murraysmith and the City will meet to present the key components of the ERP, identifying sections and structure, in conjunction with relevant City documents. Murraysmith will use the feedback from this workshop to develop the ERP.

## 4.3 Develop Emergency Response Plan

Murraysmith will use the information collected in prior subtasks and in the workshop to develop the updated ERP.

After the ERP has been finalized, Murraysmith will draft a letter stating that the City has completed its ERP update per the requirements of the AWIA.

The outline of the ERP will be submitted to the City for review and approval of format/structure. We will also submit a draft document to the City to solicit comments and feedback before finalizing. Murraysmith will use the existing ERP as a starting point for the new ERP.

## Task Deliverables

- DRAFT and FINAL versions of the Emergency Response Plan
- DRAFT and FINAL versions of the completion letter for the Emergency Response Plan
- Emergency Response Plan Workshop Meeting Agenda and Meeting Summary

## Assumptions

- Workshop will be four (4) hours and will be attended by three (3) Murraysmith staff. Workshops will be held via video conferencing or at the City.
- The updated ERP will go through one (1) review cycle. All changes requested by the City will be incorporated into the Final ERP.
- The City will submit the letter stating that the ERP is complete to the EPA.

## Budget

The overall \$ 83,682 not to exceed budget for this work is shown in Table 1. The work provided in this Task Order will be billed on a time and expense basis using Murraysmith's current standard Schedule of Charges in effect the time the work is performed (2021 schedule attached)

Murraysmith travel time and mileage will be charged from the closest office for staff. However, Carissa Shelley's travel time will not be charged.

| Task                                         | Total Fee       |
|----------------------------------------------|-----------------|
| Task 1 – Project Management                  | \$9,598         |
| Task 2 – Data Collection                     | \$17,956        |
| Task 3 – AWIA Risk and Resilience Assessment | \$24,438        |
| Task 4 – Emergency Response Plan             | \$19,502        |
| Optional Cyber                               | \$12,188        |
| <b>TOTAL</b>                                 | <b>\$83,682</b> |

## Direct Expenses

Expenses incurred in-house that are directly attributable to the project will be invoiced at actual cost. These expenses include the following

|                                    |                  |
|------------------------------------|------------------|
| Computer Aided Design and Drafting | \$18.00/hour     |
| GIS and Hydraulic Modeling         | \$10.00/hour     |
| Mileage                            | Current IRS Rate |
| Postage and Delivery Services      | At Cost          |
| Printing and Reproduction          | At Cost          |
| Travel, Lodging and Subsistence    | At Cost          |

## Project Schedule

The Risk and Resilience Assessment will be complete approximately 3 months after Notice to Proceed is given. Murraysmith will make every effort to complete the work in a timely manner; however it is agreed that Murraysmith cannot be responsible for delays occasioned by factors beyond its control, nor by factors that could not be reasonably have need foreseen at the time this scope was executed.

An updated and detailed schedule will be provided to the City at the kick-off meeting and modified as required as the work progresses with the following critical items:

- NTP - March 4, 2021
- Kick Off and Site Visit – March 4, 2021
- Risk and Resilience Report Finalized – June 21, 2021
- Emergency Response Plan – August 30, 2021

## STANDARD CONDITIONS TO OREGON CITY PERSONAL SERVICES AGREEMENT

Item 7a.

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

2. Payment.

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

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

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

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

3. Independent Contractor Status.

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

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

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

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

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

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

4. Early Termination.

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

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

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

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

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

Item 7a.

5. No Third-Party Beneficiaries. City and Consultant are the only parties to this Agreement and are the only parties entitled to enforce its terms. Nothing in this Agreement gives, is intended to give, or shall be construed to give or provide, any benefit or right, whether directly or indirectly or otherwise, to third persons unless such third persons are individually identified by name herein and expressly described as intended beneficiaries of the terms of this Agreement.

6. Payment of Laborers; Payment of Taxes.

(a) Consultant shall:

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

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

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

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

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

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

(c) The payment of a claim in this manner

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

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

7. Subconsultants and Assignment.

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

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

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



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

Item 7a.

**hold Consultant harmless from all claims, damages and expenses, including reasonable attorneys' fees, arising out of such reuse by City or others acting through City.**

10. Compliance With Applicable Law.

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

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

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

13. Indemnity and Insurance.

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

(b) Workers' Compensation Coverage.

Consultant certifies that Consultant has qualified for workers' compensation as required by the state of Oregon. Consultant shall provide the Owner, within ten (10) days after execution of this Agreement, a certificate of insurance evidencing coverage of all subject workers under Oregon's workers' compensation statutes. The insurance certificate and policy shall indicate that the policy shall not be terminated by the insurance carrier without thirty (30) days' advance written notice to City. All ~~agents or~~ Consultants of Consultant shall maintain such insurance.

(c) Comprehensive, General, and Automobile Insurance.

Consultant shall maintain comprehensive general and automobile liability insurance for protection of Consultant and City and for their directors, officers, ~~agents,~~ and employees, insuring against liability for damages because of personal injury, bodily injury, death, and broad-form property damage, including loss of use, and occurring as a result of, or in any way related to, Consultant's operation, each in an amount not less than \$1,000,000 combined, single-limit, per-occurrence/annual aggregate. Such insurance shall name City as an additional insured, with the stipulation that this insurance, as to the interest of City, shall not be invalidated by any act or neglect or breach of this Agreement by Consultant.

(d) Errors and Omissions Insurance.

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

Within ten (10) days after the execution of this Agreement, Consultant shall furnish City a certificate evidencing the dates, amounts, and types of insurance that have been procured pursuant to this Agreement. Consultant will provide for not less than thirty (30) days' written

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

Item 7a.

notice to City before the policies may be revised, canceled, or allowed to expire. Consultant shall not alter the terms of any policy without prior written authorization from City. The provisions of this subsection apply fully to Consultant and its Consultants ~~and agents~~.

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

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

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

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

18. Hierarchy. The conditions contained in this document are applicable to every Personal Services Agreement entered into by the City of Oregon City in the absence of contrary provisions. Should contrary provisions be included in a Personal Services Agreement, those contrary provisions shall control over these conditions.

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

20. Notices. Any notices, bills, invoices,

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

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

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

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

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

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

(b) The party desiring such arbitration shall

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

Item 7a.

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

governed and construed in accordance with the laws of the state of Oregon without resort to any jurisdiction's conflicts of law, rules or doctrines.

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

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

(c) Each party shall each be entitled to present evidence and argument to the arbitrators. The determination of the majority of the arbitrators or the sole arbitrator, as the case may be, shall be conclusive on the parties, and judgment on the same may be entered in any court having jurisdiction over the parties. The arbitrators or the sole arbitrator, as the case may be, shall give written notice to the parties, stating the arbitration determination, and shall furnish to each party a signed copy of such determination. Arbitration proceedings shall be conducted pursuant to ORS 33.210 et seq. and the rules of the American Arbitration Association, except as provided otherwise.

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

25. Governing Law. This Agreement shall be



## 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:** 03/03/2021

#### **SUBJECT:**

Public Improvement Contract with Trench Line Excavation, Inc. for the 5<sup>th</sup> Street Waterline Replacement and Storm System Improvements Project (CI 21-001)

#### **STAFF RECOMMENDATION:**

Award the bid and authorize the City Manager to execute the Public Improvement Contract with Trench Line Excavation, Inc. in the amount of \$214,900.00 for construction of the 5<sup>th</sup> Street Waterline Replacement and Storm System Improvements Project (CI 21-001).

#### **EXECUTIVE SUMMARY:**

In May 2020, the City contracted with Magna Construction to complete Phase 2 of the High Street Utility Improvements project. Due to funding concerns, a portion of the utility project on 5<sup>th</sup> and 4<sup>th</sup> Streets were removed from the Phase 2 project. It has since been determined that water and storm funds are available to complete the utility replacements. This project must be completed prior to the 2021 PMUF projects which will include the reconstruction of High Street from 3<sup>rd</sup> Street to 7<sup>th</sup> Street, and 5<sup>th</sup> Street from High Street to Center Street.

#### **BACKGROUND:**

In 2018, the City contracted with RH2 Engineering to provide engineering services for design and construction administration of the Phase 2 High Street Utility Replacement project. Funding concerns at the time required that the project be separated into different phases (2 and 3). In January 2021, it was determined that water and storm funds were available to complete Phase 3 of the utility replacements. The waterline replacement and storm system improvements are required to be completed prior to the 2021 Oregon City Roadway Reconstruction Project (PMUF).

The project will replace the existing 4" cast iron waterline on 5<sup>th</sup> Street between High Street and Center Street with a new 6" ductile iron waterline. In addition, the existing

undersized storm system at 5<sup>th</sup> Street between High Street and Center Street will be replaced, as well as a manhole and two catch basins at 4<sup>th</sup> Street and High Street.

On January 25 and 27, 2021, the project was advertised for bid in the *Daily Journal of Commerce* and the City bid site in accordance with City and State contracting procedures. The bid opening was held on February 16, 2020, and nine (9) bids were received. Staff and RH2 Engineering reviewed the bids and determined that Trench Line Excavation, Inc. was the low responsive bidder. The contract award value is two hundred fourteen thousand, nine hundred dollars (\$214,900.00).

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

|                                        |              |
|----------------------------------------|--------------|
| Trench Line Excavation, Inc.           | \$214,900.00 |
| Emery & Sons Construction Group, LLC   | \$228,115.00 |
| Jessie Rodriguez Construction, LLC     | \$229,190.00 |
| Icon Construction & Development LLC    | \$229,827.00 |
| Landis & Landis Construction, LLC      | \$235,777.00 |
| Pleasant Hill Development Company, LLC | \$237,000.00 |
| Black Rock Underground, LLC            | \$248,308.00 |
| Nutter Corporation                     | \$260,913.22 |
| Moore Excavation, Inc                  | \$266,998.10 |
| Engineer's Estimate                    | \$256,000.00 |

The bidding was close. A review of the bids shows that Trench Line Excavation's low bid was approximately 16% lower than the engineer's estimate. The average of the bids received was \$239,000, which is lower than the engineer's estimate.

#### **OPTIONS:**

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

#### **BUDGET IMPACT:**

Amount: \$214,900.00  
 FY(s): 2020/21  
 Funding Source(s): Water Fund and Storm Fund

### **CONTRACT AGREEMENT**

This Agreement, made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, between the CITY OF OREGON CITY (“CITY”), acting by and through the City Commission and **TRENCH LINE EXCAVATION, INC.** (“CONTRACTOR”).

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

#### **ARTICLE I – Scope of Work**

The CONTRACTOR hereby agrees to furnish all of the materials, equipment and labor necessary, and to perform all of the work for the project entitled: **5th Street Waterline Replacement and Storm System Improvements (CI 21-001)** in accordance with the contract documents which are hereby made a part of this agreement.

The contract documents consist of:

|                                                    |                                                                                                       |
|----------------------------------------------------|-------------------------------------------------------------------------------------------------------|
| Invitation to Bid                                  | Statutory Conditions to Contract Agreement                                                            |
| Scope of Work                                      | Performance Bond                                                                                      |
| Instructions to Bidders                            | Payment Bond                                                                                          |
| Bid Proposal and Bid Schedule                      | State of Oregon Statutory Public Works Bond                                                           |
| Compliance with ORS 279C.840                       | General Conditions                                                                                    |
| Resident Bidder Status                             | Prevailing Wage Rates for Public Works Contracts in Oregon, dated January 1, 2021                     |
| Certification of Drug Testing Program              | Prevailing Wage Apprenticeship Rates dated October 1, 2020                                            |
| Non-Collusion Statement                            | Definitions of Covered Occupations for Public Works Contracts in Oregon dated July 1, 2018            |
| Asbestos Certification                             | Special Provisions                                                                                    |
| Registrations                                      | Contract Drawings                                                                                     |
| Certification of Non-Discrimination                | City of Oregon City Standard Details                                                                  |
| Certification of Compliance with Tax Law           | Technical Specifications                                                                              |
| Bidder Responsibility Form                         | 2018 Oregon Standard Specifications for Construction (ODOT and APWA) as referenced by these documents |
| Bid Bond                                           | Addenda: Addendum No. 1 dated February 9, 2021                                                        |
| First Tier Subcontractor Disclosure Form           | All items included within these Contract Documents.                                                   |
| Customer Service Acknowledgment Form               |                                                                                                       |
| Contract Agreement                                 |                                                                                                       |
| Oregon City Public Improvement Standard Conditions |                                                                                                       |

The order of items cited above does not constitute an order of precedence different than that established in the special or standard specifications. Equivalent titles, which may be substituted for the above listed items, are included as if specifically named.

#### **ARTICLE II – Time of Completion**

The project shall be complete within **60 calendar days** from the Beginning of Contract Time as identified in 00180.50(c) of the Special Provisions. A Limited Notice to Proceed is expected to be issued prior to the Notice to Proceed as described in 00130.90 of the Special Provisions.

#### **ARTICLE III – Contract Amount**

The Contract Amount for the work covered by this Agreement is estimated to be **two hundred and fourteen thousand, nine hundred and no/100 dollars (\$214,900.00).**

**ARTICLE IV – Warranty and Quality of Work**

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

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

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

**CITY OF OREGON CITY****TRENCH LINE EXCAVATION, INC.**

by: \_\_\_\_\_  
 Anthony J. Konkol III  
 City Manager

\_\_\_\_\_  
 Printed Name

by: \_\_\_\_\_  
 Authorized signature

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

\_\_\_\_\_  
 Title

\_\_\_\_\_  
 Federal Taxpayer ID Number

Approved as to Legal Sufficiency:

Address:

by: \_\_\_\_\_  
 City Attorney

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

City Commission Award Date:

\_\_\_\_\_


**RH2 ENGINEERING**  
**Portland**

5335 Meadows Road, Suite 420  
 Lake Oswego, OR 97035  
 1.800.720.8052 / rh2.com

**February 17, 2021**

Mr. John Burrell  
 Project Manager  
 City of Oregon City  
 625 Center Street  
 Oregon City, OR, 97045

*Sent via: Email*

**Subject: 5<sup>th</sup> Street Waterline Replacement and Storm System  
 Improvements (CI 21-001)  
 Recommendation for Award**

Dear Mr. Burrell:

The bids for the 5<sup>th</sup> Street Waterline Replacement and Storm System Improvements project were opened as advertised on Tuesday, February 16, 2021, at 2:00 PM, at Oregon City's City Hall. Trench Line Excavation, Inc., (Trench Line Excavation) submitted the lowest bid of the nine bids received. A summary of the bid totals is provided below:

|                                           |              |
|-------------------------------------------|--------------|
| 1. Trench Line Excavation, Inc.           | \$214,900.00 |
| 2. Emery & Sons Construction Group, LLC   | \$228,115.00 |
| 3. Jesse Rodriguez Construction, LLC      | \$229,190.00 |
| 4. Icon Construction                      | \$229,827.00 |
| 5. Landis & Landis Construction, LLC      | \$235,777.00 |
| 6. Pleasant Hill Development Company, LLC | \$237,000.00 |
| 7. Black Rock Underground, LLC            | \$248,038.00 |
| 8. Nutter Corporation                     | \$260,913.22 |
| 9. Moore Excavation, Inc.                 | \$266,998.10 |

A detailed bid tabulation is attached for your reference. A review of the bids shows that Trench Line Excavation's low bid was approximately 16 percent lower than the engineer's estimate of \$256,000.00. The second lowest bidder, Emery & Sons Construction Group, was approximately 10.9 percent lower than the engineer's estimate. The average of bids received was approximately \$239,000.

**WASHINGTON  
 LOCATIONS**

Bellingham  
 Bothell (Corporate)  
 East Wenatchee  
 Issaquah  
 Richland  
 Tacoma

**OREGON  
 LOCATIONS**

Medford  
 Portland





Based on a review of the bid submissions received and discussions with the contractor's references, RH2 recommends that the City award the contract to Trench Line Excavation.

If you have any questions or would like to discuss anything further regarding this recommendation or the bid results, please contact me at (503) 446-5949 or [dnichols@rh2.com](mailto:dnichols@rh2.com). Thank you for the opportunity to assist you with this project.

Sincerely,

A handwritten signature in blue ink, appearing to read 'David Nichols', written in a cursive style.

**David Nichols, P.E.**

Project Manager

DCN/jrb

Enclosures or Attachments:

5<sup>th</sup> Street Waterline Replacement and Storm System Improvements Bid Tabulation

City of Oregon City  
5th Street Waterline Replacement & Storm System Improvements  
Bid Tabulation  
Date: 2/16/21 2:00 PM

Apparent Low

Other Bidders

| Item                  | Description                                                 | Units | Quantity | Engineers Estimate |               | Trench Line Excavation, Inc. |               | Emery & Sons Construction Group, LLC |               | Jessie Rodriguez Construction, LLC |               | Icon Construction |               | Landis & Landis Construction |               | Pleasant Hill Development Company, LLC |               | Black Rock Underground, LLC |               | Nutter Corporation |               | Moore Excavation, Inc |               |
|-----------------------|-------------------------------------------------------------|-------|----------|--------------------|---------------|------------------------------|---------------|--------------------------------------|---------------|------------------------------------|---------------|-------------------|---------------|------------------------------|---------------|----------------------------------------|---------------|-----------------------------|---------------|--------------------|---------------|-----------------------|---------------|
|                       |                                                             |       |          | Unit Price         | Extended      | Unit Price                   | Extended      | Unit Price                           | Extended      | Unit Price                         | Extended      | Unit Price        | Extended      | Unit Price                   | Extended      | Unit Price                             | Extended      | Unit Price                  | Extended      | Unit Price         | Extended      | Unit Price            | Extended      |
| 1                     | Mobilization                                                | LS    | 1        | \$ 23,270.00       | \$ 23,300.00  | \$ 37,000.00                 | \$ 37,000.00  | \$ 24,250.00                         | \$ 24,250.00  | \$ 12,500.00                       | \$ 12,500.00  | \$ 18,500.00      | \$ 18,500.00  | \$ 29,999.00                 | \$ 29,999.00  | \$ 14,006.24                           | \$ 14,006.24  | \$ 25,000.00                | \$ 25,000.00  | \$ 25,500.22       | \$ 25,500.22  | \$ 23,550.00          | \$ 23,550.00  |
| 2                     | Work Zone Traffic Control, Complete                         | LS    | 1        | \$ 15,000.00       | \$ 15,000.00  | \$ 3,500.00                  | \$ 3,500.00   | \$ 8,000.00                          | \$ 8,000.00   | \$ 15,000.00                       | \$ 15,000.00  | \$ 12,000.00      | \$ 12,000.00  | \$ 2,000.00                  | \$ 2,000.00   | \$ 14,000.00                           | \$ 14,000.00  | \$ 5,000.00                 | \$ 5,000.00   | \$ 13,000.00       | \$ 13,000.00  | \$ 6,600.00           | \$ 6,600.00   |
| 3                     | Erosion and Sediment Control                                | LS    | 1        | \$ 2,000.00        | \$ 2,000.00   | \$ 800.00                    | \$ 800.00     | \$ 4,550.00                          | \$ 4,550.00   | \$ 1,000.00                        | \$ 1,000.00   | \$ 1,000.00       | \$ 1,000.00   | \$ 2,400.00                  | \$ 2,400.00   | \$ 2,500.00                            | \$ 2,500.00   | \$ 2,250.00                 | \$ 2,250.00   | \$ 2,000.00        | \$ 2,000.00   | \$ 3,250.00           | \$ 3,250.00   |
| 4                     | Construction Survey Work                                    | LS    | 1        | \$ 4,000.00        | \$ 4,000.00   | \$ 5,581.00                  | \$ 5,581.00   | \$ 4,507.00                          | \$ 4,507.00   | \$ 6,500.00                        | \$ 6,500.00   | \$ 7,500.00       | \$ 7,500.00   | \$ 2,900.00                  | \$ 2,900.00   | \$ 4,500.00                            | \$ 4,500.00   | \$ 9,700.00                 | \$ 9,700.00   | \$ 5,000.00        | \$ 5,000.00   | \$ 4,500.00           | \$ 4,500.00   |
| 5                     | Rock Excavation                                             | CY    | 200      | \$ 200.00          | \$ 40,000.00  | \$ 50.00                     | \$ 10,000.00  | \$ 75.00                             | \$ 15,000.00  | \$ 75.00                           | \$ 15,000.00  | \$ 100.00         | \$ 20,000.00  | \$ 65.00                     | \$ 13,000.00  | \$ 50.00                               | \$ 10,000.00  | \$ 32.25                    | \$ 6,450.00   | \$ 125.00          | \$ 25,000.00  | \$ 180.00             | \$ 36,000.00  |
| 6                     | Boulder Excavation                                          | CY    | 100      | \$ 100.00          | \$ 10,000.00  | \$ 25.00                     | \$ 2,500.00   | \$ 65.00                             | \$ 6,500.00   | \$ 45.00                           | \$ 4,500.00   | \$ 75.00          | \$ 7,500.00   | \$ 65.00                     | \$ 6,500.00   | \$ 100.00                              | \$ 10,000.00  | \$ 40.60                    | \$ 4,060.00   | \$ 65.00           | \$ 6,500.00   | \$ 180.00             | \$ 18,000.00  |
| 7                     | 6" PVC Storm Pipe, Class B Backfill                         | LF    | 40       | \$ 90.00           | \$ 3,600.00   | \$ 40.00                     | \$ 1,600.00   | \$ 90.00                             | \$ 3,600.00   | \$ 100.00                          | \$ 4,000.00   | \$ 80.00          | \$ 3,200.00   | \$ 90.00                     | \$ 3,600.00   | \$ 250.00                              | \$ 10,000.00  | \$ 110.00                   | \$ 4,400.00   | \$ 100.00          | \$ 4,000.00   | \$ 220.00             | \$ 8,800.00   |
| 8                     | 10" PVC Storm Pipe, Class B Backfill                        | LF    | 75       | \$ 110.00          | \$ 8,300.00   | \$ 45.00                     | \$ 3,375.00   | \$ 120.00                            | \$ 9,000.00   | \$ 130.00                          | \$ 9,750.00   | \$ 97.00          | \$ 7,275.00   | \$ 95.00                     | \$ 7,125.00   | \$ 133.33                              | \$ 9,999.75   | \$ 175.00                   | \$ 13,125.00  | \$ 107.00          | \$ 8,025.00   | \$ 107.00             | \$ 8,025.00   |
| 9                     | 12" PVC Storm Pipe, Class B Backfill                        | LF    | 281      | \$ 120.00          | \$ 33,800.00  | \$ 105.00                    | \$ 29,505.00  | \$ 130.00                            | \$ 36,530.00  | \$ 155.00                          | \$ 43,555.00  | \$ 120.00         | \$ 33,720.00  | \$ 100.00                    | \$ 28,100.00  | \$ 35.58                               | \$ 9,997.98   | \$ 179.00                   | \$ 50,299.00  | \$ 120.00          | \$ 33,720.00  | \$ 120.00             | \$ 33,720.00  |
| 10                    | Concrete Manholes, 48" Diameter                             | EA    | 3        | \$ 6,000.00        | \$ 18,000.00  | \$ 4,800.00                  | \$ 14,400.00  | \$ 6,230.00                          | \$ 18,690.00  | \$ 3,995.00                        | \$ 11,985.00  | \$ 5,200.00       | \$ 15,600.00  | \$ 4,800.00                  | \$ 14,400.00  | \$ 8,333.33                            | \$ 24,999.99  | \$ 5,400.00                 | \$ 16,200.00  | \$ 4,800.00        | \$ 14,400.00  | \$ 6,620.00           | \$ 19,860.00  |
| 11                    | Catch Basins, Type G-2                                      | EA    | 3        | \$ 3,000.00        | \$ 9,000.00   | \$ 4,500.00                  | \$ 13,500.00  | \$ 2,661.00                          | \$ 7,983.00   | \$ 2,200.00                        | \$ 6,600.00   | \$ 2,500.00       | \$ 7,500.00   | \$ 2,400.00                  | \$ 7,200.00   | \$ 8,333.33                            | \$ 24,999.99  | \$ 5,200.00                 | \$ 15,600.00  | \$ 5,200.00        | \$ 15,600.00  | \$ 3,360.00           | \$ 10,080.00  |
| 12                    | Catch Basins, Curb Inlet                                    | EA    | 1        | \$ 5,000.00        | \$ 5,000.00   | \$ 4,600.00                  | \$ 4,600.00   | \$ 2,456.00                          | \$ 2,456.00   | \$ 2,950.00                        | \$ 2,950.00   | \$ 2,400.00       | \$ 2,400.00   | \$ 5,400.00                  | \$ 5,400.00   | \$ 25,000.00                           | \$ 25,000.00  | \$ 5,400.00                 | \$ 5,400.00   | \$ 5,100.00        | \$ 5,100.00   | \$ 4,800.00           | \$ 4,800.00   |
| 13                    | Connection to Existing Structures                           | EA    | 1        | \$ 2,000.00        | \$ 2,000.00   | \$ 2,000.00                  | \$ 2,000.00   | \$ 1,080.00                          | \$ 1,080.00   | \$ 950.00                          | \$ 950.00     | \$ 2,000.00       | \$ 2,000.00   | \$ 1,500.00                  | \$ 1,500.00   | \$ 1,000.00                            | \$ 1,000.00   | \$ 1,700.00                 | \$ 1,700.00   | \$ 1,000.00        | \$ 1,000.00   | \$ 2,900.00           | \$ 2,900.00   |
| 14                    | Abandon Existing Pipe                                       | LF    | 554      | \$ 9.00            | \$ 5,000.00   | \$ 12.00                     | \$ 6,648.00   | \$ 8.00                              | \$ 4,432.00   | \$ 9.00                            | \$ 4,986.00   | \$ 9.00           | \$ 4,986.00   | \$ 20.00                     | \$ 11,080.00  | \$ 18.05                               | \$ 9,999.70   | \$ 7.00                     | \$ 3,878.00   | \$ 12.00           | \$ 6,648.00   | \$ 7.15               | \$ 3,961.10   |
| 15                    | Temporary Trench Resurfacing, 2-Inches Depth                | SY    | 246      | \$ 20.00           | \$ 5,000.00   | \$ 30.00                     | \$ 7,380.00   | \$ 17.00                             | \$ 4,182.00   | \$ 17.00                           | \$ 4,182.00   | \$ 46.00          | \$ 11,316.00  | \$ 31.00                     | \$ 7,626.00   | \$ 10.16                               | \$ 2,499.36   | \$ 24.50                    | \$ 6,027.00   | \$ 38.00           | \$ 9,348.00   | \$ 38.00              | \$ 9,348.00   |
| 16                    | Permanent Trench Resurfacing, 3-Inches Depth                | SY    | 386      | \$ 40.00           | \$ 15,500.00  | \$ 51.00                     | \$ 19,686.00  | \$ 45.00                             | \$ 17,370.00  | \$ 43.00                           | \$ 16,598.00  | \$ 55.00          | \$ 21,230.00  | \$ 55.00                     | \$ 21,230.00  | \$ 12.95                               | \$ 4,998.70   | \$ 36.00                    | \$ 13,896.00  | \$ 42.00           | \$ 16,212.00  | \$ 53.00              | \$ 20,458.00  |
| 17                    | 6" Class 52 RJ Water Main, Class B Backfill                 | LF    | 213      | \$ 110.00          | \$ 23,500.00  | \$ 75.00                     | \$ 15,975.00  | \$ 100.00                            | \$ 21,300.00  | \$ 139.00                          | \$ 29,607.00  | \$ 100.00         | \$ 21,300.00  | \$ 109.00                    | \$ 23,217.00  | \$ 56.33                               | \$ 11,998.29  | \$ 81.00                    | \$ 17,253.00  | \$ 120.00          | \$ 25,560.00  | \$ 74.00              | \$ 15,762.00  |
| 18                    | Connection to Existing Main at 5th Street and High Street   | EA    | 1        | \$ 2,000.00        | \$ 2,000.00   | \$ 3,500.00                  | \$ 3,500.00   | \$ 1,760.00                          | \$ 1,760.00   | \$ 2,895.00                        | \$ 2,895.00   | \$ 4,100.00       | \$ 4,100.00   | \$ 8,000.00                  | \$ 8,000.00   | \$ 2,000.00                            | \$ 2,000.00   | \$ 6,800.00                 | \$ 6,800.00   | \$ 6,600.00        | \$ 6,600.00   | \$ 3,150.00           | \$ 3,150.00   |
| 19                    | Connection to Existing Main at 5th Street and Center Street | EA    | 1        | \$ 3,500.00        | \$ 3,500.00   | \$ 6,500.00                  | \$ 6,500.00   | \$ 5,225.00                          | \$ 5,225.00   | \$ 6,659.00                        | \$ 6,659.00   | \$ 4,100.00       | \$ 4,100.00   | \$ 8,500.00                  | \$ 8,500.00   | \$ 2,000.00                            | \$ 2,000.00   | \$ 10,000.00                | \$ 10,000.00  | \$ 11,000.00       | \$ 11,000.00  | \$ 7,480.00           | \$ 7,480.00   |
| 20                    | 1" Water Service Replacement                                | EA    | 2        | \$ 2,500.00        | \$ 5,000.00   | \$ 2,250.00                  | \$ 4,500.00   | \$ 3,040.00                          | \$ 6,080.00   | \$ 2,395.00                        | \$ 4,790.00   | \$ 2,200.00       | \$ 4,400.00   | \$ 2,700.00                  | \$ 5,400.00   | \$ 11,000.00                           | \$ 22,000.00  | \$ 3,600.00                 | \$ 7,200.00   | \$ 1,500.00        | \$ 3,000.00   | \$ 3,000.00           | \$ 6,000.00   |
| 21                    | 2" Water Service Replacement                                | EA    | 1        | \$ 5,000.00        | \$ 5,000.00   | \$ 4,400.00                  | \$ 4,400.00   | \$ 6,570.00                          | \$ 6,570.00   | \$ 4,750.00                        | \$ 4,750.00   | \$ 3,300.00       | \$ 3,300.00   | \$ 5,300.00                  | \$ 5,300.00   | \$ 2,500.00                            | \$ 2,500.00   | \$ 4,500.00                 | \$ 4,500.00   | \$ 4,900.00        | \$ 4,900.00   | \$ 5,825.00           | \$ 5,825.00   |
| 22                    | 1" Service PRV Assembly                                     | EA    | 2        | \$ 1,000.00        | \$ 2,000.00   | \$ 1,125.00                  | \$ 2,250.00   | \$ 1,250.00                          | \$ 2,500.00   | \$ 1,660.00                        | \$ 3,320.00   | \$ 1,000.00       | \$ 2,000.00   | \$ 1,100.00                  | \$ 2,200.00   | \$ 500.00                              | \$ 1,000.00   | \$ 1,350.00                 | \$ 2,700.00   | \$ 1,200.00        | \$ 2,400.00   | \$ 572.00             | \$ 1,144.00   |
| 23                    | 2" Service PRV Assembly                                     | EA    | 1        | \$ 1,500.00        | \$ 1,500.00   | \$ 1,700.00                  | \$ 1,700.00   | \$ 1,750.00                          | \$ 1,750.00   | \$ 1,877.00                        | \$ 1,877.00   | \$ 1,400.00       | \$ 1,400.00   | \$ 3,000.00                  | \$ 3,000.00   | \$ 2,500.00                            | \$ 2,500.00   | \$ 2,000.00                 | \$ 2,000.00   | \$ 2,900.00        | \$ 2,900.00   | \$ 1,225.00           | \$ 1,225.00   |
| 24                    | 1" Double Check Valve Assembly                              | EA    | 2        | \$ 1,000.00        | \$ 2,000.00   | \$ 1,150.00                  | \$ 2,300.00   | \$ 1,325.00                          | \$ 2,650.00   | \$ 1,688.00                        | \$ 3,376.00   | \$ 1,000.00       | \$ 2,000.00   | \$ 1,800.00                  | \$ 3,600.00   | \$ 1,000.00                            | \$ 2,000.00   | \$ 1,350.00                 | \$ 2,700.00   | \$ 900.00          | \$ 1,800.00   | \$ 590.00             | \$ 1,180.00   |
| 25                    | 2" Double Check Valve Assembly                              | EA    | 1        | \$ 2,000.00        | \$ 2,000.00   | \$ 1,700.00                  | \$ 1,700.00   | \$ 2,150.00                          | \$ 2,150.00   | \$ 1,860.00                        | \$ 1,860.00   | \$ 1,500.00       | \$ 1,500.00   | \$ 2,500.00                  | \$ 2,500.00   | \$ 2,500.00                            | \$ 2,500.00   | \$ 1,900.00                 | \$ 1,900.00   | \$ 1,700.00        | \$ 1,700.00   | \$ 1,380.00           | \$ 1,380.00   |
| 26                    | Extra Work as Authorized                                    | LS    | 1        | \$ 10,000.00       | \$ 10,000.00  | \$ 10,000.00                 | \$ 10,000.00  | \$ 10,000.00                         | \$ 10,000.00  | \$ 10,000.00                       | \$ 10,000.00  | \$ 10,000.00      | \$ 10,000.00  | \$ 10,000.00                 | \$ 10,000.00  | \$ 10,000.00                           | \$ 10,000.00  | \$ 10,000.00                | \$ 10,000.00  | \$ 10,000.00       | \$ 10,000.00  | \$ 10,000.00          | \$ 10,000.00  |
| TOTAL (ITEMS 1 TO 26) |                                                             |       |          |                    | \$ 256,000.00 | -16.1%                       | \$ 214,900.00 | -10.9%                               | \$ 228,115.00 | -10.5%                             | \$ 229,190.00 | -10.2%            | \$ 229,827.00 | -7.9%                        | \$ 235,777.00 | -7.4%                                  | \$ 237,000.00 | -3.1%                       | \$ 248,038.00 | 1.9%               | \$ 260,913.22 | 4.3%                  | \$ 266,998.10 |

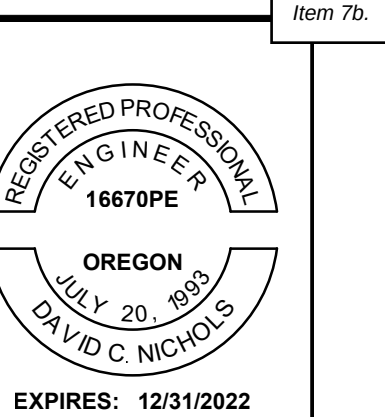




# CITY OF OREGON CITY

## 5TH STREET WATERLINE REPLACEMENT AND STORM SYSTEM IMPROVEMENTS

SPRING 2021  
VOLUME II OF II



|             |         |            |              |
|-------------|---------|------------|--------------|
| PROJECT NO. | 819-148 | DATE       | Jan 21, 2021 |
| DRAWN BY    | AEI     | CHECKED BY | KMP          |
| DESIGNED BY | JRB     | SCALE      | SHOWN        |

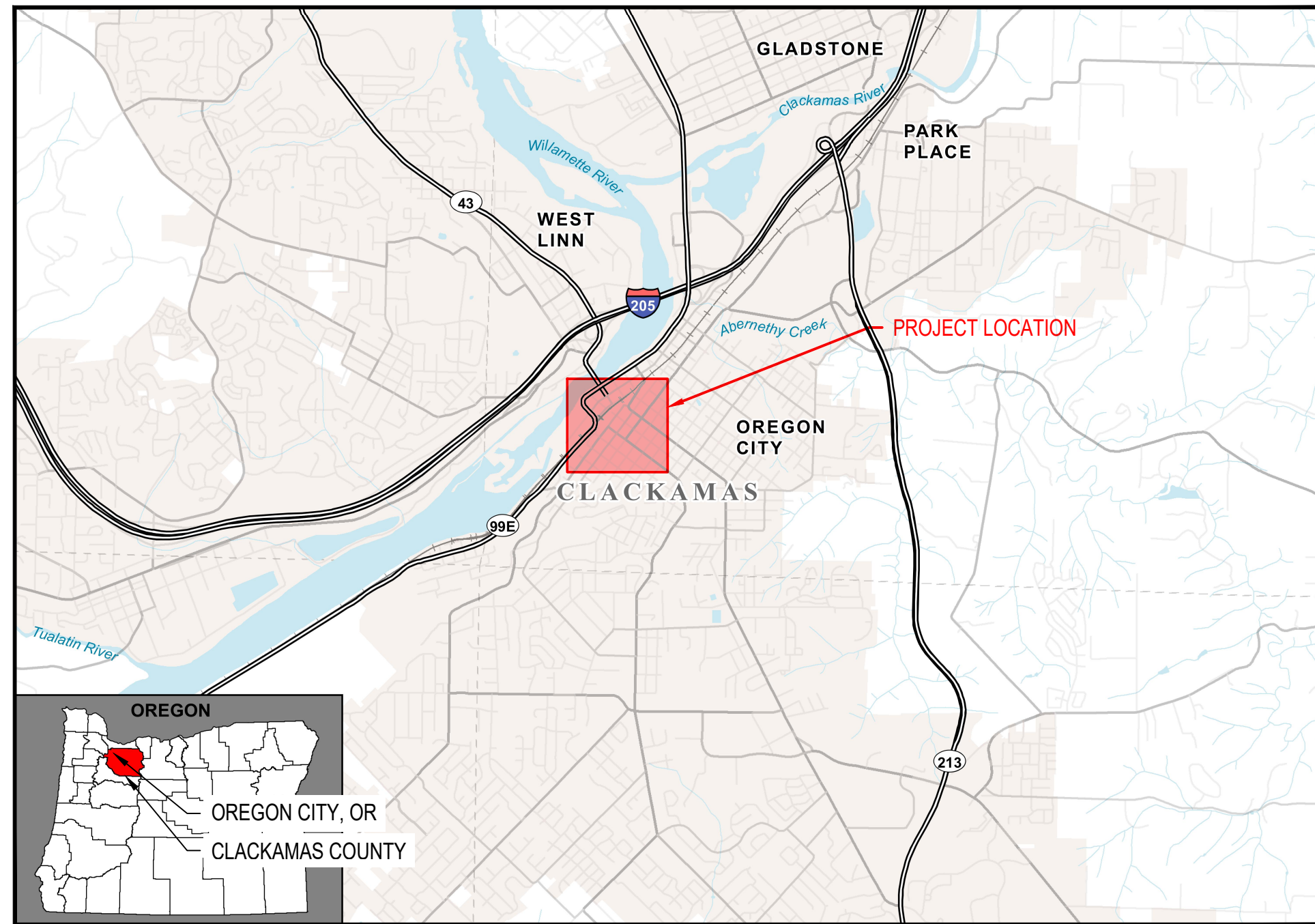
**COVER**

5TH STREET WATERLINE REPLACEMENT AND STORM SYSTEM IMPROVEMENTS  
OREGON CITY, OREGON  
CITY FILE NO. CI 21-001

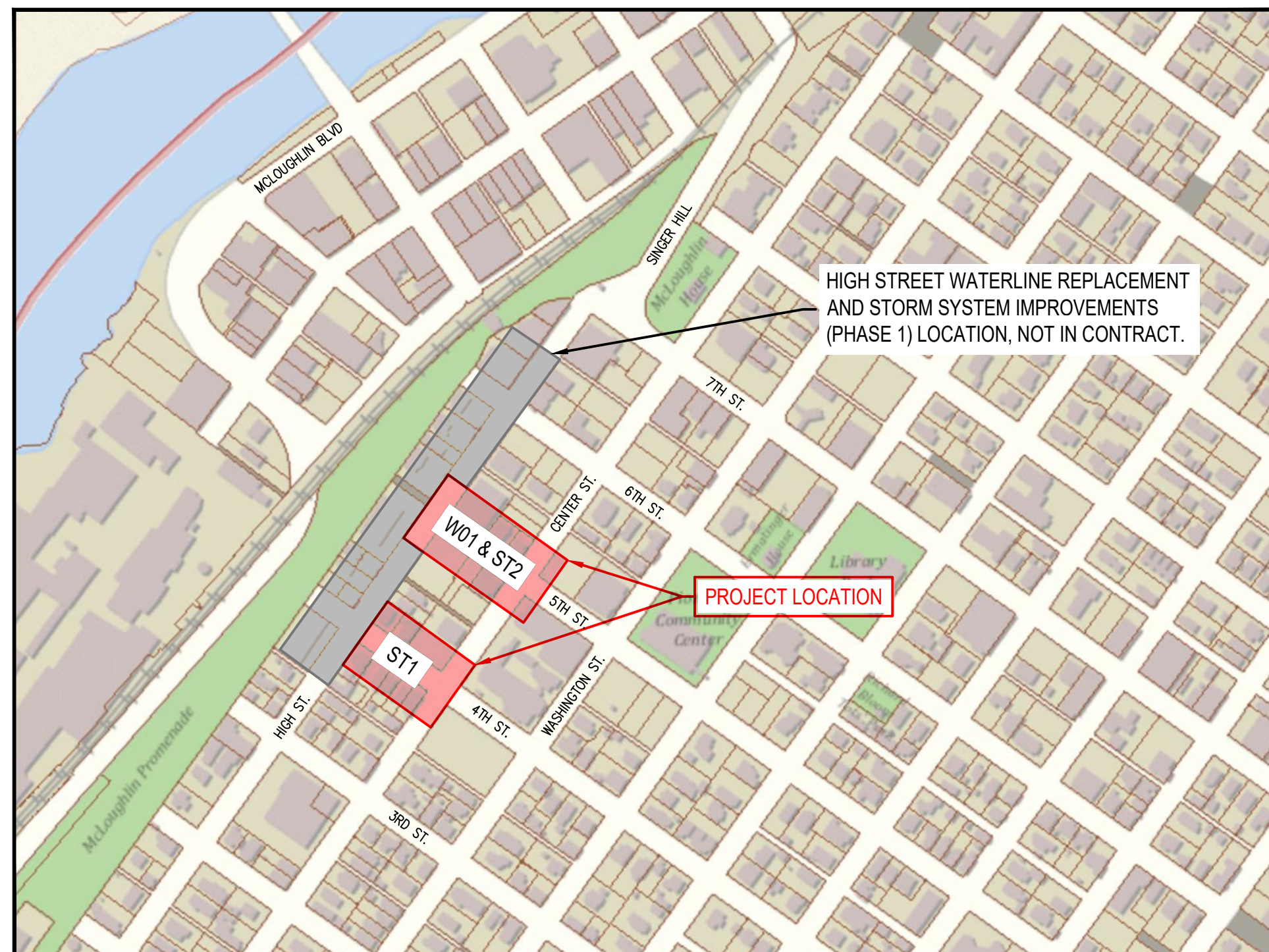
| NO. | DATE | REVISIONS |
|-----|------|-----------|
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|     |      |           |
|     |      |           |

DRAWING NUMBER:  
**COV**  
SHEET 1 OF 1

### PROJECT VICINITY MAP



### PROJECT LOCATION MAP



### LEGENDS

#### EXISTING LEGEND

|  |                             |  |                           |
|--|-----------------------------|--|---------------------------|
|  | CONIFEROUS TREE             |  | RIGHT OF WAY LINE         |
|  | DECIDUOUS TREE              |  | RIGHT OF WAY CENTERLINE   |
|  | FIRE HYDRANT                |  | PROPERTY LINE             |
|  | WATER METER                 |  | EDGE OF PAVEMENT          |
|  | WATER VALVE                 |  | GRAVEL EDGELINE           |
|  | SANITARY SEWER MANHOLE      |  | ROADWAY CURB              |
|  | SANITARY SEWER CLEANOUT     |  | METAL FENCE               |
|  | STORM SEWER MANHOLE         |  | WOOD FENCE                |
|  | STORM SEWER CATCH BASIN     |  | UNDERGROUND COMMUNICATION |
|  | STORM SEWER CLEANOUT        |  | UNDERGROUND FIBER OPTICS  |
|  | NATURAL GAS METER           |  | NATURAL GAS               |
|  | NATURAL GAS VALVE           |  | UNDERGROUND POWER         |
|  | GUY WIRE ANCHOR             |  | OVERHEAD WIRE             |
|  | POWER POLE                  |  | SANITARY SEWER            |
|  | POWER VAULT                 |  | SANITARY SEWER LATERAL    |
|  | POWER JUNCTION BOX          |  | STORM DRAIN LINE          |
|  | POWER PEDESTAL              |  | WATER LINE                |
|  | COMMUNICATIONS VAULT        |  | WATER SERVICE LINE        |
|  | COMMUNICATIONS JUNCTION BOX |  | EXISTING BUILDING EDGE    |
|  | COMMUNICATIONS RISER        |  | EXISTING PAVEMENT         |
|  | SIGN                        |  | WATER SIDEWALK/CONCRETE   |
|  | STREET LIGHT                |  |                           |
|  | MAILBOX                     |  |                           |
|  | DRIVEWAY                    |  |                           |
|  | FOUND MONUMENT              |  |                           |
|  | CONTROL POINT               |  |                           |
|  | POTHOLE LOCATION            |  |                           |
|  | GEOPROBE LOCATION           |  |                           |

#### PROPOSED LEGEND

|  |                |  |                                                        |
|--|----------------|--|--------------------------------------------------------|
|  | BEND           |  | PROPOSED WATERLINE WITH DISTANCE ALONG PIPE TEXT       |
|  | TEE            |  | PROPOSED WATER SERVICE                                 |
|  | GATE VALVE     |  | STATION BASELINE WITH STATION LOCATION TEXT            |
|  | REDUCER        |  | EXISTING WATER, TO BE ABANDONED PER NOTES ON SHEET G01 |
|  | TAPPING SLEEVE |  | PROPOSED STORM DRAIN WITH DISTANCE ALONG PIPE TEXT     |
|  | WATER METER    |  | PROPOSED STORM DRAIN                                   |
|  | CATCH BASIN    |  | EXISTING STORM, TO BE ABANDONED PER NOTES ON SHEET G02 |
|  | STORM MANHOLE  |  | SIDEWALK RESTORATION                                   |
|  |                |  | HMA TRENCH PATCH                                       |

### DRAWING INDEX

| SHEET NO | SHEET TITLE                     | DWG NO |
|----------|---------------------------------|--------|
| 1        | COVER                           | COV    |
| 2        | GENERAL NOTES 1                 | G01    |
| 3        | GENERAL NOTES 2                 | G02    |
| 4        | WATER MAIN PLAN AND PROFILE 1   | W01    |
| 5        | STORM SYSTEM PLAN AND PROFILE 1 | ST1    |
| 6        | STORM SYSTEM PLAN AND PROFILE 2 | ST2    |
| 7        | DETAILS 1                       | DT1    |
| 8        | DETAILS 2                       | DT2    |
| 9        | DETAILS 3                       | DT3    |
| 10       | CONNECTION DETAILS              | DT4    |

### CONTACT PERSONNEL

| CONTACT                        | AGENCY                    | PHONE          |
|--------------------------------|---------------------------|----------------|
| JOHN BURRELL (PROJECT MANAGER) | OREGON CITY               | (503) 496-1556 |
| ERIC HAND (WASTE/STORMWATER)   | OREGON CITY               | (503) 657-8241 |
| KEVIN HANKS (WATER)            | OREGON CITY               | (503) 657-8241 |
| JASON THORNBERG (STREETS)      | OREGON CITY               | (503) 657-8241 |
| KYLE PETTIBONE, P.E.           | RH2 ENGINEERING           | (503) 446-2816 |
| DAVID NICHOLS, P.E.            | RH2 ENGINEERING           | (503) 446-5949 |
| JUSTIN BARROW, P.E.            | RH2 ENGINEERING           | (503) 446-2911 |
| RICH GIRARD, P.E.              | NW NATURAL GAS            | (360) 921-0314 |
| ROSS CICHOSZ                   | PORTLAND GENERAL ELECTRIC | (503) 669-3331 |
| BRENT CHRISTIANSEN             | COMCAST                   | (503) 347-0854 |
| DAVID DODD                     | CENTURY LINK              | (503) 242-8849 |
| BRIAN DAVIDSON                 | ZAYO                      | (360) 558-4215 |
| WINIFRED VOGT                  | LIGHTSPEED                | (503) 936-8107 |
| ERIC KHELER                    | BEAVER CREEK TELEPHONE    | (503) 266-8223 |

### PROJECT PHASING NOTES

THIS PROJECT IS THE SECOND PHASE OF A LARGER MULTI-PHASE PROJECT. THE PHASE 1 IMPROVEMENTS INCLUDED WATER AND STORM SYSTEM IMPROVEMENTS WITHIN HIGH STREET FROM 3RD STREET TO 7TH STREET. THE PROPOSED IMPROVEMENTS INCLUDE WATER AND STORM SYSTEM IMPROVEMENTS WITHIN THE AREA OF 4TH STREET, AND 5TH STREET, HIGH STREET, AND CENTER STREET. PHASE 1 IMPROVEMENTS SHOWN ON THE PLANS ARE FOR REFERENCE ONLY, AND ARE NOT INCLUDED IN THIS CONTRACT.

**CALL 48 HOURS BEFORE YOU DIG  
ONE CALL 1-800-332-2344**

ATTENTION: OREGON LAW REQUIRES YOU TO FOLLOW RULES ADOPTED BY THE OREGON UTILITY NOTIFICATION CENTER. THOSE RULES ARE SET FORTH IN OAR 952-001-0010 THROUGH OAR 952-001-0090. YOU MAY OBTAIN COPIES OF THE RULES BY CALLING THE CENTER AT 503-232-1978.

PREPARED BY:  
**RH2**





## CITY OF OREGON CITY

### Staff Report

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

**To:** City Commission **Agenda Date:** 03/03/2021  
**From:** Community Development Director Laura Terway

#### **SUBJECT:**

2019 Heritage Stand Nomination for Park Place Park

#### **STAFF RECOMMENDATION:**

Approval of the proposed nomination as recommended by the Natural Resources Committee and Parks and Recreation Advisory Committee of the entire nomination including the original 27 trees, bearing in mind that some of the trees may recover from the storm and that others may not. Staff will monitor the situation and abide by all permitting requirements.

#### **EXECUTIVE SUMMARY:**

The PRAC and NRC have completed their review and approval of the Heritage Stand Nomination for multiple trees in Park Place Park. The original Park Place Park Heritage Stand nomination includes 27 trees, consisting of 19 Oregon White Oaks, 2 Douglas Firs, and 6 Atlas Cedars. Though the recent storm damaged some of the trees, staff recommends the City Commission approve the entire nomination including the original 27 trees, bearing in mind that some of the trees may recover from the storm and that others may not. Staff will monitor the situation, abide by all permitting requirements, and may return at a future date with a request to remove the trees which did not survive the storm from the Heritage designation.

#### **BACKGROUND:**

The Heritage Tree Program's purpose is to recognize, foster appreciation and provide for voluntary protection of certain trees, because their age, species, natural resource value, ecological or horticultural value, or historical association, are of special importance to the city. The program is described in chapter 12.32 of the Oregon City Municipal Code and may include trees on private or public property.

Dorothy Dahlsrud submitted the proposed Heritage Stand designation in Park Place Park including 27 trees, consisting of 19 Oregon White Oaks, 2 Douglas Firs, and 6 Atlas Cedars.

## CRITERIA FOR NOMINATION

The heritage tree code was updated in 2019 (Ord. No. 19-1016, § 1, 11-6-2019).

"Heritage stand" means a group of two or more trees that have been designated by the city as having unique importance, subject to the heritage tree regulations of OCMC 12.32.

*OCMC 12.32.040.A. Nominations for trees or tree stands on city-owned property, other than right-of-way, may be submitted by any citizen of Oregon City and the City Commission shall make the final decision following the general procedure identified in subsection 12.32.030 above. If the nomination is for a city park, the Parks and Recreation Advisory Committee shall also review the nomination and provide an advisory opinion prior to the Natural Resources Committee recommendation to the City Commission.*

*To be nominated as a heritage tree or stand, trees must meet the requirements in OCMC 12.32 (Attached). The criteria are:*

*A. Heritage criteria (at least one heritage criterion must be met):*

- 1. The tree or stand of trees is associated with events that have made a significant contribution to the broad pattern of Oregon City's history; or*
- 2. The tree or stand of trees is associated with the life of a person or group of historic significance to Oregon City; or*
- 3. The tree or stand of trees represents a significant and distinguishable presence within Oregon City; or*
- 4. The tree or stand of trees has age, size, or species significance (horticultural or ecological), which contributes to Oregon City's heritage status;*

*B. Site and Condition Criteria (all criteria must be satisfied):*

- 1. The tree species is not listed as invasive on any regionally accepted plant list;*
- 2. If the proposed heritage tree or stand is located on private property or on public property owned by a public agency other than the city of Oregon City, the property owner or, if the tree or stand of trees is located on a public right-of-way, the abutting private property owner consents to the designation and agrees to sign a protective covenant.*

As explained in the nomination, the trees comply with the Heritage criteria.

## TREE DAMAGE ASSESSMENT DUE TO STORM

Recently, many of the nominated trees within the stand were damaged in the recent ice storm. Parks maintenance staff have been busy responding to tree damage in parks city wide but were able to provide an initial assessment of the damage on February 23, 2021 along with photos.

The initial assessment of storm damage indicates the follow trees were affected significantly:

| <b>Tree #</b> | <b>Species</b> | <b>Damage</b>                                     |
|---------------|----------------|---------------------------------------------------|
| O1A           | White Oak      | Significant damage                                |
| O2A           | White Oak      | Fell on Restrooms                                 |
| O3A           | White Oak      | Damage                                            |
| O4A           | White Oak      | Damage                                            |
| O11           | White Oak      | Fell                                              |
| O12           | White Oak      | Fell                                              |
| C1            | Atlantic Cedar | Top broken out, severe damage                     |
| C2            | Atlantic Cedar | Some damage. Branches landed feet from playground |
| C5            | Atlantic Cedar | Some damage                                       |
| C6            | Atlantic Cedar | Some damage                                       |

Although a complete and detailed assessment of the tree damage is not possible at this time, staff is comfortable with the recommendation of the PRAC and the NRC to approve the entire nomination including the original 27 trees, bearing in mind that some of the trees may recover from the storm and that others may not, and that staff will monitor the situation and abide by all permitting requirements. Per OCMC 12.32.100, staff may need to return at a future date with a request to remove trees which did not survive the winter storm.

Note that tree removal within Park Place Park is also subject to Site Plan and Design Review, any applicable overlay districts, and Resolution 20-33, the newly adopted *Additional Permitting, Notification and Other Requirements for Staff Removal of Significant City Trees*.

## TIMELINE

12/10/2019 – Application for Nomination submitted.

1/2/2020 – Application for Nomination complete.

2/27/2020 – Parks and Recreation Advisory Committee voted to approve the nomination for all trees “not in decline” as determined by staff.

3/11/2020 – Natural Resources Committee recommends approval of entire stand nomination, based on criteria in OCMC 12.32.

Between March and October, the nomination process was delayed due to the on-going development of the city tree removal policy, wildfires, COVID, the hiring of a new Parks Director in July, and further assessment of site conditions.

9/24/2020 – Staff recommended a revised nomination to PRAC to only include trees that are in good condition, safely accessible and visible to park visitors. PRAC requested further information regarding the condition of individual trees and tabled the decision to the next meeting.

10/22/2020 – Parks and Recreation Advisory Committee reviewed the nomination proposal again and tabled the decision until the city tree removal policy was adopted.

11/4/2020 – City Commission votes to approve Resolution 20-33.

12/4/2020 – Resolution 20-33 goes into effect.

1/28/2021 – PRAC unanimously recommends approval of the nomination as proposed, subject to the new city tree removal policy Resolution 20-33.

#### **OPTIONS:**

1. Approve nomination as proposed (all 27 trees).
2. Approve a modified nomination based on the initial tree damage assessment, removing those trees from the nomination that fell over or had significant damage.
3. Approve a further amended nomination.
4. Continue the item with additional direction to staff.

#### **BUDGET IMPACT:**

Amount: Unknown

FY(s):

Funding Source(s):



# OREGON CITY

## Community Development Department

221 Molalla Ave. Suite 200 | Oregon City OR 97045  
Ph (503) 722-3789 | Fax (503) 722-3880

### HERITAGE TREE NOMINATION FORM (CITY-OWNED PROPERTY)

(PLEASE USE ONE FORM PER TREE OR GROVE)

OCMC 17.04.1365 - Tree (or Grove), Heritage. "Heritage Tree" or "Grove" means a tree or group of trees that have been designated by the city as having unique importance, and subject to the Heritage Tree Regulations of Section 12.08.040. Where a grouping of two or more Heritage Trees is separated by no more than twenty feet on a property or properties, the term Heritage Grove may be used.

OCMC 12.08.040.B.1. If the proposed Heritage Tree or Grove is located on city property or public right-of-way under city jurisdiction, the recommendation shall be submitted to the community development director. The community development director shall submit the recommendation to the city commission.

Site Address: 16180 Front Ave - Park Place Park  
Clackamas County Map and Tax Lot: \_\_\_\_\_

#### Nominator(s):

Nominator(s) Signature: \_\_\_\_\_

Nominator(s) Name Printed: Dorothy Dahlsrud Date: \_\_\_\_\_

Mailing Address: 415 Dewey St. Oregon City, OR 97045

Phone: 503-502-0610 Fax: \_\_\_\_\_ Email: \_\_\_\_\_

dorothydahlsrud@gmail.com

#### City Property Information:

Listed Property Owner: City of Oregon City

**HERITAGE IMPORTANCE:** Please explain why the tree(s) qualify for heritage tree or grove status pursuant to the heritage tree or grove definition in the city code above. Please add a separate attachment if needed.

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#### TREE SPECIES AND SIZE

| Tree | Species          | DBH* (inches)                 | Height (ft) | Canopy Spread (ft) |
|------|------------------|-------------------------------|-------------|--------------------|
| 1.   | Oregon White Oak | Please see attached Inventory |             |                    |
| 2.   | Douglas Fir      |                               |             |                    |
| 3.   | Atlas Cedars     |                               |             |                    |
| 4.   |                  |                               |             |                    |
| 5.   |                  |                               |             |                    |
| 6.   |                  |                               |             |                    |

\*DBH = Diameter at Breast Height, which is the diameter of the trunk measured 4.5' above the ground.





# OREGON CITY

## Community Development Department

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Ph (503) 722-3789 | Fax (503) 722-3880

| Tree | TREE CONDITION                |                               |                               |                                   |                                |                               |
|------|-------------------------------|-------------------------------|-------------------------------|-----------------------------------|--------------------------------|-------------------------------|
|      | <input type="checkbox"/> GOOD | <input type="checkbox"/> FAIR | <input type="checkbox"/> POOR | <input type="checkbox"/> DISEASED | <input type="checkbox"/> DYING | <input type="checkbox"/> DEAD |
| 1.   |                               |                               |                               |                                   |                                |                               |
| 2.   |                               |                               |                               |                                   |                                |                               |
| 3.   |                               |                               |                               |                                   |                                |                               |
| 4.   |                               |                               |                               |                                   |                                |                               |
| 5.   |                               |                               |                               |                                   |                                |                               |
| 6.   |                               |                               |                               |                                   |                                |                               |

### APPROVAL CRITERIA

- Is the tree or grove is of landmark importance to the City of Oregon City due to age, size, species, horticultural quality or historic importance? **YES** / **NO**
- Is the tree listed as a State Heritage Tree, as designated by the State Division of Forest Resources? **YES** / **NO**
- Is the tree a rare species, or provides a habitat for rare species of plants, animals or birds? **YES** / **NO**
- Is the tree irreparably damaged, diseased, hazardous or unsafe? **YES** / **NO**  
*"Hazardous or diseased tree" means a tree that has a naturally occurring disease that is expected to kill the tree or that presents a significant risk to life or property as determined by a certified arborist. An otherwise healthy tree that may become a hazard to a proposed future development shall not be considered a hazardous tree. Hazardous trees may include, but are not limited to dead, diseased, broken, split, cracked, leaning, and uprooted trees. A tree harboring communicable diseases or insects of a type that could infest and cause the decline of adjacent or nearby trees may also be identified as a hazardous tree.*
- Is the applicant willing to have the tree treated by an arborist to alleviate any damage, disease or hazard? **YES** / **NO**

☒ **SITE PLAN.** Please identify the location of the tree or grove on a site plan and attach.

☒ **PHOTOGRAPH.** Please provide a current photo of the tree or grove.

### CONSENT TO FORWARD RECOMMENDATION TO CITY COMMISSION

\_\_\_\_\_  
Signature of Community Development Director

**STAFF USE ONLY:**



December 13, 2019

Mr. Pete Walter  
Planner  
City of Oregon City  
625 Center Street  
Oregon City, OR 97045

Subject: Park Place Park  
Heritage Tree Nomination

Dear Mr. Walter,

Oregon City Parks Foundation respectfully asks for your consideration for the nomination of Heritage Trees located in Park Place Park. These unique trees provide refuge for wildlife, shade and cooling, and contribute to a healthy environment. Many of these trees are well over 100 years old, and have witnessed the evolution of Oregon City.

We support the nomination and related application documents. We believe that generations to come will appreciate the efforts made to designate these trees.

Sincerely,

Roger Fowler-Thias  
OCPF - President

OREGON CITY PARKS FOUNDATION

*Partnering with volunteers, donors, and community leaders to develop, enhance, promote, and sustain a thriving, accessible, and connected system of parks in Oregon City*

EIN#81-1223050 DLN#26053485001836

**I am writing about the row of 6 Atlas Cedars (*Cedrus atlantica*) that are located in Park Place Park above the play equipment.**

**These trees are likely over one hundred years old. They appear to have originally been seedlings, rather than grafted trees. Seedling Atlas cedars vary from green to blue, and this is reflected in the color range of the trees. There is no sign of graft unions, which can be obvious on this species. The trees are well spaced, allowing them to mature in a healthy fashion. There is one tree missing out of the row judging by the spacing used. The trees are around 10 ft. in circumference.**

**This species is native to the high mountains of Morocco and Algeria in northern Africa. Atlas cedar is closely related to the cedar of Lebanon mentioned in the Bible. An Endangered Species in the IUCN listing, it has a limited sky-island range and natural populations are decreasing.**

**A grouping of this type of tree is rare in urban areas as normally only one is planted at a time. This entire grouping is of exceptional size and impact. Few of this size exist, and even fewer in such a grouping.**

**Bryon Boyce**

**503-655-4457**



December 10, 2019

Mr. Pete Walter  
Planner  
City of Oregon City  
625 Center Street  
Oregon City, OR 97045

Subject: Park Place Park - Heritage Tree Nomination

Dear Mr. Walter,

It is with enthusiasm and gratitude that we are in support of the nomination from Ms. Dahlsrud for heritage tree designation in Park Place Park.

Providing shade, wildlife support, and other advantages to our park, we hope that the trees may continue to be part of our neighborhood for many years to come.

Park Place Neighborhood Association appreciates this effort from Ms. Dahlsrud and believe that this is a win-win for our neighborhood park and city.

We thank you for consideration.

Best regards,

Greg Stone  
Chair, PPNA

**Rivers of Life Center****Address: PO Box 124 West Linn, OR 97068****Phone: (503)-260-3432 Email: [riversoflifecenter@gmail.com](mailto:riversoflifecenter@gmail.com)****Date: 12/12/19**

Subject: Support and Advocacy letter for Oregon White Oak

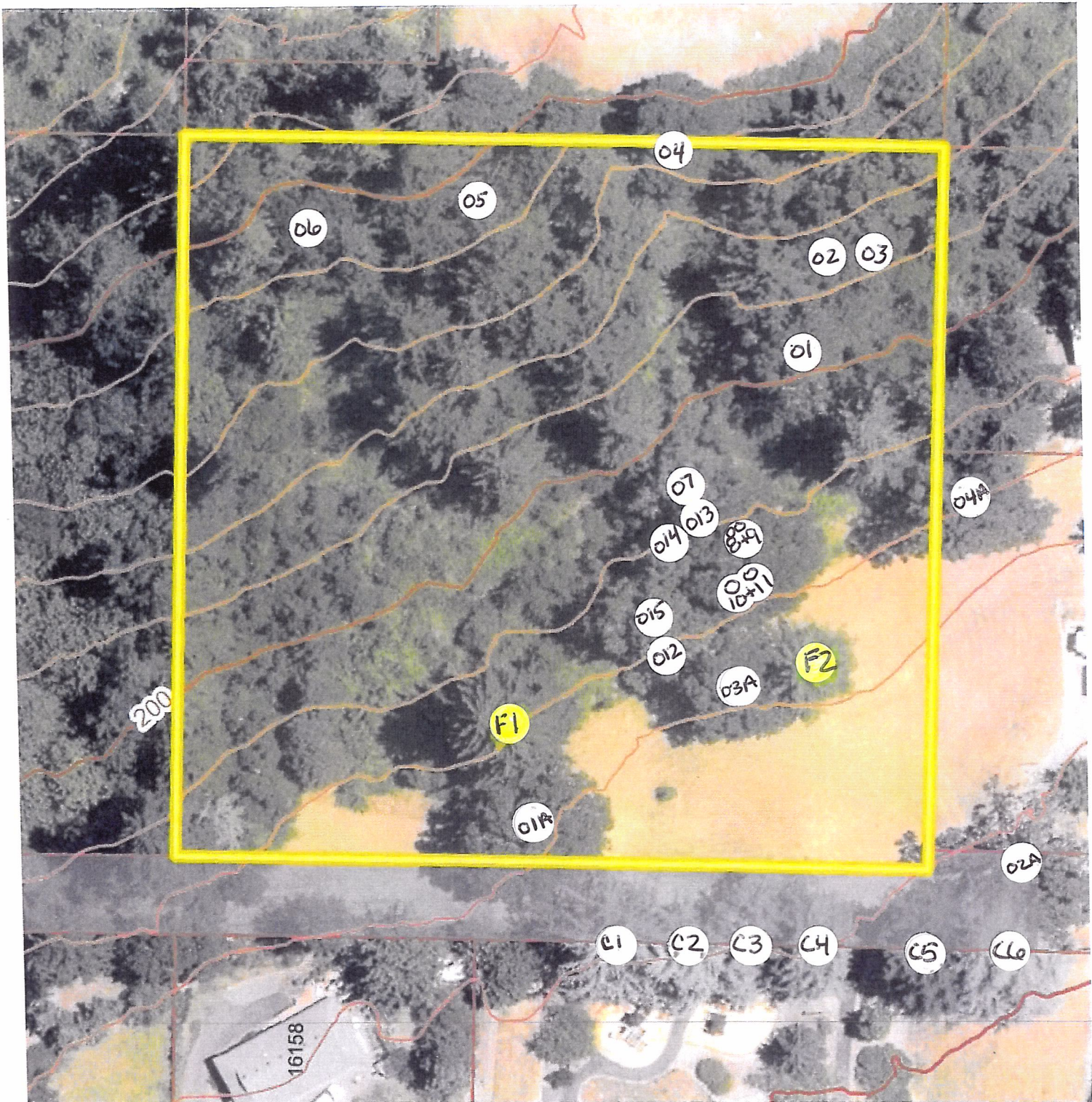
Dear nomination staff:

We have personally reviewed the stature and heritage aspects of several Oregon White Oaks, located at Park Place Park, in Oregon City. These trees are significant, due to their large stature, and probability that Native Americans utilized them for food and sustenance. They are located in the Clackamas River watershed where natives would have gathered the nuts and foraged for other beneficial forbes, such as Camas, Wild Iris and Western Hazel. These trees should certainly reach the status of heritage, due to their size, but more importantly due to the bench they occupy wherein Native Americans and pioneers would have benefited from their seed and nut production, we hope you can support this heritage tree nomination for heritage tree or heritage grove status.

Sincerely,

Jerry Herrmann





12/10/2019

# PARK PLACE PARK TREE OAK AND PARTIAL FIR INVENTORY

**Atlas Cedars, Cedrus atlantica**      **AVERAGE AGE OF ALL 6 TREES IS 157 YRS**

**MBH** estimated annual growth rate of the potential productivity varies from 3.19 to 8.17 m<sup>3</sup>/ha/year (4.0) is the figure I used. I also assume they were planted at the same time.

**C1** 140" X 60' Tall Estm Age 162 yrs  
**C2** 161" X 65' TALL Estm Age 188 yrs  
**C3** 127' X 65' TALL Estm Age 147 yrs  
**C4** 128" X 60' TALL Estm Age 140 yrs  
**C5** 123" x 60' TALL ESTM AGE 143 yrs  
**C6** 151" x 55' TALL ESTM AGE 177 yrs

**\*MBH Douglas fir**, genus *Pseudotsuga* Measure the circumference of the tree at that height in inches. Multiple that measurement by 1.6. these trees are ID in **yellow** on site map. We choose only to list the trees in the lawn area.

**F1** 175" X 75' Tall Estm Age 280 yrs  
**F2** 126" X 70' Tall Estm Age 201 yrs

**Oregon White Oak, Quercus garryana**

**MBH** annual growth rate of 5.0

**O1A** 171" x 55' Tall Estm Age 346 yrs  
**O2A** 156" x 60' Tall Estm Age 314 yrs  
**O3A** 108" x 55' Tall Estm Age 220 yrs  
**O4A** 123" x 65' Tall Estm Age 245 yrs



The next group MBH **Oregon White Oak** *Quercus garryana* are surrounded by Douglas Fir and under growth of Blackberries and thickets scrub Hawthorne trees, poison Ivy and some areas of Ivy. I did not estimate the height of these trees. I will use the Avg height of 50"

**O1** 156" x 50' Tall Estm Age 250 yrs

**O2** 84" x 50' Tall Estm Age 135 yrs

**O3** 60" x 50' Tall Estm Age 95 yrs

**O4** 96" x 50' Tall Estm Age 155 yrs

**O5** 96 x 50' Tall Estm Age 155 yrs

**O6** 72" x 50' Tall Estm Age 115 yrs

**O7** 108" x 50' Tall Estm Age 170 yrs

**O8 & O9** 84" & 96" x 50' Tall Estm Ages 133 yrs and 150 yrs. This tree has two trunks that are joined at the base about 18" up the trunk it splits into two trees. MBH of the two trunks

**O10 & O11** 108" & 96" x 50' Tall Estm Ages 170 yrs & 155 yrs These trees are joined at the trunk so MBH of the two trunk.

**O12** 48" x 50' Tall Estm Age 75 yrs

**O13** 36" x 50' Tall Estm Age 55 yrs

**O14** 72" x 50' Tall Estm Age 115 yrs

**O15** 108'x 50' Tall Estm Age 155 yrs

The hope is when this park becomes a Heritage Stand we will clean up the invasive species of plants Hawthorne Tree (partial), Blackberries but we will leave the Poison Oak and then put up signage to warn and educate the public. It is our hopes this will become a Demonstration Native tree canopy with native symbiotic plants to compliment the habitat of Oaks. Possible a trail around the area but leave as natural green space for habitat.

Reference site for estimating the age of a tree  
[www.enataitrees.com](http://www.enataitrees.com) › estimating-tree-age

**\*MBH Measured at Breast Height**

**Ancient Trees earn their name at 100 years plus, That's when they truly get their badges of Honor, They come in the form or Hollow and Cracks with signs of Fungus.**

**A Hollow or Hole in a tree is NOT mean the tree is dyeing.**

A **tree hollow** or **tree hole** is a semi-enclosed cavity which has naturally formed in the trunk or branch of a tree. They are found mainly in old trees, whether living or not. Hollows form in many species of trees, and are a prominent feature of natural forests and woodlands, and act as a resource or habitat for a number of vertebrate and invertebrate animals.<sup>[1]</sup>

Hollows may form as the result of physiological stress from natural forces causing the excavating and exposure of the heartwood. Forces including wind, fire, heat, lightning, rain, attack from insects (such as ants or beetles), bacteria, or fungi. Also, trees may self-prune, dropping lower branches as they reach maturity, exposing the area where the branch was attached. Many animals further develop the hollows using instruments such as their beak, teeth or claws.<sup>[1][2]</sup>

**Mushrooms growing from the base of the tree** or under its canopy may be a sign of root decay. Remember to be thorough in your evaluation; the absence of fungus does not necessarily mean a tree is healthy. When any trees have had construction activities – such as addition or removal of soil, heavy equipment movement or digging, trenching – anywhere under the spread of branches, homeowners also should be suspicious. These activities can cause root decay or death, and it can lead to the structural instability of the tree.

The most recognizable sign is a hollow part in the tree, but even **a large hole does not mean that a tree is going to be hazardous** or that has to be filled. Filling of hollow trees, a process called “cavity filling,” used to be practiced by arborists for many years. Recent research discovered that **cavity filling is not needed to support or improve the health of hollow trees.**

Dear Mayor and fellow Commissioners,

I would like to address the importance of saving and honoring every Oregon White Oak in Oregon City.

The **Oregon** white oak (*Quercus garryana*) is an attractive deciduous hardwood **tree** native to **Oregon**, found as far north as British Columbia and as far south as southern California. ... In addition to urban development, yet another challenge to this native **tree** is the spread of invasive plant species.

- **Visible Benefits:** Many attractive species are found in Garry oak areas. People love to look at the wildflowers, butterflies, mosses and birds. Protected areas provide delightful viewsapes and places of serenity to walk and enjoy nature.
- **Hidden Benefits:** We often take for granted the valuable services that plants and animals provide, such as the insects that pollinate our gardens and orchards. **Sharp-tailed snakes — a species at risk in Garry oak areas** — consume the slugs that gardeners love to hate.
- **Cultural Significance:** Garry oak areas are important to the rich and complex culture of the First Nations of this region. In the past, some First Nations deliberately burned selected woodlands and meadows to maintain open conditions and promote the growth of berries, nuts and root vegetables such as camas.
- **Fire Resistance:** The open nature of Garry oak woodlands and meadows poses a **low risk for high intensity wildfires**.
- **A Source of Medicines:** Medical discoveries often originate from native plants and animals. Pacific yew is a source of an anti-cancer drug. Frogs are a source of painkillers and treatment for schizophrenia. First Nations have used plants found in Garry oak areas for a variety of medicinal purposes. Perhaps — as yet unknown to us — a species in Garry oak ecosystems holds the cure for Alzheimer's or AIDS.
- **Aging a tree:** A tree 30 feet high can be 200 years old, food source or habitat zone for many wildlife species. Their acorn are highly critical when other foods are scarce. **"one single oak tree carries 200 different species of insects"**, not to mention the wildlife migrators and cover for a great many other plant species, the leaves and twigs are used by nesting birds.

Protecting Garry oak areas is a kind of insurance for the future — for people as well as for the plants and animals that these ecosystems support. As the song says, *"you don't know what you've got 'til it's gone."*

Please save and Honor our Oaks,

Dorothy L. Dahlsrud



# Oregon City GIS Map

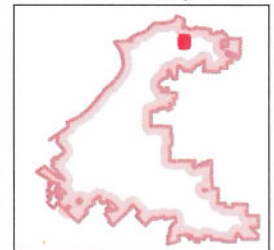


## Legend

- Street Names
- Taxlots
- Taxlots Outside UGB
- Unimproved ROW
- City Limits
- UGB
- Basemap

## Notes

## Overview Map



The City of Oregon City makes no representations, express or implied, as to the accuracy, completeness and timeliness of the information displayed. This map is not suitable for legal, engineering, surveying or navigation purposes. Notification of any errors is appreciated.



0 100 Feet  
1: 1,200

City of Oregon City  
PO Box 3040  
625 Center St  
Oregon City  
OR 97045  
(503) 657-0891  
[www.orcity.org](http://www.orcity.org)



Map created 11/4/2019



# Oregon City GIS Map



**Legend**

Street Names

Streams

Contours (2ft) - 1:3,600 and closer

Contours (10ft) - 1:3,600 and closer

Contours (10ft) - 1:3,600 and closer

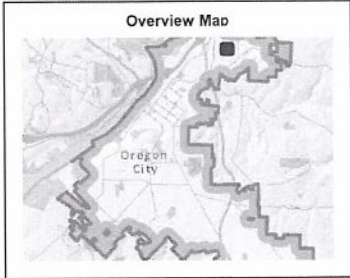
Building Outlines - 1:3,600 and closer

Taxlots

Unimproved ROW

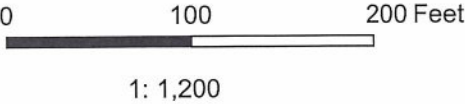
Basemap

Notes



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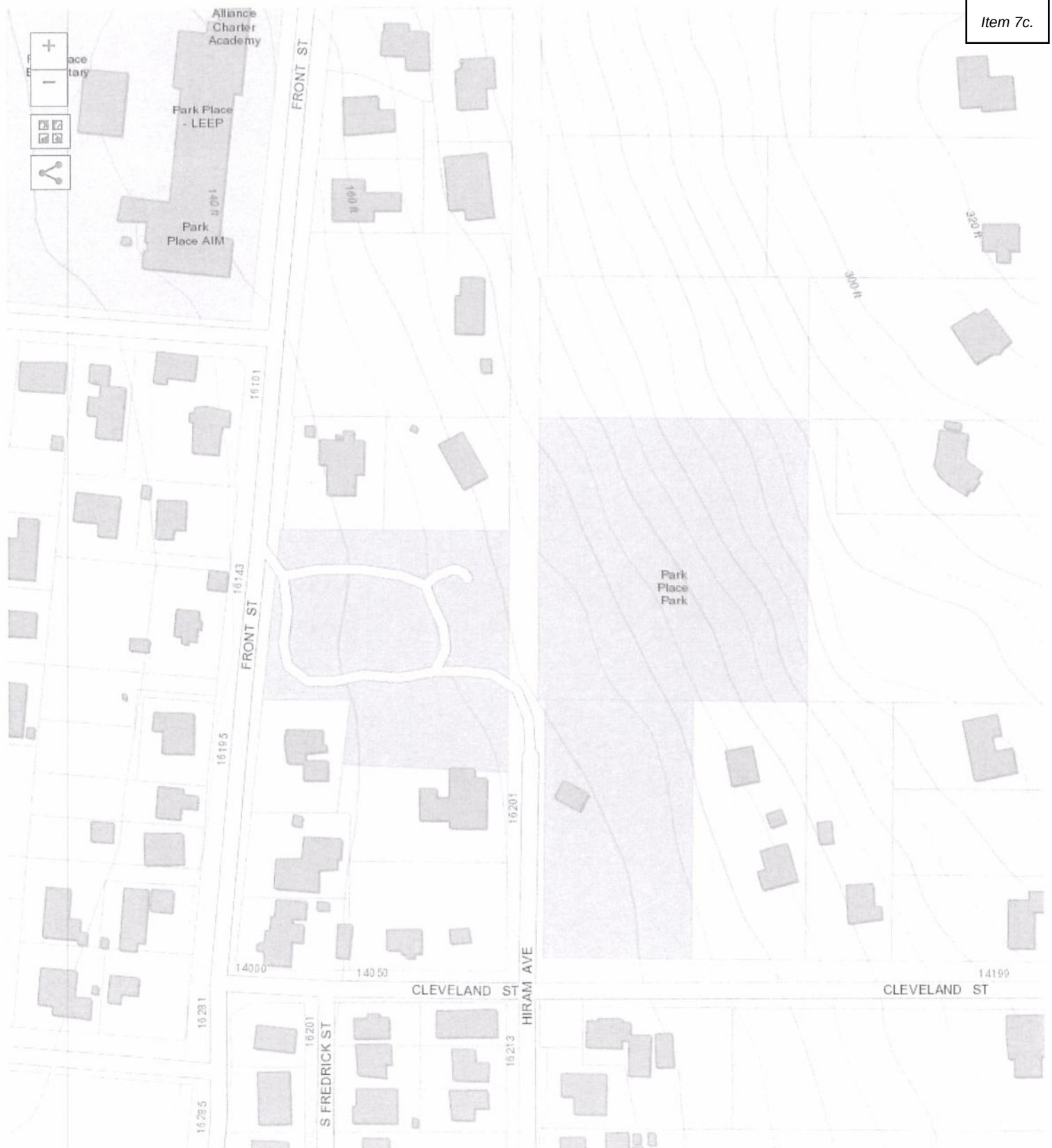
Map created 10/31/2019



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### Elevation Profiler

To create an elevation profile, click on the pencil tool to the right. Then create a profile line on the map with a series of mouse clicks (double click to end the line).



## *Quercus garryana*

### GARRY OAK

### OREGON WHITE OAK

#### Outstanding Qualities

Mature oaks are iconic trees of stately beauty and the Garry oak, a native of the maritime Pacific Northwest and California, is as much so as its relations. Indeed, for the sizable garden, this large, deciduous tree will become majestic over time – oaks are generally slow-growing so patience is required. The forest green leaves will provide shade in summer and the winter silhouette is magnificent. As a native a site with full sun, well-drained soil, and no water during the summer is ideal.

#### Colors & Combos

**Great Plant Combinations:** A site for this could replace a lawn, making a more naturalistic tableau of grasses, bulbs and other easy-care perennials and shrubs. Camas (both *Camassia quamash* and *C. cusickii*), fawn lily (*Erythronium oregonum* and *E. revolutum*), and Tommasini's crocus (*Crocus tommasinianus*) are natural companions as they are bulbs which bloom in spring and become dormant when spring rains vanish. Allow them to seed and increase naturally. Suitable companion shrubs include flowering currant (*Ribes sanguineum*), evergreen huckleberry (*Vaccinium ovatum*) and Japanese holly (*Ilex crenata* cultivars). Ornamental grasses, such as blue oat grass (*Helictotrichon*), and Moor grass (*Molinia*), while not all native, would help to provide summer interest. The main thing is to choose companions that also like sharp drainage and are drought tolerant, so that you don't have to water in the summer.

**Great Color Contrasts:** variegated, silver, gold

**Great Color Partners:** dark green, chartreuse, blue

#### Culture Notes

Plant the Garry oak in well-drained or sandy soil; in fact, the best approach is to create a large bed for this tree and its companions all at once as the less the roots are disturbed the better. This native oak grows best in full sun and, once established, it is drought tolerant; indeed, summer watering is not desirable for good development. No fertilizer is necessary. Although slow growing, the Garry oak will become a large tree over time so provide ample room for it to mature. Little pruning is needed other than removing dead, broken or poorly formed limbs.



© Richie Steffen / Great Plant Picks

#### Quick Facts

**Plant Type:** tree

**Foliage Type:** deciduous

**Plant Height:** 20-90 ft.

**Plant Width/Spread:** 30 ft. m.)

**Hardiness:** USDA Zones 7 to 9

**Sun/Light Exposure:** full sun

**Water Requirements:** drought tolerant once established




[DETAILED MAP >](#)

## About Garry's Oak (*Quercus garryana*)

The Garry Oak (*Quercus garryana*), also known as Oregon White Oak or Oregon Oak, is a member of the Fagaceae family (Beeches, Chestnuts and Oaks). It has a range from the mountains of Los Angeles County northward to British Columbia, Canada, particularly in the foothills of the Siskiyou and Klamath Mountains, the Coast Ranges of Northern California, and of the west slope of the Cascades. It grows from sea level to 210 meter altitude in the northern part of its range, and at 300-1800 meter in the south of the range. There are three recognized varieties with largely overlapping ranges. The tree is named after Nicholas Garry, deputy governor of the Hudson's Bay Company, 1822-35. In the northern part of its range it is an attractive tree, sometimes reaching 90 ft. but more often 50-60 ft. In the southern part of its range it is more often a shrub to 20 ft. It has large, lobed leaves which it drops in winter. It makes an excellent tree or shrub for mountain gardens and is important for wildlife.

## Plant Description

|                  |                           |
|------------------|---------------------------|
| Plant Type       | Tree, Shrub               |
| Max. Height      | 20 - 90 ft (6.1 - 27.4 m) |
| Max. Width       | 30 ft (9.1 m)             |
| Form             | Upright                   |
| Growth Rate      | Moderate, Slow            |
| Dormancy         | Winter Deciduous          |
| Flower Color     | Yellow, Cream, Green      |
| Flowering Season | Spring                    |
| Native Status    | Native                    |

## Natural Setting

|                     |                                                                    |
|---------------------|--------------------------------------------------------------------|
| Site Type           | Slopes                                                             |
| Sun                 | Sun, Part Shade                                                    |
| Elevation ?         | 20' - 14090'                                                       |
| Annual Precip. ?    | 11.5" - 136.9"                                                     |
| Summer Precip. ?    | 0.20" - 4.38"                                                      |
| Coldest Month ?     | 10.8° F - 52.2° F                                                  |
| Hottest Month ?     | 34.1° F - 76.7° F                                                  |
| Humidity ?          | 0.01 vpd - 28.16 vpd                                               |
| Soil Description    | Accepts a variety of soils but performs best in rich, loamy soil   |
| Soil PH             | 5.0 - 7.0                                                          |
| Drainage            | Medium                                                             |
| Cold Tolerance(° F) | Tolerates cold to -5° F                                            |
| Companion Plants    | Works well with a number of other trees and large shrubs including |

(*Abies* sp. and *Pseudotsuga* sp.), *Madrone* (*Arbutus menziesii*), *Manzanita* (*Arctostaphylos* sp.), *Incense Cedar* (*Calocedrus decurrens*), *Ceanothus* sp., *Mountain Mahogany* (*Cercocarpus betuloides*), *Silk Tassel* (*Garrya* sp.), *Oceanspray* (*Holodiscus discolor*), *Pines* (*Pinus* sp.), *Redberry* (*Rhamnus crocea*), *Currant/Gooseberry* (*Ribes* sp.) and *Snowberry* (*Symphoricarpos albus*). Understory plantings could include *strawberry* (*Fragaria* sp.), *Iris* sp., and *Violets* (*Viola* sp.)

## Wildlife Attracted

Oaks in general are very important for wildlife, including insects, reptiles, amphibians, birds and mammals. Many insects are attracted to Oaks generally, including the following butterflies which use Oaks as host plant: California Sister, Propertius Duskywing, Mournful Duskywing, Golden Hairstreak, and Gold-Hunter's Hairstreak.

## Landscaping Information

### Ease of Care

Very Easy

### Water Requirement ?

Low

### Popularity

Moderately Popular

### Max. Summer Water ?

2x/month

### Mulch

Deep Organic

### Pruning

As with other oaks, best to prune during July or August, when the trees are not normally growing, and when the dry weather is less likely to support pathogens that may attack the wounds. As much as possible, avoid pruning large limbs as this exposes the tree to possible infection and can take many years to recover. Avoid over-thinning interior branches or "lion tailing."

### Propagation ?

For propagating by seed: Fresh seeds sow in fall outdoors or stratify to hold for spring sowing. (USDA Forest Service 1974).

### Common uses

Bank Stabilization, Deer Resistant, Bird Gardens, Butterfly Gardens

### Nursery Availability

Commonly Available

### Nurseries

*Bay Natives*, *California Flora Nursery*, *Central Coast Wilds*, *East Bay Wilds*, *Elkhorn Native Plant Nursery*, *Gold Rush Nursery*, *Larner Seeds*, *Oaktown Native Plant Nursery*, *Sierra Seed Supply*, *The Acorn Cap*, *Villager Nursery*, *Yerba Buena Nursery*.

## Other Names

### Common Names

Garry Oak, Oregon Oak, Oregon White Oak

Sources include: Wikipedia. All text shown in the "About" section of these pages is available under the Creative Commons Attribution-ShareAlike License. Plant observation data provided by the participants of the California Consortia of Herbaria, Sunset information provided by Jepson Flora Project. Propagation from seed information provided by the Santa Barbara Botanical Garden from "Seed Propagation of Native California Plants" by Dara E. Emery. Sources of plant photos include CalPhotos, Wikimedia Commons, and independent plant photographers who have agreed to share their images with Calscape. Other general sources of information include Calflora, CNPS Manual of Vegetation Online, Jepson Flora Project, Las Pilitas, Theodore Payne, Tree of Life, The Xerces Society, and information provided by CNPS volunteer editors, with special thanks to Don Rideout. Climate data used in creation of plant range maps is from PRISM Climate Group, Oregon State University, using 30 year (1981-2010) annual "normals" at an 800 meter spatial resolution.

Links: Jepson eFlora Taxon Page CalPhotos Wikipedia Calflora



cm ▼

Item 7c.

stem circumference ▼

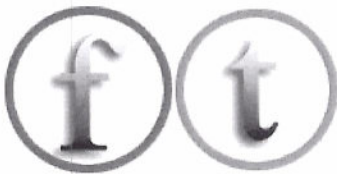
submit

**Result:**

The Oak with stem diameter of 39 inch is approximately 245 years old. More information about [Oak](#).

Note: the tree of old estimators is based on a comprehensive tree data survey carried out by baumportal.de. An exact determination of the tree age is not possible over the thickness growth, because too many factors (soil conditions, sunlight, precipitation, etc.) play a role. Nevertheless, an approximation is possible. For trees less than 20 cm in diameter, the trees are slightly younger than the indicated value. At 20 cm diameter or more, the tool should allow a good estimate within + -10%.

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cm ▼

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stem circumference ▼

submit

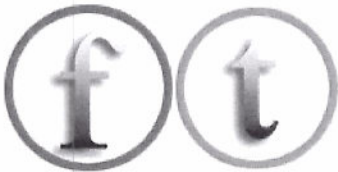
**Result:**

The Oak with stem diameter of 55 inch is approximately 346 years old. More information about Oak.

Note: the tree of old estimators is based on a comprehensive tree data survey carried out by baumportal.de. An exact determination of the tree age is not possible over the thickness growth, because too many factors (soil conditions, sunlight, precipitation, etc.) play a role. Nevertheless, an approximation is possible. For trees less than 20 cm in diameter, the trees are slightly younger than the indicated value. At 20 cm diameter or more, the tool should allow a good estimate within + -10%.



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cm ▼

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stem circumference ▼

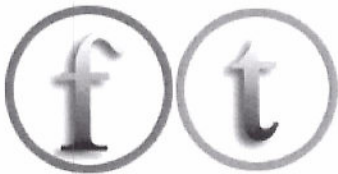
submit

**Result:**

The Oak with stem diameter of 35 inch is approximately 220 years old. More information about [Oak](#).

Note: the tree of old estimators is based on a comprehensive tree data survey carried out by baumportal.de. An exact determination of the tree age is not possible over the thickness growth, because too many factors (soil conditions, sunlight, precipitation, etc.) play a role. Nevertheless, an approximation is possible. For trees less than 20 cm in diameter, the trees are slightly younger than the indicated value. At 20 cm diameter or more, the tool should allow a good estimate within + -10%.

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cm ▼

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stem circumference ▼

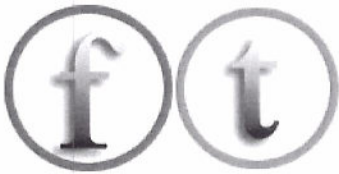
submit

**Result:**

The Oak with stem diameter of 50 inch is approximately 314 years old. More information about [Oak](#).

Note: the tree of old estimators is based on a comprehensive tree data survey carried out by baumportal.de. An exact determination of the tree age is not possible over the thickness growth, because too many factors (soil conditions, sunlight, precipitation, etc.) play a role. Nevertheless, an approximation is possible. For trees less than 20 cm in diameter, the trees are slightly younger than the indicated value. At 20 cm diameter or more, the tool should allow a good estimate within + -10%.

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cm ▼

Item 7c.

stem circumference ▼

submit

**Result:**

The Douglas with stem diameter of 55 inch is approximately 90 years old. More information about Douglas.

Note: the tree of old estimators is based on a comprehensive tree data survey carried out by baumportal.de. An exact determination of the tree age is not possible over the thickness growth, because too many factors (soil conditions, sunlight, precipitation, etc.) play a role. Nevertheless, an approximation is possible. For trees less than 20 cm in diameter, the trees are slightly younger than the indicated value. At 20 cm diameter or more, the tool should allow a good estimate within + -10%.

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stem circumference ▼

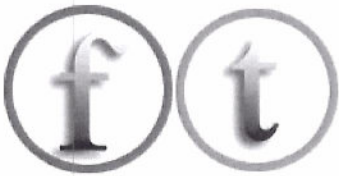
submit

**Result:**

The Douglas with stem diameter of 40 inch is approximately 66 years old. More information about Douglas.

Note: the tree of old estimators is based on a comprehensive tree data survey carried out by baumportal.de. An exact determination of the tree age is not possible over the thickness growth, because too many factors (soil conditions, sunlight, precipitation, etc.) play a role. Nevertheless, an approximation is possible. For trees less than 20 cm in diameter, the trees are slightly younger than the indicated value. At 20 cm diameter or more, the tool should allow a good estimate within + -10%.

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cm ▼

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stem circumference ▼

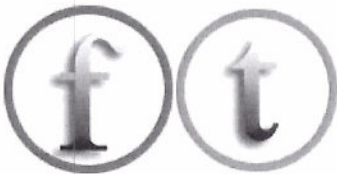
submit

**Result:**

The Cedar with stem diameter of 44 inch is approximately 162 years old.

Note: the tree of old estimators is based on a comprehensive tree data survey carried out by baumportal.de. An exact determination of the tree age is not possible over the thickness growth, because too many factors (soil conditions, sunlight, precipitation, etc.) play a role. Nevertheless, an approximation is possible. For trees less than 20 cm in diameter, the trees are slightly younger than the indicated value. At 20 cm diameter or more, the tool should allow a good estimate within + -10%.

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cm ▾

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**Result:**

The Cedar with stem diameter of 40 inch is approximately 147 years old.

Note: the tree of old estimators is based on a comprehensive tree data survey carried out by baumportal.de. An exact determination of the tree age is not possible over the thickness growth, because too many factors (soil conditions, sunlight, precipitation, etc.) play a role. Nevertheless, an approximation is possible. For trees less than 20 cm in diameter, the trees are slightly younger than the indicated value. At 20 cm diameter or more, the tool should allow a good estimate within + -10%.

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cm ▼

stem circumference ▼

submit

Item 7c.

**Result:**

The Cedar with stem diameter of 48 inch is approximately 177 years old.

Note: the tree of old estimators is based on a comprehensive tree data survey carried out by baumportal.de. An exact determination of the tree age is not possible over the thickness growth, because too many factors (soil conditions, sunlight, precipitation, etc.) play a role. Nevertheless, an approximation is possible. For trees less than 20 cm in diameter, the trees are slightly younger than the indicated value. At 20 cm diameter or more, the tool should allow a good estimate within + -10%.

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cm ▼

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stem circumference ▼

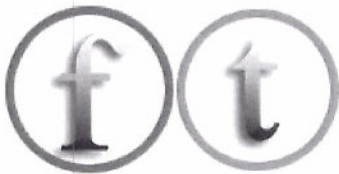
submit

**Result:**

The Cedar with stem diameter of 39 inch is approximately 143 years old.

Note: the tree of old estimators is based on a comprehensive tree data survey carried out by baumportal.de. An exact determination of the tree age is not possible over the thickness growth, because too many factors (soil conditions, sunlight, precipitation, etc.) play a role. Nevertheless, an approximation is possible. For trees less than 20 cm in diameter, the trees are slightly younger than the indicated value. At 20 cm diameter or more, the tool should allow a good estimate within + -10%.

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| Tree # | Species     | Circumference<br>inches (est.) | Diameter<br>inches (est.) | Height<br>feet (est.) | Age<br>years<br>(est by<br>Didi.) | Age per Tree Calc on<br>Web | Slopes | Comments                                     | Storm Damage<br>Assesment |
|--------|-------------|--------------------------------|---------------------------|-----------------------|-----------------------------------|-----------------------------|--------|----------------------------------------------|---------------------------|
| O1A    | White Oak   | 171                            | 54                        | 55                    | 346                               | 272                         | 0-10%  | Good visibility, at<br>bottom of slope       | Significant damage        |
| O2A    | White Oak   | 156                            | 50                        | 60                    | 314                               | 248                         | 0-10%  | Good visibility, at<br>bottom of slope       | Fell on Restrooms         |
| O3A    | White Oak   | 108                            | 34                        | 55                    | 220                               | 172                         | 0-10%  | Good visibility, at<br>bottom of slope       | Damage                    |
| O4A    | White Oak   | 123                            | 39                        | 65                    | 245                               | 196                         | 0-10%  | Good visibility, at<br>bottom of slope       | Damage                    |
| O1     | White Oak   | 156                            | 50                        | 50                    | 250                               | 148                         | >25%   | Poison oak, poor<br>visibility and<br>access | Some damage               |
| O2     | White Oak   | 84                             | 27                        | 50                    | 135                               | 133                         | >25%   | Poison oak, poor<br>visibility and<br>access | Some damage               |
| O3     | White Oak   | 60                             | 19                        | 50                    | 95                                | 95                          | >25%   | Poison oak, poor<br>visibility and<br>access | Some damage               |
| O4     | White Oak   | 96                             | 31                        | 50                    | 155                               | 153                         | >25%   | Poison oak, poor<br>visibility and<br>access | Some damage               |
| O5     | White Oak   | 96                             | 31                        | 50                    | 155                               | 153                         | >25%   | Poison oak, poor<br>visibility and<br>access | Some damage               |
| O6     | White Oak   | 72                             | 23                        | 50                    | 115                               | 115                         | >25%   | Poison oak, poor<br>visibility and<br>access | Some damage               |
| O7     | White Oak   | 108                            | 34                        | 50                    | 170                               | 172                         | >25%   | Poison oak, poor<br>visibility and<br>access | Some damage               |
| O8     | White Oak   | 84                             | 27                        | 50                    | 133                               | 134                         | 10-25% | Some visibility,<br>poison oak?              | Some damage               |
| O9     | White Oak   | 96                             | 31                        | 50                    | 150                               | 153                         | 10-25% | Some visibility,<br>poison oak?              | Some damage               |
| O10    | White Oak   | 108                            | 34                        | 50                    | 170                               | 172                         | 10-25% | Some visibility,<br>poison oak?              | Some damage               |
| O11    | White Oak   | 96                             | 31                        | 50                    | 155                               | 153                         | 10-25% | Some visibility,<br>poison oak?              | Fell                      |
| O12    | White Oak   | 48                             | 15                        | 50                    | 75                                | 76                          | 25-35% | Some visibility,<br>poison oak?              | Fell                      |
| O13    | White Oak   | 36                             | 11                        | 50                    | 55                                | 57                          | 10-25% | Some visibility,<br>poison oak?              | Some damage               |
| O14    | White Oak   | 72                             | 23                        | 50                    | 115                               | 114                         | 25-35% | Some visibility,<br>poison oak?              | Some damage               |
| O15    | White Oak   | 108                            | 34                        | 50                    | 155                               | 172                         | 25-35% | Some visibility,<br>poison oak?              | Some damage               |
| FI     | Douglas Fir | 175                            | 56                        | 75                    | 280                               | 279                         | 10-25% | Good visibility, at<br>bottom of slope       | Some damage               |



|    |                |     |    |    |     |                                                 |                                     |                                                   |
|----|----------------|-----|----|----|-----|-------------------------------------------------|-------------------------------------|---------------------------------------------------|
| F2 | Douglas Fir    | 126 | 40 | 70 | 201 | 201                                             | Good visibility, at bottom of slope | Some damage                                       |
| C1 | Atlantic Cedar | 140 | 45 | 60 | 162 | 100-175 years<br>10-25% edge of unimproved road | Good visibility, at bottom of slope | Top broken out, severe damage                     |
| C2 | Atlantic Cedar | 161 | 51 | 65 | 188 | 100-175 years<br>10-25% edge of unimproved road | Good visibility, at bottom of slope | Some damage. Branches landed feet from playground |
| C3 | Atlantic Cedar | 127 | 40 | 65 | 147 | 100-175 years<br>10-25% edge of unimproved road | Good visibility, at bottom of slope | Some damage                                       |
| C4 | Atlantic Cedar | 128 | 41 | 60 | 140 | 100-175 years<br>10-25% edge of unimproved road | Good visibility, at bottom of slope | Some damage                                       |
| C5 | Atlantic Cedar | 123 | 39 | 60 | 143 | 100-175 years<br>10-25% edge of unimproved road | Good visibility, at bottom of slope | Some damage                                       |
| C6 | Atlantic Cedar | 151 | 48 | 55 | 177 | 100-175 years<br>10-25% edge of unimproved road | Good visibility, at bottom of slope | Some damage                                       |

Tree size estimates and age were provided by Dorothy Dahlsrud, and have not been verified. Ages and sizes of trees can vary widely due to genetic differences, local site and climatic conditions, competition from other trees, water availability, nutrient availability, presence of insects or diseases, and general tree health





# CITY OF OREGON CITY

## CITY COMMISSION WORK SESSION

### DRAFT MINUTES

Virtual Meeting

Wednesday, December 16, 2020 at 6:00 PM

#### WORK SESSION OF THE CITY COMMISSION:

#### **CONVENE WORK SESSION AND ROLL CALL**

*Commission President Lyles Smith called the meeting to order at 6:02 PM.*

**Present:** – 4 Commissioner Rachel Lyles Smith, Commissioner Denyse McGriff, Commissioner Frank O'Donnell, Commissioner Rocky Smith, Jr.

**Staffers:** – 10 City Manager Tony Konkol, City Recorder Kattie Riggs, Interim Finance Director Ryan Bredehoeft, Community Development Director Laura Terway, Library Manager Greg Williams, Parks & Recreation Director Kendall Reid, Human Resources Director Patrick Foiles, Police Chief Jim Band, Public Works Director John Lewis, Assistant City Engineer Josh Wheeler

#### **DISCUSSION ITEMS**

##### 1. Proposed Code Amendments to Oregon City Municipal Code Chapter 12.04

*Josh Wheeler, Assistant City Engineer, gave a presentation on the proposed Oregon City Municipal Code amendments for temporary obstructions. He discussed the Code update categories, background and purpose for the Code amendments, short term obstructions, long term obstructions, fees, sidewalk sales and requirement for a renewable right-of-way permit for sidewalk sales, and next steps.*

*There was discussion regarding permits for storage pods, pedestrians navigating around chairs and tables on the sidewalks, difference between short-term and long-term obstructions, parklets implemented by resolution instead of by Code, simplifying the sidewalk sales process, monitoring and enforcing sidewalk seating, permits being cost prohibitive, timeframe for the obstructions, revisiting special event permit and park use processes, and complaint driven enforcement vs. regular staff inspection. There was consensus to take out the timeline for the obstructions and to allow sidewalk sales in the right-of-way in large sidewalk areas.*

#### **COMMUNICATIONS**

*Commissioner McGriff suggested that staff solicit community input for the upcoming City Commission Goal Setting Retreat. Commissioner O'Donnell suggested getting input on Urban Renewal as well. There was consensus for staff to move forward with soliciting additional community input for the Goal Setting process.*

#### **ADJOURNMENT**

*Commission President Lyles Smith adjourned the meeting at 7:06 PM*

Respectfully submitted,

\_\_\_\_\_  
Kattie Riggs, City Recorder





# CITY OF OREGON CITY

## CITY COMMISSION REGULAR MEETING - REVISED MINUTES

Commission Chambers, City Hall, 625 Center Street  
Wednesday, January 06, 2021 at 7:00 PM

### 1. CONVENE MEETING AND ROLL CALL

*Commission President Rachel Lyles Smith called the meeting to order at 7:01 PM.*

**Present:** 4 - Commissioner Denyse McGriff, Commissioner Frank O'Donnell, Commissioner Rachel Lyles Smith, and Commissioner Rocky Smith, Jr.

**Staffers:** 14 - City Manager Tony Konkol, City Attorney Bill Kabeiseman, City Recorder Kattie Riggs, Community Development Director Laura Terway, Public Works Director John Lewis, Police Chief Jim Band, Finance Director Matt Zook, Library Director Greg Williams, Parks & Rec. Director Kendall Reid, Sr. Planner, Christina Robertson-Gardiner, City Engineer Dayna Webb, Asst. City Engineer Josh Wheeler, Patrick Foiles, Human Resources Director and Asst. City Recorder Jakob Wiley

### 2. FLAG SALUTE

### 3. CEREMONIES, PROCLAMATIONS, AND PRESENTATIONS

#### 3a. Oath of Office - The Honorable Laraine McNiece Officiating

*Commission Position No. 2: Denyse McGriff  
Commission Position No. 3: Frank O'Donnell*

*The Honorable Laraine McNiece officiated the Oath of Office for the newly elected Commissioners Denyse McGriff and Frank O'Donnell.*

#### 3b. Mayoral Appointments to City Boards and Commissions

*Commission President Lyles Smith announced the appointments for 2021 City boards and commissions and provided a statement on how she made the selections as there had been complaints from the public on the process in light of the recent recall of Mayor Holladay.*

*Natural Resources Committee: Nancy Broshot, Brian Kyisler, Samantha Wolf and Carrie Young.  
Parks and Recreation Advisory Committee: Troy Bolinger, Karin Morey and Tim Wuest.  
Transportation Advisory Committee: Ben Simmons and Tim Morgan.  
Planning Commission: Lisa Novak and Daphne Wuest.  
Historic Review Board: Carrie Crook, Paul Edgar, Sabrina Ferry and Ray Stobie*

*Item 7a. from General Business was moved up to coincide with 3c.*

#### 7a. Election of Commission President for 2021

**Motion made by Commissioner McGriff, Seconded by Commissioner O'Donnell nominating Rocky Smith Jr. as the Commission President for 2021.**



**Voting Yea:** Commissioner Denyse McGriff, Commissioner Frank O'Donnell, Commissioner Rachel Lyles Smith, Commissioner Rocky Smith.

3c. Oath of Office for the 2021 Commission President - The Honorable Laraine McNiece Officiating

*The Honorable Laraine McNiece officiated the Oath of Office for the newly elected Commission President Rocky Smith Jr.*

*Commission President Rocky Smith Jr. led the meeting from this point.*

3d. Library Board Annual Update

*Greg Williams, Library Director, introduced the Library Board Chair Scott Edwards to provide the update.*

*Scott Edwards, Library Board Chair, provided the annual Library Board update. Mr. Edwards commented the Library Board updated the Library Patron Behavior Policy and Library Board bylaws and Municipal Code on the board officer election practices, welcomed a new board member and new Library Director Greg Williams. They reviewed the data supplied to the library district advisory committee and participated in the county district task force when they resumed meetings in June and worked on COVID related issues/health practices and operational services and service resumption. The library staff have continued as much liaison activity and outreach as possible, given the COVID situation.*

*Commissioner McGriff asked about issues in outlying areas and an issue that the City of Canby had with the library district boundary. Mr. Williams indicated that the library district advisory board had not been able to meet until recently and they will be working to address these and other issues facing the district.*

3e. Presentation on Oregon City/West Linn Pedestrian and Bicycle Bridge Concept Plan

*John Lewis, Public Works Director, introduced the item and the Oregon Department of Transportation staff that would be providing the presentation.*

*Sandra Hikari, Planner for Oregon Department of Transportation, explained the project was to provide a bridge connecting the City of West Linn and the City of Oregon City for pedestrians and bike traffic only. Besides Oregon City and West Linn, project partners also include Clackamas County, Metro and Oregon Department of Transportation (ODOT). Ms. Hikari provided an overview of the purpose of the project and need for the project. She also provided the background and study area, which is close to the current Arch Bridge. The alignment options are north of the arch bridge, south of the arch bridge and two other options. There have been no environment studies and ODOT would like to hear from the Commission before doing further research and studies.*

*The concept plan is part of ongoing coordination with the I-205 improvement project and the I-5/I-205 Tolling Project.*

*Commissioner McGriff wanted to know how the project came about. Mandy Putney, with the Oregon Department of Transportation, indicated ODOT is hosting the efforts and the origins came from local input. Commissioner McGriff questioned the decision-making process and that other viable bridge locations were not being considered, and that the State Historic Preservation Office (SHPO) needed to be included in the stakeholder committee groups along with the Oregon Tribal Historic Preservation Office (THPO).*

*Commissioner O'Donnell questioned the need and the timing of the project.*



*Ms. Putney explained that during the conversations and community outreach it may be determined that there is, or is not, a need for a bike/pedestrian bridge.*

*Commissioner Lyles Smith explained that the C4 (Clackamas County Coordinating Committee) Committee she sits on has had these conversations and the focus has been from a safety perspective and providing better pedestrian/bicycle access to the communities of Gladstone, Oregon City and West Linn.*

*Ms. Putney indicated ODOT is not providing a replacement vehicular bridge if the Arch Bridge were chosen for this project.*

*Mr. Konkol provided the background as to why the bike/ped bridge is being discussed at the meeting. He explained the bike/ped portion of the Abernethy Bridge had been eliminated from the project, but the state requires a multi-modal transportation option.*

*Commissioner Smith commented that he felt ODOT had purposely split apart the three projects that affect the local area and Oregon City and that they should be the same conversation with the community. He does not support closing the Arch Bridge to pedestrian/bike traffic.*

#### **4. CITIZEN COMMENTS**

*Karla Laws, resident of Oregon City, brought up tree-cutting situation at 279 Molalla Avenue, Electric Lettuce. Ms. Laws would like to see the property owner be more protective of their trees.*

*Dorothy Dahlsrud, resident of Oregon City also commented on the same tree-cutting situation.*

#### **5. ADOPTION OF THE AGENDA**

*7a was moved to coincide with item 3c. The agenda was adopted as amended.*

#### **6. PUBLIC HEARINGS**

- 6a. First Reading of Ordinance No. 21-1003, Amending the Oregon City Municipal Code; Title 12: Streets, Sidewalks, and Public Places, Title 13: Public Services, and Title 17: Zoning (GLUA 20-33, LEG 20-01, Public Works Code Amendments Package #1)

*Laura Terway, Community Development Director, introduced Christina Robertson-Gardiner to present the item.*

*Christina Robertson-Gardiner, Senior City Planner, provided the background regarding the first reading of Ordinance No. 21-1003. Staff proposed code revisions to the Geologic Hazards Overlay District and other Public Works related development code & standards such as refinements to Public Utility Easements (PUE), requirements for undergrounding utilities, sanitary sewer standards and the adoption of policies relating to sidewalk obstructions and undergrounding of utilities. As there are multiple chapters proposed for revision, the larger package of amendments will be divided into a series of smaller amendments, which will each be considered independently for adoption through separate ordinances at multiple City Commission meetings. This approach will allow the City Commission and the public the ability to review each package closely while moving efficiently through the review process. Hearing dates and future ordinance topics for the project will be provided in the City Commission-Commission Reports for Legislative File: GLUA 20:00033, LEG 20-00001 to allow the public to fully participate in the hearings process.*

*Commission President Smith opened the public hearing.*

*There were no public comments.*



*Commissioner O'Donnell questioned the language used regarding access to water meters/water shut offs. Josh Wheeler, Asst. City Engineer, explained why the water and sewer verbiage is different in the ordinance. Commissioner Lyles Smith concurred with Commissioner O'Donnell's comments.*

*The Commissioners discussed verbiage changes to amend the ordinance regarding water, sewer, site plans, as there was consensus more revisions were needed.*

*Commission President Smith mentioned the public hearing would be continued.*

**Motion made by Commissioner McGriff, Seconded by Commissioner O'Donnell. The motion passed by the following vote:**

**Voting Yea:** Commissioner Denyse McGriff, Commissioner Frank O'Donnell, Commissioner Rachel Lyles Smith, Commissioner Rocky Smith.

## 7. GENERAL BUSINESS

*Item 7a. from General Business was moved up to coincide with 3c.*

### 7a. Election of Commission President for 2021

**Motion made by Commissioner McGriff, Seconded by Commissioner O'Donnell. The motion passed by the following vote:**

**Voting Yea:** Commissioner Denyse McGriff, Commissioner Frank O'Donnell, Commissioner Rachel Lyles Smith, Commissioner Rocky Smith.

### 7b. Second Reading of Ordinance No. 21-1002, Amending the Development Agreement with John Jones Construction, Inc.

*Mr. Konkol introduced Matt Zook, the City's new Finance Director. Mr. Zook provided an outline. The City had received a request from a developer to extend the duration of a development agreement. The City entered into a development agreement with John Jones Construction, Inc. ("Jones") in 2008 whereby Jones would construct a stormwater facility to accommodate 442 current and future lots in the area. The cost of construction was to be reimbursed to Jones to the extent these lots were issued a building permit within the life of the agreement. The agreement was subsequently amended on two separate occasions to extend the time period for reimbursement of the cost; first in December of 2009 and again in December of 2019. With the Development Agreement, as previously amended, scheduled to expire on December 31, 2020, and with there still being additional potentially developable lots for which Jones could receive additional reimbursement, the City and Jones desired to amend the Development Agreement, as previously amended, by extending the time period for reimbursement of the cost to March 19, 2023, fifteen (15) years from the date Page 2 of 2 the Development Agreement was originally entered into which, per ORS, is the maximum duration a development agreement may be entered into with a city. The City Commission approved the first reading of this Ordinance at the December 16, 2020 meeting.*

**Motion made by Commissioner McGriff, Seconded by Commissioner Smith, Amending the Development Agreement with John Jones Construction, Inc. The motion passed by the following vote:**

**Voting Yea:** Commissioner Denyse McGriff, Commissioner Frank O'Donnell, Commissioner Rachel Lyles Smith, Commissioner Rocky Smith.

### 7c. Resolution No. 20-37, Update to the Guidelines for Transportation Impact Analyses



*Ms. Terway provided a brief presentation regarding the changes to the Guidelines for Transportation Impact Analyses. The Guidelines for Traffic Impact Analysis (TIA's) consist of Technical Engineering Study, Analyses traffic impact of development, but does not include criteria for development review. The Guidelines are used by consultants to assemble the components of a proper traffic study to address transportation impacts created by new development. The Guidelines identify the items which transportation engineers need to analyze to demonstrate that development will minimize traffic impacts. The results of the analysis demonstrate how much impact a development will have on the transportation system which are reviewed against the criteria in the Oregon City Municipal Code in order to determine if any capacity or safety improvements such as a turn lane or traffic signal are needed due to the increase in traffic. The Guidelines for Transportation Impact Analyses were last updated in 2005 and the proposed minor changes bring the Guidelines in line with current codes, standards, and practices. The City Commission preliminary reviewed the changes on December 2, 2020 and asked staff to review the policy for the following: 1. Require the City's review be completed by a Professional Engineer licensed in Oregon. Section 2.4 has been modified to implement this request. 2. The language in section 1.1 be reworded for clarity in plain language. The goals of the current TSP in section 1.1 have been reworded and summarized for clarity. 3. The off-site impacts are properly analyzed in section 2.2. Staff did not identify any off-site calculation or analysis which should be included and thus no additional changes were made related to this request. Page 2 of 8 4. Accessory dwelling units are subject to review. Staff believes that requiring a ADU to conduct a transportation study is not allowed by law and it would not provide a benefit substantial due to the relatively minor transportation impact.*

*Commissioner O'Donnell expressed some concerns with system development charges (SDC's) in relation to the guidelines. Ms. Terway, Mr. Lewis and Commissioner O'Donnell had further discussion. Mr. Lewis indicated a bond measure is sometimes needed to resolve funding gaps.*

*Mr. Konkol suggested this may be a topic for the Commission Retreat at the end of the month.*

*There was consensus by the majority of the Commission to proceed with the remainder of the meeting past 10:00 PM.*

**Motion made by Commissioner Lyles Smith, Seconded by Commissioner McGriff to approve Resolution No. 20-37, Update to the Guidelines for Transportation Impact Analyses. The motion failed by the following vote:**

**Voting Yea:** Commissioner Denyse McGriff, Commissioner Rachel Lyles Smith

**Voting Nay:** Commissioner Frank O'Donnell, Commissioner Rocky Smith.

## **8. CONSENT AGENDA**

**Motion made by Commissioner McGriff, Seconded by Commissioner Lyles Smith approving the Consent Agenda. The motion passed by the following vote:**

**Voting Yea:** Commissioner Denyse McGriff, Commissioner Frank O'Donnell, Commissioner Rachel Lyles Smith, Commissioner Rocky Smith.

- 8a. Amendment No. 1 to the Personal Services Agreement with RH2 Engineering for the Trillium Park Drive Sanitary Sewer Relocation Project (CI 20-003)
- 8b. Minutes of the October 21, 2020 Regular Meeting
- 8c. Minutes of the October 13, 2020 Work Session
- 8d. Minutes of the November 4, 2020 Regular Meeting



## 9. COMMUNICATIONS

### City Manager

*Mr. Konkol suggested to the Commission that they move to virtual meeting format going forward.*

### Commissioners

*Commissioner Lyles Smith provided information about conversations she had with business owners in the downtown area and that they are struggling with the current COVID restrictions. They are also having difficulties with the parklets.*

*Commission President Smith thanked everyone for the community service time provided as volunteers on the City Commission.*

*Commissioner McGriff also mentioned concerns for the businesses struggling.*

### Mayor

## 10. ADJOURNMENT

*Commission President Rocky Smith adjourned the meeting at 10:21 PM.*

Respectfully submitted,

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Kattie Riggs, City Recorder





# CITY OF OREGON CITY

## CITY COMMISSION WORK SESSION

### DRAFT MINUTES

**Virtual Meeting**  
**Tuesday, January 12, 2021 at 6:00 PM**

#### **VIRTUAL MEETING INFORMATION:**

#### **CONVENE WORK SESSION AND ROLL CALL**

*Commission President Rocky Smith called the meeting to order at 6:02 PM.*

**Present:** 4 - Commissioner Denyse McGriff, Commissioner Frank O'Donnell, Commissioner Rachel Lyles Smith, and Commissioner Rocky Smith, Jr.

**Staffers:** 12 – City Manager Tony Konkol, Assistant City Attorney Carrie Richter, City Recorder Kattie Riggs, Community Development Director Laura Terway, Public Works Director John Lewis, Police Chief Jim Band, Finance Director Matt Zook, Library Director Greg Williams, Parks & Rec. Director Kendall Reid, Sr. Planner, Human Resource Director Patrick Foiles, Pete Walter, Senior Planner and Patty Nelson, Project Engineer

#### **FUTURE AGENDA ITEMS**

##### **1. List of Future Work Session Agenda Items**

*Commissioner Lyles Smith asked about the Department Land and Conservation District (DLCD) new guidelines.*

#### **DISCUSSION ITEMS**

##### **2. Proposed Annexation Code Amendments**

*Laura Terway, Community Development Director, provided a background of the agenda item. At the December 8, 2020 City Commission Work Session, the City Commission directed staff to identify draft changes to the annexation factors in Chapter 14.04 of the Oregon City Municipal Code to add clarity and a more detailed analysis of utilities and services at time of annexation. Staff returned on the December 16th meeting with proposed redlines and received additional direction from the Commission. The proposed Code amendments have been revised to implement the feedback of the Commission.*

*The Commission provided additional direction to guide staff in further amending the Code. This included more specificity within the annexation factors to identify the level of planning and infrastructure analysis required to determine that future development can be adequately served, adding more language regarding the funding sources for mitigation, such as public improvements, lower the size of annexation identified for master planning to five acres, adding a factor identifying all historically designated and potentially eligible historic structures be identified and research other city codes such as the City of Sandy for additional criteria.*

*Pete Walter, Senior Planner, walked through the specific changes.*

*Commissioner McGriff had questions about the proposed Code sections and wording used in several paragraphs.*



*There was in-depth discussion and review of edits to the Code regarding the essential factors for annexation, including transportation/intersection access, sewer, water, stormwater, police, fire and emergency services, parks and schools.*

*There was the question of whether an annexation could be denied due to the Police Department not being able to provide law enforcement coverage. Mr. Konkol brought up not having enough funding to cover essential services.*

*The Commissioners had discussion on the condition of the potential annexed properties, including the tree canopy and whether trees can be removed prior to completion of the annexation process.*

*Further revisions will be completed and brought back to the Commission for review.*

### 3. Water Rate Updates and Voter Approval

*John Lewis, Public Works Director, introduced Project Engineer Patty Nelson to provide the presentation.*

*Water rates and water System Development Charges (SDCs) support the City's Capital Improvement Plan (CIP) with \$82.9 million in funding. The City is in the process of amending the 2012 Water Distribution System Master Plan to include the updated 2019 CIP. With the adoption of the Amended 2012 Water Master Plan, the City must update water rates and water SDCs to support the plan. Water rates pay for system improvements needed for the existing system, while SDCs are one-time charges and pay for system improvements needed to support development/growth. Ms. Nelson outlined the ongoing risks if water rates are not increased, as there is substantial growth in the area and with the present aging systems, enforcing user curtailment may be necessary. Ms. Nelson also outlined other financing options, including the Water Infrastructure Finance and Innovation Act (WIFIA), which provides long-term low interest loans for public water improvements. Options available for voter approval are a 5% annual rate increase which is a backloaded revenue requirement, or a 4% debt-supported revenue requirement.*

*Commissioner McGriff asked if there has been an increase in water consumption due to the COVID-19 restrictions and Mr. Lewis indicated he had not looked at comparable data, but last summer the water system was straining to keep up with demand. Wyatt Parno with the South Fork Water Board communicated during the meeting that there was no significant water usage change during the current COVID restrictions.*

*Commissioner O'Donnell asked about the WIFIA loans and whether voter approval was required to pursue them. Ms. Nelson indicated that voter approval was necessary. He also asked if there was demonstrated evidence of system failures. The City does map all system failures and water main system breaks. Commissioner O'Donnell asked if Public Works could at least track the frequency of failures and Ms. Nelson indicated they can but that it was not a predictor of future failures.*

*There was a question if a Local Improvement District (LID's), which are a method of providing public financing for the construction of public works improvement projects that benefit private properties, could be put in place when a single developer owned multiple property lots, prior to sale. That could be done, although the interest rate to the developer would be higher.*

*There was discussion on what portion of the City utility bill would be impacted with an increase and it was clarified that only the water rate would be affected.*

*Commissioner Lyles Smith commented that since there was a history of the City postponing system maintenance, it would only be more expensive in the future. Oregon City is comparable to other local jurisdictions on water rates. Commissioner Lyles Smith asked if needed projects would be completed after twenty years if the approved rate increases were implemented and the response was yes. Mr. Konkol provided clarification on the debt perspective for the long-term basis.*

*Commissioner McGriff commented that a long-term bond might be more desirable.*



*Commissioner O'Donnell asked clarification on whether the current rates collected were being applied to system improvement projects and the responds was that very little are used for future projects with the majority going to operational costs.*

*Commissioner O'Donnell commented that he would like to see more explanatory work done on the WIFIA financing option.*

*Mr. Zook provided some examples of funding opportunities he experienced while working for the City of Newberg and indicated they could look at all the options available.*

*Commissioner McGriff asked Mr. Konkol about available Federal funding and he indicated he would follow-up.*

*Mr. Lewis and Ms. Nelson summarized much of the conversation at this point and Ms. Nelson reviewed the 2021 election schedule.*

*Commissioner Smith commented that he liked the option of the September timeline and Commissioners Lyles Smith, McGriff and O'Donnell felt the November ballot timeline would be better, because of the COVID situation, local business recovery and time to conduct community outreach.*

*Mr. Konkol summarized that there appeared to be Commission consensus on moving forward with a November 2021 ballot measure with the four percent debt requirement and to begin work on the outreach pieces. Mr. Konkol also noted the Commission's request to investigate possible Federal funding.*

*Commissioner Smith expressed concerns on presenting too many priority projects to the voters.*

#### 4. Review of the City Commission Rules of Procedure and Commission Policies

*Kattie Riggs, City Recorder, presented the topic and reminded the Commission of items such as the use of electronic devices at the dais during meetings. The City Commission reviewed and discussed proposed changes to Commission Policies and the Commission's Rules of Procedure.*

*Commissioner Smith expressed concerns on having a complete back-up of meeting recordings and not having the authority to compel a Commissioners attendance at City meetings. Commissioner Lyles Smith concurred. There was review of the City Charter and discussion on the attendance language. The Commission decided to start the review with the Rules of Procedure.*

*The Commission discussed whether the rules of procedure applied to all City boards, committees and the City Commission, or to the City Commission only. There was discussion about how to address questions to the City Attorney and staff during meetings. There was also discussion about receiving public comment during work sessions. The Commission discussed and agreed to rearrange the order of items on meeting agendas. Last minute presentation materials on external media from outside presenters will not be allowed, due to the security risk.*

*Commissioner Smith expressed the desire to have the ability to edit electronic documents in the agenda packets. Ms. Riggs indicated the option was available now with Commission training.*

*There was consensus to address the review and editing of Commission policies at a future work session.*

### CITY MANAGER'S REPORT

*There was no City Manager's report.*

### COMMISSION COMMITTEE REPORTS



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

**B. Brownfield Grant Committee** - Commissioner Frank O'Donnell

**C. Citizen Involvement Committee Liaison** - Commissioner Denyse McGriff

*Commissioner McGriff specified the letters to the inactive neighborhood association residents had been approved and would be mailed out. She also attended the Tower Vista/Hillendale Neighborhood Association first re-activation meeting and they would be meeting again.*

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

*Commissioner Lyles Smith commented that SMART transit out of Wilsonville, requested to be included in C4 and there had been progress in making them a voting member.*

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

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

*Commissioner Smith stated there was a Saturday retreat on January 9, 2021 and a new movie production on a parallel tribal story had been completed through a grant. The End of the Oregon Trail Center had applied for other grants.*

**G. Clackamas Water Environment Services Policy Committee** -  
Appointed: Commissioner Rocky Smith, Jr.      Alternate: Commissioner Denyse McGriff

**H. Downtown Oregon City Association Board** - Commissioner Denyse McGriff

*Board meeting was held on January 12, 2021 and a successful recent winter promotional campaign was discussed.*

**I. Metro Policy Advisory Committee (MPAC)** - Appointed: Commissioner Rachel Lyles Smith      Alternate: Commissioner Denyse McGriff

**J. OC 2040 Project Advisory Team** - Appointed: Commissioners Denyse McGriff and Rocky Smith, Jr.

*Commissioner McGriff and Commissioner Smith requested an update from Ms. Terway to get up to speed.*

**K. Oregon Governor's Willamette Falls Locks Commission** - Vacant until State Appoints Commissioner Rachel Lyles Smith

*Commissioner Lyles Smith indicated there was a legislative bill to create a public corporation to take ownership of the Willamette Falls Locks. They have requested funding, but the Governor did not approve the funding. Commissioner McGriff requested a presentation on the Willamette Falls Locks. Mr. Konkol will coordinate.*

**L. Oregon City Tourism Stakeholder's Group** - Appointed: Commissioners Denyse McGriff



and Rocky Smith, Jr.

Commissioner McGriff announced the second showcase film had been completed and she was featured in the film. There was also work on new promotional materials featuring more diversity.

**M. Oregon City/West Linn Pedestrian and Bicycle Bridge Concept Plan Project Advisory Committee** - Appointed: Commissioner Denyse McGriff

Commissioner Lyles Smith complimented Mr. Konkol for his comments in the most recent Commission meeting that included the Oregon Department of Transportation presentation on the bridge options.

**N. South Fork Water Board (SFWB)** - Commissioners Rachel Lyles Smith, Frank O'Donnell, and Rocky Smith, Jr.

Commissioner Smith mentioned an ongoing water rights court case and the honoring of John Collins, SFWB Director, as he retires.

**O. Willamette Falls and Landings Heritage Area** - Commissioner Denyse McGriff

The Willamette Falls and Landings Heritage Area Board meeting would be held on Monday, January 18, 2021.

**P. Willamette Falls Legacy Project Liaisons** - Commissioners Frank O'Donnell and Rachel Lyles Smith

Commissioner O'Donnell mentioned the scheduling of another meeting with the Tribes. The Commission discussed the building that had burned in December at the mill site and possible demolition.

**ADJOURNMENT**

Commission President Rocky Smith adjourned the meeting at 10:08 PM.

Respectfully submitted,

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Kattie Riggs, City Recorder





# CITY OF OREGON CITY

## CITY COMMISSION SPECIAL MEETING

### DRAFT MINUTES

Virtual Meeting  
Saturday, February 20, 2021 at 5:30 PM

#### SPECIAL VIRTUAL MEETING OF THE CITY COMMISSION

#### 1. CONVENE MEETING AND ROLL CALL

*Commission President Rocky Smith called the meeting to order at 5:32 PM.*

**Present:** 4 - Commissioner Denyse McGriff, Commissioner Frank O'Donnell, Commissioner Rachel Lyles Smith, and Commissioner Rocky Smith, Jr.

**Staffers:** 7 - City Manager Tony Konkol, City Recorder Kattie Riggs, Community Development Director Laura Terway, Building Official Mike Roberts, Parks & Recreation Director Kendall Reid, and Library Director Greg Williams

#### 2. GENERAL BUSINESS

##### 2a. Resolution No. 21-13, Waiving Electrical Permit Fee for Reconnecting Power Due to the Winter Storm through March 31, 2021

*Laura Terway, Community Development Director, explained that due to the Winter Storm there were several residents that had power separated from their homes. According to Oregon State law they are required to get an electrical permit to have the power fixed. The Resolution would allow residents to apply for this permit without a fee. Those who had already paid the fee would be reimbursed and any permits in the future due to the storm would be fee-free.*

*Commissioner Lyles Smith appreciated the quick action of the Commission and staff to discuss this issue. She encouraged the Commission to approve the Resolution.*

*Commissioner McGriff would like to know how many permits were issued under this permit due to the storm and the amount of lost revenue.*

**Motion made by Commissioner Lyles Smith, seconded by Commissioner McGriff, to approve Resolution No. 21-13, Waiving Electrical Permit Fee for Reconnecting Power Due to the Winter Storm through March 31, 2021. Motion carried with the following vote:**

**Yea: 4** - Commissioner McGriff, Commissioner O'Donnell, Commissioner Lyles Smith, Commissioner Smith, Jr.

*Commissioner Lyles Smith provided an update regarding an elected-officials call with Portland General Electric (PGE) providing an update on outages in Clackamas County. PGE answered very pointed and difficult questions.*

*Tony Konkol, City Manager, provided an update on the debris drop-sites in Oregon City at the Clackamette Cove and Clackamas Community College (CCC). The CCC site had to be closed because it was not big enough and had reached capacity. The Clackamette Cove site would be the only site open moving forward.*



**3. ADJOURNMENT**

*The meeting was adjourned at 5:52 PM.*

Respectfully submitted,

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Kattie Riggs, City Recorder





# CITY OF OREGON CITY

## Staff Report

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

**To:** City Commission **Agenda Date:** 03/03/2021  
**From:** Laura Terway, AICP, Community Development Director

### SUBJECT:

AP-21-00001 - Appeal of the Planning Commission's Approval of a 30-Bed Residential Care Facility with Memory Care at 182 Warner Parrott Road (Planning Files GLUA-20-00020: CU-20-00002 Conditional Use / SP-20-00043 Site Plan and Design Review)

### STAFF RECOMMENDATION:

Staff recommends that the City Commission deny the appeal and affirm the Planning Commission's January 11, 2021 decision approving these applications.

### EXECUTIVE SUMMARY:

This appeal hearing was continued from February 17, 2021.

The decisions on appeal are conditional use, site plan and design review approvals allowing expansion of an existing 5-room adult care home located on 182 Warner Parrot Road into a 30-bed residential care facility for the elderly including memory care. The Appellant argues that the size of the proposed development is incompatible with the surrounding residential neighborhood, with respect to the scale of the use as well as its design, and that traffic and on-street parking demand generated from this use will negatively affect surrounding residents. The two conditional use criteria raised in this appeal are directed at whether the site is suitable to accommodate the use and whether the use will alter the character of the area "in a manner which substantially limits, impairs or precludes the use of surrounding properties for the primary uses listed in the underlying district." Although the evidence in the record does suggest some difference in residential scale, that difference alone or the impacts resulting from that use, even if they will change the character of the area, do not appear to "substantially limit, impair or preclude the use of surrounding properties."

As a Type III decision, all appeals shall be considered by the City Commission on the record. This means that only those individuals who submitted testimony orally or in writing during the proceeding before the Planning Commission may participate in this



appeal. The City Commission's review is limited to the items identified in the notice of appeal.

The decisions on appeal are conditional use, site plan and design review approvals allowing expansion of an existing 5-room adult care home located on 182 Warner Parrot Road into a 30-bed residential care facility for the elderly including memory care. The Appellant argues that the size of the proposed development is incompatible with the surrounding residential neighborhood, with respect to the scale of the use as well as its design, and that traffic and on-street parking demand generated from this use will negatively affect surrounding residents. Arguments presented on appeal include:

- The Limits of Discretionary Decision-Making
- Whether the Site is Suitable to Accommodate the Use
- Whether the Propose Use will Substantially Limit, Impair or Preclude Surrounding Listed Permitted Uses in the Zone District

The City Commission's discretion within respect to this appeal is in exercising its discretion with respect to the controlling conditional use criteria, the Planning Commission concluded that the impacts from this development were not "substantial" and for this reason approved these applications. Since the Appellant's notice of appeal does not raise any arguments explaining how the Planning Commission's decision was in error, staff recommends that the City Commission deny this appeal and uphold the Planning Commission's approval with conditions

## **BACKGROUND:**

Please review the "Supplemental CC Staff Report 2.17.2021" prepared by Senior Planner Pete Walter and City Attorney Carrie Richter, the Planning Commission Staff Report and Findings of January 11, 2021, and the attached record for this application.

## **OPTIONS:**

1. Deny the appeal and affirm the Planning Commission's January 11, 2021 decision approving these applications with Conditions.
2. Deny the appeal and affirm the Planning Commission's January 11, 2021 decision approving these applications with Conditions as Modified by the City Commission. This would likely require a closure of the record and continuance to adopt final findings.
3. Approve the appeal based on modified findings adopted by the City Commission. This would likely require a closure of the record and continuance to adopt final findings.





February 9, 2021

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**To:** City Commission

**From:** Pete Walter, AICP, Sr. Planner  
Carrie Richter, City Attorney

**Re:** Supplemental Staff Report - 182 Warner Parrot Road Memory Care

**File #s:** AP-21-00001 - Appeal of GLUA-20-00020: CU-20-00002 Conditional Use / SP-20-00043 Site Plan and Design Review

### Executive Summary:

The decisions on appeal are conditional use, site plan and design review approvals allowing expansion of an existing 5-room adult care home located on 182 Warner Parrot Road into a 30-bed residential care facility for the elderly including memory care. The Appellant Jerry Yarberry argues that the size of the proposed development is incompatible with the surrounding residential neighborhood, with respect to the scale of the use as well as its design, and that traffic and on-street parking demand generated from this use will negatively affect surrounding residents. The two conditional use criteria raised in this appeal are directed at whether the site is suitable to accommodate the use and whether the use will alter the character of the area “in a manner which substantially limits impairs or precludes the use of surrounding properties.” Although the evidence in the record does suggest some difference in residential scale, that difference alone or the impacts resulting from that use, even if they will change the character of the area, do not appear to “substantially limit, impair or preclude the use of surrounding properties.” Staff recommends that the City Commission affirm the Planning Commission’s decision approving these applications.

### Background Facts:

In the summer of 2020, the applicant filed an application to expand and convert an existing 5-room adult care home into a 30-bed residential care facility for elderly care and memory care. The existing structure is a two-story, 5,982 square foot building located on a 23,886 square foot lot (0.5 acres). The site abuts Warner Parrott Road, and takes access from this street, which is a minor arterial road connecting South End Road to Molalla Ave, with good access to transit. After expansion, the resulting two-story structure will occupy 17,728 square feet served by a one-way circular driveway, eight off-street parking spaces (in addition to four on-street spaces abutting the property), a two-way drive-aisle along the eastern property line, a refuse/recycling area, and upgraded landscaping throughout the site.

The initial public hearing before the Planning Commission was publicly noticed for August 24, 2020. However, after reviewing written comments from the surrounding neighbors, the initial public hearing was continued to October 26, 2020, so that the applicant could prepare a redesigned proposal that responded to the public comment received to date. At the October 26, 2020 Planning Commission meeting, the applicant presented a revised proposal to reduce the overall building size to 17,240 square



feet, reducing the lot coverage from 39% to 38%, and breaking up the building mass by providing a courtyard increasing the building setback along the east side. The number of off-street parking spaces was increased from 4, as originally proposed to 8, the maximum number of spaces permitted by the Oregon City Municipal Code (OCMC). The amount of window transparency was increased to 60%. The applicant also submitted an allowable modification to the Site Plan and Design Review standard that requires that 60% of the building be placed within 5-feet of the street. The existing building and parking area are located in such a way that 60% of the building cannot be placed within 5 feet of the site frontage. Further, a 10' wide P.U.E. (public utility easement) exists along the frontage of this site, within which no building may encroach. Per code, a total of 58' should be within 5' of the frontage. Instead, the applicant proposed a total of 37'-9" (41%) to accommodate the required parking behind the furthest forward building façade wall. Three additional pedestrian amenities were provided within the setback area in mitigation for the increased additional front setback area.

Between October 26 and December 14, 2020, the public hearing was continued three times to allow the applicant time to prepare and submit additional studies and information into the record.

The Planning Commission held a second hearing to consider this proposal on December 14, 2020. At that hearing, the applicant submitted a solar shading and height study as well as aerial photographs illustrating the additional shade cast on neighboring properties resulting from the proposed building. The applicant also submitted a proposed shared parking agreement with an adjacent property to allow overflow / employee parking off-site. However, this additional off-street parking would exceed the maximum allowable parking permitted for the proposed use under OCMC 17.52.020 and would require a separate application for an adjustment of the standards to be approved per OCMC 17.52.015 – *Planning commission adjustment of parking standards*. The applicant did not apply for adjustment of the parking standards.

At the final public hearing, on January 11, 2021, the Planning Commission voted to approve this application. The Planning Commission found that additional off-street parking was not needed to satisfy the approval criteria. The Planning Commission found that the proposed building size, scale, and location on the lot would be permitted without additional land use approval, if it were proposed as a very large single-family home. Although the dimensional standards were met, conditions of approval were imposed reducing the roof pitch at the rear of the building to reduce the mass of the roof and increase solar access, and to provide additional evergreen screening trees in all locations where the building is closer than 15 feet from the property line. The Planning Commission considered requiring the applicant to provide a larger front-yard setback, but ultimately rejected the idea as too onerous, and finding that any additional building setback would have the effect of reducing the number of off-street parking spaces, a primary concern of the opponents. Following deliberation, the Planning Commission voted 5-0-2 (0 in favor, 0 against, 2 abstaining) to approve the proposal with conditions.

### **Appeal:**

On January 27, 2021, an appeal was filed by Mr Jerry Yarberry arguing that the proposed design does not fit within the residential, single-family, ranch home type of neighborhood. He argues that what is proposed will appear to be a commercial use and all the nearby commercial uses have much greater front yard setbacks. The Appellant disagrees with the traffic and parking analysis submitted by the Applicant based on the neighbors' "real life experiences." Mr. Yarberry urges the Commission to



exercise discretion and make an evaluation based on whether they “would want this next to your home, or in your neighborhood.”

### **Procedural Issues:**

As a Type III decision, all appeals shall be considered by the City Commission on the record. This means that only those individuals who submitted testimony orally or in writing during the proceeding before the Planning Commission may participate in this appeal. The City Commission’s review is limited to the items identified in the notice of appeal. There were several issues raised before the Planning Commission, and which are addressed in the Planning Commission’s findings of January 11, 2021, that were not raised in the notice of appeal, including solar access for nearby residential gardens, construction noise, damage to adjacent landscaping, threat of further commercial or larger-scale development in the area and impacts to residential property values. Since these items were not raised in the Notice of Appeal, the Commission should refrain from considering them as part of this appeal. Further, the Commission’s review of this appeal is limited solely to the evidence contained in the record before the Planning Commission. Staff stands ready to assist the Commission in response to these concerns during the hearing.

### **Arguments Presented on Appeal:**

#### *The Limits of Discretionary Decision-Making*

The Appellant asserts that because this is a discretionary decision, the City Commission should evaluate this application based on whether individual Commissioners would want this development “next to your home, or in your neighborhood.” The discretionary nature of this decision does not extend so far as to disregard the controlling criteria and should not focus solely on individual Commissioner’s personal preference.

The decisions on appeal are subject to adopted approval criteria set forth in OCMC 17.56.010(A) – conditional use criteria, OCMC 17.52 – off-street parking and loading criteria, OCMC 16.12 – site plan and design review standards and others. The discretion that the City Commission has relates solely to its interpretation of those criteria terms that require the exercise of qualitative judgment. For example, OCMC 17.52.020(A) sets for the minimum and maximum number of parking spaces required per use. This is not a discretionary standard. If an applicant wants to provide more than the maximum number of spaces, they must secure an adjustment or variance of these standards to do so. In contrast, the conditional use criteria set forth in OCMC 17.56.010 do allow for some level of qualitative decision-making. For example, the City Commission may decide the extent to which the “site is suitable for the proposed use” or whether the use will “alter the character of the surrounding area in a manner which substantially limits, impairs or precludes the use of surrounding properties.” Evaluating whether these conditional use criteria are satisfied does require the exercise of policy judgment, but this authority does not extend so far as to disregard the language of these criteria altogether to focus on whether this is a use that any Commissioner would want to have located next door to their home. Therefore, the focus must be on the language of the applicable approval criteria that the Appellant has identified in the appeal and whether the City Commission finds that these standards are met, given the evidence submitted into the record to date.



*Whether the Site is Suitable to Accommodate the Use*

OCMC 17.56.010(A)(2) requires a finding that: “The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, existence of improvements and natural features.” This criterion is directed at the characteristics of the subject property and its physical capacity to accommodate the proposed use. The notice of appeal does not identify any ways in which the Appellant believes that this criterion is not met. The issues identified in the appeal notice and, in the testimony, submitted before the Planning Commission appear directed at externalities or impacts from the proposed use on others rather than the whether the site is sufficiently sized and shaped, and utility service is adequate to accommodate the use. The Planning Commission findings on page 75 conclude that this criterion is satisfied.

*Whether the Propose Use will Substantially Limit, Impair or Preclude Surrounding Uses*

OCMC 17.56.010.56.010(A)(4) requires a finding that “the proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs or precludes the use of surrounding properties for the primary uses listed in the underlying district.” The Appellant claims that this project looks like a commercial structure that is incompatible with the surrounding low-rise, ranch-style, single-family residential neighborhood. The Appellant points to photos in the record depicting other non-residential uses (churches constructed in the 1970s) with greater setback and additional off-street parking as evidence of compatible development suggesting that this project with a smaller setback and fewer off-street spaces is incompatible with the surrounding character.

The challenge with these arguments is that this approval criterion does not expressly limit conditional uses to a design that is compatible with or reflects neighborhood character in the abstract. In other words, the obligation to preserve the “character of the surrounding area” does not exist in a vacuum. Rather, the criterion provides that the “character of the surrounding area” is “alter[ed]” only when the proposed development “substantially limits, impairs or precludes the use of surrounding properties for the primary uses listed in the underlying district.” The way that the Planning Commission interpreted this criterion is to require some significant level of impact to surrounding residences. There must be some direct harm from this development that has a “substantial impact” on the ability to use a neighboring property.<sup>1</sup> The Appellant has not identified how a comparatively reduced setback or what he views as a commercial design will substantially interfere with the neighbors’ residential use of their property. Certainly, the City Commission may interpret the terms “substantially limit, impair and preclude” surrounding uses differently but it must give some plausible meaning to these terms.

Given this framework, the focus needs to be on the impacts identified by the Appellant and whether they rise to the level of “substantially limit, impair or precluding the use of surrounding properties for primary uses.” With respect to building design, the proposed development is consistent with the setbacks, building height and other design standards set forth in the code. There are no limits in the size of a single-family home that can be built in the R-10 zone or the number of residents that may occupy that home, subject to building code limitations. The fact that much of the surrounding housing stock consists of low-rise ranch-style residences does not mean that an owner is precluded from building a 2-story, modern or other style home in this neighborhood, even at 17,000 square feet, and doing so would

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<sup>1</sup> The Planning Commission’s findings at pages 77-80 include a discussion of each of the objections raised by opponents during the proceedings below.



be allowed outright without any opportunity for neighbor objection. As a result, the Planning Commission found it difficult to see how this 30-bed senior living home design is any more objectionable than a 17,000 square foot single family home would be.

The only developed argument in the notice of appeal with respect to direct impacts on others relates to parking. The argument is that the available on-street parking adjacent to the subject property is often occupied by Chapin Park users and as a result, assisted living guests and staff will be forced to park further away from the facility perhaps along Boynton Street in front of neighboring homes. The problem with this claim is that on-street parking is not reserved or otherwise protected for use by the road-adjacent neighbor.

The most specific testimony presented to the Planning Commission with respect to parking impacts was submitted by Mark and Rebecca Turner, the owners of the property directly to the east, and Marilyn and Gary Fergus, the owners of property to the west. Ms. Turner testified that there is insufficient room to park four cars on the south side of Warner Parrot Road without blocking her driveway and that this on-street parking will interfere with her ability to see vehicles coming from the right as necessary to turn left exiting the driveway. Ms. Fergus testified that the on-site parking would be insufficient to accommodate visitors and staff and that parked cars on the street would block sight distance for people pulling out onto Warner Parrott Rd.

The Planning Commission considered these issues and made the following findings:

“The applicant’s traffic engineer measured sight distance to be more than 500 feet to the west and 1000 feet to the east. John Replinger, the city’s transportation consultant, concurred with the applicant’s analysis. Some members of the public testified that sight distance along on Warner Parrott Road would be reduced for vehicles entering onto Warner Parrott Road due to the potential for vehicles being parking in the parking lane abutting the site. However, minimum sight distance is not based on the possible presence of temporarily parked vehicles and is not a factor in the sight distance analysis.” Findings p 88.

The calculation of available on-street parking did not assume any blocking of driveways. Moreover, this development will not result in any reduction in the amount of available on-street parking. The width of the proposed driveway is very nearly the same as it exists today. Finally, these objections do not directly address the modification of the proposal to include 8 off-street parking spaces rather than 4 spaces, as originally proposed. The residents of this home will not have vehicles so the only vehicles using this facility will be of staff and visitors. Staff and visitor vehicles must be accommodated within the subject property or on the street without blocking the driveway of others. The applicant has expressed a willingness to work with the neighbors on this issue and should it turn out that 8 spaces are not sufficient, the applicant may apply to increase the number of off-street spaces through a shared use agreement with a neighboring property owner.

A related issue that is touched on in the notice of appeal but not developed in any detail is concern over the increase in traffic resulting from this use. Gary and Marilyn Fergus noted the difficulty of turning out of their driveway onto Warner Parrot Road because “the traffic is too heavy especially at rush hours of the morning and evening.” The Planning Commission findings that respond to this concern provide:



“The proposal is for residents who do not drive and therefore the City’s licensed traffic consultant concluded that traffic impacts will be minimal. Employees, visitors, and services would generate virtually all the vehicle trips associated with this use. The Transportation Analysis Letter property Charbonneau Engineering provides details regarding the transportation impacts associated with the proposed expansion. Comments from the public included concerns about additional traffic generation from the proposed use. As a residential care facility where none of the residents have cars, the proposed use would generate only slightly more traffic than two single family homes on the same area of land. The traffic generated from the Residential Care would produce 6 AM peak hour trips, 8 PM peak hour trips and, 78 weekday trips. In comparison, two single-family homes on the same property would produce 2 AM peak hour trips, 2 PM peak hour trips, and 20 weekday trips. So, the traffic impact is about four times the impact of two homes. John Replinger, the City’s Transportation Consultant, reviewed the applicant’s Transportation Analysis Letter and found that the analysis meets city requirements, that the 30-bed facility will have insignificant transportation impacts, and that there is no need for any mitigation measures in connection with the proposal. Based on this modest increase beyond what could be expected from two single family homes, permitted uses that could be development on this property, the Planning Commission finds that the additional traffic will not “substantially limit, impair or preclude” surrounding residential uses.” P 79.

It may be, as the Appellant claims, that approval of this application will “increase the likelihood of traffic and parking issues” but the Planning Commission concluded that an increase in the likelihood of “issues” is not enough to conclude that the propose use will “substantially limit, impair, or preclude” surrounding residential uses.”

### **Conclusion**

In summary, the question before the City Commission on appeal is not whether this is a use or design that any Commissioner would want to have move in next door to their own home. Rather, the City Commission’s discretion within respect to this appeal is much narrower and extends only to giving meaning to words that are capable of multiple meanings, like “substantially limit, impair or preclude.” In exercising its discretion with respect to the controlling conditional use criteria, the Planning Commission concluded that the impacts from this development were not “substantial” and for this reason approved these applications. Since the Appellant’s notice of appeal does not raise any arguments explaining how the Planning Commission’s decision was in error, staff recommends that the City Commission deny this appeal and uphold the Planning Commission’s approval with conditions.



# CITY OF OREGON CITY

Community Development Department, 320 Warner Milne Road,  
P.O. Box 3040, Oregon City, OR 97045, (503) 657-0891  
www.ci.oregon-city.or.us

## APPEAL OF A LAND USE DECISION

GLUA-20-00020

FILE # AP-21-00001 (of File #) CV-20-00002 DATE: JANUARY 27, 2021

NAME: JERRY YARBERRY TELEPHONE #: 503-320-3900

ADDRESS: 15641 BOYNTON ST. OREGON CITY, OREGON 97045

ADDRESS OR PROPERTY DESCRIPTION (T/R/S) OF SUBJECT PROPERTY:

182 WARNER PARROTT ROAD, OREGON CITY, OREGON 97045

SUBJECT OF APPEAL: NOTICE OF DECISION DATE: 1/14/21 For File #:

GLUA 20-00020 / CV-20-00002

The undersigned hereby appeal(s) the decision of the OREGON CITY PLANNING COMMISSION

concerning the subject case. The decision to approve X ~~deny~~ the application was made at the meeting held on JANUARY 11, 2021.

**REASONS FOR APPEAL:** Please include a statement identifying which approval criteria are violated by the decision and an explanation of how those criteria are violated, or stating how the decision is otherwise in violation of applicable law. Please see Chapter 17.50 of Oregon City Municipal Code for Administration & Procedures concerning Appeals.

PER ATTACHED OC CODE 17.50.030  
OC CODE 17.56.010 A 2 & 4

FILING FEE PAID: WAIVER @ CITY COMMISSION MEETING 1-20-2021  
DATE PAID: — RECEIPT NO.: —

[Signature]  
Property Owner Signature

15641 BOYNTON ST., OREGON CITY, OR  
Address 97045

Property Owner Signature

Address

**\*\*SIGNATURES REQUIRED IF APPLICABLE\*\***

Signature \_\_\_\_\_ Address \_\_\_\_\_  
\_\_\_\_\_ Contract Purchaser \_\_\_\_\_ Lessee \_\_\_\_\_ Prospective Purchaser



## Appeal of a Land Use Decision submitted 1/27/2021 on CU-20-00002

First, we want to thank the city commissioners for the opportunity to present our appeal at no cost, granted at the city commission meeting on January 20th this year. We also want to thank the city planning department and the planning commission for all their work on this conditional use application. We also appreciate the work and expense the applicant has made during the process. In our appeal of this conditional use permit, we refer to Oregon City Code 17.50.030, the city's decision making process for conditional uses, type three. This type of decision, quote "involves the greatest amount of discretion and evaluation of subjective approval standards" end quote. What we are saying, and have throughout the conditional use process is that this project does not fit in our single family home neighborhood and physically looks like a commercial building. In fact expanding from a senior care facility for five residents to a facility for senior and memory care of thirty residents, in our view is a commercial venture. I ask that you look at the pictures in your packet by another area resident, Marilyn Fergus. Ours is primarily a single family, ranch home type of neighborhood. Yes, as the applicant countered, and you can see in the maps and pictures, there are several churches, a school and a corner store. As we noted in the planning commission meetings, the churches and school are so far off the road they are hardly noticeable and have plenty of off street parking provided. Most of these structures have been grandfathered in the neighborhood for fifty years or more. We additionally disagree with the evaluation of many of the subjective items presented by the applicant. Traffic and parking were addressed, however we have brought up our real life experiences of these issues. As presented by neighbors, we live in the area and know what happens here. Parking is only allowed on the south side of Warner Parrott Road, with bike lanes on the north side, this dramatically limits the number of spaces available. This past year Chapin Park was hardly used due to the Covid 19 restrictions, however in a typical year, parking and traffic during ball games is multiplied by dozens of vehicles. Cars are parked all along Warner Parrott, on Boynton Street and Glacier. *Add that to weekend visitors to the proposed senior and memory care expansion and you just increase the likelihood of traffic and parking issues.* Parking and traffic concerns were enumerated in letters in your packet from neighbors John and Michelle Winters, Mr. and Mrs. Gary Geiger, and myself residents on Boynton Street; Jill Emra, and Stacy and Ted Cox of Glacier Street; as well as Gary and Marilyn Fergus, Mark Turner, David Chapin, and Mary Smith, all residents on Warner Parrott Road. I ask that you please read the letters from neighbors who will be directly affected by this project. Per the appeal guidelines, we are bringing nothing to the city commission that hasn't already been presented to the planning commission. In conclusion, I refer to the Merriam-Webster dictionary for the meaning of the applicable city code term 'discretionary', meaning quote 'left to individual choice or judgement' end quote. This is the basis of our appeal, this decision is based on individual choice or judgement. You will also find in your packet an unsolicited letter from John Kies, chair of the Caufield Neighborhood Association, stating that in his personal opinion, this building would really take the neighborhood look out of the area. Once again, what we are saying is the building does not fit the neighborhood, looks like a hotel or commercial building, and that makes the approval or denial of the conditional use 'discretionary'. Additionally we refer to city code 17.56.010 section A 2 and 4 this proposal by its size does alter the character and impairs the use of neighboring properties. We ask that you use your best judgement in denying this project, a simple test, would you want this next to your home, or in your neighborhood? The city code allows for your discretionary decision denying the conditional use.





### NOTICE OF PLANNING COMMISSION DECISION

Date of Final Public Hearing: January 11, 2021

Date of Mailing of Notice of Decision: January 14, 2021

**INITIAL HEARING:** August 24, 2020

**FILE NUMBER:** GLUA-20-00020:  
CU-20-00002 Conditional Use /  
SP-20-00043 Site Plan and Design Review

**APPLICANT:** Eddie Radulescu, EPR Design  
919 NE 19th Ave. Ste 155, Portland, OR 97232

**OWNER:** Petronella and Daniel Donovan  
182 Warner Parrott Rd, Oregon City, OR 97045

**REQUEST:** Conditional Use and Site Plan and Design Review approval for a 25-bed expansion of an existing 5-room adult care home into a 30-bed, 17,728 square foot residential care facility for elderly and memory care. The property is zoned R-10 Low-Density Residential, and the site is 23,886 square feet in area (0.5 acres)

**LOCATION:** 182 Warner Parrott Rd, Oregon City, OR 97045  
Clackamas County Map: 3-2E-06CB, Tax Lot 01502

**REVIEWERS:** Pete Walter, AICP, Senior Planner, Ph: (503) 496-1568, Email: [pwalter@orc.org](mailto:pwalter@orc.org)  
Josh Wheeler, P.E., Assistant City Engineer

**DECISION:** On January 11, 2021, after reviewing all of the evidence in the record and considering all of the arguments made by the applicant, opposing and interested parties, the Oregon City Planning Commission voted 5-0-2 (0 in favor, 0 against, 2 abstaining) to approve with conditions the requested Conditional Use and Site Plan and Design Review approval for a 25-bed expansion of an existing 5-room adult care home into a 30-bed, 17,728 square foot residential care facility for elderly and memory care.

Accordingly, the Oregon City Planning Commission adopted as its own the Staff Report with Findings and Conditions of Approval for File Numbers GLUA-20-00020 / CU-20-00002 and SP-20-00043. The complete record for the Planning Commission decision is on file at the Planning Division.

**PROCESS:** Type III decisions involve the greatest amount of discretion and evaluation of subjective approval standards, yet are not required to be heard by the city commission, except upon appeal. Applications evaluated through this process include conditional use permits, master plans, variances, code interpretations, similar use determinations and similar discretionary land use decisions. As a result, this decision will be final unless it is appealed. **The decision of the planning commission is appealable to the city commission within fourteen days of**



**the date appearing on this notice of decision.** The requirements for filing an appeal are set forth in OCMC 17.50.190.C. The city commission hearing on appeal is on the record and no new evidence shall be allowed. Only those persons or a city-recognized neighborhood association who have participated either orally or in writing have standing to appeal the decision of the planning commission. Grounds for appeal are limited to those issues raised either orally or in writing before the close of the public record. A city-recognized neighborhood association requesting an appeal fee waiver pursuant to OCMC 17.50.290.C must officially approve the request through a vote of its general membership or board at a duly announced meeting prior to the filing of an appeal. The city commission decision on appeal from the planning commission is the city's final decision and is appealable to the Land Use Board of Appeals (LUBA) within twenty-one days of when it becomes final.

**THIS IS A NOTICE OF DECISION ONLY.**

The Planning Commission's adopted staff report and findings, conditions of approval and the complete record for the Planning Commission decision is on file at the Planning Division. Please contact the Planning Division to obtain copies of this information.





# OREGON CITY

## Community Development – Planning

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

### FINAL PLANNING COMMISSION FINDINGS AND NOTICE OF DECISION

Report Date: January 4, 2021

**PUBLIC HEARING DATE:** Planning Commission  
January 11, 2021

**INITIAL HEARING DATE:** August 24, 2020

**FILE NUMBER:** GLUA-20-00020: CU-20-00002 Conditional Use / SP-20-00043 Site Plan and Design Review

**APPLICANT:** Eddie Radulescu, EPR Design  
919 NE 19th Ave. Ste 155, Portland, OR 97232s

**OWNER:** Petronella and Daniel Donovan  
182 Warner Parrott Rd, Oregon City, OR 97045

**REQUEST:** Conditional Use and Site Plan and Design Review approval for a 25-bed expansion of an existing 5-room adult care home into a 30-bed, 17,728 square foot residential care facility for elderly and memory care. The property is zoned R-10 Low-Density Residential, and the site is 23,886 square feet in area (0.5 acres)

**LOCATION:** 182 Warner Parrott Rd, Oregon City, OR 97045  
Clackamas County Map: 3-2E-06CB, Tax Lot 01502

**REVIEWER:** Pete Walter, AICP, Senior Planner  
Jeremy Tamargo, PE – Project Engineer

**DECISION:** Approval with Conditions.

**PROCESS:** Type III decisions involve the greatest amount of discretion and evaluation of subjective approval standards, yet are not required to be heard by the city commission, except upon appeal. Applications evaluated through this process include conditional use permits. The process for these land use decisions is controlled by ORS 197.763. Notice of the application and the planning commission hearing is published and mailed to the applicant, recognized neighborhood association and property owners within three hundred feet of the subject property. Notice must be issued at least twenty days pre-hearing, and the staff report must be available at least seven days pre-hearing. At the evidentiary hearing held before the planning commission, all issues are addressed. The decision is final unless appealed and description of the requirements for perfecting an appeal. The decision of the planning commission is appealable to the city commission within fourteen days of the issuance of the final



decision. The city commission hearing on appeal is on the record and no new evidence shall be allowed. Only those persons or a city-recognized neighborhood association who have participated either orally or in writing have standing to appeal the decision of the planning commission. Grounds for appeal are limited to those issues raised either orally or in writing before the close of the public record. A city-recognized neighborhood association requesting an appeal fee waiver pursuant to OCMC 17.50.290.C must officially approve the request through a vote of its general membership or board at a duly announced meeting prior to the filing of an appeal. The city commission decision on appeal from the planning commission is the city's final decision and is appealable to the Land Use Board of Appeals (LUBA) within twenty-one days of when it becomes final.

#### **SUMMARY OF PLANNING COMMISSION HEARINGS:**

At the Oregon City Planning Commission meeting on 12/14/20, following testimony from staff, the applicant and the public, the Planning Commission voted 5-1 to tentatively approve GLUA-20-00020: CU-20-00002 Conditional Use / SP-20-00043, approving a 30-bed residential and memory care facility at 182 Warner Parrott Road, closed the public hearing and continued the final decision to January 11, 2021 for adoption of final findings.

#### **TIMELINE OF PUBLIC HEARINGS**

- 8/24/2020: Staff recommended, and applicant agreed to a continuance to allow time for revisions to the original submittal in response to initial public comment.
- 10/26/2020: Following staff and applicant presentation and public hearing, Planning Commission continued hearing to 11/9/2020 to allow applicant time to add additional information into record.
- 11/9/2020: The applicant agreed to a continuance to 11/23/2020 to allow additional time to complete a survey of surrounding properties and a shade study.
- 11/23/2020: The applicant agreed to a continuance to 12/14/2020 to allow additional time to complete a survey of surrounding properties and a shade study.
- 12/14/2020: The Planning Commission tentatively approved the application and closed the public hearing, continuing the decision to 1/11/2021 for adoption of revised findings.

The Planning Commission continued the public hearing for this item several times to allow the applicant to provide additional information in support of their application in response to public comments. While the record was open, the applicant submitted the following items in addition to the materials submitted into the record on 10/26/2020:

- Voluntary Solar Shading and Height study based on the requirements and standards of Lake Oswego since Oregon City does not have these standards in their code.
- The applicant prepared a memorandum on 12/7/2020 summarizing parking, hearing continuances, and shading.
- A map of properties in the vicinity of the property that are uses other than single family as requested at the first Planning Commission hearing.
- An aerial photograph of the property indicating shade thrown by existing structures and vegetation. The exact date of this photograph is unknown.

Public comments have been received concerning the compatibility of the proposed building mass and height with the existing adjacent single-family neighborhood and character, impacts to parking, safe access to the street, general livability, setbacks, privacy, impacts to property values, traffic and road



safety concerns, demolition and construction noise issues, tree and vegetation removal, and loss of visibility and light. Public comments have also been received in support of the application.

The applicant has granted a third extension of the decision deadline to March 15, 2021.

This report includes additional findings that respond to public testimony heard at the hearings.

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### **CONDITIONS OF APPROVAL**

#### **Planning Files GLUA-20-00020: CU-20-00002 / SP-20-00043**

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

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

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

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

**The following conditions of approval shall be met to the satisfaction of the City during the process of design to issuance of public improvement permit through construction in association with the proposed land use application.**

1. The development shall comply with all current Oregon City Public Works design standards, specifications, codes and policies. (DS)
2. All driveways (curb cuts), new and existing, shall meet the minimum and maximum driveway width standards identified in Table 16.12.035.D. Approved driveway widths will need to be included on engineering plans prior to receiving a permit and beginning construction. (DS)

**The following conditions of approval shall be met to the satisfaction of the City prior to issuance of public improvement permit for construction in association with the proposed land use application.**

3. The developer shall submit or address all items in Section 16.12.014 of the Oregon City Municipal Code based on the timing requirements contained therein and as deemed applicable by the City. (DS)
4. The developer and engineer for the project shall execute a "Developer/Engineer Agreement for Public Works Improvements" and commit to the responsibilities outlined in the agreement prior to receiving a permit and beginning construction. (DS)
5. The developer shall provide construction plans, stamped and signed by a professional engineer licensed in the State of Oregon, containing street, grading, stormwater, sanitary sewer and water infrastructure improvements that conforms to all current Oregon City Public Works standards, specifications, codes, and policies for review and approval by the City prior to receiving a permit and beginning construction. (DS)
6. The developer's contractor(s) and engineer(s) shall attend a pre-construction meeting with Oregon City staff prior to receiving a permit and beginning construction. Permitted hours of construction shall be set forth by the City Engineer in the pre-construction meeting. (DS)
7. All driveway approaches, proposed and existing, that intersect with a public sidewalk, shall be made Americans with Disabilities Act (ADA) compliant. (DS)
8. All driveways, new and existing, shall meet the minimum driveway spacing standards identified in Table 16.12.035.A. Approved driveway locations will need included on engineering plans prior to receiving a permit and beginning construction. (DS)
9. Sidewalk on Warner Parrott Road that is missing or in poor condition, as determined by an inspection by Public Works personnel, shall be added and/or replaced by the applicant. All sidewalk, new and existing, along the applicant's frontage on Warner Parrott Road shall be made ADA compliant. Any sidewalk damaged by construction activities will also require replacement by the applicant. (DS)



10. The development shall provide a sanitary service lateral and two-way cleanout per City standards. There is an existing sanitary sewer service lateral within Warner Parrot. If the applicant intends to use an existing sanitary sewer service line, it shall be at least 6" in diameter and the applicant shall provide a video inspection report to the City and Public Works will confirm if the lateral is in usable condition. Otherwise, the development shall install a new 6" service lateral. (DS)
11. There is an existing water service line which is located at the northwest corner of the property. If the applicant intends to use the existing water service line, it shall be at least 1" in diameter and the applicant shall perform inspections to confirm that it is in usable condition to the satisfaction of the City. Otherwise, the development shall install, at a minimum, a new 1" water service line and meter to serve the development. The new service shall use a saddle to connect to the 10" cast iron water main located within Warner Parrot Road. (DS)
12. Fire suppression shall meet Clackamas Fire District No. 1 standards prior to receiving a permit and beginning construction. (DS)
13. The developer shall provide updated engineered drainage plan(s), drainage report(s), and design flow calculation report(s) stamped and signed by a licensed engineer addressing all items from the Section 9.3 & 9.4 of the Public Works Stormwater and Grading Design Standards prior to receiving a permit and beginning construction. (DS)
14. The developer shall provide an engineered grading plan prepared by a professional engineer in compliance with the submittal requirements of the Public Works Stormwater and Grading Design Standards prior to receiving a permit and beginning construction. (DS)
15. Flow control facilities for stormwater management shall be designed so that the duration of peak flow rates from post-development conditions shall be less than or equal to the duration of peak flow rates from pre-development conditions for all peak flows between 42 percent of the 2-year peak flow rate up to the 10-year peak flow rate, per Chapter 4 of the Oregon City Stormwater and Grading Design Standards. The applicant's submittal does not address the City's flow control requirement. The applicant is required to use one of the design methods found in Section 4.3, the BMP Sizing Tool Method or the Engineered Method, for sizing stormwater management facilities for flow control. The applicant shall provide a downstream analysis per Chapter 5 of the Oregon City Stormwater and Grading Design Standards. (DS)
16. A city-issued erosion and sediment control permit shall be obtained prior to commencement of any earth disturbing activities. (DS)
17. Erosion and sediment control plans shall be submitted for review and approval by the City prior to issuance of an erosion and sediment control permit. (DS)
18. A Performance Guarantee which is equal to 120% of the estimated cost for construction of public improvements as shown in city approved construction plans shall be provided prior to receiving a permit and beginning construction. The estimated costs shall be supported by a verified engineering estimate and approved by the city engineer. The guarantee shall be in a form identified in Code 17.50.140.A of the Oregon City Municipal Code. The guarantee shall remain in effect until the construction of all required improvements are completed and accepted by the city. The City engineer has not allowed the permittee to provide a fee-in-lieu of actual construction of public improvements. (DS)



**The following conditions of approval shall be met to the satisfaction of the City prior to issuance of building permits for the proposed development.**

19. Per OCMC 17.62.055(D), the applicant shall provide a revised site plan indicating that at least sixty percent of the site frontage width shall be occupied by buildings placed within five feet of the property line prior to issuance of a building permit. (P)
20. Prior to issuance of building permits, the applicant shall revise the plans to include the following measures to mitigate the overall scale and mass of the building by making the following changes: (P)
  - a. Reduce the roof-pitch from 5/12 at the rear of the building
  - b. Plant additional evergreen screening trees at intervals no greater than 35' to appropriately screen the facility in all locations that are closer than 15 feet from the property line.
21. Prior to issuance of construction plans of the right-of-way improvements, the applicant shall submit a street tree plan which includes four street trees evenly distributed in accordance with OCMC 12.08 or the applicant shall provide fee-in-lieu of planting pursuant to OCMC 12.08 if site or other constraints prevent meeting the required total number of tree plantings. If trees are planted behind the existing sidewalk, the applicant shall record a deed restriction that identifies the trees as public street trees and allow the city to regulate them pursuant to OCMC 12.08. (P)
22. Prior to issuance of a building permit, the applicant shall provide clear evidence that there are no trees larger than 6" d.b.h. within the proposed footprint of the expanded building prior to issuance of a building permit. If there are any trees greater than 6" d.b.h. that require removal the applicant shall provide a tree removal plan with appropriate mitigation pursuant to this Chapter OCMC 17.41. Additionally, the applicant shall assess the potential impact to trees growing on adjacent properties which have their drip-line and root zone partially on the subject property and provide a certified arborist report with recommendations on how to minimize impacts to these trees in accordance with OCMC 17.41.130 – *Regulated tree protection procedures during construction*.
23. The applicant shall provide a revised parking plan in which no more than 35% or two of the spaces are permitted to be compact while the remainder shall be standard width and depth (9' X 19') for the minimum number of stalls onsite. Any stalls over the minimum, but under the maximum may be compact. (P)
24. Prior to issuance of a permit associated with the development, the applicant shall submit a revised bicycle parking plan conforming to all applicable requirements of OCMC 17.52.040 – Bicycle Parking Standards. (P)
25. Prior to issuance of a building permit, the applicant's landscape architect shall assure that the proposed parking lot trees are two-inch caliper deciduous or 6' tall for coniferous trees, and selected and planted according to American Nurseryman standards. (P)
26. Prior to issuance of a building permit, the applicant shall include a revised landscaping plan that includes the statement; "At maturity, all of the landscaped area shall be planted in ground cover plants, which includes grasses. Mulch (as a ground cover) shall only be allowed underneath plants at full growth and within two feet of the base of a tree and is not a substitute for ground cover" in the Planting Notes on the applicable landscaping plan sheet or sheets. (P)
27. Prior to issuance of a building permit, the applicant shall include a revised landscaping plan that includes details for the irrigations systems required. (P)
28. 17.52.060.C.1. Prior to issuance of permits, the applicant shall provide a planting plan with sufficient detail to demonstrate compliance with groundcover and shrub spacing requirements of OCMC 17.52.060.C.1 for the entrance to the parking area. (P)



29. OCMC 17.52.060.D. Prior to issuance of permits, the applicant shall provide a revised landscaping plan which indicates a parking area / building buffer to separate the exterior wall of the structure from the 90-degree parking spaces. (P)
30. OCMC 17.52.060.E. Prior to issuance of permits, the applicant shall provide a revised landscaping plan which indicates the required minimum number of shrubs within the landscape island in the parking lot in (P)
31. OCMC 17.56.040.F.1. Prior to issuance of a certificate of occupancy for the facility, the applicant shall provide details of the proposed use that specify the permitted number of residents and the nature of the condition or circumstances for which care, or a planned treatment or training program will be provided, the number of staff and the estimated length of stay per resident and the name of the agency responsible for regulating or sponsoring the use. (P)
32. OCMC 17.62.050.A.4. Prior to issuance of a building permit associated with the proposed development, the applicant shall submit a revised landscaping plan which identifies that no mulch, bark chips, or similar materials shall be allowed at the time of landscape installation except under the canopy of shrubs and within two feet of the base of trees, and that within three years of planting, landscaping will cover one hundred percent of the landscaped area. (P)
33. Prior to issuance of a building permit the applicant shall provide a revised site plan that indicates that all on-site pedestrian walkways are at least five feet wide. (P)
34. Prior to issuance of a building permit, the applicant shall assure that any revisions to the building or site approved by the Planning Commission comply with all applicable sections of OCMC 17.62.055. (P)
35. Prior to issuance of a building permit the applicant shall provide revised plans that show 60% windows on the front ground floor façade and 30% on the sides. (P)
36. Prior to issuance of a building permit, the applicant shall provide a revised lighting plan that indicates foot-candle levels of 0.5 or less at the property line. (P)

**The following conditions of approval shall be met to the satisfaction of the City prior to occupancy except as noted.**

37. Pavement cuts or other improvement made in a City street or alley shall be done in accordance with the City of Oregon City Public Works Pavement Cut Standards and restored in accordance with the City of Oregon City Public Works Pavement Cut Standards. At the time of the application, the pavement restoration requirement for Warner Parrot Road is the Full Standard. However, specific pavement cut standard requirements are determined at the time of construction. (DS)
38. All new franchise utilities shall be placed underground. (DS)
39. The public improvements shall be constructed according to approved final engineering plans prior to occupancy. (DS)
40. The development shall provide a 10-foot-wide public utility easement (PUE) along all property lines fronting existing or proposed right-of-way. Approved PUE will need to be included on the final plat prior to occupancy. (DS)
41. Improvements shall be constructed under the inspection and approval of the City. Expenses incurred thereby shall be borne by the developer and paid prior to final approval. The developer's project engineer also shall inspect construction. A certificate of completion is



required prior to providing a punch list for the contractor. The punch list must be completed prior to occupancy. (DS)

42. The workmanship and materials for any work performed under permits issued by Oregon City Public Works shall be in accordance with the edition of the "Oregon Standard Specifications for Construction" as prepared by the Oregon Department of Transportation (ODOT) and the Oregon Chapter of American Public Works Association (APWA) and as modified and adopted by the city. (DS)
43. The property owner(s) shall sign a Restrictive Covenant Non-Remonstrance Agreement for the purpose of making storm sewer, sanitary sewer, water or street improvements in the future that benefit the property and all fees associated with processing and recording the Non-Remonstrance Agreement shall be paid prior to occupancy. (DS)
44. The property owner(s) shall execute an agreement providing access to and maintenance of privately owned stormwater management facilities and pay associated recording fees. The covenant shall include a site plan identifying all privately-owned stormwater management facilities and an operation and maintenance plan for each type of stormwater facility in accordance with the Public Works Stormwater and Grading Design Standards. The Maintenance Covenant and Access Easement shall be reviewed and accepted by the City prior to occupancy. (DS)
45. Maintenance Guarantee equal to fifteen percent of the estimated cost for construction of public improvements as shown in city approved construction plans shall be provided prior to occupancy. The estimated costs shall be supported by a verified engineering estimate approved by the City Engineer. The guarantee shall be in a form identified in Code 17.50.140.A of the Oregon City Municipal Code. The maintenance guarantee shall warrant to the City of Oregon City that construction of public improvements will remain, for a period of twenty-four (24) months from the date of acceptance, free from defects in materials and workmanship. (DS)

**The following conditions of approval shall be met to the satisfaction of the City within 90 days of occupancy.**

46. As-built construction plans and digital copies of as-built drawings shall be filed with the City Engineer within 90 days of completing required public improvements. (DS)
47. The applicant shall remove any and all noxious and nuisance vegetation on the site prior to issuance of a final certificate of occupancy. (P)



## I. BACKGROUND:

### 1. Existing Conditions

Currently the property includes a 5,982 square foot, 5-bedroom adult foster care home and 500 square foot detached garage situated on a 23,886 square foot site. The property is zoned R-10 Low Density Residential, and the current use is permitted outright as a group home in the zone.

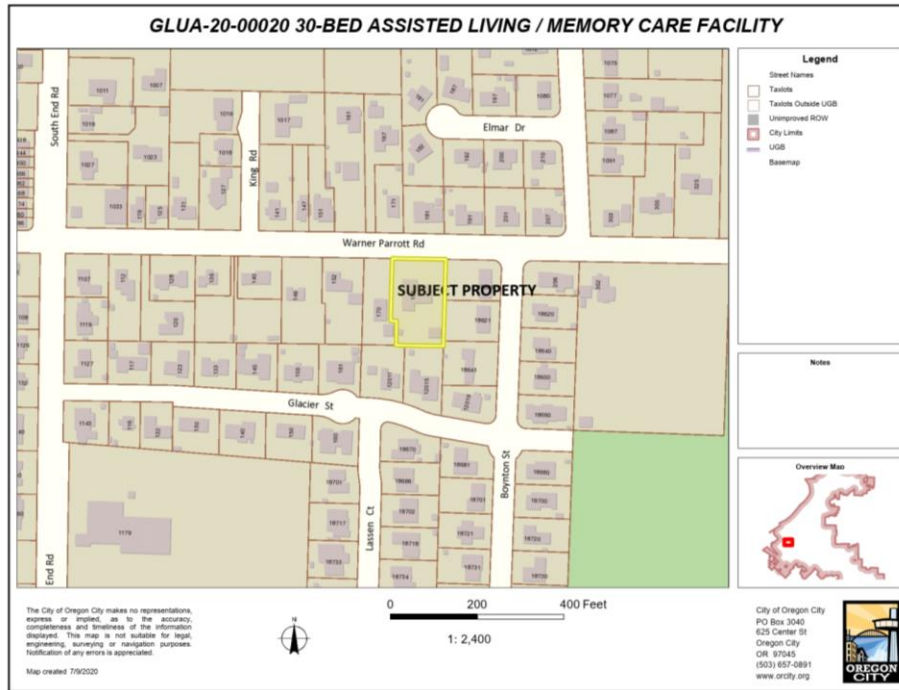


Figure 1. Vicinity Map



Figure 2: Existing Conditions – Aerial Image





Figure 3: Google Street View of Site from Warner Parrott Rd



Figure 4. Bing Maps Oblique Aerial View of Site

## 2. Project Description

In response to public comments received prior to the initial public hearing, the applicant provided a revised site plan, landscaping plan and architectural plans on 10.8.2020.

### Initial Project Proposal:

The proposed land use application consists of conversion and expansion of the existing 5-room adult care home into a 30-bed residential care facility for elderly care and memory care with a floor area of 17,728 square feet, with a one-way circular driveway, four off-street parking spaces, a two-way drive-aisle along the eastern property line, a refuse/recycling area, and upgraded landscaping throughout the site.



### Summary of project modifications made during the public hearings:

In response to concerns from the public made during the public hearings, the applicant proposed the following revisions to the original site plan presented to the Planning Commission on 10/26/2020 as follows:

- Reduced the size to 17,240 square feet, and overall mass of the building by opening the center courtyard. This would have the effect of increasing the setback to the east side of the building in that location.
- Added additional off-street parking to 8 spaces to the maximum number of spaces allowed by the code, including one delivery parking space. With 4 available on-street parking spaces abutting the property the total spaces is available is twelve (12).
- Reduced lot coverage reduced slightly from 39% to 38%.
- Increased front window percentage to sixty percent.
- Revised landscaping due to increased off-street parking areas.

Additionally, while the record was open, the applicant submitted the following items:

- The applicant requested a modification of a Site Plan and Design Review standard that requires that sixty percent of the building be placed within five-feet of the street (OCMC 17.62.055.D – Siting of Structures). This modification addressed the approval criteria for modification per OCMC 17.62.015 B.2 and was included in the record on 10/26/2020 in the form of a separate memorandum that is part of the record. As mitigation for this modification the applicant included three additional pedestrian elements within the setback area along the street frontage.
- The applicant submitted a voluntary solar shading and height study based on the requirements and standards of the City of Lake Oswego since Oregon City does not have these standards in their code.
- The applicant prepared a memorandum on 12/7/2020 summarizing parking, hearing continuances, and shading.
- A map of properties in the vicinity of the property that are uses other than single family as requested at the first planning commission hearing.
- An aerial photograph of the property indicating shade thrown by existing structures and vegetation. The exact date of this photograph is unknown.

A commissioner wished to state for the record that the proposed facility should be referred to as a “residential care” facility as opposed to an “assisted living” facility due to the differences in the type of care for the occupants. The zoning code uses the term “assisted living”, and the terms “assisted living” and “residential care” have the same meaning for the purposes of this decision.

### Additional off-site parking proposal denied

While the record was open, the applicant also submitted a proposed agreement with an adjacent church property to allow overflow / employee parking off-site. This additional off-site shared parking would exceed the maximum allowable parking permitted for the proposed use per OCMC 17.52.020. This additional parking cannot be approved without a separate application for Planning Commission approval of an adjustment of parking standards pursuant to OCMC 17.52.015. The Planning Commission finds that additional off-street parking is not needed in order to satisfy the minimum parking requirements for the proposed use, nor is it required to satisfy the conditional use criteria.

Therefore, with this decision, the Planning Commission is explicitly denying the applicant’s proposal for the additional off-site parking. Should the applicant wish to use the nearby church lot for shared parking, it must file an application for an adjustment of the parking standards.



Figure 5: Original vs. Revised Site Plan (Dashed area indicates modifications) – Not to Scale

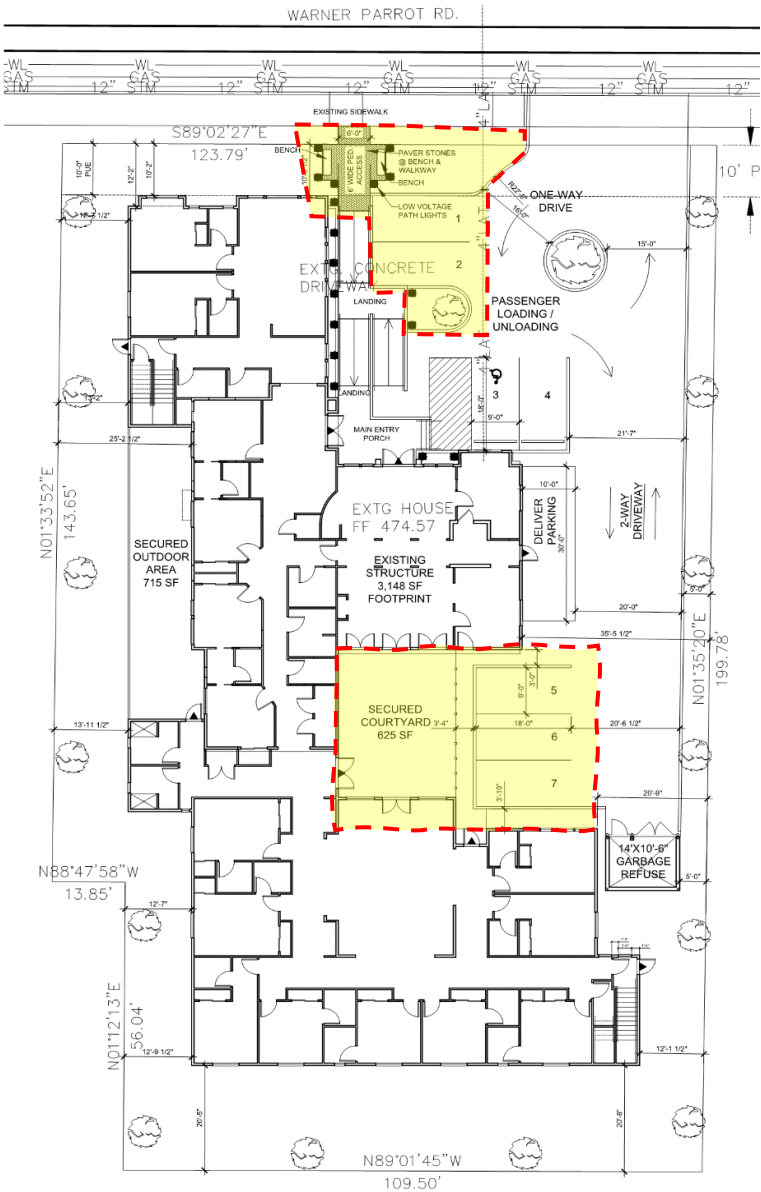
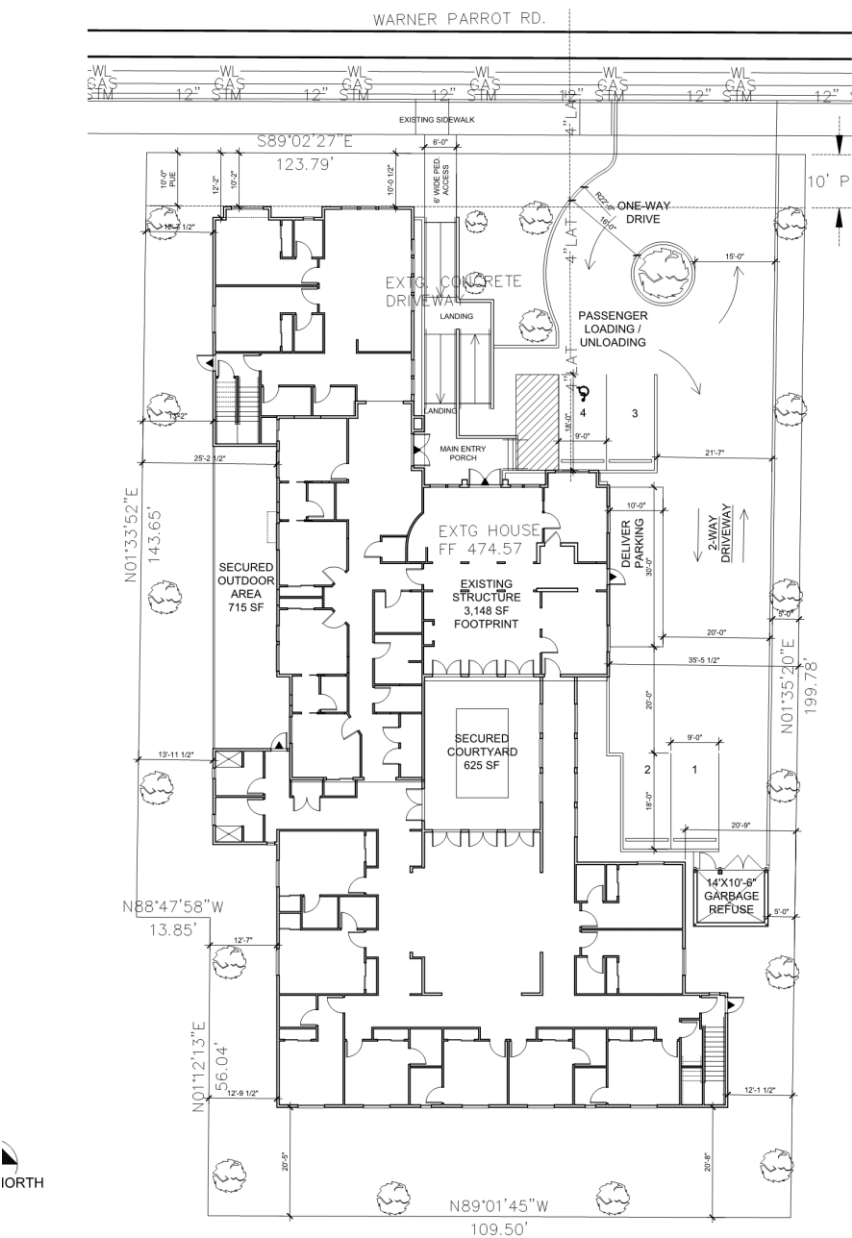
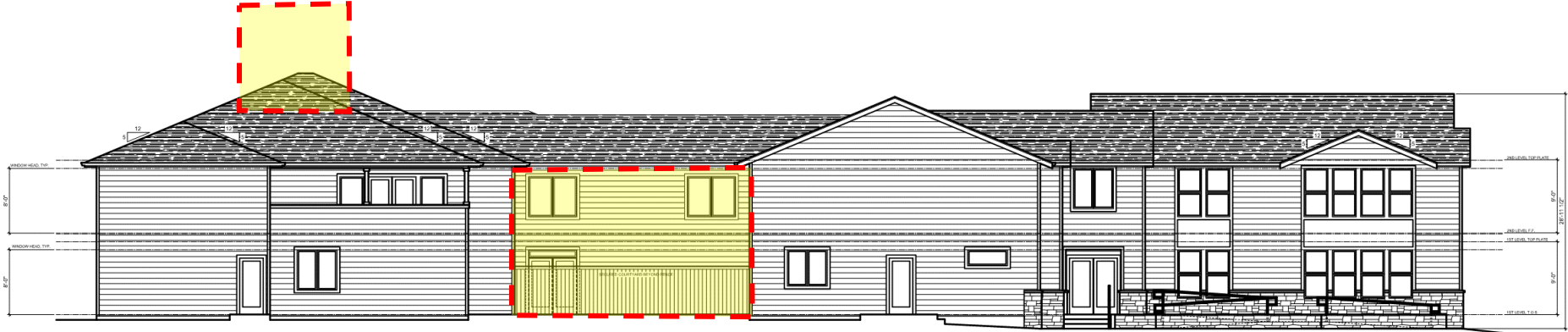




Figure 6. Original (top) vs. Revised (bottom) Left (East) Side Elevation – Not to Scale



C  
A2.1 LEFT SIDE ELEVATION (EAST)  
SCALE: 1/8" = 1'-0"



C  
A2.1 LEFT SIDE ELEVATION (EAST)  
SCALE: 1/8" = 1'-0"



Figure 7. Original (top) vs. Revised (bottom) Right (west) Side Elevation – Not to Scale



D RIGHT SIDE ELEVATION (WEST)  
A2.1 SCALE: 1/8" = 1'-0"



D RIGHT SIDE ELEVATION (WEST)  
A2.1 SCALE: 1/8" = 1'-0"





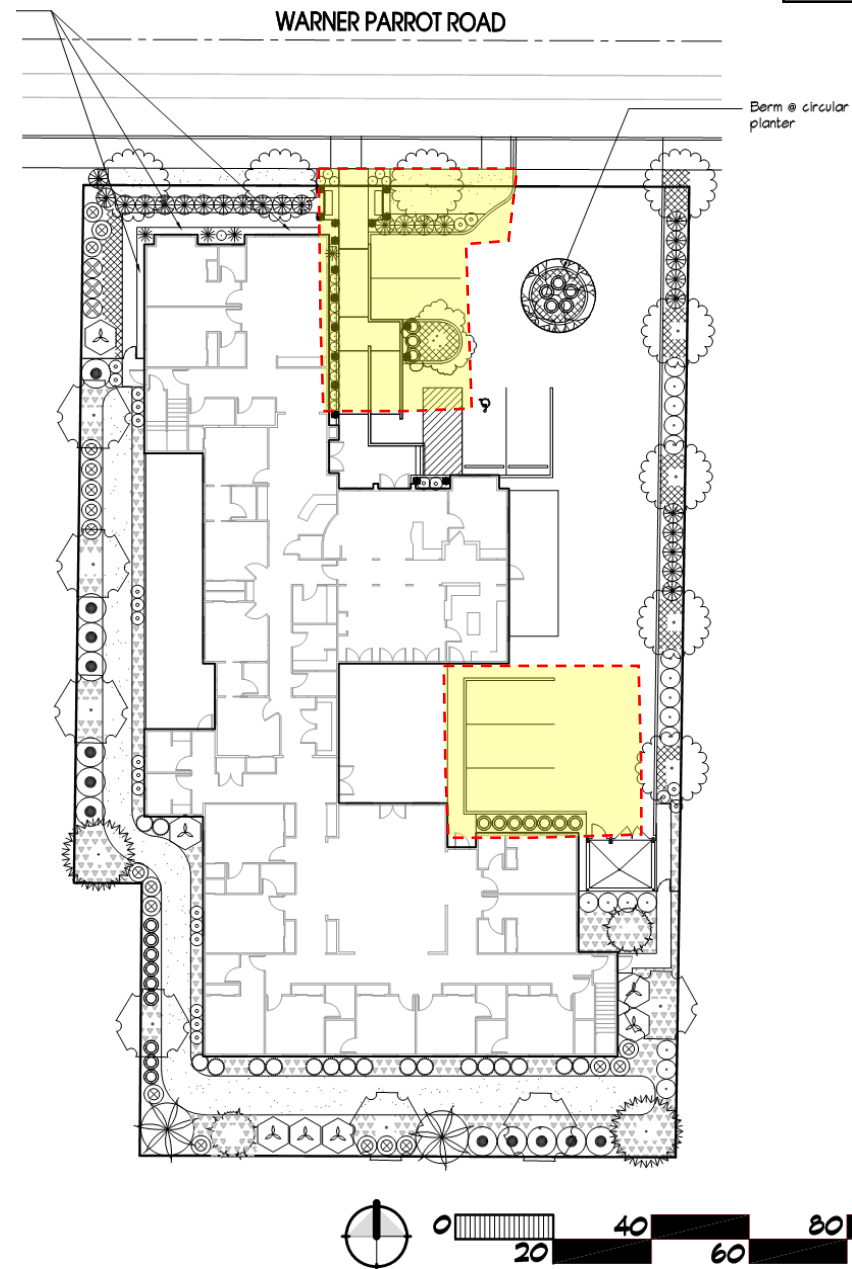
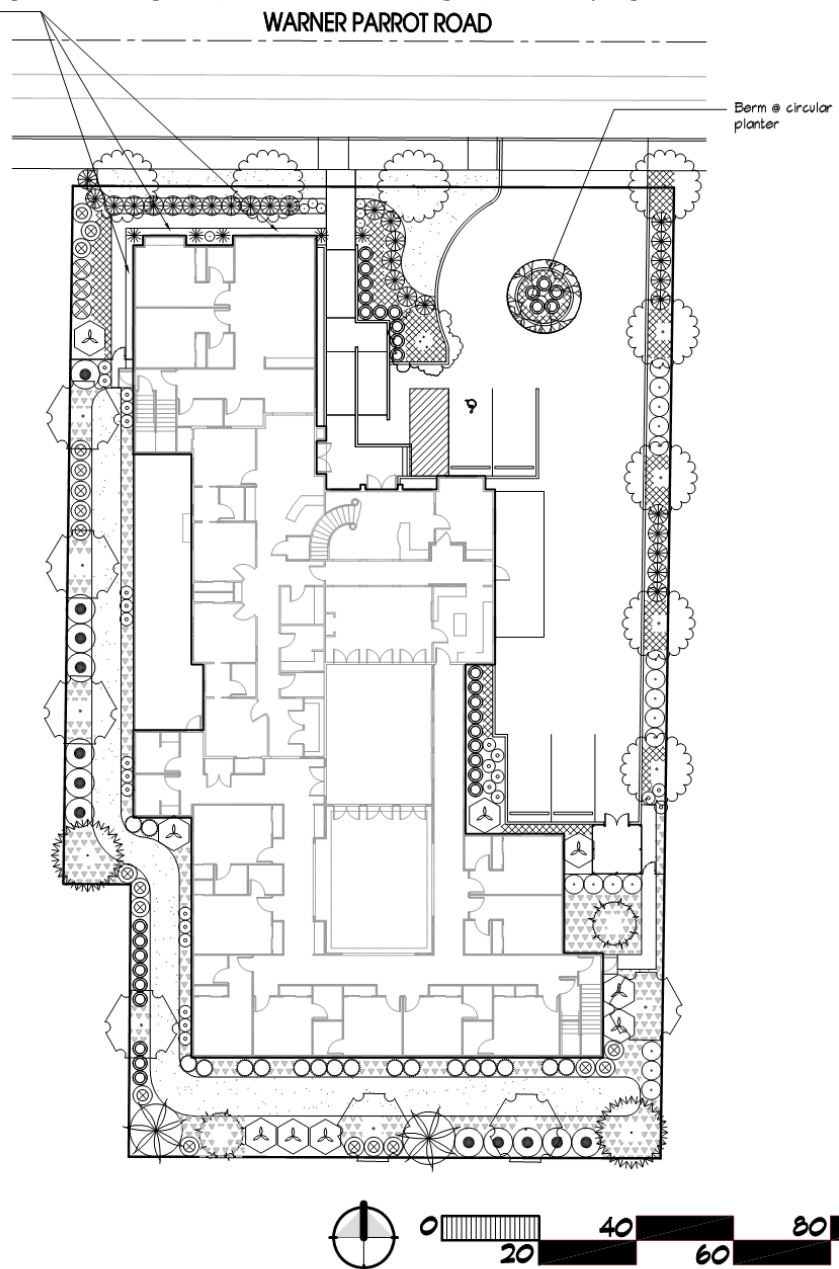


Figure 9. Original (top) vs. Revised (bottom) Rear / South Elevation





Figure 10. Original (left) vs. Revised (right) Landscaping Plan





3. **Permits and Approvals:** The applicant is responsible for obtaining approval and permits from each applicable governmental agency and department at Oregon City including but not limited to the Engineering and Building Divisions.

4. **Public Comments**

Public comments from nearby residents that were submitted include the following:

Victoria Meinig, Oregon City

Victoria Meinig, CEO of the Oregon City Chamber of Commerce, provided a letter expressing the Chamber's support for the proposal.

Jennifer Roney, RN

Jennifer Roney provided an email expressing support for the proposal.

Joanne Petrie, Oregon City

Joanne Petrie sent an email in support of the proposal.

Jill Emra

Jill Emra commented in opposition to the proposed plan, citing concerns about impacts to parking, safe access to the street, livability, privacy and property values that a larger building would have in a single-family neighborhood.

David Chapin, Oregon City

David Chapin commented with concerns about the compatibility of the large structure with adjacent surrounding homes, the 10' front setback, parking, and height concerns.

Jerry Yarberry, Oregon City

Jerry Yarberry provided testimony in opposition to the proposal verbally and in writing, citing the following concern;

1. The proposed use does not fit the zoning or look of the neighborhood.
2. The structure is 10 feet from the street, whereas most homes have a setback of at least 25 feet.
3. Inadequate parking.
4. Traffic and safety concerns.
5. Demolition and construction noise issues.
6. The physical look of the building is inappropriate for the predominantly single-family homes in the surrounding area and will cause a reduction in property value.
7. Privacy concerns due to height.
8. The commercial appearance of the proposal.

Stacy and Todd Cox

The Cox's commented with concerns regarding property values, traffic, compatibility of the building with the neighborhood, and disruptions caused by construction.

Gary and Marilyn Fergus

The Cox's commented with concerns regarding inadequate parking, compliance with the R-10 zone, building compatibility, setbacks, tree and vegetation removal, and blockage of sunlight.



Mark Turner

Mark Turner commented with concerns regarding the building mass and height, loss of visibility and light, parking, road safety, and property values.

Michelle Winters

Michelle Winters commented with concerns regarding building character and compatibility with the existing surrounding development, massing and height of the proposed structure, parking, road safety, and general livability impacts. The Winters' testified at subsequent hearings concerning shade impacts to their property at 18621 Boynton Street.

Mr. and Mrs. Gary Geiger

The Geigers' sent an email with concerns about parking, additional traffic, schools, and park capacity.

All public comments are important and relevant to a Conditional Use review.

**Summary of project modifications made during the public hearings:**

In response to concerns from the public made during the public hearings, the applicant proposed the following revisions to the original site plan presented to the Planning Commission on 10/26/2020 as follows:

- Reduced the size and overall mass of the building by opening the center courtyard. This would have the effect of increasing the setback to the east side of the building in that location.
- Added additional off-street parking to 8 spaces to the maximum number of spaces allowed by the code, including one delivery parking space. With 4 available on-street parking spaces abutting the property the total spaces is available is twelve (12).
- Reduced lot coverage reduced slightly from 39% to 38%.
- Increased front window percentage to sixty percent.
- Revised landscaping due to increased off-street parking areas.

Additionally, while the record was open, the applicant submitted the following items:

- The applicant requested a modification of a Site Plan and Design Review standard that requires that sixty percent of the building be placed within five-feet of the street (OCMC 17.62.055.D – Siting of Structures). This modification addressed the approval criteria for modification per OCMC 17.62.015 B.2 and was included in the record on 10/26/2020 in the form of a separate memorandum that is part of the record. As mitigation for this modification the applicant included three additional pedestrian elements within the setback area along the street frontage.
- The applicant submitted a voluntary solar shading and height study based on the requirements and standards of the City of Lake Oswego since Oregon City does not have these standards in their code.
- The applicant prepared a memorandum on 12/7/2020 regarding parking, public hearing continuances, and shading .



- A map of properties in the vicinity of the property that are uses other than single family as requested at the first planning commission hearing.
- An aerial photograph of the property indicating shade thrown by existing structures and vegetation. The exact date of this photograph is unknown.

#### **Additional off-site parking proposal denied**

While the record was open, the applicant also submitted a proposed agreement with an adjacent church property to allow overflow / employee parking off-site. This additional off-site shared parking would exceed the maximum allowable parking permitted for the proposed use per OCMC 17.52.020. This additional parking cannot be approved without a separate application for Planning Commission approval of an adjustment of parking standards pursuant to OCMC 17.52.015. The additional parking is not needed in order to satisfy the minimum parking requirements for the proposed use.

Therefore, with this decision, the Planning Commission is explicitly denying the applicant's proposal for the additional off-site parking.

None of the comments provided indicate that a specific approval criterion has not been met or cannot be met through the Conditions of Approval attached to this Staff Report.

## **II. ANALYSIS AND FINDINGS:**

### **CHAPTER 12.04 – STREETS SIDEWALKS AND PUBLIC SPACES**

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

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

**Finding: Complies as proposed.** The applicant acknowledges the City's jurisdiction and management of the public right-of-way. The applicant shall receive all necessary approvals from the City prior to installation of any public improvements within the adjacent right-of-way.



#### 12.04.025 - Driveways.

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

**Finding: Applicable.** See 16.12.035 for more information.

#### 12.04.030 - Maintenance and repair.

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

**Finding: Applicable.** The applicant is responsible for maintaining said existing sidewalk and abutting curb during construction and maintain all new sidewalk and curb after construction.

#### 12.04.032 - Required sidewalk repair.

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

**Finding: Complies with condition.** Sidewalks and curbs are to be constructed according to plans and specifications provided by the City Engineer. Sidewalk on Warner Parrott Road that is missing or in poor condition, as determined by an inspection by Public Works personnel, shall be added/replaced by the applicant. All sidewalk (existing and proposed) along the applicant's frontage on Warner Parrott Road shall be made ADA compliant. Any sidewalk damaged by construction activities will also require replacement by the applicant. **It is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

#### 12.04.050 - Retaining walls—Required.

*Every owner of a lot within the City, abutting upon an improved street, where the surface of the lot or tract of land is above the surface of the improved street and where the soil or earth from the lot, or tract of land is liable to, or does slide or fall into the street or upon the sidewalk, or both, shall build a retaining wall, the outer side of which shall be on the line separating the lot, or tract of land from the improved*



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

**Finding: Not applicable.** Applicant is not proposing construction of a retaining wall.

#### 12.04.100 - Excavations—Restoration of pavement.

Whenever any excavation shall have been made in any pavement or other street improvement on any street or alley in the City for any purpose whatsoever under the permit granted by the engineer, it shall be the duty of the person making the excavation to restore the pavement in accordance with the City of Oregon City Public Works Pavement Cut Standard in effect at the time a right-of-way permit is granted. The City Commission may adopt and modify the City of Oregon City Public Works Pavement Cut Standards by resolution as necessary to implement the requirements of this chapter.

**Finding: Complies with condition.** Pavement cuts are proposed within Warner Parrot Road due to utility service installation. Pavement cuts or other improvements made in a City street or alley shall be done in accordance with the City of Oregon City Public Works Pavement Cut Standards and restored in accordance with the City of Oregon City Public Works Pavement Cut Standards. At the of the application, the pavement restoration requirement for Warner Parrot Road is the Full Standard. However, specific pavement cut standard requirements are determined at the time of construction. **It is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

#### 12.04.120 - Obstructions—Permit required.

A. *Permanent Obstructions. It is unlawful for any person to place, put or maintain any obstruction, other than a temporary obstruction, as defined in subsection B. of this section, in any public street or alley in the City, without obtaining approval for a right-of-way permit from the City Commission by passage of a resolution.*

1. *The City Engineer shall provide applicants with an application form outlining the minimum submittal requirements.*
2. *The applicant shall submit at least the following information in the permitting process in order to allow the City Commission to adequately consider whether to allow the placement of an obstruction and whether any conditions may be attached:*
  - a. *Site plan showing right-of-way, utilities, driveways as directed by staff;*
  - b. *Sight distance per OCMC 10.32, Traffic Sight Obstructions;*
  - c. *Traffic control plan including parking per Manual on Uniform Traffic Control Devices (MUTCD);*
  - d. *Alternative routes if necessary;*
  - e. *Minimizing obstruction area; and*
  - f. *Hold harmless/maintenance agreement.*
3. *If the City Commission adopts a resolution allowing the placement of a permanent obstruction in the right-of-way, the City Engineer shall issue a right-of-way permit with any conditions deemed necessary by the City Commission.*

B. *Temporary Obstructions.*

1. *A "temporary obstruction" is defined as an object placed in a public street, road or alley for a period of not more than sixty consecutive days. A "temporary obstruction" includes, but is not limited to, moving containers and debris dumpsters.*
2. *The City Engineer, or designee, is authorized to grant a permit for a temporary obstruction.*



3. *The City Engineer shall provide applicants with an application form outlining the minimum submittal requirements.*
  4. *The applicant shall submit, and the City Engineer, or designee, shall consider, at least the following items in the permitting process. Additional information may be required in the discretion of the City Engineer:*
    - a. *Site plan showing right-of-way, utilities, driveways as directed by staff;*
    - b. *Sight distance per OCMC 10.32, Traffic Sight Obstructions;*
    - c. *Traffic control plan including parking per Manual on Uniform Traffic Control Devices (MUTCD);*
    - d. *Alternative routes if necessary;*
    - e. *Minimizing obstruction area; and*
    - f. *Hold harmless/maintenance agreement.*
  5. *In determining whether to issue a right-of-way permit to allow a temporary obstruction, the City Engineer may issue such a permit only after finding that the following criteria have been satisfied:*
    - a. *The obstruction will not unreasonably impair the safety of people using the right-of-way and nearby residents;*
    - b. *The obstruction will not unreasonably hinder the efficiency of traffic affected by the obstruction;*
    - c. *No alternative locations are available that would not require use of the public right-of-way; and*
    - d. *Any other factor that the City Engineer deems relevant.*
  6. *The permittee shall post a weatherproof copy of the temporary obstruction permit in plain view from the right-of-way.*
- C. *Fees. The fee for obtaining a right-of-way permit for either a permanent obstruction or a temporary obstruction shall be set by resolution of the City Commission.*

**Finding: Not applicable.** The applicant has not proposed any obstructions in the right-of-way.

#### 12.04.150 - Street and alley vacations—Cost.

*At the time of filing a petition for vacation of a street, alley or any part thereof, a fee as established by City Commission resolution shall be paid to the City. The City Commission, upon hearing such petition, may grant the same in whole or in part, or may deny the same in whole or in part, or may grant the same with such reservations as would appear to be for the public interest, including reservations pertaining to the maintenance and use of underground public utilities in the portion vacated.*

**Finding: Not applicable.** The applicant has not proposed a street or alley vacation with this application.

#### 12.04.170 - Street design—Purpose and general provisions.

*All development shall be in conformance with the city's public facility master plans, public works policies, standard drawings and engineering specifications. All streets shall be reviewed and approved by the city engineer prior to construction. All streets and driveway connections to another jurisdiction's facility or right-of-way must be reviewed by the appropriate jurisdiction as a condition of the preliminary plat or site planning and when required by law or intergovernmental agreement shall be approved by the appropriate jurisdiction.*

**Finding: Complies as proposed.** The applicant has stated that all streets will be in conformance with the policies and design standards established by this Chapter and with applicable standards in the City's public facility master plans and City design standards and specifications.



#### 12.04.270 - Standard construction specifications.

*The workmanship and materials for any work performed under permits issued per this chapter shall be in accordance with the current edition of the "Oregon Standard Specifications for Construction" as prepared by the Oregon Department of Transportation (ODOT) and the Oregon Chapter of American Public Works Association (APWA) and as modified and adopted by the City in accordance with this ordinance, in effect at the time of application. The exception to this requirement is where this chapter and the Public Works Street Standard Drawings provide other design details, in which case the requirements of this chapter and the Public Works Street Standard Drawings shall control. In the case of work within ODOT or Clackamas County rights-of-way, work shall be in conformance with their respective construction standards.*

**Finding: Complies with condition.** The workmanship and materials for any work performed under permits issued by Oregon City Public Works shall be in accordance with the edition of the "Oregon Standard Specifications for Construction" as prepared by the Oregon Department of Transportation (ODOT) and the Oregon Chapter of American Public Works Association (APWA) and as modified and adopted by the city. **It is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

### **CHAPTER 13.12 – STORMWATER MANAGEMENT**

#### 13.12.050 - Applicability and exemptions.

*This chapter establishes performance standards for stormwater conveyance, quantity and quality. Additional performance standards for erosion prevention and sediment control are established in OCMC 17.47.*

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

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

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

**Finding: Applicable.** Connection to a public stormwater conveyance system is required to serve this development.

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

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



**Finding: Applicable.** The proposed development will or replace more than 5000 square feet of impervious area. The water quality and flow control requirements of this chapter shall apply to the proposed development.

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

*1. An exemption to the flow control requirements of this chapter will be granted when the development site discharges to the Willamette River, Clackamas River or Abernethy Creek; and either lies within the one hundred-year floodplain or is up to ten feet above the design flood elevation as defined in OCMC 17.42, provided that the following conditions are met:*

*a. The project site is drained by a conveyance system that is comprised entirely of manmade elements (e.g. pipes, ditches, culverts outfalls, outfall protection, etc.) and extends to the ordinary high water line of the exempt receiving water; and*

*b. The conveyance system between the project site and the exempt receiving water has sufficient hydraulic capacity and erosion stabilization measures to convey discharges from the proposed conditions of the project site and the existing conditions from non-project areas from which runoff is collected.*

*2. Projects in the following categories are generally exempt from the water quality and flow control requirements:*

*a. Stream enhancement or restoration projects approved by the City.*

*b. Farming practices as defined by ORS 30.960 and farm use as defined in ORS 214.000; except that buildings associated with farm practices and farm use are subject to the requirements of this chapter.*

*c. Actions by a public utility or any other governmental agency to remove or alleviate an emergency condition.*

*d. Road and parking area preservation/maintenance projects such as pothole and square cut patching, surface sealing, replacing or overlaying of existing asphalt or concrete pavement, provided the preservation/maintenance activity does not expand the existing area of impervious coverage above the thresholds in subsection B of this section.*

*e. Pedestrian and bicycle improvements (sidewalks, trails, pathways, and bicycle paths/lands) where no other impervious surfaces are created or replaced, built to direct stormwater runoff to adjacent vegetated areas.*

*f. Underground utility projects that replace the ground surface with in-kind material or materials with similar runoff characteristics.*

*g. Maintenance or repair of existing utilities.*

**Finding: Not applicable.** No exemptions apply to the proposed development.

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

*1. Bulk petroleum storage facilities;*

*2. Above ground storage of liquid materials;*

*3. Solid waste storage areas, containers, and trash compactors for commercial, industrial, or multi-family uses;*

*4. Exterior storage of bulk construction materials;*

*5. Material transfer areas and loading docks;*

*6. Equipment and/or vehicle washing facilities;*

*7. Development on land with suspected or known contamination;*

*8. Covered vehicle parking for commercial or industrial uses;*

*9. Industrial or commercial uses locating in high traffic areas, defined as average daily count trip of two thousand five hundred or more trips per day; and*



*10. Land uses subject to DEQ 1200-Z Industrial Stormwater Permit Requirements.*

**Finding: Not applicable.** The development has not proposed use of the land that requires additional management practices as defined in the Public Works Stormwater and Grading Design Standards.

*13.12.080 - Submittal requirements.*

*A. Applications subject to stormwater conveyance, water quality, and/or flow control requirements of this chapter shall prepare engineered drainage plans, drainage reports, and design flow calculation reports in compliance with the submittal requirements of the Public Works Stormwater and Grading Design Standards.*

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

**Finding: Complies with condition.** The development shall comply with the current version of the Oregon City Stormwater and Grading Design Standards. The applicant shall provide an engineered drainage plan, signed by a professional engineer in the State of Oregon, for review and approval to fully address all applicable Stormwater and Grading Design Standards. The applicant's engineer shall submit a completed Site Assessment and Planning Checklist, found in Appendix B of the Stormwater and Grading Design Standards. The applicant's preliminary drainage plan and report shows general compliance with the current version of the Oregon City Stormwater and Grading Design Standards. However, the applicant did not fully address all items identified in Section 9 of the Public Works Stormwater and Grading Design Standards. Requirements of this code section can be met by meeting approval criteria outlined in section 13.12.090 of this report. **See findings from section 13.12.090 of this report.**

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

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

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

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

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

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

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

**Finding: Complies with condition.** The applicant shall provide updated engineered drainage plan(s), drainage report(s), and design flow calculation report(s) stamped and signed by a licensed engineer addressing all items from the Section 9 of the Public Works Stormwater and Grading Design Standards. The development shall comply with the current version of the Oregon City Stormwater and Grading Design Standards. Flow control facilities shall be designed so that the duration of peak flow rates from post-development conditions shall be less than or equal to the duration of peak flow rates from pre-development conditions for all peak flows between 42 percent of the 2-year peak flow rate up to the 10-year peak flow rate, per Chapter 4 of the Oregon City Stormwater and Grading Design Standards. The applicant's submittal does not address the City's flow control requirement. The applicant is required to use one of the design methods found in Section 4.3, the BMP Sizing Tool Method or the Engineered Method, for sizing stormwater management facilities for flow control. The applicant shall provide a downstream analysis per Chapter 5 of the Oregon City Stormwater and Grading Design Standards. **It is**



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

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

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

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

*13.12.110 - Transfer of engineering responsibility.*

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

**Finding: Complies with condition.** The development has not identified a project engineer for the project. The developer and engineer for the project shall execute a "Developer/Engineer Agreement for Public Works Improvements" and commit to the responsibilities outlined in the agreement. (Also written in the findings of section 16.12.014) **It is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

*13.12.120 - Standard construction specifications.*

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

**Finding: Complies with condition.** The workmanship and materials for any work performed under permits issued by Oregon City Public Works shall be in accordance with the edition of the "Oregon Standard Specifications for Construction" as prepared by the Oregon Department of Transportation (ODOT) and the Oregon Chapter of American Public Works Association (APWA) and as modified and adopted by the city. (Also written in the findings of section 16.12.010) **It is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

*13.12.140 - Maintenance of public stormwater facilities.*

*A. A stormwater facility that receives stormwater runoff from a public right-of-way shall be a public facility. Upon expiration of the warranty period and acceptance by the City as described below, the City shall be responsible for maintenance of those public stormwater facilities. Access for maintenance of the*



*stormwater facilities shall be provided to the City through the granting of a stormwater easement or other means acceptable to the City.*

**Finding: Not applicable.** The applicant has not proposed public stormwater management facilities.

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

**Finding: Not applicable.** The applicant has not proposed public stormwater management facilities.

*C. The City will perform an inspection of the development's entire publicly maintained stormwater system approximately forty-five days before the two-year warranty period expires. The stormwater system shall be found to be in a clean, functional condition by the City engineer before acceptance of maintenance responsibility by the City.*

**Finding: Not applicable.** The applicant has not proposed public stormwater management facilities.

#### *13.12.145 - Maintenance of private stormwater facilities.*

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

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

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

**Finding: Complies with condition.** The applicant has proposed a privately owned and maintained stormwater facility onsite. The applicant shall execute a "Maintenance Covenant And Access Easement For Privately Owned Stormwater Management Facilities" and pay associated recording fees. The covenant shall include a site plan identifying all privately-owned stormwater management facilities and an operation and maintenance plan for each type of stormwater facility in accordance with the Public Works Stormwater and Grading Design Standards. The Maintenance Covenant and Access Easement shall be reviewed and accepted by the City prior to recording. **It is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

#### *13.12.170 - Permits from other jurisdictions.*

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

**Finding: Not applicable.** The project does not cover one acre or greater; therefore, the developer does not require issuance of a NPDES 1200-C permit.



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

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

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

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

## **CHAPTER 15.48 – GRADING, FILLING AND EXCAVATING**

*15.48.030 Applicability—Grading permit required.*

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

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

**Finding: Complies with condition.** The applicant provided a preliminary grading plan demonstrating general compliance with the City's Public Works requirements for grading standards. The preliminary plan presents grading and paving activities that will result in the creation of impervious surfaces greater than two thousand square feet in area, thus triggering the requirements of Chapter 15.48. City standards for grading, fill and excavation are found in Chapter 3 of the Oregon City Public Works Stormwater and Grading Design Standards. **It is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

*15.48.040 - Grading permit exemptions.*

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

*A. Excavation for utilities, or for wells or tunnels allowed under separate permit by other governmental agencies;*



*B. An excavation below finished grade for basements and footings of a building, retaining wall or other structure authorized by a valid building permit. The placement of any fill material removed from such an excavation requires a grading permit if:*

- 1. It exceeds fifty cubic yards,*
- 2. More than ten cubic yards are removed from the site, or*
- 3. The fill is placed on the site to a depth greater than one foot;*

*C. Farming practices as defined in ORS 30.930 and farm uses as defined in ORS 215.203, except that buildings associated with farm practices and farm uses are subject to the requirements of this chapter;*

*D. Excavation for cemetery graves;*

*E. Sandbagging, diking, ditching, filling or similar work when done to protect life or property during an emergency;*

*F. Repaving of existing paved surfaces that does not alter existing drainage patterns;*

*G. Maintenance work on public roads performed under the direction of the city, Clackamas County or Oregon State Department of Transportation personnel.*

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

#### *15.48.090 Submittal requirements.*

*An engineered grading plan or an abbreviated grading plan shall be prepared in compliance with the submittal requirements of the Public Works Stormwater and Grading Design Standards whenever a city approved grading permit is required. In addition, a geotechnical engineering report and/or residential lot grading plan may be required pursuant to the criteria listed below.*

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

- 1. No portion of the proposed site is within the flood management area overlay district pursuant to [Chapter 17.42](#), the unstable soils and hillside constraints overlay district pursuant to [Chapter 17.44](#), or a water quality resource area pursuant to [Chapter 17.49](#); and*

- 2. The proposed filling or grading activity does not involve more than fifty cubic yards of earth.*

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

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

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

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

**Finding: Complies with condition.** The developer shall provide an engineered grading plan prepared by a professional engineer in compliance with the submittal requirements of the Public Works Stormwater and Grading Design Standards. **It is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**



## **CHAPTER 16.12 – MINIMUM PUBLIC IMPROVEMENTS AND DESIGN STANDARDS FOR DEVELOPMENT**

### *16.12.010 - Purpose and general provisions.*

*All development shall be in conformance with the policies and design standards established by this chapter and with applicable standards in the City's public facility master plans and City design standards and specifications. In reviewing applications for development, the City Engineer shall take into consideration any approved development and the remaining development potential of adjacent properties. All street, water, sanitary sewer, storm drainage and utility plans associated with any development shall be reviewed and approved by the City Engineer prior to construction. All streets, driveways or storm drainage connections to another jurisdiction's facility or right-of-way shall be reviewed by the appropriate jurisdiction as a condition of the preliminary plat and when required by law or intergovernmental agreement shall be approved by the appropriate jurisdiction.*

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

### *16.12.011 - Applicability.*

- A. Compliance with this chapter is required for all development including land divisions, site plan and design review, master plan, detailed development plan and conditional use applications and all public improvements. Minor Site Plan and Design Review applications shall not be subject to this chapter unless improvements are proposed within the right-of-way, or as otherwise provided in this chapter.*
- B. Compliance with this chapter is also required for new construction or additions which exceed fifty percent of the existing square footage of all 3-4 plexes, single and two-family dwellings living space. Garages, carports, sheds, and porches may not be included in the calculation if these spaces are not living spaces. Accessory dwelling units are not subject to compliance with this chapter. All applicable 3-4 plexes, single and two -family dwellings shall provide any necessary dedications, easements or agreements as identified in the transportation system plan and this chapter, subject to constitutional limitations. In addition, the street frontage shall be improved to include the following priorities for improvements:*
  - 1. Improve street pavement, construct curbs, gutters, sidewalks and planter strips; and*
  - 2. Plant street trees.*

*The cost of compliance with the standards identified in 16.12.011.B.1 and 16.12.011.B.2 is calculated based on the square footage valuation from the State of Oregon Building Codes Division and limited to ten percent of the total construction costs. The value of the alterations and improvements is based on the total construction costs for a complete project rather than costs of various project component parts subject to individual building permits. The entire proposed construction project cost includes engineering and consulting fees and construction costs. It does not include permit fees, recording fees, or any work associated with drafting or recording dedications or easements.*

**Finding: Applicable.** The application is a site plan and design review; therefore, the development shall follow the standards set forth in OCMC 16.12.

### *16.12.012 - Jurisdiction and management of the public rights-of-way.*

*The City has jurisdiction and exercises regulatory management over all public rights-of-way as defined and outlined within 12.04 of the Oregon City Municipal Code.*

**Finding: Applicable.** The City has jurisdiction and exercises regulatory management over all public rights-of-way as defined and outlined within 12.04 of the Oregon City Municipal Code.



#### 16.12.013 - Modifications.

*The applicant may request and the review body may consider modification of the standards in this chapter resulting from constitutional limitations restricting the City's ability to require the dedication of property or for any other reason, based upon the criteria listed below and other criteria identified in the standard to be modified. All modifications, except for adjustments approved by the City Engineer for tree preservation purposes pursuant to 16.12.013.A, shall be processed through a Type II Land Use application and may require additional evidence from a transportation engineer or others to verify compliance. Compliance with the following criteria is required:*

*A. The modification meets the intent of the standard;*

**Finding: Not applicable.** No modification has been requested.

*B. The modification provides safe and efficient movement of pedestrians, motor vehicles, bicyclists and freight;*

**Finding: Not applicable.** No modification has been requested.

*C. The modification is consistent with an adopted transportation or utility plan; and*

**Finding: Not applicable.** No modification has been requested.

*D. The modification is complementary with a surrounding street design; or, in the alternative;*

**Finding: Not applicable.** No modification has been requested.

*E. If a modification is requested for constitutional reasons, the applicant shall demonstrate the constitutional provision or provisions to be avoided by the modification and propose a modification that complies with the state or federal constitution. The City shall be under no obligation to grant a modification in excess of that which is necessary to meet its constitutional obligations.*

**Finding: Not applicable.** No modification has been requested.

#### 16.12.014 - Administrative provisions.

*An applicant shall submit the following items to the City and complete the following tasks prior to proceeding with construction of proposed development plans. These items include the following:*

*A. Pre-Design Meeting;*

*B. Final Engineering Plans, Stamped and Signed by an Oregon Licensed Professional Engineer;*

*C. Stormwater Report, Stamped and Signed by an Oregon Licensed Professional Engineer;*

*D. Geotechnical Report, Stamped and Signed by an Oregon Licensed Professional Engineer (if applicable);*

*E. Engineer's Preliminary and Final Cost Estimates (also may be known as engineer's opinion of probable construction cost);*

*F. Plan Check and Inspection Fees (as set by City resolution);*

*G. Certificate of Liability Insurance for city funded public projects contracted by the City (not less than one million dollars single incident and two million dollars aggregate);*

*H. Preconstruction Meeting Notes;*

*I. Financial Guarantee(s) per OCMC 17.50.140;*

*J. Applicable Approvals/Permits from other agencies or entities;*

*K. Developer/Engineer Agreement for public works improvements.*

*An applicant shall submit the following additional items to the City and complete the following tasks prior to completing construction of proposed development plans. These items include the following:*

*L. Project Engineer's Certificate of Completion;*

*M. Stormwater Operation and Maintenance Easement (if applicable);*

*N. Deed of Dedication (Bargain and Sale Deed);*



- O. Recorded Plat and/or Easements (if applicable);*
- P. Recorded Non-Remonstrance Covenant Agreement;*
- Q. Land Division Compliance Agreement (if applicable);*
- R. Permanent Stabilization and/or Restoration of the impact from the development;*
- S. Fulfillment of all Conditions of Approval;*
- T. Payment of all Outstanding Fees;*
- U. Maintenance Guarantee(s). per OCMC 17.50.141;*
- V. Indemnity Agreement (if applicable);*
- W. Completed Punchlist;*
- X. As-Built Drawings;*

*Details on individual items required by this subsection can be obtained by contacting Public Works. Many items, such as the engineer's cost estimate and plan check and inspection fee, maybe be submitted in conjunction with documentation for other infrastructure improvements that are done with the development (such as street, sanitary sewer, and water).*

**Finding: Complies as Conditioned.** The developer shall submit or address all items in section 16.12.014 of the Oregon City Municipal Code based on the timing requirements contained therein and as deemed applicable by the City. The developer and engineer for the project shall execute a “Developer/Engineer Agreement for Public Works Improvements” and commit to the responsibilities outlined in the agreement. **It is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

#### *16.12.015 - Street design—Generally.*

*Development shall be required to provide existing or future connections to adjacent sites through the use of vehicular and pedestrian access easements where applicable. Development shall provide any necessary dedications, easements or agreements as identified in the Transportation System Plan, Trails Master Plan, and/or Parks and Recreation Master Plan and this chapter, subject to constitutional limitations. The location, width and grade of street shall be considered in relation to: existing and planned streets, topographical conditions, public convenience and safety for all modes of travel, existing and identified future transit routes and pedestrian/bicycle accessways, overlay districts, and the proposed use of land to be served by the streets. The street system shall assure an adequate traffic circulation system with intersection angles, grades, tangents and curves appropriate for the traffic to be carried considering the terrain. To the extent possible, proposed streets shall connect to all existing or approved stub streets that abut the development site. The arrangement of streets shall either:*

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

*B. Where necessary to give access to or permit a satisfactory future development of adjoining land, streets shall be extended to the boundary of the development and the resulting dead-end street (stub) may be approved with a temporary turnaround as approved by the City Engineer. Notification that the street is planned for future extension shall be posted on the stub street until the street is extended and shall inform the public that the dead-end street may be extended in the future. Access control in accordance with OCMC 16.12.017 shall be required to preserve the objectives of street extensions.*

*C. Adequate right-of-way and improvements to streets, pedestrian ways, bike routes and bikeways, and transit facilities shall be provided and be consistent with the City's Transportation System Plan. Consideration shall be given to the need for street widening and other improvements in the area of the proposed development impacted by traffic generated by the proposed development. This shall include, but not be limited to, improvements to the right-of-way, such as installation of lighting, signalization, turn lanes, median and parking strips, traffic islands, paving, curbs and gutters, sidewalks, bikeways,*



street drainage facilities and other facilities needed because of anticipated vehicular and pedestrian traffic generation.

**Finding: Complies as proposed.** The location, widths, and grades of the proposed street system provides for the continuation or appropriate projection of existing principal streets in the surrounding area and gives access for future development of adjoining land. The development has provided a convenient street system for the safety of all modes of travel, including pedestrian and bicycle to, from, and through the subject site. Based on the development patterns and future needs of the area, no roadway improvements will be required along Warner Parrot Road.

#### 16.12.016 - Street design.

All development regulated by this chapter shall provide street improvements in compliance with the standards in Table 16.12.016 depending on the street classification set forth in the Transportation System Plan and the Comprehensive Plan designation of the adjacent property, unless an alternative plan has been adopted. The table implements the adopted Transportation System Plan and illustrates the maximum design standards. These standards may be reduced with an alternative street design which may be approved based on the modification criteria in OCMC 16.12.013. The steps for reducing the street design are found in the Transportation System Plan.

Table 16.12.016 Street Design

Table 16.12.016 Street Design. To read the table select the road classification as identified in the Transportation System Plan and the Comprehensive Plan designation of the adjacent properties to find the maximum design standards for the road cross section. If the Comprehensive Plan designation for lands on either side of the street differs, the wider right-of-way standard shall apply.

| Road Classification | Comprehensive Plan Designation               | Right-of-Way Width | Pavement Width | Public Access | Sidewalk                                             | Landscape Strip | Bike Lane | Street Parking | Travel Lanes     | Median |
|---------------------|----------------------------------------------|--------------------|----------------|---------------|------------------------------------------------------|-----------------|-----------|----------------|------------------|--------|
| Major Arterial      | Mixed Use, Commercial or Public/Quasi Public | 116 ft.            | 94 ft.         | 0.5 ft.       | 10.5 ft. sidewalk including 5 ft. x 5 ft. tree wells |                 | 6 ft.     | 8 ft.          | (5) 12 ft. Lanes | 6 ft.  |
|                     | Industrial                                   | 120 ft.            | 88 ft.         | 0.5 ft.       | 5 ft.                                                | 10.5 ft.        | 6 ft.     | N/A            | (5) 14 ft. Lanes | 6 ft.  |
|                     | Residential                                  | 126 ft.            | 94 ft.         | 0.5 ft.       | 5 ft.                                                | 10.5 ft.        | 6 ft.     | 8 ft.          | (5) 12 ft. Lanes | 6 ft.  |

| Road Classification | Comprehensive Plan Designation | Right-of-Way Width | Pavement Width | Public Access | Sidewalk                                             | Landscape Strip | Bike Lane | Street Parking | Travel Lanes     | Median |
|---------------------|--------------------------------|--------------------|----------------|---------------|------------------------------------------------------|-----------------|-----------|----------------|------------------|--------|
| Minor Arterial      | Mixed Use, Commercial or       | 116 ft.            | 94 ft.         | 0.5 ft.       | 10.5 ft. sidewalk including 5 ft. x 5 ft. tree wells |                 | 6 ft.     | 8 ft.          | (5) 12 ft. Lanes | 6 ft.  |



|  |                            |                |               |                |              |                 |              |              |                         |              |
|--|----------------------------|----------------|---------------|----------------|--------------|-----------------|--------------|--------------|-------------------------|--------------|
|  | <i>Public/Quasi Public</i> |                |               |                |              |                 |              |              |                         |              |
|  | <i>Industrial</i>          | <i>118 ft.</i> | <i>86 ft.</i> | <i>0.5 ft.</i> | <i>5 ft.</i> | <i>10.5 ft.</i> | <i>6 ft.</i> | <i>7 ft.</i> | <i>(5) 12 ft. Lanes</i> | <i>N/A</i>   |
|  | <i>Residential</i>         | <i>100 ft.</i> | <i>68 ft.</i> | <i>0.5 ft.</i> | <i>5 ft.</i> | <i>10.5 ft.</i> | <i>6 ft.</i> | <i>7 ft.</i> | <i>(3) 12 ft. Lanes</i> | <i>6 ft.</i> |

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

| <i>Road Classification</i> | <i>Comprehensive Plan Designation</i>               | <i>Right-of-Way Width</i> | <i>Pavement Width</i> | <i>Public Access</i> | <i>Sidewalk</i>                                             | <i>Landscape Strip</i> | <i>Bike Lane</i>               | <i>Street Parking</i> | <i>Travel Lanes</i>     | <i>Median</i> |
|----------------------------|-----------------------------------------------------|---------------------------|-----------------------|----------------------|-------------------------------------------------------------|------------------------|--------------------------------|-----------------------|-------------------------|---------------|
| <i>Local</i>               | <i>Mixed Use, Commercial or Public/Quasi Public</i> | <i>62 ft.</i>             | <i>40 ft.</i>         | <i>0.5 ft.</i>       | <i>10.5 ft. sidewalk including 5 ft. x 5 ft. tree wells</i> |                        | <i>N/A</i>                     | <i>8 ft.</i>          | <i>(2) 12 ft. Lanes</i> | <i>N/A</i>    |
|                            | <i>Industrial</i>                                   | <i>60 ft.</i>             | <i>38 ft.</i>         | <i>0.5 ft.</i>       | <i>5 ft.</i>                                                | <i>5.5 ft.</i>         | <i>(2) 19 ft. Shared Space</i> |                       | <i>N/A</i>              |               |
|                            | <i>Residential</i>                                  | <i>54 ft.</i>             | <i>32 ft.</i>         | <i>0.5 ft.</i>       | <i>5 ft.</i>                                                | <i>5.5 ft.</i>         | <i>(2) 16 ft. Shared Space</i> |                       | <i>N/A</i>              |               |

1. Pavement width includes, bike lane, street parking, travel lanes and median.
2. Public access, sidewalks, landscape strips, bike lanes and on-street parking are required on both sides of the street in all designations. The right-of-way width and pavement widths identified above include the total street section.
3. A 0.5 foot curb is included in landscape strip or sidewalk width.
4. Travel lanes may be through lanes or turn lanes.
5. The 0.5 foot public access provides access to adjacent public improvements.



6. Alleys shall have a minimum right-of-way width of twenty feet and a minimum pavement width of sixteen feet. If alleys are provided, garage access shall be provided from the alley.

7. A raised concrete median or landscape median shall be utilized for roads identified to have access restrictions.

**Finding: Complies as proposed.** Warner Parrot Road has right-of-way that is approximately 60-foot-wide along the property's frontage with approximately 34 feet on the subject property side of the centerline. Existing improvements on the subject property side of the centerline of Warner Parrot Road consist of approximately 25 feet of pavement (11-foot-wide travel lane, 6-foot-wide bike lane, and 7-foot-wide parking), 0.5 foot curb, 6-foot-wide sidewalk and 2.5-foot-wide public access. Based on the development patterns and future needs of the area, no roadway improvements will be required along Warner Parrot Road.

*A. Sidewalks. The applicant shall provide for sidewalks on both sides of all public streets, on any private street if so required by the decision-maker, and in any special pedestrian way within the development. Both sidewalks and curbs are to be constructed to City standards and at widths set forth above, and according to plans and specifications provided by the City Engineer. Exceptions to this requirement may be allowed in order to accommodate topography, trees or some similar site constraint. In the case of major or minor arterials, the decision-maker may approve a development without sidewalks where sidewalks are found to be dangerous or otherwise impractical to construct or are not reasonably related to the applicant's development. The decision-maker may require the applicant to provide sidewalks concurrent with the issuance of the initial building permit within the area that is the subject of the development application. Applicants for partitions may be allowed to meet this requirement by providing the City with a financial guarantee per OCMC 16.12.110.*

**Finding: Complies as proposed.** See findings in Section 16.12.016.

*B. Pedestrian and Bicycle Accessways Routes. If deemed appropriate to extend pedestrian and bicycle routes, existing or planned, the decision-maker may require the installation of separate pedestrian and bicycle facilities.*

**Finding: Complies as proposed.** See findings in Section 16.12.016.

*C. Street Name Signs and Traffic Control Devices. The applicant shall install street signs and traffic control devices as directed by the City Engineer. Street name signs and traffic control devices shall be in conformance with all applicable city regulations and standards.*

**Finding: Not applicable.** Installation of street signs and traffic control devices is not required for this proposed development.

*D. Street Lights. The applicant shall install street lights which shall be served from an underground source of supply. Street lights shall be in conformance with all City regulations.*

**Finding: Complies as proposed.** Existing street lighting is adequate. No additional street lighting will be required.

*E. Any new street proposed with a pavement width of less than thirty-two feet shall be processed through OCMC 16.12.013 and meet minimum life safety requirements, which may include fire suppression devices as determined by the Fire Marshall to assure an adequate level of fire and life safety. The modified street shall have no less than a twenty-foot wide unobstructed travel lane.*

**Finding: Not applicable.** No new streets are proposed.



*F. All development shall include vegetated planter strips that are five feet in width or larger and located between the sidewalk and curb unless otherwise approved pursuant to this chapter. All development shall utilize the vegetated planter strip for the placement of street trees or place street trees in other acceptable locations, as prescribed by OCMC 12.08. Development proposed along a collector, minor arterial, or major arterial roads may place street trees within tree wells within a wider sidewalk in lieu of a planter strip. In addition to street trees per OCMC 12.08, vegetated planter strips shall include ground cover and/or shrubs spaced four feet apart and appropriate for the location. No invasive or nuisance plant species shall be permitted.*

**Finding: Complies as proposed.** See findings in Section 16.12.016.

*G. Vehicle and pedestrian access easements may serve in lieu of streets when approved by the decision maker and only where dedication of a street is deemed impracticable.*

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

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

**Finding: Not applicable.** No vehicular or pedestrian easements are proposed.

#### *16.12.017 - Street design—Access control.*

*A. A street which is dedicated to end at the boundary of the development or in the case of half-streets dedicated along a boundary shall have an access control granted to the City as a City controlled plat restriction for the purposes of controlling ingress and egress to the property adjacent to the end of the dedicated street. The access control restriction shall exist until such time as a public street is created, by dedication and accepted, extending the street to the adjacent property.*

**Finding: Not applicable.** No new streets with dead ends are proposed for this development.

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

**Finding: Not applicable.** No new streets with dead ends are proposed for this development.

*C. The plat shall contain the following access control language or similar on the face of the map at the end of each street for which access control is required: "Access Control (See plat restrictions)."*

**Finding: Not applicable.** No new streets with dead ends are proposed for this development.

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

**Finding: Not applicable.** No new streets with dead ends are proposed for this development.

#### *16.12.018 - Street design—Alignment.*

*The centerline of streets shall be:*

*A. Aligned with existing streets by continuation of the centerlines; or*

*B. Offset from the centerline by no more than five feet, provided appropriate mitigation, in the judgment of the City Engineer, is provided to ensure that the offset intersection will not pose a safety hazard.*

*C. Driveways that are at least twenty-four feet wide shall align with existing or planned streets on adjacent sites.*



**Finding: Not applicable.** No new streets are proposed.

*16.12.019 - Traffic sight obstructions.*

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

**Finding: Not applicable.** No new streets are proposed.

*16.12.020 - Street design—Intersection angles.*

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

**Finding: Not applicable.** No new intersections are being created.

*16.12.021 - Street design—Grades and curves.*

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

**Finding: Not applicable.** No new streets are proposed.

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

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

**Finding: Not applicable.** The decision maker has not required access control, screen plantings or a wall for the frontage along Warner Parrot Road, which is an arterial.

*16.12.023 - Street design—Pedestrian and bicycle safety.*

*Where deemed necessary to ensure public safety, reduce traffic hazards and promote the welfare of pedestrians, bicyclists and residents of the subject area, the decision maker may require that local streets be so designed as to discourage their use by nonlocal automobile traffic.*

*The City Engineer may require that crosswalks include a large vegetated or sidewalk area which extends into the street pavement as far as practicable to provide safer pedestrian crossing opportunities. These curb extensions can increase the visibility of pedestrians and provide a shorter crosswalk distance as well as encourage motorists to drive slower. The City Engineer may approve an alternative design that achieves the same standard for constrained sites.*

**Finding: Not applicable.** No new streets are proposed.

*16.12.024 - Street design—Half street.*



*Half streets, while generally not acceptable, may be approved where essential to the development, when in conformance with all other applicable requirements, and where it will not create a safety hazard.*

*When approving half streets, the decision maker shall first determine that it will be practical to require the dedication of the other half of the street when the adjoining property is divided or developed. Where the decision maker approves a half street, the applicant shall construct a half street with at least twenty feet of pavement width and provide signage prohibiting street parking so as to make the half street safe until such time as the other half is constructed. Whenever a half street is adjacent to property capable of being divided or developed, the other half of the street shall be provided and improved when that adjacent property divides or develops. Access control may be required to preserve the objectives of half streets.*

*When the remainder of an existing half-street improvement is completed it shall include the following items: dedication of required right-of-way, construction of the remaining portion of the street including pavement, curb and gutter, landscape strip, sidewalk, street trees, lighting and other improvements as required for that particular street. It shall also include at a minimum the pavement replacement to the centerline of the street. Any damage to the existing street shall be repaired in accordance with the City's "Pavement Cut Standards" or as approved by the City Engineer.*

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

#### *16.12.025 - Street design—Cul-de-sacs and dead-end streets.*

*The City discourages the use of cul-de-sacs and permanent dead-end streets except where construction of a through street is found by the decision maker to be impracticable due to topography or some significant physical constraint such as geologic hazards, wetland, natural or historic resource areas, pre-existing dedicated open space, pre-existing development patterns, arterial access restrictions or similar situation as determined by the decision maker. This section is not intended to preclude the use of curvilinear eyebrow widening of a street where needed.*

*A. When permitted, access from new cul-de-sacs and permanent dead-end streets shall be limited to a maximum of twenty-five dwelling units.*

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

*B. Cul-de-sacs and permanent dead-end streets shall include pedestrian/bicycle accessways to meet minimum block width standards as prescribed in OCMC 16.12.030.*

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

*C. Cul-de-sacs shall have sufficient radius to provide adequate turn-around for emergency vehicles in accordance with fire district and city adopted street standards.*

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

*D. Permanent dead-end streets shall provide public street right-of-way/easements sufficient to provide a sufficient amount of turn-around space complete with appropriate no-parking signs or markings to accommodate waste disposal, sweepers, emergency and other long vehicles in the form of a hammerhead or other design to be approved by the decision maker.*

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



*E. In the case of dead-end stub streets that will connect to streets on adjacent sites in the future, notification that the street is planned for future extension shall be posted on the stub street until the street is extended and shall inform the public that the dead-end street may be extended in the future. A dead-end street shall include signage or barricade meeting Manual on Uniform Traffic Control Devices (MUTCD).*

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

#### *16.12.026 - Street design—Alleys.*

*Alleys with public access easements on private property shall be provided in the Park Place and South End concept plan areas for the following districts R-5, R-3.5, R-2, MUC-1, MUC-2 and NC zones unless other permanent provisions for private access to off-street parking and loading facilities are approved by the decision maker. All alleys intended to provide access for emergency vehicles shall be a minimum width of twenty feet. The corners of alley intersections shall have a radius of not less than ten feet and shall conform to standards approved by the City Engineer. Access easements and maintenance agreements shall be recorded on affected properties.*

**Finding: Not applicable.** Alleys are not proposed or required for this development.

#### *16.12.027 - Street design—Off-site street improvements.*

*During consideration of the preliminary plan for a development, the decision maker shall determine whether existing streets impacted by, adjacent to, or abutting the development meet the applicable design or dimensional requirements. Where such streets fail to meet these requirements, the decision-maker shall require the applicant to make proportional improvements sufficient to achieve conformance with minimum applicable design standards required to serve the proposed development.*

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

#### *16.12.028 - Street design—Transit.*

*Streets shall be designed and laid out in a manner that promotes pedestrian and bicycle circulation. The applicant shall coordinate with transit agencies where the application impacts transit streets as identified in OCMC 17.04.1310. Pedestrian/bicycle access ways shall be provided as necessary to minimize the travel distance to transit streets and stops and neighborhood activity centers. The decision maker may require provisions, including easements, for transit facilities along transit streets where a need for bus stops, bus pullouts or other transit facilities within or adjacent to the development has been identified.*

**Finding: Complies as proposed.** No new streets are required or proposed and the existing streets adjacent to the development are laid out in a manner that promotes pedestrian and bicycle circulation.

#### *16.12.029 - Excavations—Restoration of pavement.*

*Whenever any excavation shall have been made in any pavement or other street improvement on any street or alley in the City for any purpose whatsoever under the permit granted by the engineer, it shall be the duty of the person making the excavation to restore the pavement in accordance with the City of Oregon City Public Works Pavement Cut Standards in effect at the time the permit is granted. The City Commission may adopt and modify the City of Oregon City Public Works Pavement Cut Standards by resolution as necessary to implement the requirements of this chapter.*

**Finding: Complies with condition.** Pavement cuts are proposed within Warner Parrot Road due to utility service installation. Pavement cuts or other improvements made in a City street or alley shall be done in



accordance with the City of Oregon City Public Works Pavement Cut Standards and restored in accordance with the City of Oregon City Public Works Pavement Cut Standards. At the of the application, the pavement restoration requirement for Warner Parrot Road is the Full Standard. However, specific pavement cut standard requirements are determined at the time of construction. **It is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

#### 16.12.030 - Blocks—Width.

*The width of blocks shall ordinarily be sufficient to allow for two tiers of lots with depths consistent with the type of land use proposed. The length, width and shape of blocks shall take into account the need for adequate building site size, convenient motor vehicle, pedestrian, bicycle and transit access, control of traffic circulation, and limitations imposed by topography and other natural features.*

*All new streets shall be designed as local streets unless otherwise designated as arterials and collectors in the current adopted Transportation System Plan. The maximum block spacing between streets is 530 feet and the minimum block spacing between streets is 150 feet as measured between the right-of-way centerlines except in zones GI, CI, MUE, I, and WFDD where determining the appropriate street spacing will be determined by the City Engineer. If the maximum block size is exceeded, pedestrian accessways shall be provided every 330 feet. The spacing standards within this section do not apply to alleys.*

**Finding: Not applicable.** No new streets are proposed. The applicant has not applied for a land division. The distance between the right-of-way centerlines is approximately 1,058 feet, which exceeds the block length standard. However, the existing lot is located on a block comprised of four older subdivisions bounded by South End Road, Boynton Street, and Glacier Street. The block is entirely built out with single family residential development and it would be infeasible to construct a new street or pedestrian accessway given the existing development pattern. The property is approximately 120 west of Boynton Street and approximately 750 feet east of South End Road.

#### 16.12.031 - Street design—Street names.

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

**Finding: Not applicable.** No new streets are proposed.

#### 16.12.032 – Public off-street pedestrian and bicycle accessways.

*Pedestrian/bicycle accessways are intended to provide direct, safe and convenient connections between residential areas, retail and office areas, institutional facilities, industrial parks, transit streets, neighborhood activity centers, rights-of-way, and pedestrian/bicycle accessways which minimize out-of-direction travel, and transit-orientated developments where public street connections for automobiles, bicycles and pedestrians are unavailable. Pedestrian/bicycle accessways are appropriate in areas where public street options are unavailable, impractical or inappropriate. Pedestrian and bicycle accessways are required through private property or as right-of-way connecting development to the right-of-way at intervals not exceeding 330 feet of frontage; or where the lack of street continuity creates inconvenient or out of direction travel patterns for local pedestrian or bicycle trips.*

**Finding: Not applicable.** No public off-street pedestrian or bicycle accessways are proposed.

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

**Finding: Not applicable.** No public off-street pedestrian or bicycle accessways are proposed.



*B. Accessways shall be free of horizontal obstructions and have a nine foot six inch high vertical clearance to accommodate bicyclists. To safely accommodate both pedestrians and bicycles, accessway right-of-way widths shall be as follows:*

*1. Accessways shall have a fifteen- foot wide right-of-way with a seven-foot wide paved surface with a minimum four-foot planter strip on either side.*

*2. If an accessway also provides secondary fire access, the right-of-way width shall be at least twenty-four feet wide with a - sixteen foot paved surface between four-foot planter strips on either side.*

**Finding: Not applicable.** No public off-street pedestrian or bicycle accessways are proposed.

*C. Accessways shall be direct with at least one end point of the accessway always visible from any point along the accessway. On-street parking shall be prohibited within fifteen feet of the intersection of the accessway with public streets to preserve safe sight distance and promote safety.*

**Finding: Not applicable.** No public off-street pedestrian or bicycle accessways are proposed.

*D. To enhance pedestrian and bicycle safety, accessways shall be lighted with pedestrian-scale lighting. Accessway lighting shall be to a minimum level of one-half-foot-candles, a one and one-half foot-candle average, and a maximum to minimum ratio of seven-to-one and shall be oriented not to shine upon adjacent properties. Street lighting shall be provided at both entrances.*

**Finding: Not applicable.** No public off-street pedestrian or bicycle accessways are proposed.

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

**Finding: Not applicable.** No public off-street pedestrian or bicycle accessways are proposed.

*F. The planter strips on either side of the accessway shall be landscaped along adjacent property by installation of the following:*

*1. Either an evergreen hedge screen of thirty to forty-two inches high or shrubs spaced no more than four feet apart on average; and*

*2. Ground cover covering one hundred percent of the exposed ground. No bark mulch shall be allowed except under the canopy of shrubs and within two feet of the base of trees; and*

*3. A two-inch minimum caliper tree for every thirty-five -feet along the accessway. Trees may be planted on either side of the accessway, provided they are spaced no more than thirty-five feet apart; and*

*4. In satisfying the requirements of this section, evergreen plant materials that grow over forty-two inches in height shall be avoided. All plant materials shall be selected from the Oregon City Native Plant List.*

**Finding: Not applicable.** No public off-street pedestrian or bicycle accessways are proposed.

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

**Finding: Not applicable.** No public off-street pedestrian or bicycle accessways are proposed.

*H. Accessway surfaces shall be paved with all-weather materials as approved by the City. Pervious materials are encouraged. Accessway surfaces shall be designed to drain stormwater runoff to the side or sides of the accessway. Minimum cross slope shall be two percent.*

**Finding: Not applicable.** No public off-street pedestrian or bicycle accessways are proposed.

*I. In parks, greenways or other natural resource areas, accessways may be approved with a five-foot wide gravel path with wooden, brick or concrete edgings.*

**Finding: Not applicable.** No public off-street pedestrian or bicycle accessways are proposed.



*J. The decision maker may approve an alternative accessway design due to existing site constraints through the modification process set forth in OCMC 16.12.013.*

**Finding: Not applicable.** No public off-street pedestrian or bicycle accessways are proposed.

*K. Ownership, liability and maintenance of accessways. To ensure that all pedestrian/bicycle accessways will be adequately maintained over time, the City Engineer shall require one of the following:*

- 1. Dedicate the accessways to the public as public right-of-way prior to the final approval of the development; or*
- 2. The developer incorporates the accessway into a recorded easement or tract that specifically requires the property owner and future property owners to provide for the ownership, liability and maintenance of the accessway.*

**Finding: Not applicable.** No public off-street pedestrian or bicycle accessways are proposed.

#### *16.12.033 - Mobility standards.*

*Development shall demonstrate compliance with intersection mobility standards. When evaluating the performance of the transportation system, the City of Oregon City requires all intersections, except for the facilities identified in subsection E below, to be maintained at or below the following mobility standards during the two-hour peak operating conditions. The first hour has the highest weekday traffic volumes and the second hour is the next highest hour before or after the first hour. Except as provided otherwise below, this may require the installation of mobility improvements as set forth in the Transportation System Plan (TSP) or as otherwise identified by the City Engineer.*

*A. For intersections within the regional center, the following mobility standards apply:*

- 1. During the first hour, a maximum v/c ratio of 1.10 shall be maintained. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.*
- 2. During the second hour, a maximum v/c ratio of 0.99 shall be maintained at signalized intersections. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.*
- 3. Intersections located on the Regional Center boundary shall be considered within the Regional Center.*

*B. For intersections outside of the Regional Center but designated on the Arterial and Throughway Network, as defined in the Regional Transportation Plan, the following mobility standards apply:*

- 1. During the first hour, a maximum v/c ratio of 0.99 shall be maintained. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.*
- 2. During the second hour, a maximum v/c ratio of 0.99 shall be maintained at signalized intersections. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.*

*C. For intersections outside the boundaries of the Regional Center and not designated on the Arterial and Throughway Network, as defined in the Regional Transportation Plan, the following mobility standards apply:*

*1. For signalized intersections:*

- a. During the first hour, LOS "D" or better will be required for the intersection as a whole and no approach operating at worse than LOS "E" and a v/c ratio not higher than 1.0 for the sum of the critical movements.*



*b. During the second hour, LOS "D" or better will be required for the intersection as a whole and no approach operating at worse than LOS "E" and a v/c ratio not higher than 1.0 for the sum of the critical movements.*

*2. For unsignalized intersections outside of the boundaries of the Regional Center:*

*a. For unsignalized intersections, during the peak hour, all movements serving more than twenty vehicles shall be maintained at LOS "E" or better. LOS "F" will be tolerated at movements serving no more than twenty vehicles during the peak hour.*

*D. For the intersection of OR 213 & Beavercreek Road, the following mobility standards apply:*

*1. During the first, second & third hours, a maximum v/c ratio of 1.00 shall be maintained. Calculation of the maximum v/c ratio will be based on an average annual weekday peak hour.*

*E. Until the City adopts new performance measures that identify alternative mobility targets, the City shall exempt proposed development that is permitted, either conditionally, outright, or through detailed development master plan approval, from compliance with the above-referenced mobility standards for the following state-owned facilities:*

*I-205/OR 99E Interchange*

*State intersections located within or on the Regional Center Boundaries*

*1. In the case of conceptual development approval for a master plan that impacts the above references intersections:*

*a. The form of mitigation will be determined at the time of the detailed development plan review for subsequent phases utilizing the Code in place at the time the detailed development plan is submitted; and*

*b. Only those trips approved by a detailed development plan review are vested.*

*2. Development which does not comply with the mobility standards for the intersections identified in OCMC 16.12.033 shall provide for the improvements identified in the Transportation System Plan (TSP) in an effort to improve intersection mobility as necessary to offset the impact caused by development. Where required by other provisions of the Code, the applicant shall provide a traffic impact study that includes an assessment of the development's impact on the intersections identified in this exemption and shall construct the intersection improvements listed in the TSP or required by the Code.*

**Finding: Complies as proposed.** The applicant submitted a Transportation Analysis Letter, prepared pursuant to the City's guidelines for Transportation Impact Analysis. John Replinger, PE, the City's transportation engineering consultant, reviewed the materials in support of the proposed expansion. Key materials consist of the Transportation Analysis Letter (TAL) prepared under the direction of Frank Charbonneau, PE of Charbonneau Engineering. The TAL is dated January 23, 2020. An addendum adding crash information is dated February 4, 2020.

Mr. Replinger found that the TAL addressed the city's requirements and provides an adequate basis to evaluate impacts of the proposed expansion. Mr. Replinger's comments follow:

1. **Trip Generation.** The TAL presented information on trip generation for a 30-bed residential care facility. The trip generation rates were taken from the Institute of Transportation Engineers' Trip Generation Manual. The engineer used the trip generation rates for land use category 254 – assisted living facility. The engineer predicted that the facility would produce 6 AM peak hour trips; 8 PM peak hour trips; and 78 weekday trips. The calculations of trip generation appear reasonable.
2. **Access Locations.** No change in access location is proposed in connection with the expansion. An existing driveway would serve the facility. According to the TAL, the driveway is located 160 feet west of Boynton Street and 390 feet east of the intersection of King Road. The driveway location is appropriate.
3. **Driveway Width.** The driveway appears to meet city requirements for driveway width.



4. **Intersection Spacing.** No new street intersections are proposed.
5. **Sight Distance.** The engineer measured sight distance to be more than 500 feet to the west and 1000 feet to the east. This easily exceeds the 390-foot sight distance applicable to the site based on travel speed. The engineer concluded sight distance meets applicable standards. I concur.
6. **Safety Issues.** The February addendum provided information on crashes in the Warner Parrott Road corridor for the three-year period from 2015 through 2017. The engineer indicated there were two reported crashes at the intersection of Warner Parrott Road and King Road and one at the intersection of Warner Parrott Road and Birchwood Drive. Crash rates are low. The engineer did not find any safety issues associated with the proposed development. There is no indication that the development will cause any additional safety issues.
7. **Consistency with the Transportation System Plan (TSP).** Frontage along Warner Parrott Road appears to meet applicable standards as prescribed in the city code and the TSP.

Mr. Replinger found that the TAL meets city requirements and that the proposed 30-bed facility will have insignificant transportation impacts. There is no need for any mitigation measures in connection with the expansion. Staff notes that the applicant will be responsible for paying System Development Charges at the time of building permit issuance. For comparison's sake, Mr. Replinger noted by separate email that the memory care facility produces 6 AM peak hour trips, 8 PM peak trips, and 78 weekday trips. Two single-family homes, which could be permitted on the same property, would produce 2 AM peak hour trips, 2 PM peak hour trips, and 20 weekday trips. So, the traffic impact is roughly four times the impact of two homes.

#### 16.12.035 - Driveways.

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

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

The distance from a street corner to a driveway is measured along the right-of-way from the edge of the intersection (on the same side of the road) right-of-way to the nearest portion of the driveway and the distance between driveways is measured at the nearest portions of the driveway at the right-of-way.

**Finding: Complies with condition.** All driveways, new and existing, shall meet the minimum driveway spacing standards identified in Table 12.04.195.B. Approved driveway locations will need included on engineering plans prior to receiving a permit and beginning construction. **It is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**



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

**Finding: Not applicable.** The applicant's proposed driveway shall not be treated as an intersection.

*C. One driveway may be allowed per frontage, unless otherwise restricted. In no case shall more than two driveways be allowed for any single-family attached or detached residential property, duplex, 3-4 plex, or property developed with an ADU or internal conversion with multiple frontages, unless otherwise approved by the City Engineer.*

**Finding: Complies as proposed.** The proposed development shows one driveway along the frontage of Warner Parrot Road.

*D. When a property fronts multiple roads, access shall be provided from the road with the lowest classification in the Transportation System Plan whenever possible to minimize points of access to arterials and collectors. At the discretion of the City Engineer, properties fronting a collector or arterial road may be allowed a second driveway, for the creation of a circulation pattern that eliminates reverse maneuvers for vehicles exiting a property if applied for and granted through procedures in OCMC 16.12.013. All lots proposed with a driveway and lot orientation on a collector or minor arterial shall combine driveways into one joint access per two or more lots unless the City Engineer determines that:*

- 1. No driveway access may be allowed since the driveway(s) would cause a significant traffic safety hazard; or*
- 2. Allowing a single driveway access per lot will not cause a significant traffic safety hazard.*

**Finding: Not applicable.** The property does not front multiple roads.

*E. All driveway approaches shall be limited to the dimensions identified in Table 16.12.035.D.*

| Table 16.12.035.D Driveway Approach Size Standards                              |                                 |                    |                                 |
|---------------------------------------------------------------------------------|---------------------------------|--------------------|---------------------------------|
| Property Use                                                                    | Minimum Driveway Approach Width |                    | Maximum Driveway Approach Width |
| Single-Family Attached                                                          | 10 feet                         |                    | 12 feet                         |
| Single-Family Detached in R-5 & R-3.5                                           | 10 feet                         |                    | 12 feet                         |
| Single-Family Detached in R-10, R-8, & R-6                                      | 12 feet                         |                    | 24 feet                         |
| Duplexes                                                                        | 12 feet                         |                    | 24 feet                         |
| 3-4 Plexes                                                                      | 12 feet                         |                    | 24 feet                         |
| Multi-Family                                                                    | 18 feet                         |                    | 30 feet                         |
| Commercial, Industrial, Office, Institutional, Mixed Use, and/or Nonresidential | One-Way<br>12 feet              | Two-Way<br>20 feet | 40 feet                         |

*Driveway widths shall match the width of the driveway approach where the driveway meets sidewalk or property line but may be widened onsite (for example between the property line and the entrance to a garage). Groups of more than four parking spaces shall be so located and served by driveways so that their use will not require backing movements or other maneuvering within a street right-of-way other than an alley.*



**Finding: Complies with condition.** All driveways (curb cuts), new and existing, shall meet the minimum driveway width standards identified in Table 16.12.035.D. Approved driveway widths will need included on engineering plans prior to receiving a permit and beginning construction. **It is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

*F. The City Engineer reserves the right to require a reduction in the number and size of driveway approaches as far as practicable for any of the following purposes:*

- 1. To provide adequate space for on-street parking;*
  - 2. To facilitate street tree planting requirements;*
  - 3. To assure pedestrian and vehicular safety by limiting vehicular access points; and*
  - 4. To assure that adequate sight distance requirements are met.*
- a. Where the decision maker determines any of these situations exist or may occur due to the approval of a proposed development for non-residential uses or attached or multi-family housing, a shared driveway shall be required and limited to twenty-four feet in width adjacent to the sidewalk or property line.*

**Finding: Not applicable.** No restrictions are proposed by the City Engineer. The applicant submitted a transportation study prepared by Charbonneau Engineering, which included an analysis of ingress and egress safety and sight distance, and was found to meet or exceed AASHTO standards.

*G. For all driveways, the following standards apply.*

- 1. Each new or redeveloped curb cut shall have an approved concrete approach or asphalted street connection where there is no concrete curb and a minimum hard surface for at least ten feet back into the property as measured from the current edge of sidewalk or street pavement to provide for controlling gravel tracking onto the public street. The hard surface may be concrete, asphalt, or other surface approved by the City Engineer.*
- 2. Any driveway approach built within public right-of-way shall be built and permitted per City requirements as approved by the City Engineer.*
- 3. No driveway with a slope of greater than fifteen percent shall be permitted without approval of the City Engineer.*

**Finding: Complies with condition.** Any driveway approach built within the public right-of-way shall be built and permitted per City requirements as approved by the City Engineer. All driveways, proposed and existing, shall be made ADA compliant. **It is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

*H. Exceptions. The City Engineer reserves the right to waive these standards or not allow driveway access, if the driveway(s) would cause a significant traffic safety hazard. Narrower driveway widths may be considered where field conditions preclude use of recommended widths. When larger vehicles and trucks will be the predominant users of a particular driveway, turning templates may be utilized to develop a driveway width that can safely and expeditiously accommodate the prevalent type of ingress and egress traffic.*

**Finding: Not applicable.** No exemptions are proposed.

#### *16.12.065 - Building site—Grading.*

*Grading of building sites shall conform to the State of Oregon Structural Specialty Code, Title 18, any approved grading plan and any approved residential lot grading plan in accordance with the requirements of OCMC 13.12,15.48, 16.12 and the Public Works Stormwater and Grading Design Standards, and the erosion control requirements of OCMC 17.47.*

**Finding: Applicable.** See Findings under 15.48



#### 16.12.085 - Easements.

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

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

**Finding: Complies as Conditioned.** The development shall include a 10-foot-wide public utility easement along all property lines fronting existing or proposed right-of-way. **It is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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

**Finding: Not applicable.** The applicant has not proposed unusual facilities.

*C. Watercourses. Where a development is traversed or bounded by a watercourse, drainageway, channel or stream, a stormwater easement or drainage right-of-way shall be provided which conforms substantially to the line of such watercourse, drainageway, channel or stream and is of a sufficient width to allow construction, maintenance and control for the purpose as required by the responsible agency. For those subdivisions or partitions which are bounded by a stream of established recreational value, setbacks or easements may be required to prevent impacts to the water resource or to accommodate pedestrian or bicycle paths.*

**Finding: Not applicable.** The development is not traversed by a watercourse.

*D. Access. When easements are used to provide vehicular access to lots within a development, the construction standards, but not necessarily width standards, for the easement shall meet City specifications. The minimum width of the easement shall be 20 feet. The easements shall be improved and recorded by the applicant and inspected by the City Engineer. Access easements may also provide for utility placement.*

**Finding: Not applicable.** The applicant has not proposed any access easements as part of this development.

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

**Finding: Not applicable.** The development is not traversed by a significant natural feature or features of historic significance.

#### 16.12.090 - Minimum improvements—Procedures.

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



*A. Improvement work shall not commence until construction plans have been reviewed and approved by the City Engineer and to the extent that improvements are located in County or State right-of-way, they shall be approved by the responsible authority. To the extent necessary for evaluation of the proposal, the plans may be required before approval of the preliminary plat of a subdivision or partition. Expenses incurred thereby shall be borne by the applicant and paid for prior to final plan review.*

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

*B. Improvements shall be constructed under the inspection and approval of the City Engineer. Expenses incurred thereby shall be borne by the applicant and paid prior to final approval. Where required by the City Engineer or other City decision-maker, the applicant's project engineer also shall inspect construction.*

**Finding: Complies with condition.** Improvements shall be constructed under the inspection and approval of the City. Expenses incurred thereby shall be borne by the applicant and paid prior to final approval. The applicant's project engineer also shall inspect construction. Payment for inspection fees is further limited by requirements of section 16.12.014; see section 16.12.014 of this report for associated findings. **It is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

*C. Erosion control or resource protection facilities or measures are required to be installed in accordance with the requirements of OCMC 17.47, 17.49 and the Public Works Erosion and Sediment Control Standards.*

**Finding: Compiles with Condition.** See findings from Sections 17.47 and 17.49 of this report.

*D. Underground utilities, waterlines, sanitary sewers and storm drains installed in streets shall be constructed prior to the surfacing of the streets. Stubs for service connections for underground utilities, such as, storm, water and sanitary sewer shall be placed beyond the ten-foot wide franchise utility easement within private property.*

**Finding: Not applicable.** No new streets are proposed.

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

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

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

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

#### **16.12.095 - Minimum improvements—Public facilities and services.**

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



*A. Transportation System. Applicants and all subsequent lot owners shall be responsible for improving the City's planned level of service on all public streets, including alleys within the development and those portions of public streets adjacent to but only partially within development. Applicants are responsible for designing and providing adequate vehicular, bicycle and pedestrian access to their developments and for accommodating future access to neighboring undeveloped properties that are suitably zoned for future development. Storm drainage facilities shall be installed and connected to off-site natural or man-made drainageways. Upon completion of the street improvement survey, the applicant shall reestablish and protect monuments of the type required by ORS 92.060 in monument boxes with covers at every public street intersection and all points of curvature and points of tangency of their center line, and at such other points as directed by the City Engineer.*

**Finding: Complies with condition.** See findings under 16.12.033 for compliance with transportation system mobility standards. No nearby properties have been identified for future development as the existing neighborhood is fully built out. See findings from section 13.12 for the design of stormwater management facilities to serve the development. **It is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

*B. Stormwater Drainage System. Applicants shall design and install drainage facilities within a development and shall connect the development's drainage system to the appropriate downstream storm drainage system as a minimum requirement for providing services to the applicant's development. The applicant shall obtain county or state approval when appropriate. Applicants are responsible for extending the appropriate storm drainage system to the development site and for providing for the connection of upgradient properties to that system. The applicant shall design the drainage facilities in accordance with City drainage master plan requirements, OCMC 13.12 and the Public Works Stormwater and Grading Design Standards.*

**Finding: Complies with condition.** See findings from section 13.12 for the design of stormwater management facilities to serve the development. **It is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

*C. Sanitary Sewer System. The applicant shall design and install a sanitary sewer system to serve all lots or parcels within a development in accordance with the City's sanitary sewer design standards, and shall connect those lots or parcels to the City's sanitary sewer system, except where connection is required to the county sanitary sewer system as approved by the county. Applicants are responsible for extending the City's sanitary sewer system to the development site and through the applicant's property to allow for the future connection of neighboring undeveloped properties that are suitably zoned for future development. The applicant shall obtain all required permits and approvals from all affected jurisdictions prior to final approval and prior to commencement of construction. Design shall be approved by the City Engineer before construction begins.*

**Finding: Complies with condition.** An 8-inch sanitary sewer main exists within Warner Parrot Road, with manholes located to the west and east of the property. The development will be required to provide a sanitary service lateral and two-way cleanout per City standards. There is an existing sanitary sewer service lateral within Warner Parrot. If the applicant intends to use an existing sanitary sewer service line, it shall be at least 6" in diameter and the applicant shall provide a video inspection report to the City and Public Works will confirm if the lateral is in usable condition. Otherwise, the development shall install a new 6" service lateral. **It is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**



*D. Water System. The applicant shall design and install a water system to serve all lots or parcels within a development in accordance with the City public works water system design standards, and shall connect those lots or parcels to the City's water system. Applicants are responsible for extending the City's water system to the development site and through the applicant's property to allow for the future connection of neighboring undeveloped properties that are suitably zoned for future development.*

**Finding: Complies with condition.** There is an existing water service line which is located at the northwest corner of the property. If the applicant intends to use the existing water service line, it shall be at least 1" in diameter and the applicant shall perform inspections to confirm that it is in usable condition to the satisfaction of the City. Otherwise, the development shall install, at a minimum, a new 1" water service line and meter to serve the development. The new service shall use a saddle to connect to the 10" cast iron water main located within Warner Parrot Road. Fire suppression shall meet Clackamas Fire District No. 1 standards prior to receiving a permit and beginning construction. **It is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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

**Finding:** See findings from section 12.08.

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

**Finding: Not applicable.** The applicant has not proposed a subdivision.

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

**Finding: Complies with Condition.** All new franchise utilities shall be placed underground. **It is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

*H. Oversizing of Facilities. All facilities and improvements shall be designed to City standards as set out in the City's facility master plan, public works design standards, or other City ordinances or regulations. Compliance with facility design standards shall be addressed during final engineering. A development may be required to modify or replace existing offsite systems if necessary to provide adequate public facilities. The City may require oversizing of facilities to meet standards in the City's facility master plan or to allow for orderly and efficient development. Where oversizing is required, the applicant may request reimbursement from the City for oversizing based on the City's reimbursement policy and funds available, or provide for recovery of costs from intervening properties as they develop.*

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

*I. Erosion Control Plan—Mitigation. The applicant shall be responsible for complying with all applicable provisions of OCMC 17.47 with regard to erosion control.*

**Finding:** See findings from section 17.47 of this report

*16.12.100 - Same—Road standards and requirements.*

*A. The creation of a public street and the resultant separate land parcels shall be in conformance with requirements for subdivisions or partitions and the applicable street design standards of this Chapter. However, the decision-maker may approve the creation of a public street to be established by deed*



*without full compliance with the regulations applicable to subdivisions or partitions where any of the following conditions exist:*

- 1. The establishment of the public street is initiated by the City Commission and is declared essential for the purpose of general traffic circulation and the partitioning of land is an incidental effect rather than the primary objective of the street;*
- 2. The tract in which the street is to be dedicated is within an isolated ownership either not over one acre or of such size and characteristics as to make it impossible to develop building sites for more than three dwelling units.*

**Finding: Not applicable.** The creation of a new public street is not proposed or required.

*B. For any public street created pursuant to subsection A of this section, a copy of a preliminary plan and the proposed deed shall be submitted to the Community Development Director and City Engineer at least ten days prior to any public hearing scheduled for the matter. The plan, deed and any additional information the applicant may submit shall be reviewed by the decision-maker and, if not in conflict with the standards of Title 16 and Title 17, may be approved with appropriate conditions.*

**Finding: Not applicable.** The applicant has not proposed the creation of a public street to be established by deed without full compliance with the regulations applicable to subdivisions or partitions.

#### *16.12.105 - Same—Timing requirements.*

*A. Prior to applying for final plat approval, the applicant shall either complete construction of all public improvements required as part of the preliminary plat approval or guarantee the construction of those improvements. Whichever option the applicant elects shall be in accordance with OCMC 17.50.140.*

**Finding: Not applicable.** The city has only afforded the applicant the option to construct the public improvements according to approved final engineering plans and all applicable requirements of this Code. Improvements are required to be completed and accepted by the City Engineer prior to final plat approval per findings from section 16.12.090 of this report.

*B. Construction. The applicant shall construct the public improvements according to approved final engineering plans and all applicable requirements of this Code, and under the supervision of the City Engineer. Under this option, the improvement shall be complete and accepted by the City Engineer prior to final plat approval.*

**Finding: Applicable.** Improvements are required to be completed and accepted by the City Engineer before approval of the preliminary plat; see findings from section 16.12.090 of this report.

#### *16.12.110 -Public improvements—Financial guarantees.*

*A. To ensure construction of required public improvements, the applicant shall provide the City with a performance guarantee in accordance with OCMC 17.50.140.*

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

*B. After satisfactory completion of required public improvements and facilities, all public improvements not constructed by the City, shall be maintained and under warranty provided by the property owner or developer constructing the facilities until the City accepts the improvements at the end of the warranty period as prescribed in OCMC 17.50.141.*

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

#### *16.12.120 Waiver of Remonstrance*

*The review authority may require a property owner to sign a waiver of remonstrance against the formation of and participation in a local improvement district where it deems such a waiver necessary to*



*provide needed improvements reasonably related to the impacts created by the proposed development. To ensure compliance with this chapter, the review authority may require an applicant to sign or accept a legal and enforceable covenant, contract, dedication, easement, performance guarantee, or other document, which shall be approved in form by the City Attorney.*

**Finding: Complies with condition.** The property owner shall sign a Restrictive Covenant Non-Remonstrance Agreement for the purpose of making storm sewer, sanitary sewer, water or street improvements in the future that benefit the property. The applicant shall pay all fees associated with processing and recording the Non-Remonstrance Agreement. **It is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

## **CHAPTER 17.47 – EROSION AND SEDIMENT CONTROL**

### *17.47.030 - Applicability.*

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

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

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

### *17.47.060 - Permit required.*

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

**Finding: Complies with condition.** The applicant shall provide an Erosion Prevention and Sedimentation Control Plan prior to issuance of an erosion control permit. The applicant shall obtain an erosion control permit prior to commencement of any earth disturbing activities. **It is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

### *17.47.070 - Erosion and sediment control plans.*

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

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

- 1. The erosion and sediment control plan meets the requirements of the City of Oregon City public works standards for erosion and sediment control incorporated by reference as part of this chapter;*
- 2. The erosion and sediment control plan indicates that erosion and sediment control measures will be managed and maintained during and following development. The erosion and sediment control plan indicates that erosion and sediment control measures will remain in place until disturbed soil*



*areas are permanently stabilized by landscaping, grass, approved mulch or other permanent soil stabilizing measures.*

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

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

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

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

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

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

#### *17.47.080 - Plan implementation.*

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

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

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

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

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

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

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



**Finding: Applicable.** The Oregon City Erosion Control Officer ensures that the development will comply with the city's Erosion and Sediment Control Standards. The Oregon City Erosion Control Officer will access the development site and perform inspections to ensure compliance.

*17.47.090 - Plan performance guarantee and security.*

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

**Finding: Complies as conditioned.** See Findings in Chapter 17.50.

## **CHAPTER 12.08 PUBLIC AND STREET TREES**

*12.08.015 - Street tree selection, planting and maintenance requirements.*

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

- A. One street tree shall be planted for every thirty-five feet of property frontage. The tree spacing shall be evenly distributed throughout the total development frontage to meet the clearance distances required in subsection (B) below. The Community Development Director may approve an alternative street tree plan, or accept fee-in-lieu of planting pursuant to OCMC 12.08.035, if site or other constraints prevent meeting the required total number of tree plantings.*
- B. The following clearance distances shall be maintained when planting trees:*
  - 1. Fifteen feet from streetlights;*
  - 2. Five feet from fire hydrants;*
  - 3. Twenty feet from intersections;*
  - 4. Five feet from all public utilities (i.e. sewer, storm and water lines, utility meters, etc.);*
- C. All street trees planted in conjunction with development shall be a minimum of two inches in caliper at six inches above the root crown and installed to city specifications. Larger caliper size trees may be approved if recommended by a certified arborist or registered landscape architect.*
- D. All established trees shall be pruned tight to the trunk to a height that provides adequate clearance for street cleaning equipment and ensures ADA complaint clearance for pedestrians.*
- E. All trees planted within the right-of-way shall be planted with root barriers at least eighteen inches in depth adjacent to the sidewalk and curb to ensure proper root growth and reduce potential damage to sidewalks, curbs and gutters.*
- F. All trees planted beneath powerlines shall be selected based on what is appropriate for the location. In addition, the tree species shall be approved by the associated franchise powerline utility company.*
- G. Tree species, spacing and selection for stormwater facilities in the public right-of-way and in storm water facilities shall conform to requirements of OCMC 13.12 and the adopted Stormwater and Grading Design Standards and be approved by the City Engineer.*



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

**Finding: Complies with condition.** The proposal requires the installation of street trees along approximately 124 feet of frontage, requiring 4 street trees ( $125/35 = 3.54 = 4$  trees). Currently there are no trees planted in the right-of-way abutting the site. The location of the street trees are subject to change with the placement of street lights, utility meters, etc. and the existing curb-tight sidewalk, which is only 6 feet wide. Therefore, the street trees will need to be planted either in tree wells that have been cut out of the sidewalk with the approval of the public works department, or, if there is insufficient space, may be planted behind the sidewalk on private property, in which case a street tree easement may be required. Prior to issuance of construction plans of the right-of-way improvements, the applicant shall submit a street tree plan which includes four street trees evenly distributed in accordance with OCMC 12.08 or the applicant shall provide fee-in-lieu of planting pursuant to OCMC 12.08 if site or other constraints prevent meeting the required total number of tree plantings. **It is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

*12.08.035 - Tree removal and replacement.*

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

**Finding: Not applicable.** No street tree removal is proposed.

## **CHAPTER 17.08 LOW DENSITY RESIDENTIAL DISTRICTS**

*17.08.020 - Permitted uses.*

*Permitted uses in the R-10, R-8 and R-6 districts are:*

- A. Single-family detached residential units;*
- B. Accessory uses, buildings and dwellings;*
- C. Internal conversions;*
- D. Corner duplexes;*
- E. Cluster housing;*
- F. Residential homes;*
- G. Parks, playgrounds, playfields and community or neighborhood centers;*
- H. Home occupations;*
- I. Family day care providers;*
- J. Farms, commercial or truck gardening and horticultural nurseries on a lot not less than twenty thousand square feet in area (retail sales of materials grown on-site is permitted);*
- K. Temporary real estate offices in model homes located on and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed;*
- L. Transportation facilities.*

**Finding: Not applicable.** Currently the use of the property is for a residential home with five beds. The proposal is to expand the existing home to thirty beds, which requires Conditional Use approval.

*17.08.025 - Conditional uses.*

*The following uses are permitted in the R-10, R-8 and R-6 districts when authorized by and in accordance with the standards contained in OCMC 17.56:*

- A. Golf courses, except miniature golf courses, driving ranges or similar commercial enterprises;*
- B. Bed and breakfast inns/boarding houses;*



- C. Cemeteries, crematories, mausoleums and columbariums;
- D. Child care centers and nursery schools;
- E. Emergency service facilities (police and fire), excluding correctional facilities;
- F. Residential care facilities;
- G. Private and/or public educational or training facilities;
- H. Public utilities, including sub-stations (such as buildings, plants and other structures);
- I. Religious institutions;
- J. Assisted living facilities; nursing homes and group homes for over fifteen patients;

**Finding: Complies with conditions.** The applicant proposed to expand the existing residential home into a 30-bed residential care facility for elderly / memory care, which requires Conditional Use approval pursuant to OCMC 17.56. Conditions of approval have been added to assure compliance with the applicable standards in the OCMC. **It is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

*17.08.040 - Dimensional standards.*

*Dimensional standards in the R-10 district are as follows:*

*Table 17.08.040*

| <b>Standard</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <b>R-10</b>                              |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------|
| <i>Minimum lot size<sup>1</sup></i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <i>10,000 sq. ft.</i>                    |
| <b>Finding: Complies as proposed.</b> No changes to the current lot size or shape are proposed. The lot is approximately 23,930 square feet in area.                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                          |
| <i>Maximum height</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <i>35 ft.</i>                            |
| <b>Finding: Complies as proposed.</b> Tallest structure proposed: The front portion and middle portions of the building measure 23.5 feet from finished grade to the mid-point of the roof. The rear of the building is 25 feet tall as measured from finished grade to the mid-point of the roof.                                                                                                                                                                                                                                                                                         |                                          |
| <i>Minimum lot width</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <i>65 ft.</i>                            |
| <b>Finding: Complies as proposed.</b> No changes to the current lot size or shape are proposed. Smallest width proposed: 123.79 feet                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                          |
| <i>Minimum lot depth</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <i>80 ft.</i>                            |
| <b>Finding: Complies as proposed.</b> No changes to the current lot size or shape are proposed. The smallest depth is 199.78 feet.                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                          |
| <i>Minimum front yard setback</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <i>20 ft., except<br/>15 ft. - Porch</i> |
| <b>Finding: Complies as proposed.</b> The smallest front setback proposed is 10 feet 1/2". Per OCMC 17.62.055 the setback that is required for an institutional or commercial building is a maximum setback of five feet, exclusive of any easements. A 10' Public Utility Easement (PUE) is required across the property frontage, so the applicant has proposed a setback that accommodates the easement. Landscaping elements and benches are proposed within this area in accordance with OCMC 17.62.055 to mitigate for the additional five-foot setback as discussed in this report. |                                          |
| <i>Minimum interior side yard setback</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <i>8 ft.</i>                             |
| <b>Finding: Complies as proposed.</b> The proposed minimum setbacks for the proposed building vary as indicated on the site plan but all exceed the minimum setback of eight feet (8').                                                                                                                                                                                                                                                                                                                                                                                                    |                                          |





- 12' 7 ½"
- 13' 2"
- 25' 2 ½"
- 13' 11 ½"
- 12' 7"
- 12' 9 ½"

- 75'-10"
- 35'-5 ½"
- 74'-8"
- 13' 11 ½"
- 12'-1 ½"

The smallest setback proposed is 12' – 1½".



|                                                                     |                                                        |
|---------------------------------------------------------------------|--------------------------------------------------------|
| <i>Minimum corner side yard setback</i>                             | <i>10 ft.</i>                                          |
| <b>Finding: Not applicable.</b> The lot is not located on a corner. |                                                        |
| <i>Minimum rear yard setback</i>                                    | <i>20 ft, except<br/>15 ft - Porch<br/>10 ft - ADU</i> |



|                                                                          |                                            |
|--------------------------------------------------------------------------|--------------------------------------------|
| <b>Finding: Complies as proposed.</b> Smallest setback proposed: 20'-5". |                                            |
| <i>Garage setback</i>                                                    | <i>20 ft. from ROW, except 5 ft. Alley</i> |
| <b>Finding: Not applicable.</b> No garages are proposed.                 |                                            |

*Notes:*

1. For land divisions, lot sizes may be reduced pursuant to OCMC 16.08.065.
2. Accessory structures may have reduced setbacks pursuant to OCMC 17.54.010.B.

**Finding: Complies as proposed.** The refuse and recycling enclosure is located 5' from the property line, which exceeds the minimum required setback of three feet for an accessory structure.

*17.08.050 - Density standards.*

*A. Density standards in the R-10, R-8 and R-6 districts are as follows:*

Table 17.08.050

| <b>Standard</b>            | <b>R-10</b>        | <b>R-8</b>         | <b>R-6</b>         |
|----------------------------|--------------------|--------------------|--------------------|
| <i>Minimum net density</i> | <i>3.5 du/acre</i> | <i>4.4 du/acre</i> | <i>5.8 du/acre</i> |
| <i>Maximum net density</i> | <i>4.4 du/acre</i> | <i>5.4 du/acre</i> | <i>7.3 du/acre</i> |

**Finding: Not applicable.** The applicant has not proposed separate dwelling units.

*B. Exceptions.*

1. Any dwelling units created as accessory dwelling units or internal conversions do not count towards the minimum or maximum density limits in Table 17.08.050.
2. Corner duplexes shall count as a single dwelling unit for the purposes of calculating density.
3. Cluster housing is permitted at higher densities exempt from the standards in Table 17.08.050; see OCMC 17.20.020.

**Finding: Not applicable.** The applicant has not proposed separate dwelling units.

**CHAPTER 17.41 TREE PROTECTION, PRESERVATION, REMOVAL AND REPLANTING STANDARDS***17.41.020 - Tree protection—Applicability.*

1. Applications for development subject to OCMC 16.08 (Land Divisions) or OCMC 17.62 (Site Plan and Design Review) shall demonstrate compliance with these standards as part of the review proceedings for



those developments. Compliance with this chapter is required from the date a land use application is filed until a land division is recorded or other development approval is final.

2. For public capital improvement projects, the City Engineer shall demonstrate compliance with these standards pursuant to a Type I process.

3. Tree canopy removal greater than twenty-five percent on areas with greater than twenty-five percent slope, unless exempted under OCMC 17.41.040, shall be subject to these standards.

4. A heritage tree or grove which has been designated pursuant to the procedures of OCMC 12.32 shall be subject to the standards of this section.

5. A tree that has been planted pursuant to this section shall remain or shall be replaced with a new tree if removed.

**Finding: Complies with conditions.** The applicant indicated that there are no trees on the site that require tree protection, removal, or mitigation. This does appear likely based on aerial photographs (See 2019 aerial photograph) but must be verified.



Prior to issuance of a building permit, the applicant shall provide clear evidence that there are no trees larger than 6" d.b.h. within the proposed footprint of the expanded building prior to issuance of a building permit. If there are any trees greater than 6" d.b.h. that require removal the applicant shall provide a tree removal plan and appropriate mitigation pursuant to this Chapter OCMC 17.41. **It is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

## **CHAPTER 17.50 ADMINISTRATION AND PROCEDURES**

### *17.50.050 – Pre-application conference.*

*A Pre-application Conference. Prior to a Type II – IV or Legislative application, excluding Historic Review, being deemed complete, the applicant shall schedule and attend a pre-application conference with City staff to discuss the proposal, unless waived by the Community Development Director. The purpose of the pre-application conference is to provide an opportunity for staff to provide the applicant with information on the likely impacts, limitations, requirements, approval standards, fees and other information that may affect the proposal.*

*1. To schedule a pre-application conference, the applicant shall contact the Planning Division, submit the required materials, and pay the appropriate conference fee.*

*2. At a minimum, an applicant should submit a short narrative describing the proposal and a proposed site plan, drawn to a scale acceptable to the City, which identifies the proposed land uses, traffic circulation, and public rights-of-way and all other required plans.*

*3. The Planning Division shall provide the applicant(s) with the identity and contact persons for all affected neighborhood associations as well as a written summary of the pre-application conference.*



*B. A pre-application conference shall be valid for a period of six months from the date it is held. If no application is filed within six months of the conference or meeting, the applicant shall schedule and attend another conference before the City will accept a permit application. The Community Development Director may waive the pre-application requirement if, in the Director's opinion, the development has not changed significantly and the applicable municipal code or standards have not been significantly amended. In no case shall a pre-application conference be valid for more than one year.*

**Finding: Complies as proposed.** The applicant applied for and attended the required pre-application conference, file number PA-19-00039 on July 30, 2019. Written summaries of the meeting were provided to the applicant by staff.

#### *17.50.055 - Neighborhood association meeting.*

*Neighborhood Association Meeting. The purpose of the meeting with the recognized neighborhood association is to inform the affected neighborhood association about the proposed development and to receive the preliminary responses and suggestions from the neighborhood association and the member residents.*

*A. Applicants applying for annexations, zone change, comprehensive plan amendments, conditional use, Planning Commission variances, subdivision, or site plan and design review (excluding minor site plan and design review), general development master plans or detailed development plans applications shall schedule and attend a meeting with the City-recognized neighborhood association in whose territory the application is proposed no earlier than one year prior to the date of application. Although not required for other projects than those identified above, a meeting with the neighborhood association is highly recommended.*

*B. The applicant shall request via email or regular mail a request to meet with the neighborhood association chair where the proposed development is located. The notice shall describe the proposed project. A copy of this notice shall also be provided to the chair of the Citizen Involvement Committee.*

*C. A meeting shall be scheduled within thirty days of the date that the notice is sent. A meeting may be scheduled later than thirty days if by mutual agreement of the applicant and the neighborhood association. If the neighborhood association does not want to, or cannot meet within thirty days, the applicant shall host a meeting inviting the neighborhood association, Citizen Involvement Committee, and all property owners within three hundred feet to attend. This meeting shall not begin before six p.m. on a weekday or may be held on a weekend and shall occur within the neighborhood association boundaries or at a City facility.*

*D. If the neighborhood association is not currently recognized by the City, is inactive, or does not exist, the applicant shall request a meeting with the Citizen Involvement Committee.*

*E. To show compliance with this section, the applicant shall submit a copy of the email or mail notice to the neighborhood association and CIC chair, a sign-in sheet of meeting attendees, and a summary of issues discussed at the meeting. If the applicant held a separately noticed meeting, the applicant shall submit a copy of the meeting flyer, postcard or other correspondence used, and a summary of issues discussed at the meeting and submittal of these materials shall be required for a complete application.*

**Finding: Complies as proposed.** Currently, the South End Neighborhood Association is inactive. The applicant attended a Citizen Involvement Committee meeting on August 3, 2020 to discuss the project. The agenda and video of the meeting is available at <https://www.orcity.org/meetings>.

#### *17.50.090 - Public notices.*

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

*B. Notice of Public Hearing on a Type III or IV Quasi-Judicial Application.*



*Notice for all public hearings concerning a quasi-judicial application shall conform to the requirements of this subsection. At least twenty days prior to the hearing, the city shall prepare and send, by first class mail, notice of the hearing to all record owners of property within three hundred feet of the subject property and to any city-recognized neighborhood association whose territory includes the subject property. The city shall also publish the notice on the city website within the city at least twenty days prior to the hearing. Pursuant to OCMC 17.50.080.H, the applicant is responsible for providing an accurate and complete set of mailing labels for these property owners and for posting the subject property with the city-prepared notice in accordance with OCMC 17.50.100. Notice of the application hearing shall include the following information:*

- 1. The time, date and location of the public hearing;*
- 2. Street address or other easily understood location of the subject property and city-assigned planning file number;*
- 3. A description of the applicant's proposal, along with a list of citations of the approval criteria that the city will use to evaluate the proposal;*
- 4. A statement that any interested party may testify at the hearing or submit written comments on the proposal at or prior to the hearing and that a staff report will be prepared and made available to the public at least seven days prior to the hearing;*
- 5. A statement that any issue which is intended to provide a basis for an appeal to the city commission shall be raised before the close of the public record. Issues must be raised and accompanied by statements or evidence sufficient to afford the city and all parties to respond to the issue;*
- 6. The notice shall state that a city-recognized neighborhood association requesting an appeal fee waiver pursuant to OCMC 17.50.290.C must officially approve the request through a vote of its general membership or board at a duly announced meeting prior to the filing of an appeal;*
- 7. A statement that the application and all supporting materials and evidence submitted in support of the application may be inspected at no charge and that copies may be obtained at reasonable cost at the planning division offices during normal business hours; and*
- 8. The name and telephone number of the planning staff person responsible for the application or is otherwise available to answer questions about the application.*

**Finding: Complies as proposed.** A public notice of the first evidentiary hearing before the Planning Commission scheduled for August 24 2020 conforming to this section was provided by mailing to all property owners and residents within 300 feet of the property, on the city website, with signs posted on the property, and by email to the CIC and affected agencies on July 10, 2020. On August 24, 2020, the Planning Commission continued the public hearing to the date certain of October 23, 2020.

#### *17.50.100 - Notice posting requirements.*

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

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

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



*motorists. Notices shall not be posted within the public right-of-way or on trees. The applicant shall remove all signs within ten days following the event announced in the notice.*

**Finding: Complies as proposed.** A public notice of the first evidentiary hearing before the Planning Commission scheduled for August 24 2020 conforming to this section was provided by mailing to all property owners and residents within 300 feet of the property, on the city website, with signs posted on the property, and by email to the CIC and affected agencies on July 10, 2020. On August 24, 2020, the Planning Commission continued the public hearing to the date certain of October 23, 2020.

#### *17.50.140 – Financial guarantees.*

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

- A. *Form of Guarantee. Guarantees shall be in a form approved by the City Attorney. Approvable forms of guarantee include irrevocable standby letters of credit to the benefit of the City issued by a recognized lending institution, certified checks, dedicated bank accounts or allocations of construction loans held in reserve by the lending institution for the benefit of the City. The form of guarantee shall be specified by the City Engineer and, prior to execution and acceptance by the City shall be reviewed and approved by the City Attorney. The guarantee shall be filed with the City Engineer.*
- B. *Performance Guarantees. A permittee shall be required to provide a performance guarantee as follows.*
  1. *After Final Approved Design by The City: The City may request the Permittee to submit a Performance Guarantee for construction of certain public improvements. A permittee may request the option of submitting a Performance Guarantee when prepared for temporary/final occupancy. The guarantee shall be one hundred twenty percent of the estimated cost of constructing the public improvements as submitted by the permittee's engineer. The engineer's estimated costs shall be supported by a verified engineering estimate and approved by the City Engineer.*
  2. *Before Complete Design Approval and Established Engineered Cost Estimate: The City may request a permittee to submit a Performance Guarantee for construction of certain public improvements. A permittee may request the option of submitting a performance guarantee before public improvements are designed and completed. The guarantee shall be one hundred fifty percent of the estimated cost of constructing the public improvements as submitted by the permittee's engineer and approved by the City Engineer. The engineer's estimated costs shall be supported by a verified engineering estimate and approved by the City Engineer.*
- C. *Release of Guarantee. The guarantee shall remain in effect until the improvement is actually constructed and accepted by the City. Once the City has inspected and accepted the improvement, the City shall release the guarantee to the permittee. If the improvement is not completed to the City's satisfaction within the time limits specified in the permit approval, the City Engineer may, at their discretion, draw upon the guarantee and use the proceeds to construct or complete construction of the improvement and for any related administrative and legal costs incurred by the City in completing the construction, including any costs incurred in attempting to have the permittee complete the improvement. Once constructed and approved by the City, any remaining funds shall be refunded to the permittee. The City shall not allow a permittee to defer construction of improvements by using a performance guarantee, unless the permittee agrees to construct those improvements upon written notification by the City, or at some other mutually agreed-to time. If the permittee fails to commence construction of the required improvements within six months of being instructed to do so, the City may, without further notice, undertake the construction of the improvements and draw upon the permittee's performance guarantee to pay those costs.*
- D. *Fee-in-lieu. When conditions of approval or the City Engineer allows a permittee to provide a fee-in-lieu of actual construction of public improvements, the fee shall be one hundred fifty percent of the estimated cost of constructing the public improvements as submitted by the permittee's engineer and approved by the City Engineer. The percentage required is to ensure adequate funds for the future work involved in design, bid, contracting, and construction management and contract closeout. The engineer's estimated costs shall be supported by a verified engineering estimate and approved by the*



*City Engineer. The fee-in-lieu shall be submitted as cash, certified check, or other negotiable instrument acceptable by the City Attorney.*

**Finding: Complies with condition.** The applicant shall submit a performance guarantee which is equal to one hundred twenty percent of the estimated cost of constructing the public improvements shown in a city approved construction plan submitted by the applicant's engineer. The estimated costs shall be supported by a verified engineering estimate and approved by the city engineer. The guarantee shall be in a form identified in Code 17.50.140.A of the Oregon City Municipal Code. The guarantee shall remain in effect until the improvement is actually constructed and accepted by the city. **It is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

#### *17.50.141 – Public improvements – Warranty*

*All public improvements not constructed by the City, shall be maintained and under warranty provided by the property owner or developer constructing the facilities until the City accepts the improvements at the end of the warranty period. The warranty is to be used at the discretion of the City Engineer or designee to correct deficiencies in materials or maintenance of constructed public infrastructure, or to address any failure of engineering design.*

- A. Duration of Warranty. Responsibility for maintenance of public improvements shall remain with the property owner or developer for a warranty period of two years.*
- B. Financial Guarantee. Approvable forms of guarantee include irrevocable standby letters of credit to the benefit of the City issued by a recognized lending institution, bond, certified checks, dedicated bank accounts or allocations of construction loans held in reserve by the lending institution for the benefit of the City. The form of guarantee shall be specified by the City Engineer and, prior to execution and acceptance by the City shall be reviewed and approved by the City Attorney. The guarantee shall be filed with the City Engineer.*
- C. Amount of Warranty. The amount of the warranty shall be equal to fifteen percent of the estimated cost of construction of all public improvements (including those improvements that will become owned and maintained by the City at the end of the two year maintenance period), and shall be supported by a verified engineering estimate and approved by the City Engineer. Upon expiration of the warranty period and acceptance by the City as described below, the City shall be responsible for maintenance of those improvements.*
- D. Transfer of Maintenance. The City will perform an inspection of all public improvements approximately forty-five days before the two-year warranty period expires. The public improvements shall be found to be in a clean, functional condition by the City Engineer before acceptance of maintenance responsibility by the City. Transfer of maintenance of public improvements shall occur when the City accepts the improvements at the end of the two year warranty period.*

**Finding: Complies with condition.** The applicant shall provide a Maintenance Guarantee in the amount of fifteen percent of the cost to construct all public improvements as shown in a city approved construction plan submitted by the applicant's engineer. The estimated costs shall be supported by a verified engineering estimate approved by the City Engineer. The guarantee shall be in a form identified in Code 17.50.140.A of the Oregon City Municipal Code. The guarantee shall warrant to the City of Oregon City that construction of public improvements will remain, for a period of twenty-four (24) months from the date of acceptance, free from defects in materials and workmanship. **It is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

## **CHAPTER 17.52 OFF-STREET PARKING AND LOADING**



**17.52.010 - Applicability.**

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

**Finding: Applies.** The proposal includes modifications to the existing parking lot.

**17.52.015 - Planning commission adjustment of parking standards.**

**Finding: Does not comply.** While the record was open, the applicant also submitted a proposed agreement with an adjacent church property to allow overflow / employee parking off-site. This additional off-site shared parking would exceed the maximum allowable parking permitted for the proposed use per OCMC 17.52.020. This additional parking cannot be approved without a separate application for Planning Commission approval of an adjustment of parking standards pursuant to OCMC 17.52.015. The additional parking is not needed to satisfy the minimum parking requirements for the proposed use. The applicant does not request a parking modification to add more parking and staff does not recommend one. **Therefore, with this decision, the Planning Commission is explicitly denying the applicant's proposal for additional off-site parking. If the applicant wishes to use off-site parking at another location, an adjustment to the parking standards will be required.**

**17.52.020 - Number of automobile spaces required.**

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

| Table 17.52.020                                                                                                                          |                      |              |
|------------------------------------------------------------------------------------------------------------------------------------------|----------------------|--------------|
| LAND USE                                                                                                                                 | PARKING REQUIREMENTS |              |
|                                                                                                                                          | MINIMUM              | MAXIMUM      |
| Senior housing, including congregate care, residential care and assisted living facilities; nursing homes and other types of group homes | 1 per 7 beds         | 1 per 5 beds |
| Office                                                                                                                                   | 2.70                 | 3.33         |

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

**Finding: Complies as proposed.** The minimum required off-street parking for a 30-bed facility with 400 square feet of office space (office + conference room) is 5 spaces. The maximum number of spaces of off-street parking permitted is seven (7) spaces.

Care Facility: Minimum:  $30 \text{ beds} \div 7 = 4.28 = 4 \text{ spaces}$   
Maximum:  $30 \text{ beds} \div 5 = 6 \text{ spaces}$

Office: Minimum:  $400 \text{ sf} \times 2.7 / 1000 = 1.08 = 1 \text{ space}$   
Maximum:  $400 \text{ sf} \times 3.33 / 1000 = 1.33 = 1 \text{ space}$

The applicant has proposed 7-off street spaces and one unmarked loading space for deliveries.



There have been several public comments that the proposed parking is insufficient and concerns that parking for visitors, guests and employees would be overflow onto the street. On-street parking is permitted abutting the property and may be credited as additional parking. There is space for four on-street parking spaces abutting the site.

The applicant provided a revised parking plan in response to these comments and the modified proposal is for the maximum amount of parking permitted under the code.

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

**Finding: Not applicable.** The proposed uses are listed on table 17.52.020.

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

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

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

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

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

**Finding: Not applicable.** The proposal is not within these districts.

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

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

**Finding: Complies as proposed.** All parking requirements can be met on-site.

*2. Mixed Uses. If more than one type of land use occupies a single structure or parcel of land, the total requirements for off-street automobile parking shall be the sum of the requirements for all uses, unless it can be shown that the peak parking demands are actually less (e.g. the uses operate on different days or at different times of the day). In that case, the total requirements shall be reduced accordingly, up to a maximum reduction of fifty percent, as determined by the Community Development Director.*

**Finding: Complies as proposed.** The proposal includes a residential care facility with a small office and the parking for these uses was calculated together.

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

**Finding: Not applicable.** The applicant did not propose shared parking.



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

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

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

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

**Finding: Complies as proposed.** The applicant indicated that there is on-street parking space available for four spaces, should it be necessary. The property frontage has 85' of available abutting curb for on-street parking, not including the driveway, which is the equivalent of four parallel parking spaces ( $85 / 22 = 3.86 = 4$  spaces). There have been several public comments that the proposed parking was insufficient and concerns that parking for visitors, guests and employees would be overburden the on-street parking. The applicant provided a revised parking plan that proposes the maximum allowable off-street parking for the proposed land use. Staff does not anticipate that there will be any additional need for further off-street parking.

C. *Reduction of the Number of the Minimum Automobile Spaces Required.* Any combination of the reductions below is permitted unless otherwise noted... (remaining code omitted for brevity).

**Finding: Not applicable.** The applicant has not requested a reduction in parking spaces.

#### **17.52.030 - Standards for automobile parking.**

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

**Finding: Complies as proposed.** See also 16.12.035. The applicant submitted a transportation study prepared by Charbonneau Engineering, which included an analysis of ingress and egress safety and sight distance and was found to meet or exceed AASHTO standards. The driveway is designed with ample maneuvering space and a circular, one-way driveway at the entrance which will assure that there are no backing movements or other maneuvering within the right-of-way.

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

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

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

**Finding: See findings from section 13.12 of this report.**

D. *Dimensional Standards.*



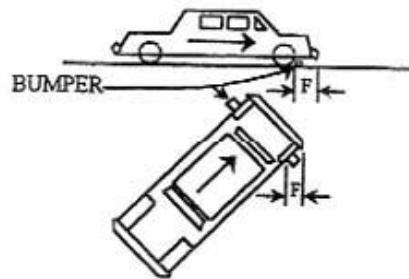
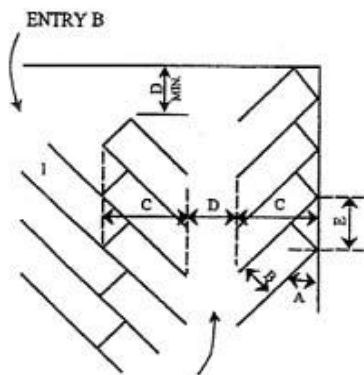
1. Requirements for parking developed at varying angles are according to the table included in this section. A parking space shall not be less than seven feet in height when within a building or structure, and shall have access by an all-weather surface to a street or alley. Parking stalls in compliance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

#### PARKING STANDARD

##### PARKING ANGLE SPACE DIMENSIONS

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

All dimensions are to the nearest tenth of a foot.



**Finding: Complies with condition.** The applicant has proposed seven off-street parking stalls, which are numbered 1-7 on the revised site plan.

- Spaces #1, #2, #4-#7 measure 9' X 18' (Compact)
- Space #3 measures 18' X 17' (ADA compliant)

At least 35%, or two of the spaces may be compact while the remainder are required to be standard width and depth (9' X 19'). Five of the spaces shall be required to be lengthened by one additional foot to be at least 19 feet deep. It appears likely that this can be done by painting longer stripes for spaces between the spaces without changing the proposed parking layout or reducing drive aisle widths below the minimum required. The applicant proposed a two-way drive-aisle at least 20 feet wide, conforms to the



standard. Prior to issuance of a permit associated with the development, the applicant shall submit a revised parking lot layout which conforms to this code section. **It is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

*2. Alternative parking/plan. Any applicant may propose an alternative parking plan. Such plans are often proposed to address physically constrained or smaller sites, however innovative designs for larger sites may also be considered. In such situations, the Community Development Director may approve an alternative parking lot plan with variations to parking dimensions of this section. The alternative shall be consistent with the intent of this chapter and shall create a safe space for automobiles and pedestrians while providing landscaping to the quantity and quality found within parking lot landscaping requirements.*  
**Finding: Not applicable.** The applicant has not proposed an alternative parking plan.

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

**Finding: Not applicable.** The proposal does not require that any of the parking spaces be designated for carpool or vanpool parking.

#### **17.52.040 - Bicycle parking standards.**

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

**TABLE A Required Bicycle Parking Spaces\***

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

| USE                           | MINIMUM BICYCLE PARKING             | MINIMUM BICYCLE PARKING - COVERED - The following percentage of bicycle parking is required to be covered |
|-------------------------------|-------------------------------------|-----------------------------------------------------------------------------------------------------------|
| Nursing home or care facility | 1 per 30 auto spaces (minimum of 2) | 30% (minimum of 1)                                                                                        |
| Bank, office                  | 1 per 20 auto spaces (minimum of 2) | 50% (minimum of 1)                                                                                        |

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

**Finding: Complies with conditions.** The proposal requires a minimum of two bicycle parking spaces, one for the care facility and one for the office. The applicant stated that two bicycle parking spaces will be provided on a staple rack outside and 2 bicycle parking spaces will be provided inside a storage within the building, however, the applicant did not indicate the bicycle parking on their submitted plans. Prior to issuance of a permit associated with the development, the applicant shall submit a revised bicycle



parking plan conforming to all applicable requirements of OCMC 17.52.040 – Bicycle Parking Standards. **It is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

*C. Design Standards.*

*1. Bicycle parking facilities shall be in the form of a lockable enclosure onsite, secure room in a building onsite, a covered or uncovered rack onsite, or within the adjacent right-of-way.*

**Finding: See finding under (B) above.**

*2. Bicycle parking areas shall be clearly marked or visible from on-site buildings or the street. If a bicycle parking area is not plainly visible from the street or main building entrance, a sign shall be posted indicating the location of the bicycle parking area. Indoor bicycle parking areas shall not require stairs to access the space. If sites have more than one building, bicycle parking shall be distributed as appropriate to serve all buildings.*

**Finding: See finding under (B) above.**

*3. All bicycle racks shall be designed so that:*

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

**Finding: See finding under (B) above.**

*17.52.060 - Parking lot landscaping.*

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

**Finding: Applicable.** The applicant proposed parking lot landscaping.

*B. Development Standards.*

*1. The landscaping shall be located in defined landscaped areas that are uniformly distributed throughout the parking or loading area.*

**Finding: Complies as proposed.** The proposed landscaping throughout the parking lot is uniformly distributed. The proposed parking spaces are located along the side of the building, and due to the small number of spaces required no interior landscaping is proposed.

*2. All areas in a parking lot not used for parking, maneuvering, or circulation shall be landscaped.*

**Finding: Complies as proposed.** All areas of the parking lot not used for parking, maneuvering, or circulation are proposed to be landscaped.

*3. Parking lot trees shall be a mix of deciduous shade trees and coniferous trees. The trees shall be evenly distributed throughout the parking lot as both interior and perimeter landscaping.*

**Finding: Complies as proposed.** The landscape plan includes a mix of deciduous and coniferous trees spread throughout the perimeter parking lot landscaping. The entrance roundabout is considered part of the parking lot and the island in the roundabout is proposed to be landscaped and include a tree.

*4. Required landscaping trees shall be of a minimum two-inch minimum caliper size (though it may not be standard for some tree types to be distinguished by caliper), planted according to American Nurseryman Standards, and selected from the Oregon City Street Tree List or approved by an arborist;*



**Finding: Complies with conditions.** The landscape plan identifies that most of the parking lot trees will be a minimum of two inches in caliper, however there are several smaller tree species and conifer trees that are typically stocked and grown in 15-gallon containers, or sold by height, and which may not be available as two-inch caliper trees. Therefore, the applicant's landscape architect shall assure that the proposed parking lot trees are the largest available or two-inch caliper or 6' tall for coniferous trees, whichever is largest, and selected and planted according to American Nurseryman standards. **It is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

*5. At maturity, all of the landscaped area shall be planted in ground cover plants, which includes grasses. Mulch (as a ground cover) shall only be allowed underneath plants at full growth and within two feet of the base of a tree and is not a substitute for ground cover.*

**Finding: Complies with conditions.** The landscaping plan includes landscaped areas planted with ground cover. The applicant shall provide revised landscaping plans that include this standard as part of the Planting Notes. Prior to issuance of a building permit, the applicant shall include a revised landscaping plan that include the statement; "At maturity, all of the landscaped area shall be planted in ground cover plants, which includes grasses. Mulch (as a ground cover) shall only be allowed underneath plants at full growth and within two feet of the base of a tree and is not a substitute for ground cover" in the Planting Notes on the applicable landscaping plan sheet or sheets. **It is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

*6. Landscaped areas shall include irrigation systems unless an alternate plan is submitted, and approved by the Community Development Director, that can demonstrate adequate maintenance;*

**Finding: Complies with conditions.** The applicant did not submit an irrigation plan demonstrating compliance with this criterion. Prior to issuance of a building permit, the applicant shall include a revised landscaping plan that includes details for the irrigations systems required. **It is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

*7. All landscaping shall be installed according to accepted planting procedures, according to American Nurseryman Standards.*

**Finding: Complies as proposed.** The landscaping plan indicates that all landscaping shall be installed according to accepted planting procedures, according to American Nurseryman Standards

*C. Perimeter Parking Lot Landscaping and Parking Lot Entryway/Right-of-Way Screening. Parking lots and associated drive aisles shall include a five-foot wide landscaped buffer where the parking lot abuts the right-of-way and/or adjoining properties. In order to provide connectivity between non-single-family sites, the Community Development Director may approve an interruption in the perimeter parking lot landscaping for a single driveway where the parking lot abuts property designated as multi-family, commercial or industrial. Shared driveways and parking aisles that straddle a lot line do not need to meet perimeter landscaping requirements.*

**Finding: Complies as proposed.** The perimeter landscaping strip buffer along the east property line is five feet in width.

*1. The perimeter parking lot are[a] shall include:*

*a. Trees spaced a maximum of thirty feet apart (minimum of one tree on either side of the entryway is required). When the parking lot is adjacent to a public right-of-way, the parking lot trees shall be offset from the street trees;*

**Finding: Complies as proposed.** The perimeter parking lot landscaping includes trees spaced a maximum of 30 feet apart, and a tree on either side of the parking lot entryway.

*b. An evergreen hedge screen of thirty to forty-two inches high or shrubs spaced no more than four feet apart on average. The hedge/shrubs shall be parallel to and not nearer than two feet from the right-of-way line. The required screening shall be designed to allow for free access to the site and sidewalk by pedestrians. Visual breaks,*



no more than five feet in width, shall be provided every thirty feet within evergreen hedges abutting public right-of-ways.

**Finding: Complies as proposed.** The applicant proposed an evergreen hedge adjacent to the right-of-way.

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

*1. Minimum five-foot wide landscaped planter strip (excluding areas for pedestrian connection) meeting the standards for perimeter parking lot area landscaping; or:*

*2. Minimum seven foot sidewalks with shade trees spaced a maximum of thirty feet apart in three-foot by five-foot tree wells.*

**Finding: complies with conditions. The applicant has proposed 7 off-street spaces, therefore this standard applies. The applicant shall provide a revised parking plan that provides a minimum five-foot wide landscaped planter strip (excluding areas for pedestrian connection) between the 90-degree parking spaces abutting the building and the building wall. It is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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

*a. A minimum of one tree per four parking spaces.*

**Finding: Complies as proposed.** The proposed parking area is not considered a “surface” parking lot in the typical sense due to its small size; however, the applicant has proposed a round entrance island of approximately 180 square feet in area and another. Additionally, the applicant is proposing the use of porous asphalt to infiltrate stormwater run-off as well as stormwater planters.

*b. A minimum of 1.5 shrubs per parking space.*

**Finding: Complies with conditions.** The applicant revised the parking plan with seven spaces, which would subsequently require 10 shrubs. Prior to issuance of permits, the applicant shall provide a revised landscaping plan which indicates compliance with this standard. **It is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

*c. No more than eight contiguous parking spaces shall be created without providing an interior landscape strip between them. Landscape strips shall be provided between rows of parking shall be a minimum of six feet in width and a minimum of ten feet in length.*

**Finding: Not applicable.** The applicant did not propose more than eight contiguous parking spaces.

*F. Alternative landscaping plan.*

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



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

**Finding: Not applicable.** The applicant did proposed an alternative landscaping plan for the parking lot.

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

**Finding: Not applicable.** The applicant has not requested that the proposed porous asphalt be credited towards the site landscaping requirements.

#### 17.52.080 - Maintenance.

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

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

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

**Finding: Complies as proposed.** The applicant's narrative identified that the landscaped areas will be maintained by the owner in accordance with this section.

#### 17.52.090 - Loading areas.

##### B. Applicability.

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

**Finding: Not applicable.** The applicant did not propose service or delivery by a truck with a forty-foot or longer wheelbase.

### **CHAPTER 17.54 SUPPLEMENTAL ZONING REGULATIONS AND EXCEPTIONS**

#### 17.54.100 Fences, Hedges, Walls, and Retaining Walls.

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

1. *A fence, hedge, wall, retaining wall, or combination thereof located in front of a building may be up to 3.5-feet in total height as measured from the finished grade at any point on the fence.*
2. *A fence, hedge, wall, located next to, or behind the forward most building, or within more than forty feet of the right-of-way, whichever is less may be up to:*
  - a. *Six feet in total height for residential properties with less than five units as measured from the finished grade at any point on the fence; or*
  - b. *Eight feet in total height for all other uses as measured from the finished grade at any point on the fence.*



3. A retaining wall or combination of a fence, hedge, wall located next to and behind the forward most building, or within more than forty feet of the right-of-way, whichever is less, may be up to (as measured from the finished grade ) 8.5 feet in height from the finished grade.

4. Fences, hedges, and/or walls located within two feet above a retaining wall, as measured on a horizontal plane, shall be measured together for the purposes of determining height.

5. Property owners shall ensure compliance with the Traffic Sight Obstruction requirements in Chapter 10.32 of the Oregon City Municipal Code.

6. Retaining walls completely below the elevation of the right-of-way may be up to six feet in height.

7. Minimum fall protection required by the Building Official, such as railings, is not included in the height of a retaining wall but must comply with the fence height requirements.

**Finding: Complies as proposed.** A standard 6' tall cedar fence is proposed along the property lines that abut the adjacent neighbors, and 6' tall cedar fence is proposed for the secure courtyard area on the eastern side of the building. Fences in front of the building shall be no taller than 3.5 feet tall in compliance with this code.

This section also requires that fences comply with Chapter 10.32 of the Oregon City municipal code. The applicant's submitted Traffic Analysis Letter analyzed sight distance in accordance with AASHTO standards. The analysis indicates that a minimum sight distance of 390 feet from the proposed driveway will be exceeded in both directions along Warner Parrott Road.

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

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

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

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

**Finding: Not applicable.** The applicant did not propose a fence in the right-of-way.

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

**Finding: Not applicable.** The applicant did not propose an electric or barbed wire fence.

## **CHAPTER 17.56 CONDITIONAL USES**

### **17.56.010 - Permit—Authorization—Standards—Conditions.**

A conditional use listed in this title may be permitted, enlarged or altered upon authorization of the Planning Commission in accordance with the standards and procedures of this title. A conditional use permit listed in this section may be permitted, enlarged or altered upon authorization of the Planning Commission or City Commission in accordance with the standards and procedures of this section. Any expansion to, alteration of, or accessory use to a conditional use shall require Planning Commission or City Commission approval of a modification to the original conditional use permit unless authorized in this chapter.

**Finding: Applicable.** The proposal to expand the existing 5-bed residential care home into a larger 30-bed residential care facility requires conditional use approval from the Planning Commission.

*A. Conditional uses, because of their public convenience and necessity and their effect upon the neighborhood shall be permitted only upon the approval of the Planning Commission or City Commission after due notice and public*



*hearing, according to procedure as provided in OCMC 17.50. The applicant shall provide evidence substantiating that all the requirements of this title relative to the proposed use are satisfied, and demonstrate that the proposed use also satisfies the following criteria:*

**Finding: Complies with conditions.** This application for conditional use approval requires a Type III decision by the Planning Commission following a public hearing that has been publicly noticed in accordance with OCMC 17.50. The applicant has provided or will provide evidence substantiating that the proposed use satisfies the applicable criteria that follow. Appropriate conditions of approval are in place to assure that all of the requirements of this title relative to the proposed use are satisfied in addition to the approval criteria of below. **It is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

*1. The use is listed as a conditional use in the underlying district;*

**Finding: Complies as proposed.** The proposed use is listed as “J. Assisted living facilities; nursing homes and group homes for over fifteen patients”, in the list of conditional uses for the R-10 low density residential district.

*2. The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, existence of improvements and natural features;*

**Finding: Complies with Condition.** The site is flat and large (approximately 23,938 square feet in size, 200 feet deep and 124 feet wide) with direct access to street frontage along Warner Parrott Rd. Warner Parrott Road. The lot has adequate sewer, water, gas, and electric utilities to serve the proposed use. The size of the site lends itself to a larger building that meets the maximum 40% lot coverage standard, setback standards, and building height standards. There are no protected natural features known on the site that would be otherwise be impacted by the proposal.

*3. Development shall demonstrate compliance with OCMC 16.12;*

**Finding: See findings under OCMC 16.12.**

*4. The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs or precludes the use of surrounding properties for the primary uses listed in the underlying district;*

**Finding: Complies with conditions.** The applicant stated the proposed development does not create any impact to the surrounding area or neighborhood. As mentioned in the applicant’s narrative, the site abuts a Warner Parrot Road, and takes access from this street, which is a minor arterial road connecting South End Road to Molalla Ave. The proposed development is for a senior care facility which will provide residential care and memory care for its residents.

Various public comments were submitted in opposition to the proposed building use and design, with concerns about potential loss of light and sun, safe access, loss of privacy, lack of parking, removal of trees, incompatibility of size, the smaller 10’ front setback, traffic, obstructed vision along Warner Parrott Road, demolition and construction noise, the “fit” or lack of character of the building with the adjacent neighborhood, and loss of property values and livability.

These concerns are addressed below.

**The proposed use will not substantially impair or preclude the use of surrounding properties for the primary uses listed in the underlying zone district.**

Per OCMC 17.08.020, Permitted uses in the R-10, R-8 and R-6 districts are:

- A. Single-family detached residential units;
- B. Accessory uses, buildings and dwellings;



- C. Internal conversions;
- D. Corner duplexes;
- E. Cluster housing;
- F. Residential homes;
- G. Parks, playgrounds, playfields and community or neighborhood centers;
- H. Home occupations;
- I. Family day care providers;
- J. Farms, commercial or truck gardening and horticultural nurseries on a lot not less than twenty thousand square feet in area (retail sales of materials grown on-site is permitted);
- K. Temporary real estate offices in model homes located on and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed
- L. Transportation facilities.

No testimony was provided indicating which of the primary uses listed would be substantially impaired or precluded by the proposal. It is important to note that this criterion uses the term “substantially limit, impair or preclude” suggesting that evidence of minor impacts or slight changes affecting adjacent residential activities would be insufficient to show that this criterion is not met. As explained in additional detail below, the Planning Commission finds that surrounding uses will not be “substantially limited, impaired, or precluded” by the proposal.

#### **Loss of privacy**

Public comments included concerns about the potential for loss of privacy due to residents of the proposed facility being able to look into adjacent yards from the second-story windows. It is unreasonable to expect a residential care facility to prohibit resident’s views from their windows. This same concern could apply in reverse, i.e. residents of the proposed facility might feel a lack of privacy due to development of a two-story structure or other legal land use on adjacent residential lots, even if clearly permitted by the zone district. Therefore, the loss of privacy resulting from this proposal will not be any greater than what would result from residential development permitted outright in the zone. It is not reasonable to expect any greater level of privacy from a conditional use than one could expect from a permitted residential use. For this reason, the Planning Commission finds that any loss of privacy will not “substantially limit, impair or preclude residential uses. Further, the applicant stated that residents will have window coverings/blinds on their windows, and also stated repeatedly that they intend to be good neighbors, that the use will be quiet and residential in nature, and that the residents will all be elderly. Furthermore, loss of privacy is not listed as a nuisance regulated by the Oregon City Municipal Code.

#### **Property values**

Regarding claims of loss of property value, there are no relevant approval criteria that require the analysis of potential impacts to property values because of development. No evidence has been submitted into the record to indicate that this proposal will make surrounding uses unmarketable for residential use. Simple analysis of historic property values generally indicates that property values are affected by many factors, but generally rise, rather than fall, in response to demand from new residents, and in response to comparable new residential development that complies with applicable building and zoning regulations and engineering standards.

#### **The proposed use will be quiet and residential in nature.**

According to the applicant, the owner and manager of the facility will be using this facility as their permanent home and has attempted to design the character of the building to reflect the existing



building and residential characteristics. Exterior building materials include fiber-cement siding, board and batten, typical residential windows, masonry, and standard roofing materials typical of residential home design. Landscaping and screening (6' tall cedar fences) will be provided to provide privacy to the adjacent neighbors and to the subject site. All resident outdoor activities will be done in the courtyard that is in between the building walls. Staff concurs.

### **Concerns about the potential loss of light and sun, increased shading**

Various public testimony was given regarding the shade that would be thrown by the proposed building. While the structure size proposed (approximately 17,000 for two stories) is much larger than a typical single-family home, it meets or exceeds the required dimensional standards for height, lot coverage and setbacks for the R-10 zone, with the exception of being required to comply with the maximum front setbacks and institutional building requirements for an institutional building as discussed in the findings under OCMC 17.62.055. The applicant submitted a voluntary solar shading and height study based on the requirements and standards of the City of Lake Oswego, since Oregon City does not have standard that requires shading analysis. As shown in the applicant's shade analysis, the building complies with the Lake Oswego code "shade point height" standard at 28' to the highest ridge, and also complies automatically because of the north-south direction of the lot exceeds 90 feet at 199.78 feet. The proposed building would not cast any more shade than a typical two-story home on the property.

At the 10/26/2020 planning commission hearing there was also a concern about shading onto the property located at 18621 Boynton St which is located to the east of the subject site. The planning commission acknowledged the concern, but also noted that the property at 18261 Boynton Street has a large tree which casts significantly more shade than the proposed building, considering the orientation of the sun and given the proposed building height and width. At the public hearing on 12/14/2020, Planning Commissioners also clarified that the only time that the proposed development would shade the property at 18621 Boynton Street was at the very end of the day, so the same level of access to afternoon sun would be available.

Therefore, this proposal will not cause any disproportionate solar loss to the adjacent properties as outlined in the applicant's study and given the setbacks and heights of the proposed building.

### **Concerns about the building size, height and mass**

The proposed building's overall square footage for both floors exceeds 17,000 square feet and has a footprint over 9,000 square feet, which obviously contrasts with the typically size of single-family homes which average between 2,000 to 4,000 square feet. The overall mass and scale of the proposed building would contrast with the adjacent existing one-story single-family homes in this predominantly single-family residential neighborhood. Although the proposed building is substantially larger than the existing surrounding residences, the applicant proposed to reduced the proposed floor area from 17,728 square feet to 17, 240 square feet and an increased setback at the east side of the building. No evidence was submitted to show that the size of the building alone would have any impact on the use of surrounding properties for residential use. This criterion does not require compatibility in size, height or mass but rather that these conditions have a "significant impact" on surrounding uses.

As the finding under 17.08.040 indicated, the applicant has proposed side yards setbacks which exceed the minimum 8' setbacks of the R-10 zone, and at 24 feet tall at its maximum point, the building height is shorter than the maximum permitted height of 35 feet. The proposed side setbacks vary from 12 feet to 35 feet because of building wall articulations to break up horizontal massing.



In response to concerns from the public made during the public hearings, the applicant proposed the following revisions to the original site plan presented to the Planning Commission on 10/26/2020 as follows:

- Reduced the size and overall mass of the building by opening the center courtyard. This would have the effect of increasing the setback to the east side of the building in that location.
- Added additional off-street parking to 8 spaces to the maximum number of spaces allowed by the code, including one delivery parking space. With 4 available on-street parking spaces abutting the property the total spaces is available is twelve (12).
- Reduced lot coverage reduced slightly from 39% to 38%.
- Increased front window percentage to sixty percent.
- Revised landscaping due to increased off-street parking areas.

The Planning Commission noted that the proposed building would be permitted without additional land use approval if it were proposed as a very large Single-Family home, assuming that the property owner had the means and desire to do so. The proposed building meets or exceeds the dimensional standards of the underlying zone for setbacks, lot coverage and building height. Building height is measured according to the zoning code definition in OCMC 17.04.550 – *Height of Building*, which states;

*““Height of building” means a vertical distance measured from the average finished grade elevation on the street-facing elevation to:*

*1. One-half the vertical distance between the eaves and the highest ridge for a gable, hip or gambrel roof, ...”*

According to this measurement definition, the proposed building height measures 24 feet. The R-10 zone district allows a building height of up to 35’ (See findings under OCMC 17.08.040).

Although these dimensional standards are met or exceeded, the applicant shall revise the building and landscaping plans to include the following measures to mitigate the overall scale and mass of the building by making the following changes: (P)

- a. Reduce the roof-pitch from 5/12 at the rear of the building.
- b. Plant additional evergreen screening trees at intervals no greater than 35’ to appropriately screen the facility in all locations that are closer than 15 feet from the property line.

Planning Commission discussed various options with the owner and applicant and with their acknowledgment and input the applicant revised the building plans to address the public comments, reducing the overall scale and mass of the building by making the changes discussed above. The Planning Commission also considered a greater front yard setback to fifteen feet to match the surrounding residences but ultimately rejected the proposal finding that the additional change would reduce the number of off-street parking spaces. The Planning Commission acknowledged that the applicant has designed the proposed building and landscaping to conform to the institutional design requirements in OCMC 17.62.055, which require that institutional buildings be built close to the street with a maximum five-foot setback, and balanced those requirements against the residential setbacks of the underlying R-10 zone district in OCMC 17.08.040, which require a minimum front setback of twenty feet.

## Traffic



**See also findings under OCMC 16.12.033 – Mobility Standards.** The proposal is for residents who do not drive and therefore the City’s licensed traffic consultant concluded that traffic impacts will be minimal. Employees, visitors and services would generate virtually all of the vehicle trips associated with this use. The Transportation Analysis Letter property Charbonneau Engineering provides details regarding the transportation impacts associated with the proposed expansion. Comments from the public included concerns about additional traffic generation from the proposed use. As a residential care facility where none of the residents have cars, the proposed use would generate only slightly more traffic than two single family homes on the same area of land. The traffic generated from the Residential Care would produce 6 AM peak hour trips, 8 PM peak hour trips and, 78 weekday trips. In comparison, two single-family homes on the same property would produce 2 AM peak hour trips, 2 PM peak hour trips, and 20 weekday trips. So, the traffic impact is about four times the impact of two homes. John Replinger, the City’s Transportation Consultant, reviewed the applicant’s Transportation Analysis Letter and found that the analysis meets city requirements, that the 30-bed facility will have insignificant transportation impacts, and that there is no need for any mitigation measures in connection with the proposal. Based on this modest increase beyond what could be expected from two single family homes, permitted uses that could be development on this property, the Planning Commission finds that the additional traffic will not “substantially limit, impair or preclude” surrounding residential uses.

### **Parking**

The proposed amount of parking meets the minimum and maximum required and permitted in OCMC 17.52. The applicant revised the site plan to include three additional spaces for a maximum of eight off-street spaces including one loading area. Public comments have been submitted concerning the potential for overflow parking that could unduly burden adjacent property owner’s ability to park on the Warner Parrott Road and endanger motorists and pedestrians. Opponents concerns about parking conflicts are speculative and not based on any qualified or quantitative evaluation of parking demand for a comparable use. There is a parking lane on the south side of Warner Parrott Road that the public may use. On-street parking is permitted under the code and must be available for the use of the public. It is not metered parking, nor is it for the exclusive use of either the applicant or adjacent neighbors. Parking concerns have not been substantiated in the qualified submitted transportation analysis that was reviewed by the City’s transportation consultant. As a result, the Planning Commission cannot find that the proposed parking demand will “substantially limit, impair or preclude” surrounding residential uses. However, the applicant has indicated their willingness to be responsive to those comments and accommodate additional on-site parking.

### **Construction Noise**

Regarding construction noise, Per Oregon City Municipal Code 9.12.023, noises that are prohibited include:

*(E) The construction, demolition, alteration or repair of any building or the excavation of any streets and highways in a residentially zoned neighborhood between the hours of ten p.m. and seven a.m., Monday through Saturday; and between eight p.m. and nine a.m. on Sunday.*

This regulation is monitored during construction and enforced through inspection and code enforcement of building permit conditions. It is not a zoning regulation.

For Right-of-Way and Public Utility Construction, the allowable hours of work are as follows:

- 7 am – 6pm M-F
- 9 am – 6 pm Sat
- NONE Sunday



No evidence was submitted that the construction noise resulting from the proposed development will be any greater than would be anticipated for residential development or that it will “substantially limit, impair or preclude” the use of surrounding properties for residences.

### **Impacts to off-site trees**

Public comments included the concerns that there would be excavation or construction activities on the property that could impact the health of trees growing on adjacent properties which have their drip-line and root zone partially on the subject property. The applicant indicated a willingness to assure that construction activity not impact neighbor’s trees. Condition of approval #4 has been revised to assure that the applicant assess the potential impact to trees growing on adjacent properties which have their drip-line and root zone partially on the subject property and provide a certified arborist report with recommendations on how to minimize impacts to these trees in accordance with OCMC 17.41.130 – *Regulated tree protection procedures during construction*.

Finally, if any of the issues discussed above did become a matter of significant public concern, per OCMC 17.56.070 – *Periodic Review of conditional use permits*, the City Commission has the authority to review the Conditional Use permit to determine whether additional conditions should be imposed on the conditional use in the light of changing circumstances.

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

*5. The proposal satisfies the goals and policies of the city comprehensive plan which apply to the proposed use.*

**Finding:** The proposal is consistent with applicable Land Use Goals and Policies in Section 2 of the Comprehensive Plan:

#### *Goal 2.1 Efficient Use of Land*

*Ensure that property planned for residential, commercial, office, and industrial uses is used efficiently and that land is developed following principles of sustainable development.*

**Finding: Complies as proposed.** The proposed development would be situated on a large lot that allows for this type of development. The larger building and expansion to thirty beds provides efficient use of the property as a residential care facility and a more efficient use of the land by creating living places for the elderly.

#### *Policy 2.1.1*

*Create incentives for new development to use land more efficiently, such as by having minimum floor area ratios and maximums for parking and setbacks.*

**Finding: Complies as proposed.** The current development, allowed through a conditional use in the underlying zone, utilizes and meets the development standards set forth in the R-10 zoning standards and proposed the maximum allowable off-street parking.

#### *Policy 2.1.2*

*Encourage the vertical and horizontal mixing of different land-use types in selected areas of the city where compatible uses can be designed to reduce the overall need for parking, create vibrant urban areas, reduce reliance on private automobiles, create more business opportunities and achieve better places to live.*



**Finding: Complies as proposed.** The proposed development achieves several of these policies. It will allow for a land use types that provides safe housing for the elderly, the site is located on a transit street, creates business opportunities and jobs to the staff that will care for the residents living in the facility, and allows for a living place for the elderly in the community that is in an easily accessible residential setting.

### *Goal 2.3 Corridors*

*Focus transit-oriented, higher intensity, mixed-use development along selected transit corridors.*

**Finding: Complies as proposed.** Warner Parrot Road is currently not used as transit street, however the street is designated as a minor arterial road in the Oregon City Transportation Plan. The proposed development location has easy access to public transportation being located directly on Warner Parrott Road, should a public transportation route be provided in the future.

#### *Policy 2.3.1*

*Ensure planning for transit corridors includes facilities and access management, aesthetics (including signage and building facade improvements), infill and redevelopment opportunities, high-density residential development, and business assistance to existing businesses.*

**Finding: Complies as proposed.** The proposed development will provide an infill of a large lot that will benefit from being on a transit-oriented street.

### *Goal 2.4 Neighborhood Livability*

*Provide a sense of place and identity for residents and visitors by protecting and maintaining neighborhoods as the basic unit of community life in Oregon City while implementing the goals and policies of the other sections of the Comprehensive Plan.*

**Finding: Complies with conditions. Please also refer to the findings under section 17.56.010(A)(4) above.** The proposed development will provide living opportunities for the elderly in the community to live in an easily accessible residential setting. Public comments included the concern that the proposed structure has a commercial appearance which is incompatible with the residential neighborhood. In response, the proposed development includes materials, finishes and features common to residential development, appears as a large residential structure, and as such, will not significantly compromise the feeling of the area as a residential neighborhood. The location of the site also allows for this use to take place in this setting due to surrounding development being a mix of schools, churches, single family dwellings, and apartments. While public comments expressed the fact that most of these pre-existing uses are low density in nature, some of which are forty years old or more, with very large setbacks and lots of parking, these developments were developed under older zoning code standards, and would be considered non-conforming to the current code standards for maximum front setbacks, pedestrian oriented facades, maximum off-street parking, landscaping and pedestrian access. There is no requirement that new development match such older zoning standards. With the recommended conditions of approval, the physical layout of the proposed facility will respect the concerns or the residents of the surrounding neighborhood while implementing the goals and policies of the Comprehensive Plan as discussed elsewhere in this report. **It is possible, likely and reasonable that the applicant can meet this policy standard through the Conditions of Approval.**

#### *Policy 2.4.1*

*Develop local neighborhood plans to strengthen and protect residential neighborhoods and historic areas from infill development; such as development along linear commercial corridors.*



**Finding: Not applicable.** There is no applicable local neighborhood plan for the area. Although the development is in a low-density residential zone, the use is allowed through a conditional use and the development itself is residential in nature. The site is not located within a historical area.

*Policy 2.4.2*

*Strive to establish facilities and land uses in every neighborhood that help give vibrancy, a sense of place, and a feeling of uniqueness; such as activity centers and points of interest.*

**Finding: Complies as proposed.** The provision of residential care facilities in existing residential neighborhoods contributes to neighborhood vitality by providing opportunities for elderly residents and their families to seek specialized care in their neighborhoods, close to their families, and by doing so foster greater community activity and sense of place. As Oregon City residents live longer and more active lives there will a greater need for such facilities. The property owner and operator also testified in detail at the public hearings regarding the need for these facilities due to increased numbers of baby boomers requiring care in later life.

*Policy 2.4.5*

*Ensure a process is developed to prevent barriers in the development of neighborhood schools, senior and childcare facilities, parks, and other uses that serve the needs of the immediate area and the residents of Oregon City.*

**Finding: Complies as proposed.** The conditional use process allows a proposal for an assisted living facility that will provide senior care for those with or without a memory care diagnosis which meets this policy by allowing this type of development for the community and elderly residents of Oregon City.

*B. Permits for conditional uses shall stipulate restrictions or conditions which may include, but are not limited to, a definite time limit to meet such conditions, provisions for a front, side or rear yard greater than the minimum dimensional standards of the zoning ordinance, suitable landscaping, off-street parking, and any other reasonable restriction, condition or safeguard that would uphold the spirit and intent of the zoning ordinance, and mitigate adverse effect upon the neighborhood properties by reason of the use, extension, construction or alteration allowed as set forth in the findings of the Planning Commission.*

**Finding: Complies with conditions.** As shown in this report, the proposal meets or exceeds the dimensional standards of the R-10 zone, and the applicant has revised the site plan and building in response to public comments concerns off-street parking and building massing. These conditions are attached to this staff report in order to uphold the spirit and intent of the zoning ordinance, and mitigate adverse effect upon the neighborhood properties.

**Based on the foregoing, it is possible, likely and reasonable that the applicant can meet this policy standard through the Conditions of Approval.**

*C. Any conditional use shall meet the dimensional standards of the zone in which it is to be located pursuant to subsection B. of this section unless otherwise indicated, as well as the minimum conditions listed below.*

**Finding: Complies as proposed. See also findings under 17.08.040 and 17.62.055.** The applicant proposes a ten-foot setback to comply with several code requirements.

The application is required to comply with the dimensional standards of the underlying R-10 zone unless otherwise indicated. This means that the R-10 setbacks apply except for when site plan and design standards require otherwise. The building is also required to comply with the Institutional, office, multi-



family, retail, and commercial building standards in OCMC 17.62.055. This standard pre-empts the underlying zoning setbacks, because the intent or purpose of the institutional building standards is very explicit and important to institutional building design.<sup>1</sup>

Furthermore, the Public Works Department has a requirement for a ten-foot Public Utility Easement across the property frontage, within which not structures may be placed.

Additionally, to comply with the Vehicle Access and Connectivity standards in OCMC 17.62.050.B.1 that “*Parking areas shall be located behind the building façade that is closest to the street, below buildings, or on one or both sides of buildings*”, the applicant proposed the smallest setback allowable given standard.

While the proposed front setback was a topic of concern during the public hearings, taken together, the proposal must meet all the code requirements and standards discussed above. Imposing a larger front setback would be trigger non-compliance with these standards. Further, the Planning Commission noted that requiring a greater front setback would result in the loss of off-street parking. Maximizing the level of off-street parking justified balancing the front yard setback at 10’.

*D. In the case of a use existing prior to the effective date of the ordinance codified in this title and classified in this title as a conditional use, any change of use expansion of lot area or expansion of structure shall conform with the requirements for conditional use.*

**Finding: Not applicable.** The existing use as a group home with 5 beds is not classified as a conditional use, however, the expansion to 30 beds is considered a change of use requiring conditional use approval.

*E. The Planning Commission may specifically permit, upon approval of a conditional use, further expansion to a specified maximum designated by the Planning Commission without the need to return for additional review.*

**Finding: Not applicable.** The applicant has not proposed further expansion beyond the requested 30 beds.

#### *17.56.020 - Permit—Application.*

*A. A property owner or authorized agent shall initiate a request for a conditional use by filing an application with the city recorder. The applicant shall submit a site plan, drawn to scale, showing the dimensions and arrangement of the proposed development. The application shall be accompanied by the filing fee listed in OCMC 17.50.080 to defray the costs of publication, investigation and processing.*

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<sup>1</sup> OCMC 17.62.055 A. Purpose. *The primary objective of the regulations contained in this section is to provide a range of design choices that promote creative, functional, and cohesive development that is compatible with surrounding areas. Buildings approved in compliance with these standards are intended to serve multiple tenants over the life of the building, and are not intended for a one-time occupant. The standards encourage people to spend time in the area, which also provides safety through informal surveillance. Finally, this section is intended to promote the design of an urban environment that is built to human scale by creating buildings and streets that are attractive to pedestrians, create a sense of enclosure, provide activity and interest at the intersection of the public and private spaces, while also accommodating vehicular movement.*



**Finding: Complies as proposed.** The application was submitted by the owner and their representative pursuant to OCMC 17.50 and OCMC 17.62 and the submittal requirements listed therein, and all applicable review fees were paid.

*B. Before the Planning Commission or City Commission may act on a conditional use application, it shall hold a public hearing thereon, following procedure as established in OCMC 17.50.*

**Finding: Complies as proposed.** The public hearing before the Planning Commission was publicly noticed in accordance with the public notice procedures in OCMC 17.50. For further details see findings under section 17.50.090 and 17.50.100 earlier in this report.

*17.56.025 - Minor modifications to legal conditional uses.*

*Minor modifications to an approved conditional use permit may be permitted. If permitted, the modification shall be reviewed as a minor site plan and design review. A minor modification to an approved conditional use permit is considered one of the following:*

*A. Modification to a structure for the purpose of enhancing the aesthetics of the building and there is no increase in the interior usable space;*

*B. Except for shelters, a maximum addition of up to one thousand square feet to a commercial, office, institutional, public, multi-family, or industrial building provided that the addition is not more than thirty-five percent of the original building square footage; or*

*C. Revisions to parking alignment and/or related vehicle circulation patterns.*

**Finding: Not applicable.** This is not a minor modification to an approved conditional use permit.

*17.56.040 - Criteria and standards for conditional uses.*

*In addition to the standards listed herein in OCMC 17.56.010, which are to be considered in the approval of all conditional uses and the standards of the zone in which the conditional use is located, the following additional standards shall be applicable:*

**A. Building Openings.** *The city may limit or prohibit building openings within fifty feet of residential property in a residential zone if the openings will cause glare, excessive noise or excessive traffic which would adversely affect adjacent residential property as set forth in the findings of the Planning Commission.*

**Finding: Not applicable.** The proposed use is a quiet and residential in nature. Most of the openings that will be on site are from resident bedrooms. The outdoor lighting proposed will comply with the outdoor lighting standards, which prohibit glare. Outdoor activities will take place in the interior courtyard which will provide privacy to the neighbors. The use is also considered a low traffic use and therefore there will not be any negative impacts to the privacy, noise, or traffic of the area and surrounding properties. Although there were public comments that privacy of adjacent private yards may be compromised by the proposed second story building windows providing views into adjacent properties, this standard neither limits nor prohibits windows for the purposes of privacy, and no public testimony was provided indicating that the proposed building openings would cause glare, excessive noise or excessive traffic which adversely affect adjacent residential property. For these reasons, staff does not recommend prohibitions on building openings within fifty feet of adjacent residential properties.

**B. Additional Street Right-of-Way.** *The dedication of additional right-of-way may be required where the city plan indicates need for increased width and where the street is inadequate for its use; or where the nature of the proposed development warrants increased street width.*

**Finding: See findings under section 16.12 earlier in this report.** No additional right-of-way dedication is required.



*F. Residential Care Facilities.*

*1. In addition to the general provisions of OCMC 17.56.020, any application shall include a description of the proposed use, including the number of residents and the nature of the condition or circumstances for which care, or a planned treatment or training program will be provided, the number of staff and the estimated length of stay per resident and the name of the agency responsible for regulating or sponsoring the use.*

**Finding: Complies with conditions.** The applicant did not provide the required details listed in this section. The applicant stated that the proposed facility will always maintain its license from the State of Oregon. The applicant is in the process of applying for a license to operate the facility from the Oregon Department of Human Services, the state agency that regulates residential and memory care facilities. Prior to issuance of a certificate of occupancy for the facility, the applicant shall provide details of the proposed use, including the number of residents and the nature of the condition or circumstances for which care, or a planned treatment or training program will be provided, the number of staff and the estimated length of stay per resident and the name of the agency responsible for regulating or sponsoring the use. **It is possible, likely and reasonable that the applicant can meet this policy standard through the Conditions of Approval.**

*2. Approval of a conditional use application for a residential care facility shall include the following minimum standards where applicable:*

*a. The proposed facility shall maintain all applicable licenses required by the appropriate agencies for the use described in the application.*

**Finding: Complies with conditions.** See findings under (1) above.

*b. All residential care facilities shall be subject to design review. Special considerations for this use are:*

*i. Compatibility in appearance with the surrounding area;*

**Finding: Complies with conditions.** See findings under OCMC 17.56. and OCMC 17.62 in this report.

*ii. Provisions of usable on-site open space appropriate to the needs of the residents and the nature of the care, treatment or training provided;*

**Finding: Complies as proposed.** Open space area for the resident's use will be located in the courtyard. This will ensure safety for the residents when they are outside as well as provide privacy for them and the neighbors.

*iii. Clearly defined property boundaries.*

**Finding: Complies as proposed.** The site boundaries will be clearly defined with a 6' tall cedar fence and landscaping.

*17.56.070 - Periodic review of conditional use permits.*

*A. The City Commission may provide for the periodic review of some or all of the conditional use permits previously issued by the city, or, with regard to lands annexed by the city, those such permits issued by the county. In providing for such review, the City Commission may designate classes of such previously issued permits for which periodic review shall be undertaken.*

*B. Such review shall be accomplished as an administrative action under Chapter 17.50 and shall be limited to the question of whether additional conditions should be imposed on a conditional use in the light of changing circumstances and more efficient implementation of the city's comprehensive plan.*

*C. Notwithstanding the provisions of Chapter 17.58, any additional conditions shall be met as a requirement for continued operation of the conditional use.*



**Finding: Not applicable.** The City Commission has not requested periodic review of this conditional use application.

#### **CHAPTER 17.62 - SITE PLAN AND DESIGN REVIEW**

*17.62.015 - Modifications that will better meet design review requirements.*

*The review body shall consider modification of certain site related development standards of this Chapter specified below. These modifications may be approved as part of a Type II design review process.*

**Finding: Not applicable.** The applicant has not requested any modifications pursuant to this section.

*17.62.030 - When required.*

*Site plan and design review shall be required for all development of real property in all zones except the low and medium density residential districts, unless otherwise provided for by this title or as a condition of approval of a permit. Site plan and design review shall also apply to all conditional uses, cluster housing developments, multi-family uses, manufactured home parks, and non-residential uses in all zones. Site Plan and Design Review does not apply to activities occurring within the right-of-way except for communication facilities pursuant to OCMC 17.80.*

*Site plan and design review is required for a change in use between the uses in Table 17.62.030:*

*Table 17.62.030*

| <i>Existing Use</i>            | <i>Proposed Use</i>                                                                                               |
|--------------------------------|-------------------------------------------------------------------------------------------------------------------|
| <i>Residential</i>             | <i>Nonresidential use, including but not limited to: commercial, office, industrial, retail, or institutional</i> |
| <i>Single-family or duplex</i> | <i>3 or more dwellings</i>                                                                                        |

*Site plan and design review shall not alter the type and category of uses permitted in the underlying zoning districts.*

*The general standards of section 17.62.050 do not apply to 3-4 plex, duplex, single-family attached dwellings, single-family detached residential unit, internal conversions, live/work dwelling and accessory dwelling unit Type I applications.*

**Finding: Applicable.** The applicant has proposed a conditional use, which requires site plan and design review.

*17.62.040 – Items required.*

*G. Archeological Monitoring Recommendation. For all projects that will involve ground disturbance, the applicant shall provide:*

- 1. A letter or email from the Oregon State Historic Preservation Office Archaeological Division indicating the level of recommended archeological monitoring on-site, or demonstrate that the applicant had notified the Oregon State Historic Preservation Office and that the Oregon State Historic Preservation Office had not commented within forty-five days of notification by the applicant; and*
- 2. A letter or email from the applicable tribal cultural resource representative of the Confederated Tribes of the Grand Ronde, Confederated Tribes of the Siletz, Confederated Tribes of the Umatilla, Confederated Tribes of the Warm Springs and the Confederated Tribes of the Yakama Nation indicating the level of recommended archeological monitoring on-site, or demonstrate that the applicant had notified the applicable tribal cultural resource representative and that the applicable tribal cultural resource representative had not commented within forty-five days of notification by the applicant.*

*If, after forty-five days' notice from the applicant, the Oregon State Historic Preservation Office or the applicable tribal cultural resource representative fails to provide comment, the City will not require the*



letter or email as part of the completeness review. For the purpose of this section, ground disturbance is defined as the movement of native soils.

**Finding: Complies as proposed.** In response to notification about the development proposal, the applicant received a copy of separate letters from the Oregon State Historic Preservation Office (SHPO) Archeologist notifying the applicant of applicable state laws ORS 358.905 and ORS 97.74, and from the Cultural Protection Specialist for the Confederated Tribes of the Grande Ronde recommending that archeological investigations be performed prior to any ground disturbing activities and that an Inadvertent Discovery Plan (IDP) be in place. Each letter provides a recommended course of action. These letters are attached to the applicant's narrative.

#### **17.62.050 - General Standards**

*All development shall comply with the following standards:*

##### **A. Landscaping.**

*1. Existing native vegetation is encouraged to be retained to the maximum extent practicable. All plants listed on the Oregon City Nuisance Plant List shall be removed from the site prior to issuance of a final occupancy permit for the building.*

**Finding: Complies with conditions.** The application did not indicate removal of all plants listed on the Oregon City Nuisance Plant List prior to issuance of a final occupancy permit for the building. If present, the applicant shall remove all noxious and nuisance vegetation on the site prior to issuance of a final certificate of occupancy. **It is possible, likely and reasonable that the applicant can meet this policy standard through the Conditions of Approval.**

*2. The amount of landscaping required is found in the standards for each underlying zone. Where the underlying zone does not contain and minimum landscaping standard, the minimum site landscaping shall be 15% of the total site area. Except as allowed elsewhere in Title 16 or 17 of this Code, all areas to be credited towards landscaping shall be installed with growing plant materials.*

**Finding: Complies as proposed.** According to the submitted landscape plan, 9,121 square feet of landscaping is proposed (38.1%). The landscape plan indicates that all areas to be credited towards landscaping shall be installed with growing plant materials.

*3. Pursuant to OCMC 17.49, landscaping requirements within the Natural Resource Overlay District, other than landscaping required for parking lots, may be met by preserving, restoring and permanently protecting native vegetation and habitat on development sites.*

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

*4. A landscaping plan shall be prepared by a registered landscape architect for new or revised landscaped areas and parking lots. Landscape architect approval is not required for tree removal and/or installation if the species are chosen from an approved street tree list. A certified landscape designer, arborist, or nurseryman shall be acceptable in lieu of a landscape architect for projects with less than five hundred square feet of landscaping. All landscape plans shall include a mix of vertical (trees and shrubs) and horizontal elements (grass, groundcover, etc.) that within three years will cover one hundred percent of the landscape area. Plant species listed on the Oregon City Nuisance Plant list are prohibited and native species are encouraged. No mulch, bark chips, or similar materials shall be allowed at the time of landscape installation except under the canopy of shrubs and within two feet of the base of trees.*

**Finding: Complies with conditions.** The applicant submitted a landscaping plan prepared by Christopher Baumann, Oregon Registered Landscape Architect, which identifies a visual variety of plants, shrubs and trees, including a mix of vertical and horizontal elements. The proposal does not indicate that no bark



mulch shall be allowed except under the canopy of shrubs and within two feet of the base of trees. The landscaping plan does not identify that within three years of planting, landscaping will cover one hundred percent of the landscaped area. Prior to issuance of a building permit associated with the proposed development, the applicant shall submit a revised landscaping plan which identifies that no mulch, bark chips, or similar materials shall be allowed at the time of landscape installation except under the canopy of shrubs and within two feet of the base of trees, and that within three years of planting, landscaping will cover one hundred percent of the landscaped area. **It is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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

**Finding: Complies as proposed.** Existing and proposed landscaping will be visible from Warner Parrott Road to the extent practicable.

*6. The landscaping in parking areas shall not obstruct lines of sight for safe traffic operation and shall comply with all requirements of OCMC 10.32, Traffic Sight Obstructions.*

**Finding: Complies as proposed.** The applicant's transportation engineer submitted a Traffic Analysis Letter which analyzed sight distance in accordance with AASHTO standards. The analysis indicates that a minimum sight distance of 390 feet from the proposed driveway will be exceeded in both directions along Warner Parrott Road. The applicant's traffic engineer measured sight distance to be more than 500 feet to the west and 1000 feet to the east. John Replinger, the city's transportation consultant, concurred with the applicant's analysis. Some members of the public testified that sight distance along on Warner Parrott Road would be reduced for vehicles entering onto Warner Parrott Road due to the potential for vehicles being parking in the parking lane abutting the site. However, minimum sight distance is not based on the possible presence of temporarily parked vehicles and is not a factor in the sight distance analysis.

*B. Vehicular Access and Connectivity.*

*1. Parking areas shall be located behind the building façade that is closest to the street, below buildings, or on one or both sides of buildings.*

**Finding: Complies as proposed.** The applicant has shown that parking is proposed along the side of the building. This is possible partly because portions of the expanded building are required to be built close to the street in accordance with OCMC 17.62.055.

*2. Existing or future connections to adjacent sites through the use of vehicular and pedestrian access easements which provide connection from the right-of-way to the adjoining property shall be provided.*

**Finding: Not applicable.** The adjacent land uses are developed as residentially zoned single family residences, so no existing or future connections to these sites are required.

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

**Finding: Not applicable.** The site is smaller than 3 acres (approximately ½ acre).

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

**Finding: Not applicable.** A parking garage has not been proposed as part of this development.

*C. A well-marked, continuous and protected on-site pedestrian circulation system meeting the following standards shall be provided:*

*1. Pathways between all building entrances and the street are required. Pathways between the street and buildings fronting on the street shall be direct and not cross a drive aisle. Exceptions may be allowed*



*by the director where steep slopes, a physically constrained site, or protected natural resources prevent a direct connection or where an indirect route would enhance the design and/or use of a common open space.*

**Finding: Complies as proposed.** A 6' wide paved walkway is proposed that connects the building's main entrance to the public sidewalk at Warner Parrott Rd.

*2. The pedestrian circulation system shall connect all main entrances, parking areas, bicycle parking, recreational areas, common outdoor areas, and any pedestrian amenities on the site. For buildings fronting on the street, the sidewalk may be used to meet this standard.*

**Finding: Complies as proposed.** The applicant has proposed a main entrance walkway / wheelchair ramp connecting to the front door from which a secondary ramp connects to the ADA accessible parking space. There are two additional pathways, one leading around the northwest corner of the building and connecting to a fire entrance door, and a second leading from the parking lot to a fire exit door at the southwest corner of the building. **It is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

*3. The pedestrian circulation system shall connect the principal building entrance to those of buildings on adjacent sites, except within industrial zoning designations.*

**Finding: Not applicable.** No additional connections are required to connect to adjacent buildings.

*4. Elevated external stairways or walkways shall not extend beyond the building facade except for external stairways or walkways located in, or facing interior courtyard areas that are not visible from the street or a public access easement. This standard does not apply to sky-bridges or sky-ways.*

**Finding: Not applicable.** No elevated external stairways or walkways are proposed.

*5. On-site pedestrian walkways shall be hard surfaced, well drained and at least five feet wide. Surface material shall contrast visually to adjoining surfaces. When bordering parking spaces other than spaces for parallel parking, pedestrian walkways shall be a minimum of seven feet in width unless curb stops are provided. When the pedestrian circulation system is parallel and adjacent to an auto travel lane, the walkway shall be raised or separated from the auto travel lane by a raised curb, bollards, landscaping or other physical barrier. If a raised walkway is used, the ends of the raised portions shall be equipped with curb ramps for each direction of travel. Pedestrian walkways that cross drive isles or other vehicular circulation areas shall utilize a change in textual material or height to alert the driver of the pedestrian crossing area.*

**Finding: Complies with conditions.** The two proposed smaller pathways indicated on the site plans are only three-feet wide. No walkways are proposed abutting vehicle travel lanes. No pedestrian walkways are proposed to cross drive aisles within the parking lot. Prior to issuance of a building permit the applicant shall provide a revised site plan that indicates that all on-site pedestrian walkways are at least five feet wide. **It is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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

**Finding: Complies as proposed.** The applicant's narrative identified that the development proposal will maintain continuous compliance with applicable federal, state, and City standards.

*E. Adequate public water and sanitary sewer facilities sufficient to serve the proposed or permitted level of development shall be provided pursuant to OCMC 16.12. The applicant shall demonstrate that adequate*



*facilities and services are presently available or can be made available concurrent with development. Service providers shall be presumed correct in the evidence, which they submit. All facilities shall be designated to City standards as set out in the City's facility master plans and public works design standards. A development may be required to modify or replace existing offsite systems if necessary to provide adequate public facilities. The City may require over sizing of facilities where necessary to meet standards in the City's facility master plan or to allow for the orderly and efficient provision of public facilities and services. Where over sizing is required, the developer may request reimbursement from the City for over sizing based on the City's reimbursement policy and fund availability, or provide for recovery of costs from intervening properties as they develop.*

**Finding: See findings under section 16.12.**

*F. If a transit agency, upon review of an application for an industrial, institutional, retail or office development, recommends that a bus stop, bus turnout lane, bus shelter, accessible bus landing pad, lighting, or transit stop connection be constructed, or that an easement or dedication be provided for one of these uses, consistent with an agency adopted or approved plan at the time of development, the review authority shall require such improvement, using designs supportive of transit use. Improvements at a major transit stop may include intersection or mid-block traffic management improvements to allow for crossings at major transit stops, as identified in the City's Transportation System Plan.*

**Finding: Complies as proposed.** Notice of this application was provided to Tri-Met, who did not comment on the proposal. There are currently no bus stops on Warner Parrott Road. Private vehicles may use the on-site driveway to pick-up and drop off passengers.

*G. Screening of Mechanical Equipment: Commercial, mixed-use, institutional, and multi-family buildings shall include the following measures to screen or block views of mechanical equipment from adjacent streets according to the following requirements.*

*1. Rooftop mechanical equipment, including HVAC equipment and utility equipment that serves the structure, shall be screened from view from the adjacent street on all new buildings or building additions. Screening shall be accomplished through the use of parapet walls or a sight-obscuring enclosure around the equipment constructed of one of the primary materials used on the primary facades of the structure, and that is an integral part of the building's architectural design. The parapet or screen shall completely surround the rooftop mechanical equipment to an elevation equal to or greater than the highest portion of the rooftop mechanical equipment being screened from adjacent streets, as viewed from the sidewalk or future sidewalk location on the adjacent street at pedestrian level. In the event such parapet wall does not fully screen all rooftop equipment, then the rooftop equipment shall be enclosed by a screen constructed of one of the primary materials used on the primary facade of the building so as to achieve complete screening. Screening requirements do not apply to new or replacement equipment on existing buildings. New or replacement rooftop mechanical equipment on existing buildings shall be painted or powder-coated.*

**Finding: Complies as proposed.** The applicant indicated that all mechanical equipment will be screened with fencing and landscaping. No roof mounted or wall mounted mechanical equipment is proposed.

*2. Wall-mounted mechanical HVAC and air conditioning equipment, and groups of multiple utility meters shall not be placed on the front facade of a building or on a facade that faces a right-of-way. Wall-mounted mechanical equipment, including air conditioning and groups of multiple utility meters, that extend six inches or more from the outer building wall shall be screened from view from adjacent streets; from residential, public, and institutional properties; and from public areas of the site or adjacent sites through the use of (a) sight-obscuring enclosures constructed of one of the primary materials used on the primary facade of the structure, (b) sight-obscuring fences, or (c) trees or shrubs that block at least eighty percent*



of the equipment from view or (d) painting the units to match the building. Wall-mounted mechanical equipment that extends six inches or less from the outer building wall shall be designed to blend in with the color and architectural design of the subject building. Vents which extend six inches or less from the outer building wall shall exempt from this standard if painted.

**Finding: Complies as proposed.** The applicant indicated that all mechanical equipment will be screened with fencing and landscaping. No roof mounted or wall mounted mechanical equipment is proposed.

3. *Ground-mounted above-grade mechanical equipment shall be screened by ornamental fences, screening enclosures, trees, or shrubs that block at least eighty percent of the view from the public right of way.*

**Finding: Complies as proposed.** The applicant indicated that all mechanical equipment will be screened with fencing and landscaping. No roof mounted or wall mounted mechanical equipment is proposed.

4. *This section shall not apply to the installation of solar energy panels, photovoltaic equipment, wind power generating equipment, dishes/antennas, pipes, vents, and chimneys.*

**Finding: Not applicable.** No solar energy panels, photovoltaic equipment, wind power generating equipment, dishes/antennas, pipes, vents, and chimneys are proposed.

#### *H. Building Materials.*

1. *Prohibited Materials. The following materials shall be prohibited in visible locations from the right-of-way or a public access easement unless an exception is granted by the Community Development Director based on the integration of the material into the overall design of the structure.*

- i. *Vinyl or plywood siding (including T-111 or similar plywood).*
- ii. *Glass block or highly tinted, reflected, translucent or mirrored glass (except stained glass) as more than ten percent of the building facade.*
- iii. *Corrugated fiberglass.*
- iv. *Chain link fencing (except for temporary purposes such as a construction site, gates for a refuse enclosure, stormwater facilities, when excepted by 17.62.050.H.2.vii, or when located on properties within the General Industrial District).*
- v. *Crushed colored rock/crushed tumbled glass.*
- vi. *Non-corrugated and highly reflective sheet metal.*
- vii. *Tarps, except for the protection of outside storage.*

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

2. *Special Material Standards. The following materials are allowed if they comply with the requirements found below:*

- i. *Concrete Block. When used for the front façade of any building, concrete blocks shall be split, rock- or ground-faced and shall not be the prominent material of the elevation. Plain concrete block or plain concrete may be used as foundation material if the foundation material is not revealed more than three feet above the finished grade level adjacent to the foundation wall.*
- ii. *Metal Siding. Metal siding shall have visible corner moldings and trim and incorporate masonry or other similar durable/permanent material near the ground level (first two feet above ground level) except when used for a temporary structure.*
- iii. *Exterior insulation and finish system (EIFS) and similar troweled finishes shall be trimmed in wood, masonry, or other approved materials and shall be sheltered from extreme weather by roof overhangs or other methods.*



- iv. *Building surfaces shall be maintained in a clean condition and painted surfaces shall be maintained to prevent or repair peeling, blistered or cracking paint.*
- v. *Membrane or fabric covered storage areas are permitted as temporary structures, excluding the use of tarps.*
- vi. *Vinyl or powder coated chain link fencing is permitted for City-owned stormwater management facilities, reservoirs, and other public works facilities such as pump stations, maintenance yards, and storage yards not located within the General Industrial District.*
- vii. *Chain link fencing is permitted in the following circumstances:*
  - 1. *Within City-owned parks and recreational facilities*
  - 2. *On any property when used for a baseball or softball backstop or dugout, track and field facility, or sports court.*

**Finding: Complies as proposed.** The following building materials are proposed: wood and composite siding (fiber cement), stone veneer, and composite panels (fiber cement) with concealed fasteners and aluminum joints.

*J. Development shall comply with requirements of the following Oregon City Municipal Code chapters, as applicable, including but not limited to:*

- 1. *12.04 Streets, Sidewalks and Public Places*
- 2. *12.08 Public and Street Trees*
- 3. *13.04 Water Service System*
- 4. *13.08 Sewer Regulations*
- 5. *13.12 Stormwater Management*
- 6. *16.12 Minimum Improvements and Design Standards for Development*
- 7. *17.20 Residential Design Standards for ADU's, Cluster Housing, Internal Conversions, Live/Work Units, and Manufactured Home Parks*
- 8. *17.40 Historic Overlay District*
- 9. *17.41 Tree Protection Standards*
- 10. *17.42 Flood Management Overlay District*
- 11. *17.44 Geologic Hazards*
- 12. *17.47 Erosion and Sediment Control*
- 13. *17.48 Willamette River Greenway*
- 14. *17.49 Natural Resource Overlay District*
- 15. *17.50 Administration and Procedures*
- 16. *17.52 Off-Street Parking and Loading*
- 17. *17.54 Supplemental Zoning Regulations and Exceptions*
- 18. *17.58 Lawful Nonconforming Uses, Structures, and Lots*
- 19. *17.65 Master Plans and Planned Unit Development*

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

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

*B. Applicability. This section applies to institutional, office, multi-family, retail and commercial buildings except accessory structures less than one thousand square feet and temporary structures.*

**Finding: Applies.** OCMC definition 17.04.595 - **Institutional development** includes all public, semi-public and private community facilities and uses, including government office and maintenance facilities, educational facilities, research institutions, correctional institutions, museums, libraries, stadiums, hospitals, **residential care facilities**, auditoriums and convention or meeting halls, churches, parks and public recreational facilities, automobile parking structures, and other similar facilities and uses. The



proposed residential care facility is considered institutional development. Therefore, these standards apply.

*C. Conflicts. With the exception of standards for building orientation and building front setbacks, in the event of a conflict between a design standard in this section and a standard or requirement contained in the underlying zoning district, the standard in the zoning district shall prevail.*

**Finding: Complies as proposed.** No conflicts have been identified. The applicant has designed the front of the building to comply with these building standards. The site is in a residential zone. Although there are commercial and institutional developments around the site and along Warner Parrott Rd. (churches, gas station, schools, apartments) the building has also been designed to match the aesthetics, finishes, colors, etc. of the existing 2-story house that is being converted as well as the surrounding area.

*D. Siting of Structures. On sites with one hundred feet or more of frontage at least sixty percent of the site frontage width shall be occupied by buildings placed within five feet of the property line. For sites with less than one hundred feet of street frontage, at least fifty percent of the site frontage width shall be occupied by buildings placed within five feet of the property. Multi-family developments shall be placed no farther than twenty feet from the front property line. This section does not apply to properties with less than forty feet of frontage.*

**Finding: Complies with condition.** The property frontage is approximately 123.79 feet wide, so the standard requires that sixty percent (74 feet) of the property frontage be occupied by building within five feet of the property line. The existing house on the property is setback approximately 63 feet from the street, which is conforming for a residential use. The proposed building addition width is only 38' wide at the front (30%). The applicant did not request a variance or modification of this standard. The applicant shall provide a revised site plan indicating that at least sixty percent of the site frontage width shall be occupied by buildings placed within five feet of the property line prior to issuance of a building permit.

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

*A larger front yard setback may be approved through site plan and design review if the setback area incorporates at least one element from the following list for every five feet of increased setback requested:*

1. *Tables, benches or other approved seating area.*
2. *Cobbled, patterned or paved stone or enhanced concrete.*
3. *Pedestrian scale lighting.*
4. *Sculpture/public art.*
5. *Fountains/Water feature.*
6. *At least twenty square feet of landscaping or planter boxes for each tenant facade fronting on the activity area.*
7. *Outdoor café.*
8. *Enhanced landscaping or additional landscaping.*
9. *Other elements, as approved by the Community Development Director, that can meet the intent of this section.*

**Finding: Complies as proposed.** The building is setback 10' from the right-of-way in order to accommodate the required ten-foot wide public utility easement. The applicant has proposed four elements including additional paving, two benches, pedestrian level lighting, and enhanced landscaping in the setback area, which exceeds the minimum number of pedestrian elements required.



*E. Building Orientation. All buildings along the street frontage shall face the front most architecturally significant facade toward the street and have a functional primary entrance facing the street. Primary building entrances shall be clearly defined and recessed or framed by a sheltering element such as an awning, arcade or portico in order to provide shelter from the summer sun and winter weather.*

**Finding: Complies as proposed.** The applicant has designed the front facade to be the most architecturally significant. The entrance of the building has a roof over the recessed main entrance door. This is the existing entrance of the building that is being used for the expanded building as well. The entrance is highlighted using stone materials and a gable roof.

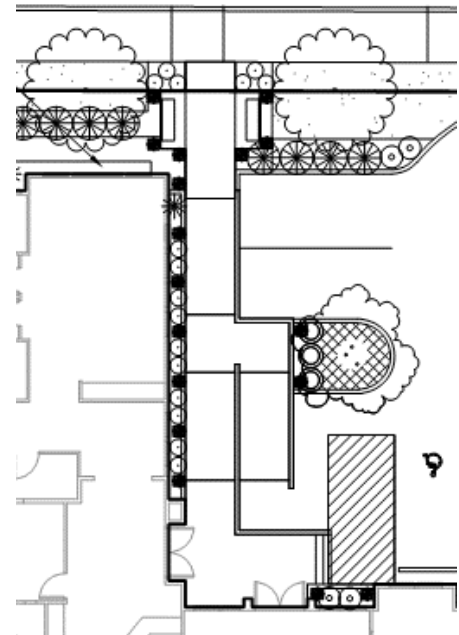


*F. Entryways. Entrances shall include a doorway and a minimum of four of the following elements:*

*1. Display windows; recesses or projections; peaked roof or raised parapet over the door; canopy of at least five feet in depth; porch; distinct materials; architectural details such as tile work and moldings; pedestrian amenities such as benches, planters or planter boxes; landscape treatments integrating arbors, low walls, trellis work; or similar elements. Trellises, canopies and fabric awnings may project up to five feet into front setbacks and public rights-of-way, provided that the base is not less than eight feet at the lowest point and no higher than ten feet above the sidewalk.*

**Finding: Complies as proposed.** The entrance of the building has the following elements:

1. A roof over the recessed main entrance door. This is the existing entrance of the building that is being used for the expanded building as well.
2. The entrance is highlighted using stone materials and a gable roof.
3. Landscape treatments (planters).
4. Display windows.



*H. Variation in Massing. For street facing facades greater than 120 feet in length a modulation is required which extends through all floors. Decks and roof overhangs may encroach up to three feet per side into the modulation. The modulation shall meet one of the following dimensional requirements:*

- 1. A minimum depth of two percent of the length of the facade and a minimum width of thirty percent of the length of the facade; or*
- 2. A minimum depth of four percent of the length of the facade and a minimum width of twenty percent of the length of the facade.*

**Finding: Not applicable.** The street facing facade is 96' 8 1/2" in length, less than 120 feet, and is therefore not required to comply with this standard.

*I. Building Design Elements.*



*d. Pillar or post*

3. Second story balcony with pillar (left side).

*m. An alternative feature providing visual relief and detail as approved by the Community Development Director*

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- First 30' (5 elements): changes in plane >2' wide and 6" deep, balcony, pillar, hip and gabled roof, repeating building materials
- Second 30' (5 elements): changes in plane >2' wide and 6" deep, gabled roof, repeating building materials, recessed entry, stonework >10%.
- Third 30' (4 elements): changes in plane >2' wide and 6" deep, gabled roofs, repeating building materials, stonework >10%. The remaining 6' of façade are not calculated.

**3. Building Detail Variation.** Architectural features shall be varied on different buildings within the same development. At least two of the required features on each street-facing elevation shall be distinct from the street-facing elevations of other buildings within the same development.

**Finding: Not applicable.** There is only one building proposed.

#### J. Windows.

**1.** The minimum windows requirements are set forth in Table 17.62.055.J. Windows are measured in lineal fashion between 3.5 feet and six feet from the ground. For example, a one hundred foot long building elevation would be required to have at least sixty feet (sixty percent of one hundred feet) of windows in length between the height of 3.5 feet and six feet from the ground.

| Table 17.62.055.J Minimum Windows                   |                                               |                                                 |                               |                                 |
|-----------------------------------------------------|-----------------------------------------------|-------------------------------------------------|-------------------------------|---------------------------------|
| Use                                                 | Ground Floor: Front and Street Facing Facades | Upper floor(s): Front and Street Facing Facades | Ground Floor: Side(s) Facades | Upper Floor(s): Side(s) Facades |
| Non-Multi-Family (or Portions of Buildings Thereof) | 60%                                           | 10%                                             | 30%                           | 10%                             |

**Finding: Complies with conditions.**

#### Front façade:

The front facing façade measures 96' 8 ½".  $96' 8 \frac{1}{2}" \times .6 = 58'$ . The front façade requires 58' of windows between 3.5 feet and six feet from the ground. The applicant has proposed 52' of windows (measuring glass only). *Based on this measurement, 5' of additional windows is required on the front façade.*

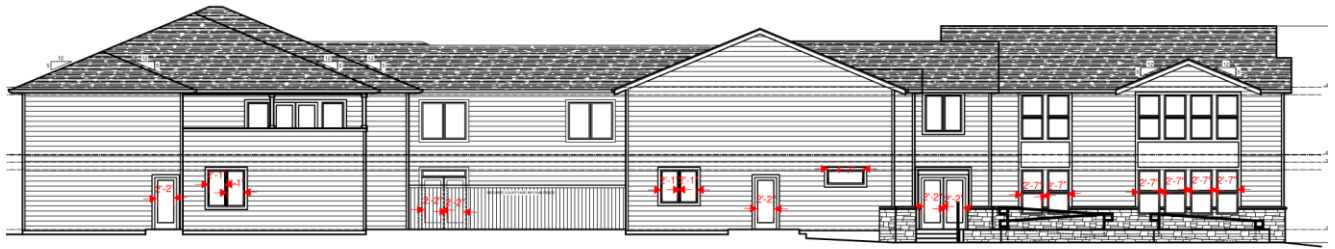


#### Ground floor façade (east or left side):

The east ground floor façade measures 169' 2 ½" in length.  $169' 2 \frac{1}{2}" \times .3 = 50.7'$ . The east ground floor facade requires 50.7' of windows between 3.5 feet and six feet from the ground. The applicant has

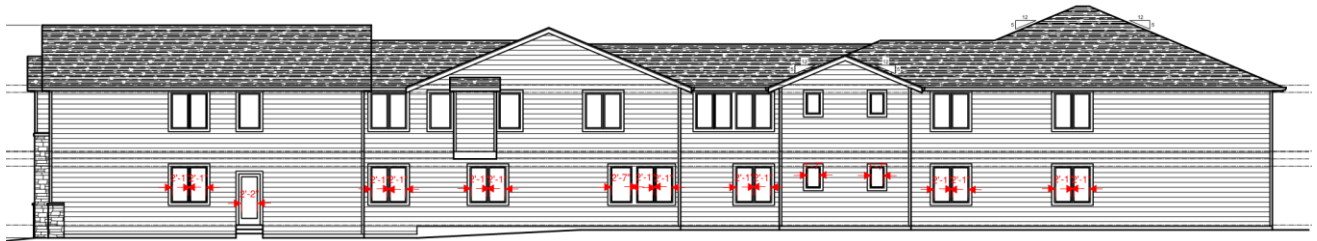


proposed 41.5' of windows (measuring glass only). *Based on this measurement, 9.2' of additional windows is required on the east ground floor front façade.*



Ground floor façade (west or right side):

The west ground floor façade also measures 169' 2 1/2" in length.  $169' 2 \frac{1}{2}" \times .3 = 50.7'$ . The west ground floor facade requires 50.7' of windows between 3.5 feet and six feet from the ground. The applicant has proposed 37'.025 of windows (measuring glass only). *Based on this measurement, 13.7' of additional windows is required on the west ground floor front façade.*



Upper floor windows on the front and sides all comply with the 10% minimum.

The applicant has the following options to comply with the standard:

- A. Provide revised elevations indicating compliance with the minimum percentage of windows for the ground floor facades on the front and sides, or,
- B. Request a modification to this standard pursuant to OCMC 17.62.015 for consideration by the Planning Commission. The applicant shall provide a memorandum that addresses the applicable criteria for the modification.

The applicant has indicated that they can revise the plans provide the correct percentage windows. Prior to issuance of a building permit the applicant shall provide revised plans that show 60% windows on the front ground floor façade and 30% on the sides. **It is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

*2. Reflective, glazed, mirrored or tinted glass is limited to ten percent of the lineal footage of windows on the street facing facade. Highly reflective or glare-producing glass with a reflective factor of one-quarter or greater is prohibited on all building facades. Any glazing materials shall have a maximum fifteen percent outside visual light reflectivity value. No exception shall be made for reflective glass styles that appear transparent when internally illuminated.*

**Finding: Complies as proposed.** The applicant indicated that reflective glass is not proposed and this standard is met.



3. Side walls that face walkways may include false windows and door openings only when actual doors and windows are not feasible because of the nature of the use of the interior use of the building. False windows located within twenty feet of a right-of-way shall be utilized as display windows with a minimum display depth of thirty-six inches.

**Finding: Not applicable.** False windows or door openings are not proposed.

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

**Finding: Not applicable.** This is not a multi-family development.

K. *Roof Treatments.* The maximum length of any continuous roofline on a street-facing façade shall be seventy-five feet without a cross gable or change in height of at least two feet.

**Finding: Complies as proposed.** The longest length of continuous roofline on the street-facing façade is 64.4 feet.



L. *Drive-through facilities shall:*

1. Be located at the side or rear of the building.
2. Be designed to maximize queue storage on site.

**Finding: Not applicable.** The proposal does not include a drive-through facility.

M. *Special development standards along transit streets.*

**Finding: Not applicable.** This section of Warner Parrott Road is not served by transit.

#### **17.62.065 - Outdoor lighting.**

B. *Applicability.*

1. *General.*

a. All exterior lighting for any type of commercial, mixed-use, industrial, institutional, or multi-family development shall comply with the standards of this section, unless excepted in subsection B.3.

b. The City Engineer or Public Works Director shall have the authority to enforce these regulations on private property if any outdoor illumination is determined to present an immediate threat to the public health, safety and welfare.

2. *Lighting Plan Requirement.* All commercial, industrial, mixed-use, cottage housing and multi-family developments shall submit a proposed exterior lighting plan. The plan shall be submitted concurrently with the site plan. The exterior lighting plan shall include plans and specifications for streetlights, parking lot lights, and exterior building lights. The specifications shall include details of the pole, fixture height and design, lamp type, wattage, and spacing of lights.



**Finding: Complies as proposed.** A lighting plan was provided with the application.

3. *Excepted Lighting. The following types of lighting are excepted from the requirements of this section.*
  - a. *Residential lighting for single-family attached and detached homes, and duplexes*
  - b. *Public street and right-of-way lighting.*
  - c. *Temporary decorative seasonal lighting provided that individual lamps have a light output of sixty watts or less.*
  - d. *Temporary lighting for emergency or nighttime work and construction.*
  - e. *Temporary lighting for theatrical, television, and performance areas, or for special public events.*
  - f. *Lighting for a special district, street, or building that, according to an adopted municipal plan or ordinance, is determined to require special lighting aesthetics as part of its physical character.*
  - g. *Lighting required and regulated by the Federal Aviation Administration.*

**Finding: Not applicable.** The proposal does not include any of the listed exceptions.

**C. Design and Illumination Standards.**

1. *Outdoor lighting, if provided, shall be provided in a manner that enhances security, is appropriate for the use, avoids adverse impacts on surrounding properties, and the night sky through appropriate shielding as defined in this section. Glare shall not cause illumination on other properties in excess of a measurement of 0.5 foot-candles of light as measured at the property line.*

**Finding: Complies with condition.** The submitted photometric plan does not indicate foot-candle levels for the western property line adjacent to the secured outdoor area. Prior to issuance of a building permit, the applicant shall provide a revised lighting plan that indicates foot-candle levels of 0.5 or less at the property line. **It is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

2. *Lighting shall be provided in parking lots and vehicular circulation areas.*

**Finding: Complies as proposed.** Lighting is proposed in these areas by the wall packs mounted on the building.

3. *Lighting shall be provided in pedestrian walkways, pedestrian plazas, and pedestrian circulation areas.*

**Finding: Complies as proposed.** Path lighting and wall packs are proposed to illuminate the pedestrian walkways, outdoor recreation areas, and the parking area.

4. *Lighting shall be provided at all building entrances.*

**Finding: Complies as proposed.** Lighting will be provided at all building entrances.

5. *With the exception of pedestrian scale lighting, all light sources shall be concealed or shielded with a full cut-off style fixture in order to minimize the potential for glare and unnecessary diffusion on adjacent property.*

**Finding: Complies as proposed.** All outdoor fixtures will be equipped with covers to prevent glare. See lighting plan for types and locations of fixtures.

6. *The maximum height of any lighting pole serving a multi-family residential use shall be twenty feet. The maximum height serving any other type of use shall be twenty-five feet, except in parking lots larger than five acres, the maximum height shall be thirty-five feet if the pole is located at least one hundred feet from any residential use.*

**Finding: Not applicable.** This is not a multi-family development.



7. *Floodlights shall not be utilized to light all or any portion of a building facade between 10 p.m. and 6 a.m.*

**Finding: Complies as proposed.** The applicant indicated that accent lighting will be not be used between 10 p.m. and 6 a.m.

8. *Lighting on outdoor canopies shall be fully recessed into the canopy and shall not protrude downward beyond the ceiling of the canopy.*

**Finding: Not applicable.** No outdoor canopies are proposed.

9. *All outdoor light not necessary for security purposes shall be reduced, activated by motion sensor detectors, or turned off during non-operating hours.*

**Finding: Complies as proposed.** The applicant indicated that the building is operational on a 24 hour basis and that only lights needed for safety will be used after 10 p.m.

10. *Light fixtures used to illuminate flags, statues, or any other objects mounted on a pole, pedestal, or platform shall use a narrow cone beam of light that will not extend beyond the illuminated object.*

**Finding: Complies as proposed.** The applicant indicated that accent lighting will be provided in such a way as to only light the object it is intending to highlight. Accent lighting will be turned off after 10 p.m.

11. *For upward-directed architectural, landscape, and decorative lighting, direct light emissions shall not be visible above the building roofline.*

**Finding: Complies as proposed.** No decorative lighting will project beyond the building line or landscape feature it is highlighting.

12. *No flickering or flashing lights shall be permitted, except for temporary decorative seasonal lighting.*

**Finding: Not applicable.** Flickering or flashing lights are not proposed.

13. *Lighting for outdoor recreational uses such as ball fields, playing fields, tennis courts, and similar uses, are allowed a light post height up to eighty feet in height.*

**Finding: Not applicable.** These types of uses are not part of the proposal.

14. *Main building entrances shall be well lighted and visible from any transit street. The minimum lighting level for building entries fronting on a transit street shall be three foot-candles.*

**Finding: Complies as proposed.** The entrance to the building will be illuminated by wall mounted lights.

**17.62.085 - Refuse and recycling standards for commercial, industrial, office, institutional, and multi-family developments.**

*The purpose and intent of these provisions is to provide an efficient, safe and convenient refuse and recycling enclosure for the public as well as the local collection firm. All new development, change in property use, expansions or exterior alterations to uses, other than single-family or duplex residences, single-family attached dwellings, 3-4 plexes, internal conversions, or accessory dwelling units (ADUs), shall include a refuse and recycling enclosure. The area(s) shall be:*

- A. *Fully enclosed and visually screened;*
- B. *Located in a manner easily and safely accessible by collection vehicles;*
- C. *Located in a manner so as not to hinder travel lanes, walkways, streets or adjacent properties;*
- D. *On a level, hard surface designed to discharge surface water runoff and avoid ponding;*
- E. *Maintained by the property owner;*



*F. Used only for purposes of storing solid waste and recyclable materials;*

*G. Designed in accordance with applicable sections of the Oregon City Municipal Code (including OCMC 8.20—Solid Waste Collection and Disposal) and city adopted policies.*

*Enclosures are encouraged to be sized appropriately to meet the needs of current and future tenants and designed with sturdy materials which are compatible to the primary structure(s).*

**Finding: Complies as proposed.** A detached trash enclosure with a roof is proposed on the site. Plans for this structure have been provided. It will be located on the end of the driveway for easy access by the building occupants and the collection agency. The trash will be constructed of wood and masonry products with a roof and be fully screened.

### **III. CONCLUSION AND DECISION**

Based on the analysis and findings as described above, the Planning Commission concludes that the proposed development located at 182 Warner Parrott Road., Oregon City, Oregon 97045, and identified as Clackamas County Map 3-2E-06CB-01502, can meet the requirements as described in the Oregon City Municipal Code by complying with the Conditions of Approval provided in this report. Therefore, the Planning Commission approves GLUA-20-00020: CU-20-00002 / SP-20-00043 with conditions, based upon the findings and exhibits contained in this staff report.

### **EXHIBITS:**

1. Vicinity Map
2. Applicant's Narrative and Original Plans
3. Applicant's revised plans
4. Public Comments
5. Traffic Analysis Letter
6. Letter from John Replinger
7. Applicant proposals entered into the record during the hearings:
  - a. Memo to Planning Commission requesting modification to OCMC 17.62.055.D – Siting of Structures, 10/26/2020.
  - b. Solar shading and height study based on the requirements and standards of the City of Lake Oswego.
  - c. A memorandum provided to planning staff on 12/7/2020 summarizing parking, hearing continuances, and shading (the memo is undated).
  - d. A map of properties in the vicinity of the property that are uses other than single family as requested at the first planning commission hearing, dated 12/7/2020.
  - e. An aerial photograph of the property indicating shade thrown by existing structures and vegetation. The exact date of this photograph is unknown.
  - f. Shared parking agreement with Oregon City Christian Church.



## Planning Commission – All Public Hearing for GLUA-20-00020

182 Warner Parrott Rd

The following meeting agendas, videos, staff report and exhibits for this project are available for viewing at <https://www.orcity.org/meetings> and are part of the record.

| Date       | City Website                                                                                                                    | YouTube                                                                 |
|------------|---------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------|
| 8/24/2020  | <a href="https://www.orcity.org/bc-pc/planning-commission-5">https://www.orcity.org/bc-pc/planning-commission-5</a>             | <a href="https://youtu.be/oHxYnthrYxU">https://youtu.be/oHxYnthrYxU</a> |
| 10.26.2020 | <a href="https://www.orcity.org/bc-pc/planning-commission-8">https://www.orcity.org/bc-pc/planning-commission-8</a>             | <a href="https://youtu.be/wLrmAK5oqf4">https://youtu.be/wLrmAK5oqf4</a> |
| 11/9/2020  | <a href="https://www.orcity.org/bc-pc/planning-commission-9">https://www.orcity.org/bc-pc/planning-commission-9</a>             | <a href="https://youtu.be/R44H7dw5S5c">https://youtu.be/R44H7dw5S5c</a> |
| 11/23/2020 | <a href="https://www.orcity.org/bc-pc/planning-commission-revised">https://www.orcity.org/bc-pc/planning-commission-revised</a> | <a href="https://youtu.be/lllupm0P9JA">https://youtu.be/lllupm0P9JA</a> |
| 12/14/2020 | <a href="https://www.orcity.org/bc-pc/planning-commission-10">https://www.orcity.org/bc-pc/planning-commission-10</a>           | <a href="https://youtu.be/DpmeMCZ1yUI">https://youtu.be/DpmeMCZ1yUI</a> |
| 1/11/2021  | <a href="https://www.orcity.org/bc-pc/planning-commission-11">https://www.orcity.org/bc-pc/planning-commission-11</a>           | <a href="https://youtu.be/oTBfW1Toi2c">https://youtu.be/oTBfW1Toi2c</a> |



### Public Comment Matrix

AP-21-00001 - Appeal of the Planning Commission's Approval of a 30-Bed Residential Care Facility with Memory Care at 182 Warner Parrott Road - Planning Files GLUA-20-00020: CU-20-00002 Conditional Use / SP-20-00043 Site Plan and Design Review.

#### Public Comments (in Support)

| Name                              | Date                    | Testimony          |
|-----------------------------------|-------------------------|--------------------|
| William Gifford                   | 12/14/2020 (PC Hearing) | Verbal (See video) |
| William Gifford                   | 11/23/2020 (PC hearing) | Verbal (See video) |
| Gary Spanovich (Traffic Engineer) | 10/26/2020 (PC Hearing) | Verbal (See video) |
| Jennifer Roney, RN                | 10/10/2020              | Email              |
| Victoria Meinig                   | 10/9/2020               | Letter             |
| Joanne Petrie                     | 9/19/2020               | Email              |
| Janet Hochstatter                 | 9/30/ 2020              | Letter             |

#### Public Comments (Against)

| Name                      | Date                    | Testimony            |
|---------------------------|-------------------------|----------------------|
| Jerry Yarberry            | 12/14/2020 (PC Hearing) | Verbal (See video)   |
| Jerry Yarberry            | 11/23/2020 (PC Hearing) | Verbal (See video)   |
| Michelle Winters          | 11/23/2020 (PC Hearing) | Verbal (See video)   |
| Marilyn Fergus            | 11/23/2020 (PC Hearing) | Verbal (See video)   |
| John Kies                 | 11/20/2020              | Email                |
| Marilynn Fergus           | 11/9/2020               | Letter with 3 photos |
| Rebecca (Becky) Turner    | 11/8/2020               | Email with 4 photos  |
| Ingra Rickenbach          | 11/6/2020 (PC Hearing)  | Verbal (See video)   |
| Marilyn Fergus            | 11/6/2020 (PC Hearing)  | Verbal (See video)   |
| Mary Nerpel Smith         | 11/2/2020               | Letter               |
| Mark Turner               | 10/26/2020              | Letter               |
| Jerry Yarberry            | 10/26/2020 (PC Hearing) | Verbal (See video)   |
| Marilyn Fergus            | 10/26/2020 (PC Hearing) | Verbal (See video)   |
| Amy Willhite              | 10/26/2020 (PC Hearing) | Verbal (See video)   |
| Michelle and John Winters | 10/26/2020 (PC Hearing) | Verbal (See video)   |
| Mr. and Mrs. Gary Geiger  | 8/14/2020               | Email                |
| David Chapin              | 8/14/2020               | Letter               |
| Gary and Marilyn Fergus   | 8/13/2020               | Letter               |
| Stacy and Todd Cox        | 8/13/2020               | Email                |
| Michelle and John Winters | 8/12/2020               | Letter               |
| Jerry Yarberry            | 8/11/2020               | Letter (2 pages)     |
| Jill Emra                 | 7/29/2020               | Letter               |



**Pete Walter**

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**From:** Jennifer Roney, RN / All About Seniors Inc. <allaboutsensors1@cs.com>  
**Sent:** Saturday, October 10, 2020 9:41 AM  
**To:** Pete Walter  
**Subject:** GLUA-20-00020: CU-20-00002 Conditional use / SP-20-00043 Site Plan and Design Review. Subject Property: 182 Warner Parrott Rd. Oregon City, OR. 97045

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

To Whom it May Concern,

I am writing to request your favorable decision in the expansion plans of this above property in Oregon City. I have worked with these providers, Petronella and Danny Donovan, for many years in my role as a nurse and placement agent serving the tri-county area.

These are exceptional Providers with an outstanding reputation as well as regulatory record in their Adult Care Home. I have done many placements in their Home over the years and have received only the highest compliments and feedback from families regarding their home and services. Their reputation is truly immaculate and they are highly sought after senior care Providers.

Petronella and Danny are also leaders in the Adult Care Home Provider community. They have led their peers with integrity, wisdom and compassion. They have also helped in the creation of guidelines, regulations, education and training, both locally and state wide, towards the goal of continued quality care for our seniors and disabled.

Their goal to expand their care setting offerings brings me much happiness as an Senior care Placement Agent because I know they will continue to provide that same level of high quality care and services in everything that they plan to do. And the need is tremendous for the services they will be offering. Our senior population is growing at a fast rate and the need is tremendous for more high quality care settings. This is what Petronella and Danny propose and will provide. I have no doubts whatsoever about the quality and services that they are planning.

I also see a benefit to your community in that they will become a larger local business and employer, something we all appreciate tremendously for a multitude of reasons. And I fully anticipate they will be helping to meet the needs of seniors in the nearby rural communities that have VERY limited care options available to them currently.

I see so many reasons to thank them and cheer them on for taking on this project to even better serve the community. I encourage you to do the same and to vote favorably in the continuation of their work serving your local community as well as all of us in the surrounding area.

Respectfully yours,

Jennifer Roney, RN  
Senior Care & Placement Agent  
/ Owner  
All About Seniors, Inc.  
AllAboutSeniorsInc.com  
503-659-1410



PRO

PO Box 516  
Oregon City OR 97045  
503-656-1619  
F: 503-656-2274  
www.oregoncity.org



October 9, 2020

Oregon City Planning Commission  
695 Warner Parrott Road  
Oregon City, OR. 97045

RE: GLUA-20-00002 Conditional use/SP-20-00043 Site Plan & Design Review  
Subject Property: 182 Warner Parrott Rd., Oregon City, OR. 97045

To Peter Walter and the Planning Commission:

The Oregon City Chamber of Commerce is writing to support the expansion of the facility and services of Oregon City Adult Care Home, LLC at 182 Warner Parrott Rd., Oregon City, OR. 97045

Daniel and Petronella Donovan have been members in good standing with the Oregon City Chamber of Commerce since 2012. They have been exemplary in support of the City of Oregon City, and it's community members.

By allowing the proposed development:

- It affords longtime community members to stay in the same area they have lived in and allows them peace and continuity in their senior years.
- It brings more jobs to the city.
- Most importantly, it brings some of the much-needed housing in the state's significant shortfall of beds.

As advocates for businesses in Oregon City, the Chamber believes that Oregon City's best interest is to grant this application, thereby increasing senior housing in Oregon City. The Chamber fully endorses Daniel and Petronella Donovan's request for this expansion.

Respectfully,

A handwritten signature in black ink that reads 'Victoria Meinig'.

Victoria Meinig, CEO  
Oregon City Chamber of Commerce

Cc: Petronella Donovan



**Pete Walter**

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**From:** Joanne Petrie <Joanne.Petrie@bristolhospice.com>  
**Sent:** Saturday, September 19, 2020 2:59 PM  
**To:** Pete Walter  
**Subject:** Re: GLUA-20-00020:CU-20-00002 and SP-20-00043 SUBJECT PROPERTY: 182 Warner Parrot Rd. Oregon City, Oregon

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

Re: GLUA-20-00020:CU-20-00002 and SP-20-00043

SUBJECT PROPERTY: 182 Warner Parrot Rd. Oregon City, Oregon

Dear Oregon City Planning Commission,

I am writing this letter to confirm that Petronella owns a foster home and wants to enlarge the facility.

I have been a neighbor for five years and a friend for twenty years.

She has the ability to facilitate her present foster home with clarity, compassion and resourcefulness and dignity. She is capable of handling a larger facility that adds value to the neighborhood and will give people who need help a home away from home.

She has a unique ability to manage as well as as give people appropriate additional support and assistance in their decline in life.

I support her request to enlarge her facility whole-heartedly!

Any questions please feel free to call me.

Joanne Petrie  
503-593-2301

Joanne Petrie  
Chaplain/Bereavement Coordinator  
Bristol Hospice-Oregon  
503-698-8911  
Joanne.Petrie@BristolHospice.com  
[www.bristolhospice-oregon.com](http://www.bristolhospice-oregon.com)



30 September, 2020

PRO

Oregon City Planning Commission  
695 Warner Parrott Road  
Oregon City, OR. 97045

RE: GLUA-20-00002 Conditional use/SP-20-00043 Site Plan & Design Review  
Subject Property: 182 Warner Parrott Rd., Oregon City, OR. 97045

To Whom It may Concern:

I am writing this letter in favor of Oregon City Adult Care Home expanding their facility and services at the above location.

This business has an excellent reputation and is known for their compassionate, empathetic care of our senior citizens. The Oregon City Community needs more caring senior facilities, it is clean quiet industry, which will provide for more employment opportunities and increased senior services in our City. The current site is adequate for this expansion and will not overextend other services currently available in that area.

I urge you to approve this application.

Sincerely yours,



Janet M. Hochstatter  
Secretary, Oregon City Chamber of Commerce  
Founding member, Clackamas Volunteers in Medicine, Founders Clinic  
14539 S. Thayer Road  
Oregon City, OR. 97045  
[jmhochstatter@comcast.net](mailto:jmhochstatter@comcast.net)



**Pete Walter**

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**From:** John Kies <jkies1@gmail.com>  
**Sent:** Friday, November 20, 2020 10:08 AM  
**To:** Pete Walter  
**Subject:** 182 Warner Parrot Rd-project

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

I know that I'm not a voting member, but a thought on this project. I drove by the location:

The building on the premises is already a dominating building in the area.

There is a two car garage at the end of the driveway now. Reviewed the drawings again and it appears that will be eliminated.

The new building would really take a neighborhood look , out of the area. The size of these properties would make it a logical place for others to add businesses in the area.

Just a thought



11/9/2020

To the Planning Commission of Oregon City:

Following are some of my additional concerns about the proposed expansion at 182 Warner Parrott Rd. Oregon City Or. 97045

1. Current 20 year plan Goal 1.7.1 Neighborhood plans "Ensure the neighborhood plans are consistent with the Comprehensive Plan."

**According to the Zoning Map we are still an R-10 which is listed as Low Density defined as "primarily single-family detached homes". How is 30 patients + staff a low density facility? Will the owners continue to live there so it is still their residence?**

2. Quote from the application-"The existing house is actually conforming to the R-10 zone, but the change in use from Group Home to Assisted Living Facility triggers full compliance with the commercial siting standards."

**This area is not zoned commercial. I am concerned if you let one commercial building be in this R-10 zone it will set a precedent for other commercial properties. Most of us living here would no longer be able to afford the increased property taxes the new designation would bring**

3. As described in OAR 411, division 057, memory care communities licensed as a RCF must be located on the ground floor. A CF cannot be endorsed as a memory care community. **There was some mention in the meeting 10/26/20 meeting that this facility may become a memory care unit. The upper floors would not be allowable as memory care under Oregon code.**

4. Exhibits 1, 2, and 3, show the church buildings currently on Warner Parrott Rd. These churches each provide adequate parking that does not interfere with the parking by other residents of the neighborhood. They are also set back from the street to blend in better with the designs of this older residential neighborhood. The addition at 182 does not provide enough on site parking and the design does not blend in

As stated in my previous testimony, I feel the Donovans give excellent quality care, but this design of an expanded facility is not appropriate for this neighborhood.

Marilyn Fergus

152 Warner Parrott Rd

ENTERED INTO THE RECORD  
DATE RECEIVED: 11/09/2020  
SUBMITTED BY: M. FERGUS  
SUBJECT: 66-000000















## Pete Walter

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**From:** Becky Turner <turnerbecky@comcast.net>  
**Sent:** Sunday, November 8, 2020 12:52 PM  
**To:** Pete Walter  
**Subject:** Memory care situation

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

Good afternoon Peter, this is Rebecca Turner, I live at the residence of 170 Warner parrott rd, (which is located next door to the Donovan family, I understand that the Donovan's are wanting to expand their business, this being said, coming out of my driveway to legally NOT block the pathway of pedestrians safely walking on the sidewalk, with 4 cars parked in the facade of my property along with parked in front of their driveway, it is completely unsafe to do so and I visibly CANNOT see anyone coming from the right of my view as I try and enter the street to drive, I also am completely worried about the little spot of what I have for my garden will loose the morning/early afternoon sun from their structure taking over my ability to grow any form of vegetation from my garden, and also them bringing in construction equipment we also have a monkey tree that's very close to their property line that will uproot my tree, and who's to say when that tree will have roots messed with which way will this tree be falling? Hoping NOT on my house! Thank you for taking your time to read this email being sent on the day before the next meeting, I hope you have a great rest of your Sunday.

Rebecca L. Turner



















Mary Nerpel Smith  
191 Warner Parrott Rd.  
Oregon City, OR 97045

November 2, 2020

Oregon City Planning commission:

I am writing in concern of increasing the number of beds at the adult care home on Warner Parrott Rd. My understanding is that they will be using four parking spaces on Warner Parrott Rd.

When the facility was approved by the neighborhood it was with the understanding that they would provide their own off-street parking.

As you are aware Warner Parrott Rd. only has parking on one side of the street, because of this the on-street parking becomes very precious.

When I have family picnics or holiday dinners my guests must park on the street using those spaces.

When there are games at Chapin park, the attendees park up and down the road. I have witnessed them parking to the west of the park past 152, which is farther west on Warner Parrott Rd. than the adult care home.

When my neighbors have garage sales, their customers must park on that side of the street using those spaces.

I know that the memory care center on South End utilizes street parking spaces. Those spaces are on the side street not on the main Rd.

I implore you, please do not approve the expansion of the adult care home on Warner Parrott Rd.

Cordially,



Mary Nerpel Smith

ENTERED INTO THE RECORD  
DATE RECEIVED: 11/12/20  
SUBMITTED BY: M. GORDON  
SUBJECT: 14-0000 20-00020



Oregon City Planning Department  
695 Warner Parrott Rd  
Oregon City, OR. 97045

**GLUA-20-00020: CU-20-00002 Conditional use /SP-20-00043 Site Plan and Design Review**

I have some concerns about the expansion project for 182 Warner Parrott Rd ( GLUA-20-00020: CU-20-00002 Conditional use /SP-20-00043 Site Plan and Design Review ).

1. This will expand the building from a 5,982 square feet house to 17,728 square foot, double story house. Looking at the plans this house will run most of the length of my property line and block visibility and sunlight on my property with windows overlooking my property.
2. The current care facility is able to care for 5 adults and the plan show a growth to 30. I do believe this will require more people to care for the patients, but the plans only show 4 parking spots. That means there will always be cars parked on Warner Parrott Rd, I feel it is already a dangerous road for coming out of my drive way but adjacent roads coming onto Warner Parrott will become even more hazardous.
3. Property value will go down with such a large business building in the middle of residential buildings.

I am against this proposal

Mark Turner

170 Warner Parrott Rd

Oregon City, OR. 97045





**Pete Walter**

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**From:** Jackie Williams <abbnlil@msn.com>  
**Sent:** Friday, August 14, 2020 3:09 PM  
**To:** Pete Walter  
**Subject:** Proposed expansion

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

Regarding the proposed expansion of adult care center on Warner Parrott.

We live on Boynton Street, just off Warner Parrorott.

There is no parking as it is, where will people park and what are the consequences of the additional traffic on our streets? There are schools nearby, and a park that does not have enough parking for sporting events already.

We do not think this is a wise expansion.

Sincerely,

Mr and Mrs Gary Geiger

18620 Boynton St

Oregon City

Sent from my iPad



Attn: Peter Walter

Dear Mr. Walter,

I have been requested by a homeowner who lives adjacent to the proposed Asteria Care Residential Care Facility remodel to comment on this proposal. After reviewing the proposal, I believe this project would affect the six landowners who have property adjacent to the project much more than other neighborhood residents.

As a neighborhood resident,

1. I don't think that such a large structure would blend in with the surrounding homes.
2. I do not think that allowing such a large building to be placed 10 feet from the sidewalk on as busy a street as Warner Parrott is a good idea.
3. I have always felt that the existing building didn't really blend in with the surrounding homes and tripling it in size would make it even worse.
4. I am also concerned about the parking for this facility. With thirty residents, I don't think that 4 parking spots would be adequate for the need. There will be increase need for parking for increased working staff, suppliers and resident's guests. I would anticipate that the overflow will routinely end up on the street.

As a homeowner with property adjacent to this project:

I would not want such a large building towering over my home. A two-story complex would have upstairs windows looking down onto my property and home, removing some of my privacy and casting shade on my house and property.

I realize that progress and change must go on, but I feel that adjoining residents purchased their homes with the expectation that they would have homes next door, and not a huge motel. I went to this property with my mother as a child to buy cream and eggs and realize that this neighborhood has and will continue to change. I would urge that the variance be denied or revised to reduce the size of the addition, parking, and closeness to the road.

Sincerely,

David M. Chapin



Request for variance concerning project: GLUA-20-00020:  
Conditional use: SP-2000043 Site Plan and Design Review.

As neighbors living at 152 Warner Parrott Rd., two houses west of the proposed project, we have the following concerns about this project:

1. There is not enough parking to accommodate this large of an expansion. The proposal does not allow for increased parking for visitors, let alone the increase in staff and medical workers. 4 off street spaces is just not enough. Those people will have to park on Warner Parrott. Trying to pull out of our driveway is difficult now. We have to turn our cars around in the driveway to head out rather than back out as the traffic is too heavy especially in the rush hours of the morning and evening.
2. This neighborhood is designated R-10. How does this comply? This addition is equivalent to having a hotel in our neighborhood. With the front addition being only 10 feet from the sidewalk, this will change the whole feel of the neighborhood. The existing houses are all set back farther on their property.
3. This expansion will remove the larger trees and most of the other vegetation that helps to keep our neighborhood cooler and reduce the impact of the carbon monoxide and carbon dioxide from the heavy road traffic.
4. We are also concerned that the front right addition of two stories will block us from getting any morning sun in our yard.



Gary & Marilyn Fergus  
152 Warner Parrott Rd



## Pete Walter

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**From:** Stacy Cox <stacylynn077@comcast.net>  
**Sent:** Thursday, August 13, 2020 5:32 PM  
**To:** Pete Walter  
**Subject:** Concerns regarding proposed expansion located at 182 Warner Parrot rd.

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

Peter Walter,

Our property is connected to the proposed expansion of the adult care home located at 182 Warner Parrot rd. We have concerns regarding this project as listed below.

- 1- Dropping property values
- 2- Increased traffic hazards ( already difficult to see pulling out of Boynton St onto Warner Parrot. ) Plus the added increase in traffic coming to and from the facility daily.
- 3- The new structure doesn't fit into the look of our residential neighborhood. It will look more like a hotel or a commercial building.
- 4- Timeline of construction, with my husband working graveyard and 2 kids at home doing online schooling. This will affect our daily life.

Please consider the families this will affect in our neighborhood.

Stacy and Todd Cox  
12011 Glacier st Oregon city OR 97045  
stacylynn077@comcast.net



August 12, 2020

Re: GLUA-20-00020:CU-20-00002 and SP-20-00043

SUBJECT PROPERTY: 182 Warner Parrot Rd. Oregon City, Oregon

To Oregon City Planning Commission:

I am writing to object to the proposed variance and conditional use permit sought for the above captioned property. My husband and I reside at 18621 Boynton Street which is directly east of the subject property.

The proposed building is totally out of character with the neighborhood which is almost entirely single family homes. As currently proposed, the structure will loom over our home and those to the north and south of us. The current building blends well with the neighborhood while the proposed expansion will appear as a large commercial facility, totally out of character.

The size of the proposed building leaves insufficient room for parking on the property. The result likely will be parking on Warner-Parrott which will create a safety issue for all of the vehicles which use Boynton to access Warner-Parrott. If parking is restricted there, the next logical place for staff to park will be Boynton which is already burdened by the press of citizens unable to park in the lot which serves Chapin Park.

Approval of a proposal of this nature sets a dangerous precedent which will likely generate other applications of this kind which will seriously erode the livability of other neighborhoods throughout the city.

Thank you for your consideration of our concerns.

Michelle Winters

John Winters

18621 Boynton Street

Oregon City, Oregon 97045



August 11, 2020

Oregon City Planning Department  
695 Warner Parrott Road  
Oregon City, Oregon 97045

In reference to proposed project: GLUA-20-00020: CU-20-00002,  
Conditional use / SP-20-00043

As a property owner and resident of the immediate area of the above request for variances to city code, I object to the issuance of said variances for the following seven reasons:

1. The area is zoned single family dwellings, and the proposed use does not fit the zoning or look of the neighborhood. Proposed is a full two story, 29 foot tall, 17,728 square foot structure. This is nearly three times the size of the current building on the property, taking up some 39.3% of the physical lot (40% is code maximum). It does not fit into the predominately single story "ranch style home" neighborhood.
2. A specific variance to allow construction of the proposed building would put the structure within 10 feet of the street, city code is for 25 foot set back.
3. Adequate parking is not provided in the variance request. The proposal is for a 30 bed residential adult and memory care facility, yet only provides for four parking spaces, the current owners have three vehicles on the existing parcel, leaving only one additional space for employees, vendors, suppliers, and visitors. This would cause excessive "on street" parking issues.
4. Traffic and safety concerns. As the current use is a five room adult care facility (already a non residential use), and the request is for a variance becoming a thirty bed adult residence and memory care facility, this would cause traffic and safety issues. Employees, vendors, suppliers and visitors would park on Warner Parrott Road, Boynton and adjacent streets. It is already difficult to access Warner Parrott Road when vehicles are parked on the street due to obstructed vision. Additionally, the new Robert Libke Oregon City Public Safety building, for the Oregon City Police Department, is scheduled to open this fall, just a few blocks away, this will mean additional use of Warner Parrott Road by emergency vehicles.



Opposition to proposed variance for 182 Warner Parrott Road Page 2

5. Demolition and construction noise issues. Many of the immediate area residents work night and split shifts. Noise, dust and traffic issues caused by a project of this magnitude would be unacceptable and would continue for an indeterminate period of time.

6. The 'physical look of the proposed building' does not fit in the neighborhood. Although the proposed building would look appropriate in an area of apartments, hotels, business or commercial structures, it does not fit in our single family, primarily single story residential area. The potential net effect on property values in the area, due to the look of the structure and non complying use, would likely cause a reduction in home valuations.

7. Privacy concerns, the second story windows of the proposed building will look into the back or side yards of six neighboring residential properties.

It is for these reasons that I implore the Oregon City Planning Commission to reject the application for variances to city codes on the project noted at 182 Warner Parrott Road.



Jerry Yarberry  
Owner and Resident  
18641 Boynton Street  
Oregon City, Oregon 97045

Note: approximately 12 feet of my property abuts the south east corner of the proposal. Additionally, the height of said proposed building will affect the vegetation, sunlight and air flow in the immediate area and neighborhood.

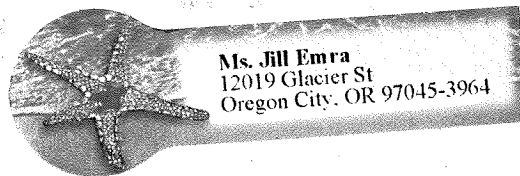


July 29<sup>th</sup>  
2020

Dear O.C. planning dept.,

I live at 12019 Glacier Street  
and I oppose the plan for the  
new construction project at 182  
Warner Parrott Road. I am concerned  
about parking problems and being  
able to access Warner Parrott safely  
if there was additional vehicles  
parked along the road. Additionally,  
I am concerned about potential  
livability, privacy and property value  
problems and the change that a  
larger building would do in a single  
family neighborhood.

Sincerely, Jill Emra



PORTLAND

29 JUL 2020

Am R

Oregon City Planning  
695 Warner Parrott Road  
Oregon City, Oregon 9704

NIXIE 971



## Kattie Riggs

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**From:** Amy <awillhit@yahoo.com>  
**Sent:** Wednesday, February 17, 2021 6:00 PM  
**To:** Kattie Riggs  
**Cc:** Rachel Lyles Smith; Rocky Smith, Jr.; Denyse McGriff; Frank O'Donnell; Tony Konkol; Laura Terway  
**Subject:** RE tonight's meeting and related accuracy and double standard concern  
**Attachments:** 1. 182 Warner Parrott Rd Appeal Hearing to be Continued to March 3rd.pdf; 2. REVISED Agenda for the 2-17-2021 City Commission Regular Meeting.pdf; 3. ITEM-Attachment-006-0efd6e07b6f2497e974013777aa852c0.pdf; 4a. Neighborhood Association - Citizen Involvement Committee Requirement.pdf; 4b. RE\_ GLUA-20-00020\_CU-20-00002\_ SP-20-00043.pdf; 5. RE\_ Public Notice of Appeal Hearing\_ AP-21-00001.pdf

Good afternoon/evening,

I realize this is coming in late and you may not have a chance to see it but I have a concern in the accuracy of the notice in regards to an item on tonight's agenda and am asking you approve the request for a continuance of the appeal hearing.

- This morning I received an email from Pete Walters (see attached item 1) informing me that the Appeal regarding 182 Warner Parrott Rd was being moved to March 3rd.
- This afternoon I received a revised agenda notice from Kattie (see attached item 2) in which it is noted that a staff report was being included for agenda item 8b, asking for a continuance to date certain of March 3rd.
- When opening the agenda attached to that revision there is no item 8b.
- Item 8a is the Warner Parrott hearing and I see there is a staff report attached (see attached item 3) asking for a continuance.
- Due to Pete's informing those interested in the hearing that it was being moved I would request that this happen. It is not right to move forward with the appeal hearing tonight when those of us interested were notified it would not be happening.

These are just more examples of staff making errors in this particular case. We expect accuracy from our citizens, and a typo could mean make it or break it for them. Would we allow them to say "oops"? What if I hadn't notified Pete and the errors weren't caught. Would we have moved forward and expected that everything was in order? How many things in this case have been missed or misrepresented that someone hasn't caught. This double standard is exhausting. The following are just the blatant errors I have caught and reported:

- July 14: Public Notice by Pete Walters of a completed application for 182 Warner Parrott Rd. (see attached items 4a and 4b) The South End Neighborhood is inactive and the applicant had not come before the CIC. I notified Pete and he informed the applicant of his error and that they would need to come before the CIC (see attached). Note that this is not the first time I have caught that an application was deemed complete without meeting with a Neighborhood Association (or CIC if applicable).



- February 2: Public Notice by Pete Walters of Appeal of the Planning Commissions decision regarding 182 Warner Parrott Rd. (see attached item 5) Notice inaccurately stated that only those who had testified in writing in the original hearing could participate in the appeal. I brought this to Pete's attention as I had orally testified. He confirmed the error made and re-noticed.
- February 17: see above regarding misrepresenting that the meeting was being continued when in reality it was only being asked to be continued. Agenda item was also mis-numbered.

Thank you for your time and attention. I know you value the citizens and we are missing the mark once again.

Sincerely,  
Amy Willhite  
Citizen of Oregon City



## 182 Warner Parrott Rd Appeal Hearing to be Continued to March 3rd

---

From: Pete Walter (pwalter@orccity.org)

Date: Wednesday, February 17, 2021, 09:38 AM PST

---

Good morning,

In response to concerns that the public is unable to participate in tonight's appeal due to power outages, we are going to continue the appeal AP-21-00001 to March 3rd. We will repost a revised agenda today.

Thank you,

Pete Walter

Peter Walter, AICP, Senior Planner (he / him)

Oregon City Community Development Department

(503) 496-1568 *Desk*

(503) 867-2574 *Mobile*



## REVISED Agenda for the 2-17-2021 City Commission Regular Meeting

From: Kattie Riggs (kriggs@orccity.org)

To: recorderteam@orccity.org

Date: Wednesday, February 17, 2021, 02:39 PM PST



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Attached is the REVISED agenda for the February 17, 2021 City Commission regular meeting, which will be held as a **virtual-only** meeting.

- 6:15 PM - City Commission Executive Session will be held virtually immediately prior to the regular meeting
- 7:00 PM - City Commission Regular Meeting

Revised Agenda packet located here: <https://meetings.municode.com/adaHtmlDocument/index?cc=OREGONCITY&me=7c564898762e40b3919c02685c811edb&ip=True>

### **Please Note the Changes:**

- Removed agenda item 5b. Natural Resources Committee Annual Update
- Edited Staff Report for agenda item 8b. – Requesting a continuance due to winter storm
- Added agenda item 9c.

**This meeting will be held as a virtual Zoom meeting and if you wish to participate, please contact the City Recorder by noon the day of the meeting.** City Recorder's contact information is listed below.

**Video Streaming & Broadcasting:** The meeting will stream live on the City's YouTube Channel and available online immediately following the meeting. The meetings can also be viewed as rebroadcasted on Willamette Falls Media Studio channel 28 for Oregon City residents. Contact Willamette Falls Studios for the programming schedule at 503-650-0275.

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

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



The agenda packet may also be found at the following link:

<https://www.orcity.org/meetings>

Please post the REVISED agenda where required then confirm posting.

Thank you,

Jakob

---

**Jakob Wiley**

**Assistant City Recorder**

[Jwiley@orcity.org](mailto:Jwiley@orcity.org)  
City of Oregon City  
PO Box 3040  
625 Center Street  
Oregon City, Oregon 97045

Office Hours: Mon – Fri, 8 am – 5 pm  
503-496-1509 Direct phone  
503-657-0891 City phone  
503-657-7026 fax

### **COVID-19 (Coronavirus) Information**

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

**Website:** [www.orcity.org](http://www.orcity.org) | [Recorder Page](#) | [Facebook](#) | [Twitter](#)

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2021-02-17 CC REVISED Agenda.pdf  
492.2kB





## CITY OF OREGON CITY

### Staff Report

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

**To:** City Commission **Agenda Date:** 02/17/2021  
**From:** Community Development Director Laura Terway

#### **SUBJECT:**

Request Continuance: Appeal of the Planning Commission's Approval of an Expansion to a 30-Bed Residential Care Facility with Memory Care at 182 Warner Parrott Road (Planning Files GLUA-20-00020, CU-20-00002, SP-20-00043, AP-21-00001)

#### **STAFF RECOMMENDATION:**

Staff recommends that the City Commission continue appeal Planning Files GLUA-20-00020, CU-20-00002, SP-20-00043, and AP-21-00001 to a date certain of March 3, 2021 and NOT accept any public testimony at tonight's meeting.

#### **EXECUTIVE SUMMARY:**

The decisions on appeal are conditional use, site plan and design review approvals allowing expansion of an existing 5-room adult care home located on 182 Warner Parrot Road into a 30-bed residential care facility for the elderly including memory care. The Appellant argues that the size of the proposed development is incompatible with the surrounding residential neighborhood, with respect to the scale of the use as well as its design, and that traffic and on-street parking demand generated from this use will negatively affect surrounding residents. The two conditional use criteria raised in this appeal are directed at whether the site is suitable to accommodate the use and whether the use will alter the character of the area "in a manner which substantially limits impairs or precludes the use of surrounding properties." Although the evidence in the record does suggest some difference in residential scale, that difference alone or the impacts resulting from that use, even if they will change the character of the area, do not appear to "substantially limit, impair or preclude the use of surrounding properties."

As a Type III decision, all appeals shall be considered by the City Commission on the record. This means that only those individuals who submitted testimony orally or in writing during the proceeding before the Planning Commission may participate in this appeal. The City Commission's review is limited to the items identified in the notice of appeal.



## **BACKGROUND:**

The decisions on appeal are conditional use, site plan and design review approvals allowing expansion of an existing 5-room adult care home located on 182 Warner Parrot Road into a 30-bed residential care facility for the elderly including memory care. The Appellant argues that the size of the proposed development is incompatible with the surrounding residential neighborhood, with respect to the scale of the use as well as its design, and that traffic and on-street parking demand generated from this use will negatively affect surrounding residents. Arguments presented on appeal include:

- The Limits of Discretionary Decision-Making
- Whether the Site is Suitable to Accommodate the Use
- Whether the Propose Use will Substantially Limit, Impair or Preclude Surrounding Uses

The City Commission's discretion within respect to this appeal is in exercising its discretion with respect to the controlling conditional use criteria, the Planning Commission concluded that the impacts from this development were not "substantial" and for this reason approved these applications. Since the Appellant's notice of appeal does not raise any arguments explaining how the Planning Commission's decision was in error, staff recommends that the City Commission deny this appeal and uphold the Planning Commission's approval with conditions.

As a Type III decision, all appeals shall be considered by the City Commission on the record. This means that only those individuals who submitted testimony orally or in writing during the proceeding before the Planning Commission may participate in this appeal. The City Commission's review is limited to the items identified in the notice of appeal.

## **OPTIONS:**

1. Continue to a date certain of March 3, 2021 without taking public testimony.
2. Continue to a date certain of March 3, 2021 and accept public testimony.
3. Deny the appeal and affirm the Planning Commission's January 11, 2021 decision approving these applications with Conditions.
4. Deny the appeal and affirm the Planning Commission's January 11, 2021 decision approving these applications with Conditions as Modified by the City Commission. This would likely require a closure of the record and continuance to adopt final findings.
5. Approve the appeal based on modified findings adopted by the City Commission. This would likely require a closure of the record and continuance to adopt final findings.



## Neighborhood Association - Citizen Involvement Committee Requirement

---

From: Pete Walter (pwalter@orcity.org)

To: petra@donovaninvestments.com; eddie@eprdesign.com

Cc: jeanbob06@comcast.net; crobertson@orcity.org; awillhit@yahoo.com

Date: Tuesday, July 14, 2020, 09:23 AM PDT

---



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Good morning Petronella and Eddie,

I incorrectly deemed your application for 182 Warner Parrott complete. You still need to meet with the Citizen Involvement Committee even though the South End Neighborhood Association is inactive. I assumed you had read that part of the code, but apparently we both overlooked it.

We may need to continue your public hearing until you have scheduled a meeting with the CIC. The CIC meets on August 3. Your public hearing with the Planning Commission is scheduled for August 24, 2020. Please coordinate with Bob LaSalle, Chair of the CIC, who I have CC'd above.

Thanks

Pete Walter

Peter Walter, AICP, Senior Planner

695 Warner Parrott Rd, Oregon City, OR 97045

503) 496-1568 Direct / (503) 722-3789 Main

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

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RE: GLUA-20-00020: CU-20-00002: SP-20-00043

---

From: Pete Walter (pwalter@orccity.org)  
To: awillhit@yahoo.com  
Cc: jeanbob06@comcast.net; lterway@orccity.org  
Date: Tuesday, July 14, 2020, 09:14 AM PDT

---

Hi Amy,

I apologize for overlooking this. We will continue the public hearing until the applicant has met with the CIC.

Pete Walter

Peter Walter, AICP, Senior Planner  
695 Warner Parrott Rd, Oregon City, OR 97045  
503) 496-1568 Direct / (503) 722-3789 Main  
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The City has installed additional shielding and is providing hand sanitizer as well as occupancy limits to ensure our staff and visitors have a safe, no touch experience. Our goal is to be responsive to our community throughout this pandemic; we appreciate your understanding and cooperation.

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

From: Amy <[awillhit@yahoo.com](mailto:awillhit@yahoo.com)>  
Sent: Monday, July 13, 2020 6:08 PM  
To: Pete Walter <[pwalter@orccity.org](mailto:pwalter@orccity.org)>  
Cc: Bob La Salle <[jeanbob06@comcast.net](mailto:jeanbob06@comcast.net)>; Laura Terway <[lterway@orccity.org](mailto:lterway@orccity.org)>  
Subject: GLUA-20-00020: CU-20-00002: SP-20-00043

Pete,

I am once again confused as to how an application has gone this far and been deemed complete, without a neighborhood meeting. The South End Neighborhood is inactive and I don't see that it came before the CIC. This makes me nervous as I wonder what other applications out there fall within inactive neighborhoods and I might not have noticed. My parents live in the South End Neighborhood, which is how I found out about this.

Please advise.

Thank you,

Amy Willhite



## RE: Public Notice of Appeal Hearing: AP-21-00001

---

From: Pete Walter (pwalter@orccity.org)

To: awillhit@yahoo.com; lterway@orccity.org

Date: Tuesday, February 2, 2021, 11:20 AM PST

---



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Hi Amy,

Good catch, that was an inadvertent omission in the notice. The code allows under OCMC 17.50.120.E.6.

*For appeal hearings, only those persons who participated **either orally or in writing in the decision or review will be allowed to participate either orally or in writing** on the appeal.*

Pete

Peter Walter, AICP, Senior Planner (he / him)

Oregon City Community Development Department

(503) 496-1568 *Desk*

(503) 867-2574 *Mobile*

---

**From:** Amy <awillhit@yahoo.com>

**Sent:** Tuesday, February 2, 2021 11:08 AM

**To:** Pete Walter <pwalter@orccity.org>; Laura Terway <lterway@orccity.org>

**Subject:** Re: Public Notice of Appeal Hearing: AP-21-00001

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

Am I reading this right that because I only testified orally in the original hearing I am not allowed to testify here?

Amy



On Friday, January 29, 2021, 04:46:59 PM PST, Pete Walter <[pwalter@orccity.org](mailto:pwalter@orccity.org)> wrote:

Good afternoon,

Pursuant to [OCMC 17.50.190 – Appeals](#), the Planning Division has mailed the attached appeal notice to all those who provided testimony on GLUA-20-00020: CU-20-00002 / SP-20-00043. Notice has been posted on the property and on the city website. As an additional courtesy, this email with the attached notice is provided to those persons who provided testimony for whom we have email addresses.

|                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|---------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>HEARING DATE:</b>      | On <b>February 17, 2021</b> , the <b>City of Oregon City – City Commission</b> will conduct a public hearing at 7:00 PM via Zoom on the following item. <b>The appeal hearing will be confined to the issues raised in the Grounds for Appeal below and no new argument or evidence will be considered.</b><br><b>Only the applicant and those persons who participated in writing</b> will be allowed to participate either orally or in writing in this appeal. To testify at the hearing, please contact the City Recorder at 503-655-0891 or <a href="mailto:recorderteam@orccity.org">recorderteam@orccity.org</a>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <b>FILE NUMBERS:</b>      | <b>AP-21-00001:</b> Appeal of the January 11, 2021 Planning Commission approval with conditions of Planning Files GLUA-20-00020: CU-20-00002 / SP-20-00043                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>OWNER:</b>             | Petronella and Daniel Donovan                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>APPELLANT:</b>         | Jerry Yarberry                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <b>GROUND FOR APPEAL:</b> | <p>The Oregon City Planning Commission approved a Conditional Use and Site Plan and Design Review application for a 25-bed expansion of an existing 5-room adult care home into a 30-bed, 17,728 square foot residential care facility for elderly and memory care. The property is zoned R-10 Low-Density Residential, and the site is 23,886 square feet in area (0.5 acres). The appellant has standing to appeal by providing verbal and written testimony during the Planning Commission's review. The issues raised on appeal include:</p> <ol style="list-style-type: none"> <li>1. Compatibility of a commercial building within a single-family neighborhood and impacts to the use of adjacent properties.</li> <li>2. Lack of capacity to accommodate parking and traffic impacts.</li> <li>3. The need to exercise discretion or judgment in approving the application.</li> <li>4. The proposal does not comply with the following sections of the Oregon City Municipal Code (OCMC): <ul style="list-style-type: none"> <li>• OCMC 17.54.010.A.(2). <i>The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, existence of improvements and natural features;</i></li> </ul> </li> </ol> |



|                                  |                                                                                                                                                                                                                                                                                                                                                                                                             |
|----------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                  | <p><i>Storm drainage options available to treat the onsite and off-site improvements.</i></p> <ul style="list-style-type: none"> <li>• OCMC 17.54.010.A.(4). <i>The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs or precludes the use of surrounding properties for the primary uses listed in the underlying district;</i></li> </ul> |
| <b>PROJECT WEBPAGE:</b>          | <p>Appeal: <a href="https://www.orcity.org/planning/project/ap-21-00001">https://www.orcity.org/planning/project/ap-21-00001</a></p> <p>Application: <a href="https://www.orcity.org/planning/project/glua-20-00020">https://www.orcity.org/planning/project/glua-20-00020</a></p>                                                                                                                          |
| <b>LOCATION:</b>                 | <p>182 Warner Parrott Rd, Oregon City, OR 97045</p> <p>Clackamas County Map: 3-2E-06CB, Tax Lot 01502</p>                                                                                                                                                                                                                                                                                                   |
| <b>CONTACT PERSON:</b>           | Pete Walter, AICP, Senior Planner, Ph: (503) 496-1568, Email: <a href="mailto:pwalter@orcify.org">pwalter@orcify.org</a>                                                                                                                                                                                                                                                                                    |
| <b>NEIGHBORHOOD ASSOCIATION:</b> | South End Neighborhood Association                                                                                                                                                                                                                                                                                                                                                                          |

Peter Walter, AICP, Senior Planner (he / him)

Community Development Department

695 Warner Parrott Rd, Oregon City, OR 97045

(503) 867-2574 *Mobile*

(503) 496-1568 *Desk*

(503) 722-3789 *Main Office*

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# CITY OF OREGON CITY

## Staff Report

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

**To:** City Commission  
**From:** Senior Planner Pete Walter

**Agenda Date:** 1/11/2021

### SUBJECT:

GLUA-20-00020: CU-20-00002 / SP-20-00043 - Adoption of Findings for Conditional Use Approval of Proposed 30-Bed Residential / Memory Care Facility at 182 Warner Parrott Road.

### STAFF RECOMMENDATION:

Staff recommends that the Planning Commission adopt the revised findings approving GLUA-20-00020 with Conditions. The record is closed.

### EXECUTIVE SUMMARY:

At the public hearing on 12/14/2020 following testimony of staff, the applicants and the public, the Planning Commission closed the public hearing and record, and voted 5-1 to tentatively approve GLUA-20-00020: CU-20-00002 / SP-20-00043 with conditions pending preparation of revised findings and closed the public hearing. Please refer to the revised findings for more information.

### BACKGROUND:

This application consists of Conditional Use and Site Plan and Design Review approval for a 25-bed expansion of an existing 5-room adult care home into a 30-bed, 17,240 square foot residential care facility for elderly and memory care. The property is zoned R-10 Low-Density Residential, and the site is 23,886 square feet in area (0.5 acres).

Public comments have been received concerning compatibility of the proposed building mass and height with the existing adjacent single-family neighborhood and character, impacts to parking, safe access to the street, general livability, setbacks, privacy, impacts to property values, traffic and road safety concerns, demolition and construction noise, tree and vegetation removal, and loss of visibility and light due to shade. Public comments have also been received in support of the application. As discussed in the attached staff report findings the Applicant has adequately addressed all the Planning Commission's concerns. The applicant has granted a third extension of the decision deadline for this application to March 15, 2021.







**Pete Walter**

**From:** Edward Radulescu <eddie@eprdesign.com>  
**Sent:** Thursday, October 8, 2020 1:46 PM  
**To:** Pete Walter  
**Cc:** Petronella Donovan; Daniel Donovan  
**Subject:** 182 Warner Parrot Rd Revised Drawings  
**Attachments:** A0.1\_SITE PLAN.pdf; A2.0\_ELEVATIONS.pdf; A2.1\_ELEVATIONS.pdf; A3.1\_MAIN LEVEL FLOOR PLAN.pdf; A3.2\_UPPER LEVEL FLOOR PLAN.pdf

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Pete,

Please find attached the revised drawings for the hearing this month. As we discussed I was able to modify the application to reduce the size of the building down a little (over-all mass) by opening up the center courtyard.

- With this I was able to also add additional parking. The parking numbers are now:  
 On-site: 8 spaces (1 of these spaces is a loading space).  
 Off-site: 4 spaces (directly along the curb at the frontage of the site).  
 Total: 12 spaces.
- Lot coverage is met at 38% total.
- Windows: I have increased the size of the windows on the building facades so that we meet the 60% standard. (62% total).

There is one item that cannot be met in the standards but should be N/A:

- **One of the other design issues is with [OCMC 17.62.055](#) subsection (D), which is not met. This is the standard that requires that 60% of the building be placed within 5' of the street. You need to either meet this standard or request a modification to it per [OCMC 17.62.015](#). The existing house is actually conforming to the R-10 zone, but the change in use from Group Home to Assisted Living Facility triggers full compliance with the commercial siting standards.**  
 Our building cannot be set to within 5' of the street because there is an existing 10' PUE located at the frontage. I believe that this requirement should be N/A because of this. We cannot cross into the PUE. Thoughts?

Let me know if you need anything else for the hearing and if you have any other recommendations so that we can proceed with an approval. Thanks

Regards,  
 Edward Radulescu, B. Arch



[www.eprdesign.com](http://www.eprdesign.com)  
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 Suite 155  
 Portland, Or. 97232  
 Office: 503-265-8461  
 Direct: 503-679-2493  
[eddie@eprdesign.com](mailto:eddie@eprdesign.com)



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*Item 8a.*



**Pete Walter**

**From:** Edward Radulescu <eddie@eprdesign.com>  
**Sent:** Wednesday, October 14, 2020 2:31 PM  
**To:** Pete Walter  
**Cc:** Petronella Donovan; Daniel Donovan  
**Subject:** Re: 182 Warner Parrot Rd Revised Drawings  
**Attachments:** A0.1\_SITE PLAN.pdf; A2.0\_ELEVATIONS.pdf; A2.1\_ELEVATIONS.pdf; A3.1\_MAIN LEVEL FLOOR PLAN.pdf; A3.2\_UPPER LEVEL FLOOR PLAN.pdf; L1.0 LANDSCAPE PLAN.pdf

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Pete,  
 Revised drawings attached including updated landscape plan. I should have the updated 3D over to you in the next day or two. Thanks

Regards,  
 Edward Radulescu, B. Arch



[www.eprdesign.com](http://www.eprdesign.com)

919 N.E. 19th Ave

Suite 155

Portland, Or. 97232

Office: 503-265-8461

Direct: 503-679-2493

[eddie@eprdesign.com](mailto:eddie@eprdesign.com)

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---

**From:** Pete Walter <pwalter@orccity.org>  
**Date:** Monday, October 12, 2020 at 3:29 PM  
**To:** "eddie@eprdesign.com" <eddie@eprdesign.com>  
**Cc:** Petronella Donovan <petra@donovaninvestments.com>, Daniel Donovan <daniel13donovan@gmail.com>  
**Subject:** RE: 182 Warner Parrot Rd Revised Drawings

Oops. Yes – sorry, that is correct. But remember, these are minimum standards. You can always propose more, and this is a discretionary decision, so I would recommend exceeding the standard a little if you can manage it, but it is your call.

Pete

Pete Walter, AICP, Senior Planner  
 Oregon City Community Development Department



---

**From:** Edward Radulescu <[eddie@eprdesign.com](mailto:eddie@eprdesign.com)>  
**Sent:** Monday, October 12, 2020 3:25 PM  
**To:** Pete Walter <[pwalter@orcity.org](mailto:pwalter@orcity.org)>  
**Cc:** Petronella Donovan <[petra@donovaninvestments.com](mailto:petra@donovaninvestments.com)>; Daniel Donovan <[daniel13donovan@gmail.com](mailto:daniel13donovan@gmail.com)>  
**Subject:** Re: 182 Warner Parrot Rd Revised Drawings

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Since the requirement is 5' and we are proposing 10' doesn't they require 1 element? Am I reading that right?

Edward Radulescu  
EPR Design LLC  
503-679-2493 direct  
503-265-8461 office  
[eddie@eprdesign.com](mailto:eddie@eprdesign.com)

---

**From:** Pete Walter <[pwalter@orcity.org](mailto:pwalter@orcity.org)>  
**Sent:** Monday, October 12, 2020 3:20:24 PM  
**To:** Edward Radulescu <[eddie@eprdesign.com](mailto:eddie@eprdesign.com)>  
**Cc:** Petronella Donovan <[petra@donovaninvestments.com](mailto:petra@donovaninvestments.com)>; Daniel Donovan <[daniel13donovan@gmail.com](mailto:daniel13donovan@gmail.com)>  
**Subject:** RE: 182 Warner Parrot Rd Revised Drawings

Hi Eddie, the rule is 1 element for each additional 5 feet of setback. So, 5' requires one element, 10' requires two elements, 15' requires three elements, and 20' requires four elements.

Pete

Pete Walter, AICP, Senior Planner  
Oregon City Community Development Department  
(503) 496-1568 Desk  
(503) 867-2575 Mobile

---

**From:** Edward Radulescu <[eddie@eprdesign.com](mailto:eddie@eprdesign.com)>  
**Sent:** Monday, October 12, 2020 2:33 PM  
**To:** Pete Walter <[pwalter@orcity.org](mailto:pwalter@orcity.org)>  
**Cc:** Petronella Donovan <[petra@donovaninvestments.com](mailto:petra@donovaninvestments.com)>; Daniel Donovan <[daniel13donovan@gmail.com](mailto:daniel13donovan@gmail.com)>  
**Subject:** Re: 182 Warner Parrot Rd Revised Drawings

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

Pete,  
Thank you for sending that link over. I see that one element is required for every 5' over the requirement. Because we are proposing 10' there instead of 5' I looks like we will need to select 1 element. However, I have selected the following features:

1. Benches. I will incorporate a bench area for seating there along the frontage where our walkway is that leads to the building entrance.



2. Pavers or enhanced paving. Where these benches are located and for the pedestrian path I will change the paving to be paver stones instead of concrete.

3. Pedestrian scale lighting. I will add some path lights in this area and around the benches.

Even though we needed 1 element only I think these 3 elements from the list will really enhance that area and give them what they are looking for. I have adjusted the site plan and reattached herein. I can create a memorandum for these items to go with it and send it over shortly. I will also get a revised landscape plan and 3D incorporating these elements and landscape over asap. Thank you

Regards,

Edward Radulescu, B. Arch



[www.eprdesign.com](http://www.eprdesign.com)

919 N.E. 19th Ave

Suite 155

Portland, Or. 97232

Office: 503-265-8461

Direct: 503-679-2493

[eddie@eprdesign.com](mailto:eddie@eprdesign.com)

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---

**From:** Pete Walter <[pwalter@orccity.org](mailto:pwalter@orccity.org)>

**Date:** Monday, October 12, 2020 at 12:48 PM

**To:** "[eddie@eprdesign.com](mailto:eddie@eprdesign.com)" <[eddie@eprdesign.com](mailto:eddie@eprdesign.com)>

**Cc:** Petronella Donovan <[petra@donovaninvestments.com](mailto:petra@donovaninvestments.com)>, Daniel Donovan <[daniel13donovan@gmail.com](mailto:daniel13donovan@gmail.com)>

**Subject:** RE: 182 Warner Parrot Rd Revised Drawings

Eddie,

I can't design your project for you, but you may want to refer to the existing code section

[https://library.municode.com/or/oregon\\_city/codes/municipal\\_code?nodeId=TIT17ZO\\_CH17.62SIPLDERE\\_17.62.055IN\\_OFMUMIRECOBUST](https://library.municode.com/or/oregon_city/codes/municipal_code?nodeId=TIT17ZO_CH17.62SIPLDERE_17.62.055IN_OFMUMIRECOBUST)

and specifically review subsection (D) which contains a list of eligible items.

Pete

Pete Walter, AICP, Senior Planner

Oregon City Community Development Department

(503) 496-1568

---

**From:** Edward Radulescu <[eddie@eprdesign.com](mailto:eddie@eprdesign.com)>

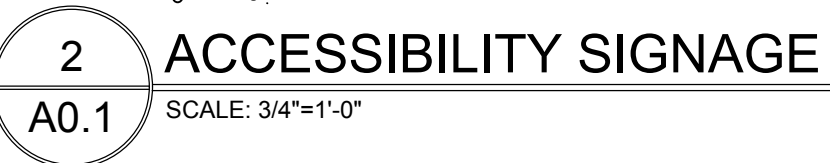
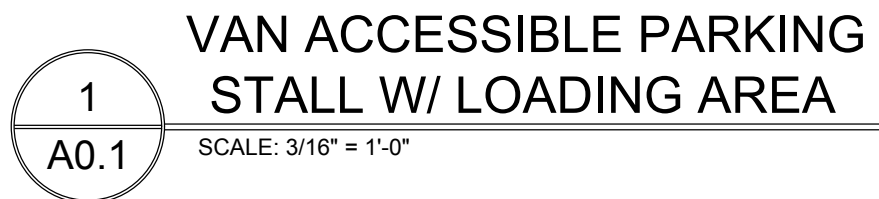
**Sent:** Monday, October 12, 2020 12:26 PM

**To:** Pete Walter <[pwalter@orccity.org](mailto:pwalter@orccity.org)>

**Cc:** Petronella Donovan <[petra@donovaninvestments.com](mailto:petra@donovaninvestments.com)>; Daniel Donovan <[daniel13donovan@gmail.com](mailto:daniel13donovan@gmail.com)>

**Subject:** Re: 182 Warner Parrot Rd Revised Drawings





| SITE DETAILS:                |                                                                                                                                              |
|------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|
| SITE ADDRESS:                | 182 WARNER PARROTT RD.<br>OREGON CITY, OREGON                                                                                                |
| JURISDICTION:                | CITY OF OREGON CITY                                                                                                                          |
| SITE ZONING:                 | R-10: SINGLE FAMILY                                                                                                                          |
| PROPOSED USE:                | RESIDENTIAL CARE FACILITY WITH MEMORY CARE ENDORSEMENT                                                                                       |
| LAND USE PROCESSES REQUIRED: | TYPE III SITE PLAN & DESIGN REVIEW<br>CONDITIONAL USE REVIEW                                                                                 |
| TOTAL SITE AREA:             | 23,932 S.F.                                                                                                                                  |
| SITE DENSITY PROPOSED:       | 30 RESIDENT BEDS                                                                                                                             |
| BUILDING COVERAGE:           | 38.3% (9,175 S.F.)                                                                                                                           |
| PAVED SURFACES:              | 25.8% (6,170 S.F.)                                                                                                                           |
| PROPOSED LANDSCAPED AREA:    | 8,587 S.F. (35.9%)                                                                                                                           |
| MIN. SETBACKS REQUIRED:      | 20' FRONT, 20' REAR, 10' ON ONE INTERIOR SIDE.                                                                                               |
| MAX. SETBACKS ALLOWED:       | 8' FEET ON OTHER INTERIOR SIDE<br>10' FRONT                                                                                                  |
| PROPOSED BUILDING HEIGHT:    | APPROX. 29'                                                                                                                                  |
| TOTAL PARKING SPACES:        | 7 W/ (11) VAN ACCESSIBLE SPACE ON-SITE<br>1 DELIVERY LOADING / UNLOADING SPACE<br>4 ON-STREET PARKING SPACES<br>12 TOTAL SPACES (5 REQUIRED) |
| TOTAL BICYCLE PARKING:       | 2 SPACES                                                                                                                                     |
| FIRE DISTRICT:               | CLACKAMAS FIRE                                                                                                                               |
| GARBAGE:                     | OREGON CITY                                                                                                                                  |
| WATER DISTRICT:              | CLACKAMAS                                                                                                                                    |
| SEWER DISTRICT:              | WES                                                                                                                                          |

GENERAL SITE PLAN NOTES:

SITE FURNISHINGS SUCH AS FENCES, & ANY OTHER FURNISHINGS SHALL BE CONSTRUCTED W/ 20% SUSTAINABLE HARVESTED MATERIALS, SUCH AS FORESTRY STEWARDSHIP COUNCIL (FSC)-CERTIFIED WOOD & RECYCLED CONTENT MATERIALS, EXCLUDING PLASTICS. THE INTENT OF THIS STANDARD CAN ALSO BE ACHIEVED THROUGH THE USE OF LOCALLY SOURCED MATERIALS, ORIGINATING WITHIN 500 MILES OF THE SITE

A MIN. OF 20% RECYCLED CONTENT PAVEMENT OR PAVEMENT BASE, SUCH AS CONCRETE GRINDINGS FOR BASE MATERIALS OR BLAST FURNACE SLAB ADDITIVES OR ASPHALT W/ GLASS FOR HARD-SCAPE ELEMENTS SUCH AS STREETS, SIDEWALKS, PATHS, PARKING AREAS & COURTYARDS SHALL BE PROVIDED

REFERENCE LANDSCAPE PLANS FOR LANDSCAPE PLANTING DETAILS

REFERENCE CIVIL SHEETS FOR R.O.W. IMPROVEMENTS, PVIOUS  
PAVEMENT DETAILS, STORM-WATER MANAGEMENT, ETC.

PROVIDE A LEVEL CEMENT CONCRETE PAD, MIN. 4" THICK, @ GROUND ELEVATION. THE PAD SHALL BE DESIGNED TO DISCHARGE SURFACE WATER RUNOFF TO PREVENT STANDING WATER TO DRAIN @ GARBAGE ENCLOSURE

THE VEHICULAR APPROACH AREA & STAGING AREA SHALL NOT HAVE A PERCENT OF GRADE EXCEEDING 3%, SLOPED IN ANY DIRECTION

PROVIDE A CLEAR STAGING AREA IN FRONT OF THE ENCLOSURE W/ A MIN LENGTH & WIDTH TO ALLOW FOR A 3' PERIMETER AROUND ALL SIDES OF THE CONTAINER WHEN BEING SERVICES OUTSIDE OF THE ENCLOSURE

A MIN. OF 3', INCLUDING PAD AREA, SHALL BE PROVIDED IN FRONT OF EACH CONTAINER FOR MANEUVERABILITY IN DEPOSITING SOLID WASTE OR RECYCLABLE MATERIALS

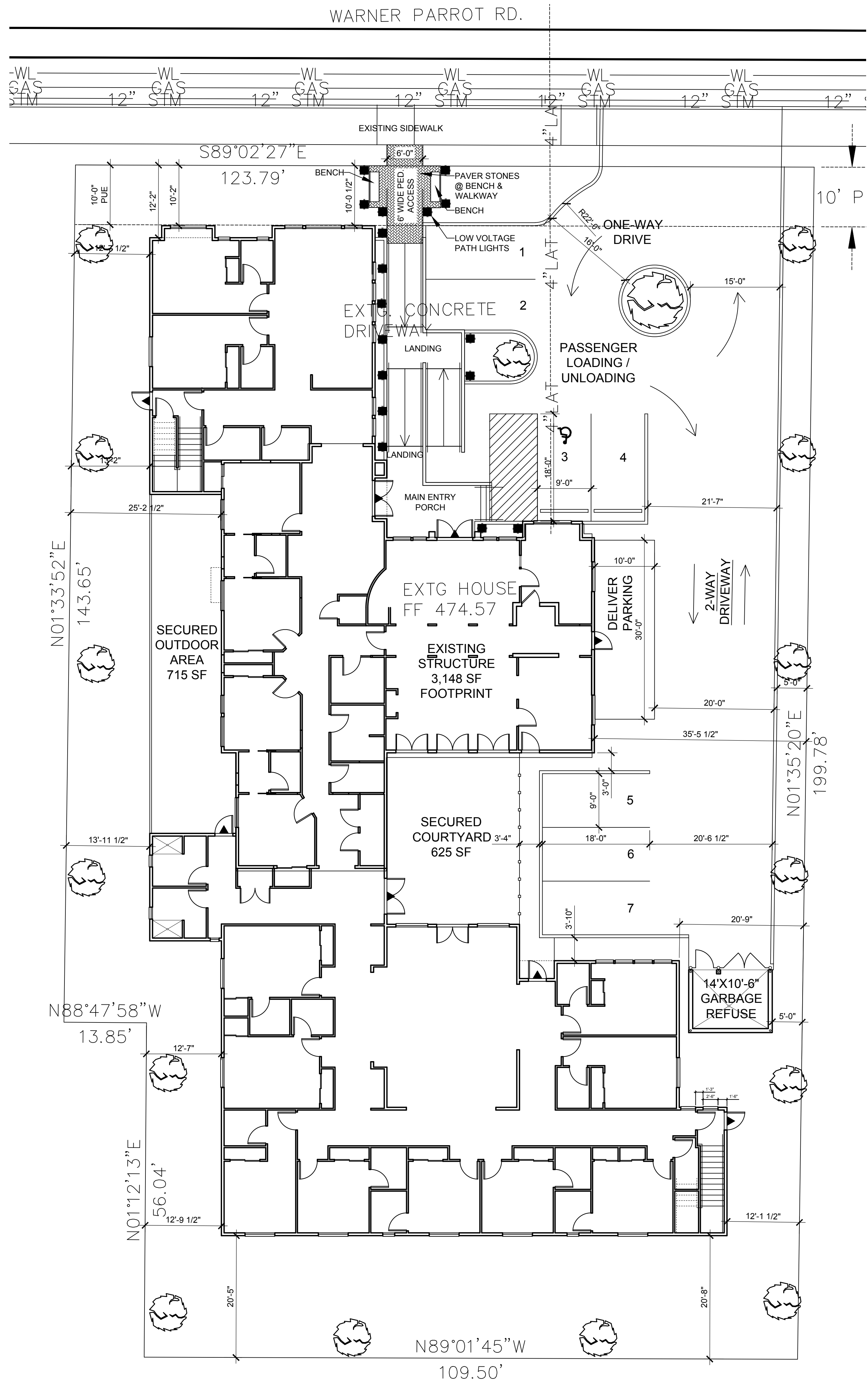
PROVIDE A "NO PARKING" SIGN THAT SHALL BE PAINTED TO ON THE PAVEMENT IN FRONT OF THE GARBAGE AREA TO PROVIDE SAFE & UNOBSTRUCTED ACCESS FOR SERVICING CONTAINERS

GARBAGE & RECYCLING ENCLOSURE GATES SHALL SWING FREE OF OBSTRUCTIONS & HAVE RESTRAINERS IN THE OPEN & CLOSED POSITIONS. THE GATE SWING SHOULD OPEN TO A MIN. OF 120 DEGREES

OFF STREET PARKING SHALL BE COMPLETED PRIOR TO ISSUANCE OF CERT  
OF OCC. & PROVIDED FOR EMPLOYEES & VISITORS. NO STORAGE OF  
NON-OPERABLE VEHICLES OR OF MATERIALS PERMITTED

OWNER TO FURNISH ALL OUTDOOR FURNITURE SHOWN ON SITE PLAN

ALL PEDESTRIAN WALKWAYS, BUILDING ENTRANCES AND EXITS, AND  
OUTDOOR USE AREAS TO HAVE LIGHTING PROVIDING A MIN. OF 5 FOOT  
CANDLE ILLUMINATION, TYP.

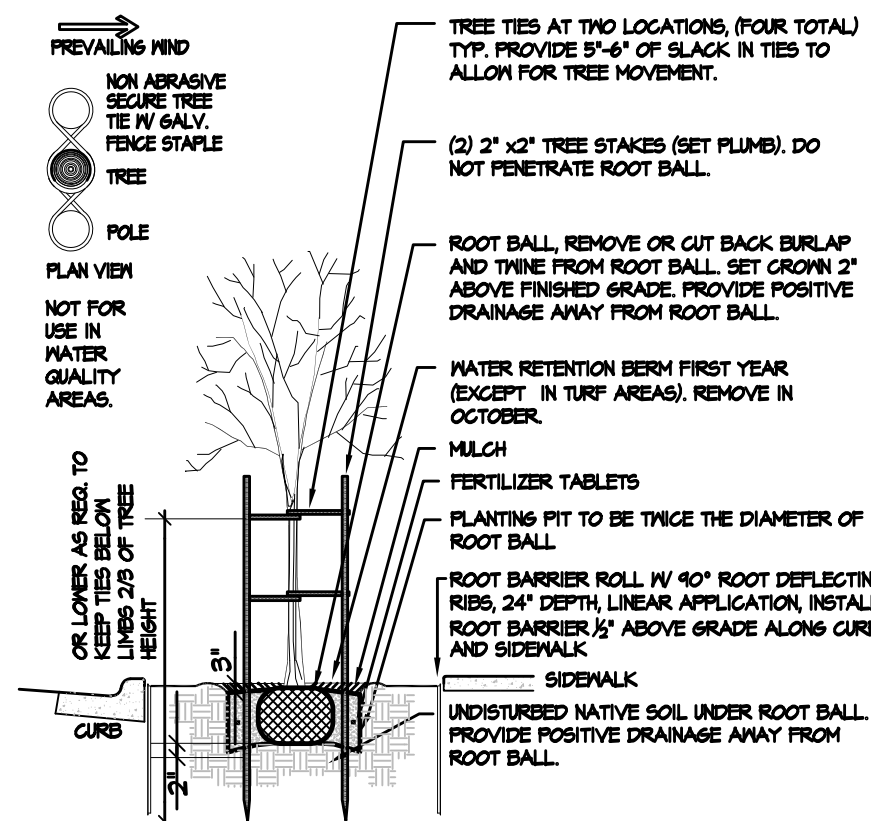
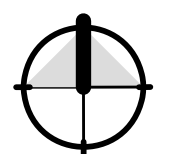




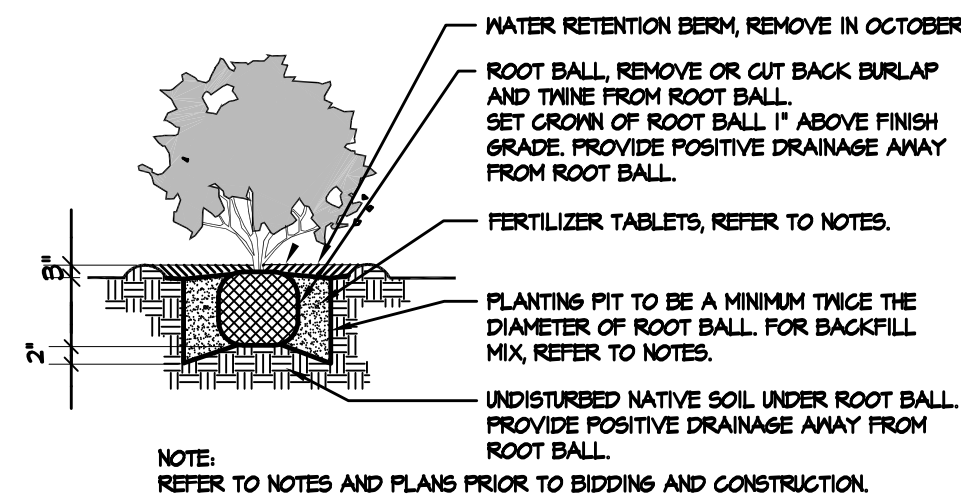
Install strip of drain rock (4" deep) along building base as shown between sidewalk and building

WARNER PARROT ROAD

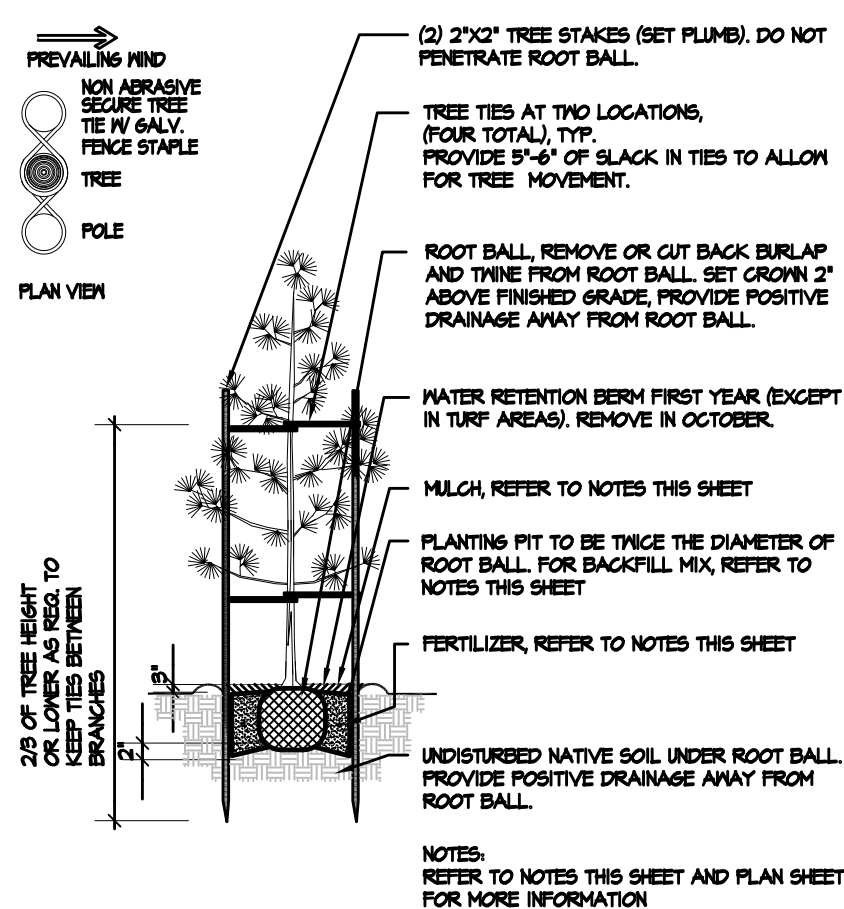
Berm @ circular planter



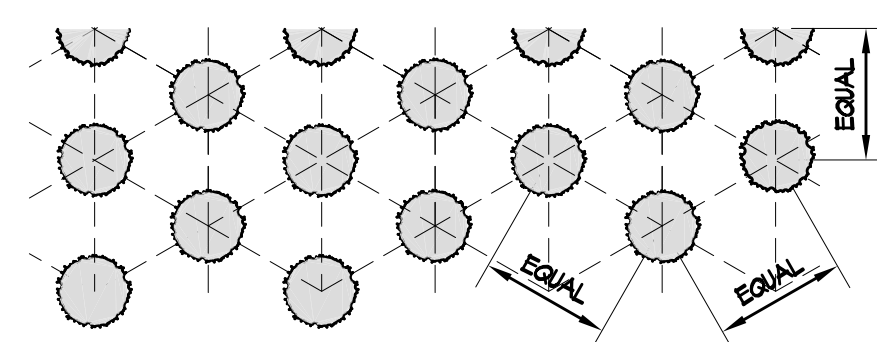
**A B & B Tree Planting Detail**  
Not To Scale SECTION / PLAN VIEW



**C B & B Shrub Planting Detail**  
Not To Scale SECTION



**B B & B Tree Planting Detail: Evergreen under 8' Height**  
Not To Scale SECTION / PLAN VIEW



NOTES:

ALL GROUND COVER SHALL BE PLANTED AT EQUAL TRIANGULAR SPACINGS AS SPECIFIED IN PLANTING LEGEND.

GROUND COVER TO BE LOCATED ONE HALF OF SPECIFIED SPACING DISTANCE FROM ANY HARD SURFACE, UNLESS OTHERWISE SPECIFIED.

**D Ground Cover Planting Detail**  
Not To Scale PLAN VIEW

| PLANT LEGEND        |                                                                     |                         |                 |
|---------------------|---------------------------------------------------------------------|-------------------------|-----------------|
| SYMBOL              | BOTANICAL / COMMON NAME                                             | SIZE                    | QUANTITY        |
| <b>TREES</b>        |                                                                     |                         |                 |
|                     | ACER GRiseum<br>PAPERBARK MAPLE                                     | 2" cal.<br>min.         | 8               |
|                     | CERCIS CANADENSIS<br>EASTER REDBUD                                  | 2" cal.<br>min.         | 7               |
|                     | LASERSTROEMIA INDICA X FAURIEI 'ZUNI'<br>ZUNI CRAPE MYRTLE          | 15 GAL.<br>TREE<br>FORM | 1               |
|                     | MAGNOLIA GRANDIFLORA 'LITTLE GEM'<br>LITTLE GEM SOUTHERN MAGNOLIA   | 15 GAL.<br>TREE<br>FORM | 1               |
|                     | PINUS FLEXILIS 'VANDERWOLF PYRAMID'<br>BLUE PYRAMIDAL PINE          | 6' TALL<br>MIN.         | 2               |
|                     | PICEA PENSILS 'FASTIGIATA'<br>COLUMNAR BLUE COLORADO SPRUCE         | 6' TALL<br>MIN.         | 2               |
| <b>SHRUBS</b>       |                                                                     |                         |                 |
|                     | ABELIA X GRANDIFLORA 'KALEIDOSCOPE'<br>KALEIDOSCOPE ABELIA          | 1 GAL.                  | 17              |
|                     | CAMELLIA X 'WINTER SNOWMAN'<br>WINTER'S SNOWMAN ICE ANGELS CAMELLIA | 2 GAL.                  | 12              |
|                     | COTINUS COSSYGBRIA 'ROYAL PURPLE'<br>ROYAL PURPLE SMOKE TREE        | 2 GAL.                  | 2               |
|                     | EUPHORBIA X MARTINI 'ASCOT RAINBOW'<br>ASCOT RAINBOW SPURGE         | 1 GAL.                  | 17              |
|                     | ILEX CRENATA 'SKY PENCIL'<br>AKY PENCIL JAPANESE HOLLY              | 2 GAL.                  | 4               |
|                     | ILEX BLABRA 'CONFACIA'<br>CONFAC INKERRY HOLLY                      | 2 GAL.                  | 26              |
|                     | MISCANTHUS SINENSIS 'MORNING LIGHT'<br>MORNING LIGHT MAIDEN GRASS   | 1 GAL.                  | 19              |
|                     | NANDINA DOMESTICA 'MOON BAY'<br>MOON BAY HEAVENLY BAMBOO            | 2 GAL.                  | 24              |
|                     | OSMANTHUS HETEROPHYLLUS 'GOSHIKI'<br>GOSHIKI FALSE HOLLY            | 2 GAL.                  | 3               |
|                     | FENNISETUM ALOPECUROIDES 'HAMELN'<br>HAMELN FOUNTAIN GRASS          | 1 GAL.                  | 24              |
|                     | RHODODENDRON X MIYAMA 'PICOBELLO'<br>PICOBELLO WHITE RHODODENDRON   | 2 GAL.                  | 7               |
|                     | SPIREA JAPONICA 'GOLDFLAME'<br>GOLD FLAME SPIREA                    | 2 GAL.                  | 18              |
| <b>GROUND COVER</b> |                                                                     |                         |                 |
|                     | COTONEASTER DAMMERI<br>BEARBRERRY COTONEASTER                       | 1 GAL.                  | 130<br>36" O.C. |
|                     | LIRIOPE MUSCARI 'BIG BLUE'<br>BIG BLUE LILY TURF                    | 1 GAL.                  | 126<br>24" O.C. |
|                     | TURF (SEED OR SOD), PER OWNER                                       |                         |                 |

## PLANTING NOTES

- ALL BOUNDARIES, EASEMENTS, UTILITIES AND LEGAL ENCUMBRANCES TO BE CONFIRMED WITH OWNER PRIOR TO BEGINNING WORK. PROPERTY LINES AND SURVEY INFORMATION PROVIDED BY EPR DESIGN.
- IN NO WAY IS THIS PLAN TO BE INTERPRETED TO EXCEED THE LEGAL BOUNDARIES OF THE OWNER'S REAL PROPERTY.
- THE LANDSCAPE DESIGNER ASSUMES NO RESPONSIBILITY FOR THE LOCATION OF BOUNDARIES, UTILITIES AND WETLANDS.
- THIS PLAN SHALL BE INSTALLED TO MEET ALL APPLICABLE CITY, COUNTY, STATE AND FEDERAL CODES.
- THIS PLAN SHALL BE CONSIDERED PRELIMINARY UNTIL APPROVED BY ALL GOVERNING AGENCIES. IMPLEMENTATION OF THIS PLAN SHALL NOT PROCEED UNTIL ISSUANCE OF ALL RELATED PERMITS.
- PLANT QUANTITIES ARE FOR INFORMATION ONLY. IN CASE OF ANY DISCREPANCY, THE PLAN SHALL GOVERN.
- ALL WORK IS TO BE PERFORMED BY LICENSED CONTRACTORS AND EXPERIENCED WORKERS.
- THE CONTRACTOR IS TO VERIFY THE LOCATION OF EXISTING UNDERGROUND UTILITIES AND STRUCTURES PRIOR TO PERFORMING ANY EXCAVATION. CONTRACTOR SHALL REPAIR ANY DAMAGE TO UTILITIES CAUSED BY THE CONTRACTOR'S WORK. AT NO ADDITIONAL COST TO THE OWNER. CONTACT ALL UTILITY PROVIDERS SERVING THE SITE AREA 48 HOURS PRIOR TO ANY EXCAVATION.
- ALL PLANT MATERIALS SHALL MATCH SPECIFICATIONS PER SPECIES AND SHALL COMPLY WITH ANSI Z601 'STANDARD FOR NURSERY STOCK'.
- THE CONTRACTOR SHALL ADHERE TO THE OREGON ASSOCIATION OF NURSERIES GUIDELINES FOR PLANTING PRACTICES.
- THE CONTRACTOR SHALL REPAIR ANY DAMAGE TO EXISTING ELEMENTS ON AND OFF SITE, RESULTING FROM THE CONTRACTOR'S WORK.
- THE CONTRACTOR IS RESPONSIBLE FOR THE VIABILITY OF ALL PLANT MATERIAL FOR 2 YEARS AFTER COMPLETION OF PLANTING. DISEASED, DYING, OR DEAD PLANT MATERIAL SHALL BE REPLACED BY THE CONTRACTOR DURING THE TWO YEAR PERIOD AND MAINTAINED FOR AN ADDITIONAL 2 YEAR PERIOD.
- IMMEDIATELY UPON BID AWARD, CONTRACTOR SHALL SECURE THE PLANT MATERIALS AS SPECIFIED FROM AVAILABLE SOURCES. IN THE EVENT THAT PLANT MATERIALS ARE NOT AVAILABLE, CONTACT LANDSCAPE ARCHITECT FOR APPROVED SUBSTITUTIONS. NO SUBSTITUTION FOR PLANT MATERIAL WILL BE ALLOWED WITHOUT PRIOR WRITTEN APPROVAL OF THE LANDSCAPE ARCHITECT.
- TOP DRESS ALL SHRUB AND GROUND COVER AREAS (NOT LAWN) WITH 3" OF FIR BARK MULCH. SUBMIT SAMPLE TO THE LANDSCAPE ARCHITECT FOR APPROVAL PRIOR TO CONSTRUCTION.
- TREE LOCATIONS MAY BE ADJUSTED IN THE FIELD TO SUIT SITE REQUIREMENTS AS DIRECTED BY THE LANDSCAPE ARCHITECT.
- THE CONTRACTOR SHALL ENSURE THAT ALL EXCAVATED PLANTING PITS HAVE POSITIVE DRAINAGE. PLANT PITS FULLY FLOODED WITH WATER SHALL DRAIN WITHIN (12) HOURS OF FILLING.
- FINISH GRADE SHALL BE SET TO ALLOW POSITIVE DRAINAGE
- ROTTOTILL 2" OF COMPOST INTO ALL PLANTED AREAS.
- INCORPORATE PEAT INTO THE ROOT ZONE OF RHODODENDRONS, AZALEAS AND OTHER ACID LOVING PLANTS.
- INCORPORATE 10-20-20 FERTILIZER INTO THE ROOT ZONE OF ALL NEW PLANTINGS.
- RONSTAR, OR APPROVED EQUAL, PREEMERGENT HERBICIDE TO BE APPLIED TO ALL PLANTED AREAS PER MANUFACTURERS INSTRUCTIONS.
- EXISTING VEGETATION TO BE SPRAYED WITH ROUNDUP, OR APPROVED EQUAL, PER MANUFACTURERS INSTRUCTIONS. SUFFICIENT TIME SHALL BE GIVEN TO ALLOW EXISTING MATERIAL TO DIE. REMOVE EXISTING 27. THE PROPERTY OWNER IS RESPONSIBLE FOR MAINTAINING TURF PLANTED WITHIN THE RIGHT OF WAY.
- CROWN LAWN AREAS AND GRADE TO PROVIDE POSITIVE DRAINAGE.
- ROLL LAWN AREA TO INSURE PROPER COMPACTION TO MINIMIZE SETTILING.
- AMEND SOIL IN LAWN AREAS WITH 80 LBS. OF DOLOMITE LIME AND 40 LBS. OF 10-20-20 SLOW RELEASE FERTILIZER OR EQUIVALENT. PROVIDE A 3" LAYER OF SANDY LOAM TOPSOIL FOR LAWN AND BED AREA.
- SEED LAWN AREAS WITH GRASS SEED MANUFACTURER'S RECOMMENDATIONS. COVER SEED WITH FINE MULCH APPLIED WITH ROLLER OR HYDROSEED.
- THE PROPERTY OWNER IS RESPONSIBLE FOR MAINTAINING TURF PLANTED WITHIN THE RIGHT OF WAY.
- PLANT MATERIAL SHALL BE PLANTED 1/4" ROOT CROWN 1" ABOVE FINISHED GRADE TO ALLOW POSITIVE DRAINAGE AWAY FROM CROWN.
- STAKE ALL TREES OVER 6 FT. IN HEIGHT PER DETAILS ON THIS SHEET.
- REFER TO DETAILS FOR ADDITIONAL INFORMATION.
- ALL PLANTING SHALL BE IRRIGATED BY AN AUTOMATIC UNDERGROUND SPRINKLER SYSTEM.
- ALL PLANT MATERIALS FURNISHED ARE TO BE HEALTHY, UNIFORMLY BRANCHED AND WITH WELL DEVELOPED FIBROUS ROOT SYSTEMS.
- ALL PLANT MATERIALS FURNISHED ARE TO BE FREE FROM DEAD OR BROKEN BRANCHES, LICHENS, SCARS, BROKEN BARK OR WOUNDS. ALL PLANT MATERIALS WILL BE INSECT, WEED, AND DISEASE FREE ACCORDING TO THE REQUIREMENTS OF THE WASHINGTON STATE DEPARTMENT OF AGRICULTURE FOR NURSERY PLANT MATERIALS SOLD FOR WHOLESALE OR RETAIL. ALL PRUNING WOUNDS MUST BE WELL HEALED WITH NO EVIDENCE OF DECAY.
- FIELD CONFIRM ALL SITE CONDITIONS, AREAS AND SIZES PRIOR TO BIDDING & CONSTRUCTION. DO NOT SCALE FROM PLANS.

## IRRIGATION NOTE

ALL LANDSCAPE AREAS SHALL BE IRRIGATED WITH AN AUTOMATIC DRIP AND/OR SPRAY IRRIGATION SYSTEM. REFER TO CIVIL ENGINEERING PLANS FOR WATER SOURCE.

**nw  
A&D**

From design concept to architectural reality

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REGISTERED  
354  
Christopher A. Baumann  
OREGON  
07/26/96  
LANDSCAPE ARCHITECT

**ASTERIA CARE**  
182 Warner Parrott Rd.  
Oregon City, Oregon 97045  
30 Bed RCF + Memory Care

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## PERMIT SET

1

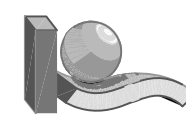
## PROPOSED LANDSCAPE PLAN

REVISED: 10/13/20

DATED: 01/21/20

DRAWN BY: HA

SHEET:



**Planning  
Solutions, Inc.**

4400 NE 77th Avenue  
Suite 275  
VANCOUVER, WA 98662  
VOICE: 360-750-9000 FAX: 360-713-6102  
www.planningsolutionsinc.com

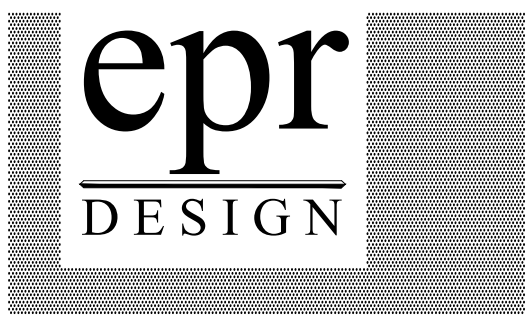
**L1.0**





from design concept to architectural reality

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WARNER PARROTT RD.  
182 Warner Parrott Rd.  
Oregon City, Oregon 97045  
25 Bed RCF + Memory Care

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PERMIT SET



PROPOSED  
BUILDING  
ELEVATIONS

REVISED:

DATED: 10/7/2020

DRAWN BY:

SHEET:

A2.0

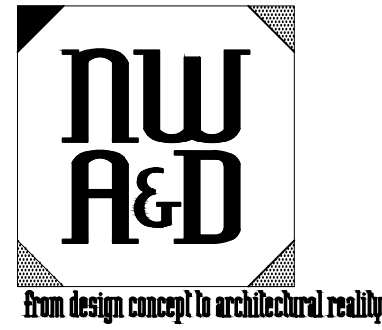


A FRONT ELEVATION (NORTH)  
A2.0 SCALE: 3/16" = 1'-0"

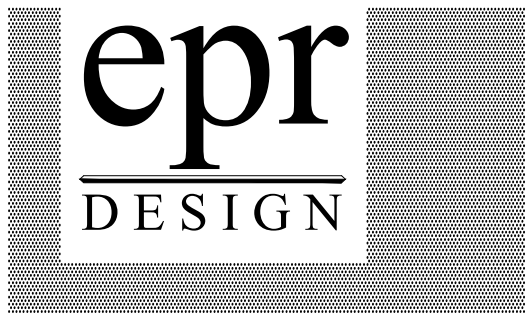


B REAR ELEVATION (SOUTH)  
A2.0 SCALE: 3/16" = 1'-0"





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WARNER PARROTT RD.  
182 Warner Parrott Rd.  
Oregon City, Oregon 97045  
25 Bed RCF + Memory Care

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DESIGN, P.C.

PERMIT SET



PROPOSED  
BUILDING  
ELEVATIONS

REVISED:

DATED: 10/7/2020

DRAWN BY:

SHEET:

A2.1



C LEFT SIDE ELEVATION (EAST)  
A2.1 SCALE: 1/8" = 1'-0"



D RIGHT SIDE ELEVATION (WEST)  
A2.1 SCALE: 1/8" = 1'-0"





nwarchitecture@gmail.com

[www.eprdesign.com](http://www.eprdesign.com)



EXPIRES: 12-31-19

**WARNER PARROTT RICHARDS**  
182 Warner Parrott Rd.  
Oregon City, Oregon 97045  
25 Bed RCF + Memory Care

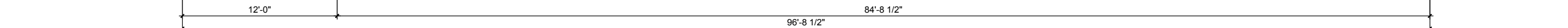
DESIGN, P.C.

A triangle with the number 1 inside.

## REVISÉ: \_\_\_\_\_

10/7/2020

## A3.1



SCALE: 1/8" = 1'-0"

GROUND LEVEL RESIDENT BEDS: 18  
GROUND LEVEL AREA: 9,128 SF  
(3,142 SF EXIST. + 5,986 SF NEW)

855 8000 0

-  SEE DOOR SCHEDULE
  BUILDING EGRESS
-  SEE WINDOW DETAILS ON A1.1
  2x SOUND INSULATED WALL. SEE DETAIL ON A4.0

RESIDENT SLEEPING UNITS TO BE ACCESSIBLE UNITS W/  
ACCESSIBLE RESTROOMS.

RESIDENT AREAS TO BE ATTENDED BY STAFF ON A 24-HR BASIS.

SEE BUILDING ELEVATIONS & WINDOW DETAILS SHEET  
FOR WINDOW STYLES, SIZES, & HEAD HEIGHTS, TYP.

SEE FIRE & LIFE SAFETY PLAN FOR WALL TYPES, EGRESS  
PATH, & OTHER DETAILS NOT SHOWN HERE FOR CLARITY.

PROVIDE A 50GPM GREASE INTERCEPTOR AT KITCHEN. CONNECT ALL KITCHEN DRAIN FIXTURES TO GREASE INTERCEPTOR. GREASE INTERCEPTOR SHALL CONNECT TO MAIN SEWER LINE IN CRAWL SPACE.

## KEYNOTES

① PROVIDE ADA COMPLIANCE

- FLOOR FINISHES:

## RESIDENT BEDROOMS: LAMIN

- |                          |                                    |
|--------------------------|------------------------------------|
| RESIDENT BEDROOMS:       | LAMINATE WOOD                      |
| RESIDENT RESTROOMS:      | TILE W/ INTEGRAL<br>TILE BASE COVE |
| COMMON SHOWER ROOMS:     | TILE W/ INTEGRAL<br>TILE BASE COVE |
| CORRIDORS:               | LAMINATE WOOD                      |
| DINING & ACTIVITY AREAS: | LAMINATE WOOD                      |
| KITCHEN:                 | TILE W/ INTEGRAL<br>TILE BASE COVE |
| LAUNDRY AREAS:           | TILE W/ INTEGRAL<br>TILE BASE COVE |
| SOILED LINEN AREAS:      | TILE W/ INTEGRAL<br>TILE BASE COVE |
| JANITORS CLOSETS:        | TILE W/ INTEGRAL<br>TILE BASE COVE |
| LOBBY:                   | LAMINATE WOOD                      |
| ADMIN. OFFICE:           | LAMINATE WOOD                      |
| STORAGE AREAS:           | LAMINATE WOOD                      |
| NURSE / MED. ROOM        | LAMINATE WOOD                      |
| STAIRWELLS:              | COMMERCIAL GRADE CARPET            |

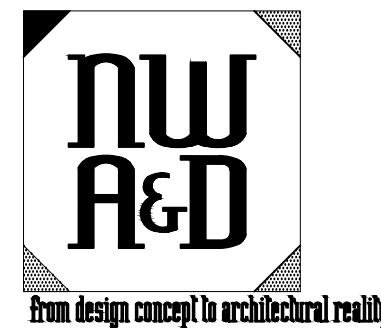
BUILDING SHALL BE HEATED & COOLED W/ DUCTLESS  
MINI-SPLIT HEATING & A/C UNITS. U.N.O.

SEE ELEVATION DRAWINGS FOR WINDOW & EXTERIOR  
DOOR HEAD HEIGHTS.

ALL INTERIOR WALLS TO BE 2x4 DFL #2 STUDS @ 16" O.C.  
PLUMBING WALLS 2x6 DFL #2 STUDS @ 16" O.C. (U.N.O.).

TYPICAL INTERIOR SHEATHING U.N.O.:  
5/8" TYPE "X" GYP. WALL BOARD.





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503-297-0409  
nwarchitecture@gmail.com

**epr**  
DESIGN

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design@eprdesign.com



**WARNER PARROTT RD.**  
182 Warner Parrott Rd.  
Oregon City, Oregon 97045  
25 Bed RCF + Memory Care

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DESIGN, P.C.

## PERMIT SET

1

## PROPOSED 2ND LEVEL FLOOR PLAN

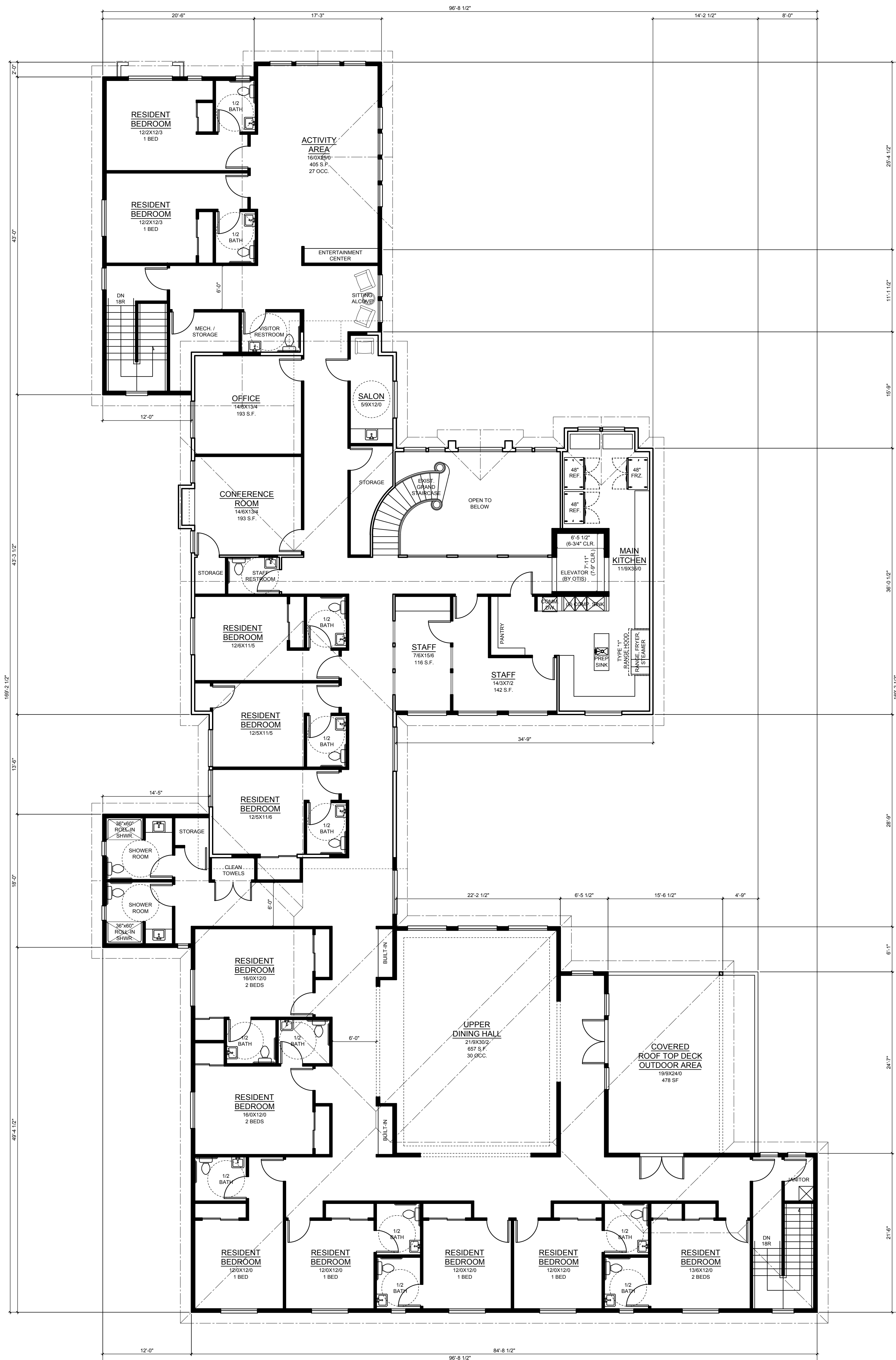
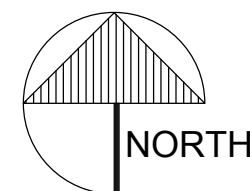
REVISED:

DATED: 10/7/2020

DRAWN BY:

SHEET:

**A3.2**



### A 2ND LEVEL FLOOR PLAN

A3.2 SCALE: 1/8" = 1'-0"

2ND LEVEL RESIDENT BEDS: 12  
2ND LEVEL AREA: 8,112 SF  
(2,840 SF EXIST. + 5,272 SF NEW)

### LEGEND:

- SEE DOOR SCHEDULE
- SEE WINDOW DETAILS ON A1.1
- BUILDING EGRESS
- 2x SOUND INSULATED WALL. SEE DETAIL ON A4.0

### GENERAL NOTES:

ALL CORRIDOR DOORS TO BE MIN. 20 MINUTE RATED PER TABLE 715.4 FIRE PARTITIONS. EXCEPTION: RESIDENT BEDROOM DOORS NOT REQUIRED TO BE RATED.

RESIDENT SLEEPING UNITS TO BE ACCESSIBLE UNITS W/ ACCESSIBLE RESTROOMS.

RESIDENT BEDROOM DOORS ACCESSING THE CORRIDOR TO BE EQUIPPED WITH SMOKE GASKETS, POSITIVE LATCHING, & LEVER TYPE HANDLES W/ KEYED LOCKS.

RESIDENT AREAS TO BE ATTENDED BY STAFF ON A 24-HR. BASIS.

TYP. CEILING HEIGHTS TO BE 9'-0" U.N.O.

SEE BUILDING ELEVATIONS & WINDOW DETAILS SHEET FOR WINDOW STYLES, SIZES, & HEAD HEIGHTS, TYP.

EXTERIOR SIDEWALKS & CONCRETE PATIO AREAS SHOWN FOR COORDINATION ONLY. SEE SITE PLAN FOR ADDITIONAL INFORMATION.

SEE FIRE & LIFE SAFETY PLAN FOR WALL TYPES, EGRESS PATH, & OTHER DETAILS NOT SHOWN HERE FOR CLARITY.

KITCHEN TO COMPLY W/ OAR 333-150-0000 FOOD SANITATION RULES.

PROVIDE A 50GPM GREASE INTERCEPTOR AT KITCHEN. CONNECT ALL KITCHEN DRAIN FIXTURES TO GREASE INTERCEPTOR. GREASE INTERCEPTOR SHALL CONNECT TO MAIN SEWER LINE IN CRAWL SPACE.

PROVIDE NON-ABSORBENT SURFACE TO A HEIGHT OF 4' ABOVE FLOOR @ WALLS OF COMMON RESTROOMS & BATHING FACILITIES. FULL HEIGHT @ SHOWERS

### KEYNOTES:

- 1 PROVIDE ADA COMPLIANT HANDRAIL.

### FLOOR FINISHES:

|                          |                                 |
|--------------------------|---------------------------------|
| RESIDENT BEDROOMS:       | LAMINATE WOOD                   |
| RESIDENT RESTROOMS:      | TILE W/ INTEGRAL TILE BASE COVE |
| COMMON SHOWER ROOMS:     | TILE W/ INTEGRAL TILE BASE COVE |
| CORRIDORS:               | LAMINATE WOOD                   |
| DINING & ACTIVITY AREAS: | LAMINATE WOOD                   |
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| JANITORS CLOSETS:        | TILE W/ INTEGRAL TILE BASE COVE |
| LOBBY:                   | LAMINATE WOOD                   |
| ADMIN. OFFICE:           | LAMINATE WOOD                   |
| STORAGE AREAS:           | LAMINATE WOOD                   |
| NURSE / MED. ROOM:       | LAMINATE WOOD                   |
| STAIRWELLS:              | COMMERCIAL GRADE CARPET         |



**PLANNING COMMISSION MEMORANDUM**

RE: 182 Warner Parrott Rd. Oregon City, Oregon 97045  
GLUA-20-00020:  
CU-20-00002 Conditional Use / SP-20-00043 Site Plan and Design Review

In this memorandum the applicant wishes to address and add the following information to the application:

- **Parking:**  
A verbal agreement was given by the church on Warner Parrott Rd. that Petronella and the facility staff can use their parking lot in order to allow for the on-site parking to be used by the visitors. This will help alleviate the need to park on the side of Warner Parrot Rd. However, we do not feel that we will need this additional parking and are not proposing an adjustment to include this as part of our parking program. Further, the parking spaces on Warner Parrot Rd. are designated as public street parking that anyone can use, including the facility, and should not be considered a safety hazard if the city of Oregon City has designed and designated Warner Parrot Rd. to be equipped with on-street parking. Further, the development proposed meets the minimum and maximum requirement for on-site parking.
- **Continuance of Application:**  
A question came up about why the applicant has requested so many continuances to this project. The applicants did not wish to have continuances of the planning commission meetings but did so in order to prepare the additional site survey work that the City of Oregon City required. These surveys take time as they are done by a licensed land surveyor and includes field work and measurements as well as office time to prepare the documents. Further, the first planning commission continuance was initiated by the neighbors stating that they did not have time to prepare for the meeting with their comments.
- **Shading of nearby properties by the proposed development:**  
The proposed building meets the maximum height standards as set forth in the Oregon City code for R10 zoned sites. In addition, we have voluntarily used the shading and height standards from the City of Lake Oswego because Oregon City does not have or require these studies to demonstrate max solar shading heights. See memorandum provided for this study.



**Pete Walter**

---

**From:** Petronella Donovan <petra@donovaninvestments.com>  
**Sent:** Thursday, December 31, 2020 6:02 PM  
**To:** Edward Radulescu  
**Cc:** Pete Walter; Daniel Donovan  
**Subject:** Re: Extension of 120-Day Decision Deadline

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

We are ok with the extension till March 15th 2021.

Thank you,

**Petronella Donovan**

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On Dec 31, 2020, at 6:12 PM, Edward Radulescu <eddie@eprdesign.com> wrote:

Pete,

I am ok with the extension to March 15, 2021 as you have requested. Petronella and Daniel?

Happy New Year!

Edward Radulescu  
EPR Design LLC  
503-679-2493 direct  
503-265-8461 office  
eddie@eprdesign.com

---

**From:** Pete Walter <pwalter@orccity.org>  
**Sent:** Thursday, December 31, 2020 12:39 PM  
**To:** Petronella Donovan; Edward Radulescu; Daniel Donovan  
**Subject:** Extension of 120-Day Decision Deadline

Good afternoon Petronella, Eddie and Daniel,



The city attorney and I are finalizing revised findings for approval of your application for adoption by the Planning Commission at the January 11<sup>th</sup> meeting. As you are probably aware, I sensed a fair amount of displeasure about how the commissions tentative approval and there is a strong possibility of an appeal.

The appeal would need to be made after the decision is final and within two weeks of the final decision mailing to those who have testified. This would mean if we mail the decision out on January 12 (staff has 5 days per code, but assume Jan. 12) the appellant would need to complete the appeal form and submit it together with the appeal fee of \$1,541.00 by close of business (3:30 pm) on January 25, 2021.

An appeal hearing before the City Commission requires a public notice at least twenty days prior to the hearing, which means the earliest the appeal hearing could be held would be February 17<sup>th</sup>. Assuming the City Commission denies the appeal on that date, the City Commission decision is the city's final decision and is subject to review by LUBA within twenty-one days of when it becomes final (which would be March 9), unless otherwise provided by state law. The appeal hearing is on the record, however, the City Commission could decide to continue the appeal hearing.

I doubt that the City Commission's decision would be appealed to LUBA, however, it could be.

Currently you have granted the city an extension of the decision deadline until February 3. The City would have difficulty meeting this deadline given its appeal obligations.

I believe the most prudent approach would be to grant the city a third extension to March 15. Please confirm your willingness to extend this deadline via a separate email.

Thank you, and happy 2021.

Pete

Peter Walter, AICP, Senior Planner  
 He/him/his pronouns ([learn about gender pronouns here](#))  
 695 Warner Parrott Rd, Oregon City, OR 97045  
 (503) 867-2574 *Mobile*  
 (503) 496-1568 *Desk*  
 (503) 722-3789 *Main Office*  
**Today in Black History**  
[What's your Vision for Oregon City?](#)

<image002.jpg>

[Interactive Maps and Apps](#)  
[On-Line Submittal of Land Use Applications](#)  
[COVID-19 \(Coronavirus\) Information](#)

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



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

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**Pete Walter**

---

**From:** Edward Radulescu <eddie@eprdesign.com>  
**Sent:** Wednesday, December 9, 2020 6:10 PM  
**To:** Petronella Donovan; Pete Walter  
**Cc:** Daniel Donovan  
**Subject:** Re: Dec. 14th Agenda for Virtual Planning Commission Hearing  
**Attachments:** Existing Conditions Survey.pdf; Surrounding Uses.pdf

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

Pete,  
 Please find attached the existing conditions survey showing all site elements to within 25' of the existing site. As you can see there is only 1 neighbor to the west whose home is within 25' of the property line. All other neighbors homes are set back further and have large trees that would generate far more shade to their properties than our building would make (also see solar height memorandum provided previously). I also included a survey of the different uses in the immediate vicinity and down Warner Parrot Rd. Uses that are other than Single Family Dwellings, although several large lots were developed and more densely built with single family homes. Please let me know if you need anything else for the hearing on the 14<sup>th</sup>. Thanks

Regards,  
 Edward Radulescu, B. Arch



[www.eprdesign.com](http://www.eprdesign.com)

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Direct: 503-679-2493

[eddie@eprdesign.com](mailto:eddie@eprdesign.com)

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---

**From:** Petronella Donovan <petra@donovaninvestments.com>  
**Date:** Tuesday, December 8, 2020 at 9:56 AM  
**To:** Pete Walter <pwalter@orcity.org>  
**Cc:** "eddie@eprdesign.com" <eddie@eprdesign.com>, Daniel Donovan <daniel13donovan@gmail.com>  
**Subject:** Re: FW: Dec. 14th Agenda for Virtual Planning Commission Hearing

Thanks Pete!



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On Tue, Dec 8, 2020 at 9:48 AM Pete Walter <[pwalter@orcify.org](mailto:pwalter@orcify.org)> wrote:

---

**From:** Laura Terway <[lterway@orcify.org](mailto:lterway@orcify.org)>  
**Sent:** Monday, December 7, 2020 8:26 PM  
**Subject:** Dec. 14th Agenda for Virtual Planning Commission Hearing

Good Evening,

Please find attached the agenda for the December 14<sup>th</sup>, 2020 Planning Commission work session and hearing, which will be held on Zoom. **No in-person attendance will be available. Please contact [planning@orcify.org](mailto:planning@orcify.org) for the meeting link.**

6pm Planning Commission Work Session

7pm Planning Commission Hearing

The complete agenda packet can be found at the following link: <https://www.orcify.org/meetings>. Please post where required and forward to any interested party. If citizens require additional accommodations, contact [planning@orcify.org](mailto:planning@orcify.org)



The public is strongly encouraged to relay concerns and comments via email at any time up to 12 p.m. the day of meeting to [planning@orcitem 8a.org](mailto:planning@orcitem 8a.org).



What's your Vision for Oregon City?

## Laura Terway, AICP

Community Development Director - Planning & Building Departments

She/Her

695 Warner Parrott Road (PO Box 3040), Oregon City, Oregon 97045  
Direct 503.496.1553 Office 503.722.3789

[www.orcitem 8a.org](http://www.orcitem 8a.org) | [webmaps.orcitem 8a.org](http://webmaps.orcitem 8a.org) | [www.rediscoverthefalls.com](http://www.rediscoverthefalls.com)

Think **GREEN** before you print.

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## **COVID-19 (Coronavirus) Information**

*The City of Oregon City is open for business and continues to offer services and programs online and virtually. Some City facilities are open to the public, find current openings [here](#), we encourage visitors to wear a mask, practice physical distancing, and reschedule in-person visits if you are feeling unwell. The City has installed additional shielding and is providing hand sanitizer as well as occupancy limits to ensure our staff and visitors have a safe, no touch experience. Our goal is to be responsive to our community throughout this pandemic; we appreciate your understanding and cooperation.*



**Pete Walter**

**From:** Edward Radulescu <eddie@eprdesign.com>  
**Sent:** Monday, December 7, 2020 4:50 PM  
**To:** Pete Walter; Petronella Donovan; Daniel Donovan  
**Subject:** Re: Additional Information for Planning Commission  
**Attachments:** SOLAR SHADING.docx; MEMORANDUM TO COMMENTS.docx

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Pete,  
 Attached are the additional items we wanted to submit with the exception to a more complete survey of the site and the surrounding properties to within 15' of the property lines. We do not wish for a continuance but we will be getting that additional survey over to you by tomorrow:

- Voluntary Solar Shading and Height study based on the requirements and standards of Lake Oswego since Oregon City does not have these standards in their code.
- Memorandum to the planning commission regarding some comments and concerns from the neighbors as well as a discussion about shared parking with the church down the street.
- Survey of properties down Warner Parrot Rd. that are uses other than single family as requested at the first planning commission hearing.

Let me know if there is anything else you need and as mentioned, I should have the detailed site survey over to you tomorrow as well. Thank you

Regards,  
 Edward Radulescu, B. Arch



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**From:** Pete Walter <pwalter@orccity.org>  
**Date:** Monday, December 7, 2020 at 8:46 AM  
**To:** "eddie@eprdesign.com" <eddie@eprdesign.com>, Petronella Donovan <petra@donovaninvestments.com>  
**Subject:** Additional Information for Planning Commission



Good morning Eddie and Petronella,

I hope you had a good weekend. Please can you give me a status update on the additional information you are preparing for the Planning Commission?

If you still need additional time to prepare these materials, please can you provide:

1. A separate email requesting a continuance, and please provide the reason why the continuance is needed.
2. A 30-day extension of the current decision deadline to February 3, 2021.

We are sending out the Planning Commission agenda at 4:00 p.m. today, so please can you let me know ASAP?

Thanks,

Pete Walter

Peter Walter, AICP, Senior Planner

He/him/his pronouns ([learn about gender pronouns here](#))

695 Warner Parrott Rd, Oregon City, OR 97045

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

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GLUA-20-00020 / CU-20-00002 / SP-20-00043  
Conditional Use w/ Site Plan and Design Review  
30-Bed Assisted Living Facility  
with Memory Care  
182 Warner Parrott Rd

Pete Walter, AICP, Senior Planner  
December 14, 2020 - Planning Commission  
Continued from 11/23/2020





# Existing Conditions - Aerial



GLUA-20-00020 / CU-20-00002 / SP-20-00043



# Existing Conditions

- R-10 low density zone
- Current use: adult care home – 5 Beds
- Lot size: 23,932 sq. ft. (~0.55 ac)
- Lot coverage: ~3,800 sq. ft. = ~16%
- Building height: 24'
- 20' wide paved driveway access
- 7' sidewalk, 8' parking lane, 5' bike lane, 11'
- Posted speed limit = 20 mph (school

| Setback | Distance (approx.) |
|---------|--------------------|
| Front   | 50'                |
| Left    | 40'                |
| Right   | 25'                |
| Rear    | 78'                |



**GLUA-20-00020 / CU-20-00002 / SP-20-00043**



# Proposed Use

- Residential Care Facility with Memory Care – 30 Beds
- Lot Size: 23,932 sq. ft. (~0.55 ac) – *no change*
- Lot Coverage: 9,132 sq. ft. = 38% **Complies**
- 30' wide paved driveway access w/ turnaround **Complies**
- 7 parking spaces + 1 loading space **Complies**
- Building height: 24'-25' **Complies**
- Setbacks **Complies**

| Setback | Distance (shortest) |
|---------|---------------------|
| Front   | 10' 2"              |
| Left    | 12' 1 ½"            |
| Right   | 12' 7"              |
| Rear    | 20' 8"              |



GLUA-20-00020 / CU-20-00002 / SP-20-00043



- Figure 5: Original vs. Revised Site Plan (Dashed area indicates modifications) – Not to Scale

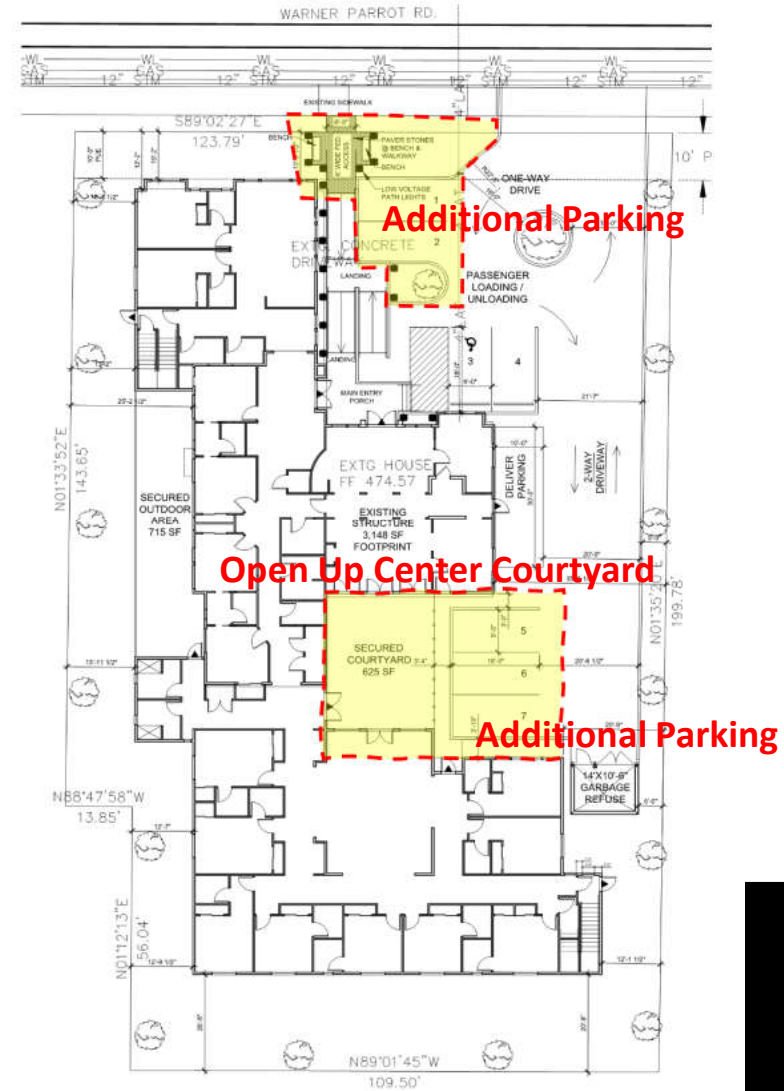
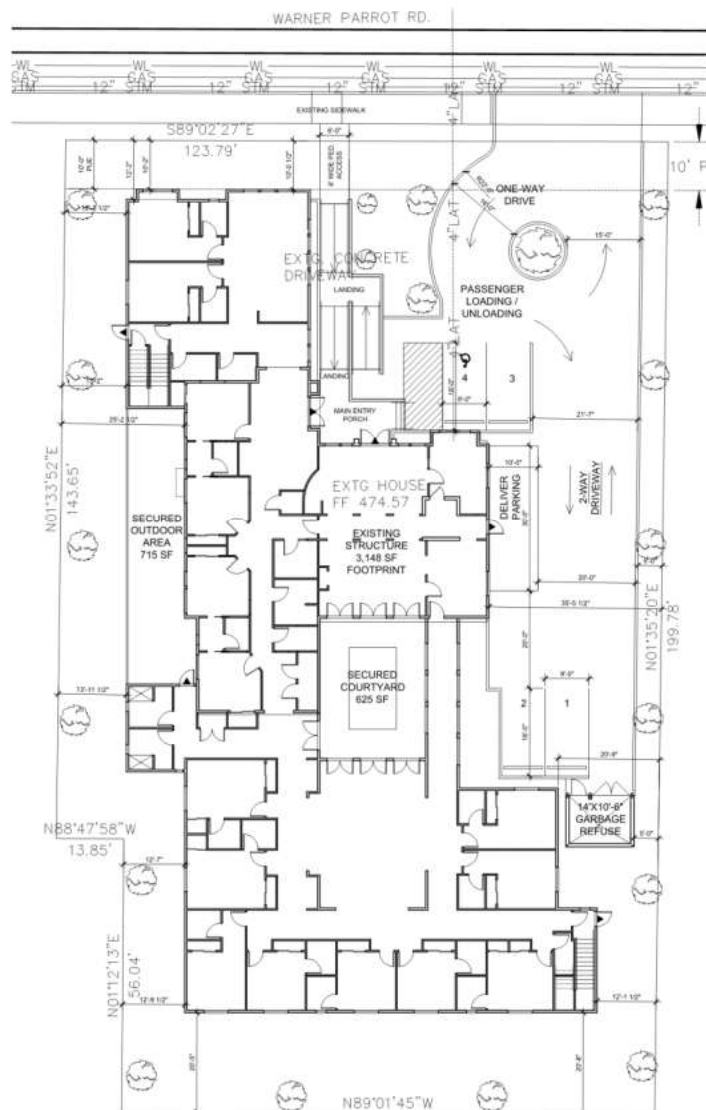




Figure 8. Original (top) vs. Revised (bottom) Front / North Elevation



A FRONT ELEVATION (NORTH)  
A2.0 SCALE: 3/16" = 1'-0"



Added Windows to 60%





Figure 6. Original (top) vs. Revised (bottom) Left (East) Side Elevation – Not to Scale



C LEFT SIDE ELEVATION (EAST)  
A2.1 SCALE: 1/8" = 1'-0"



Open Up Center Courtyard –  
Increase setback

C LEFT SIDE ELEVATION (EAST)  
A2.1 SCALE: 1/8" = 1'-0"



Figure 7. Original (top) vs. Revised (bottom) Right (west) Side Elevation – Not to Scale



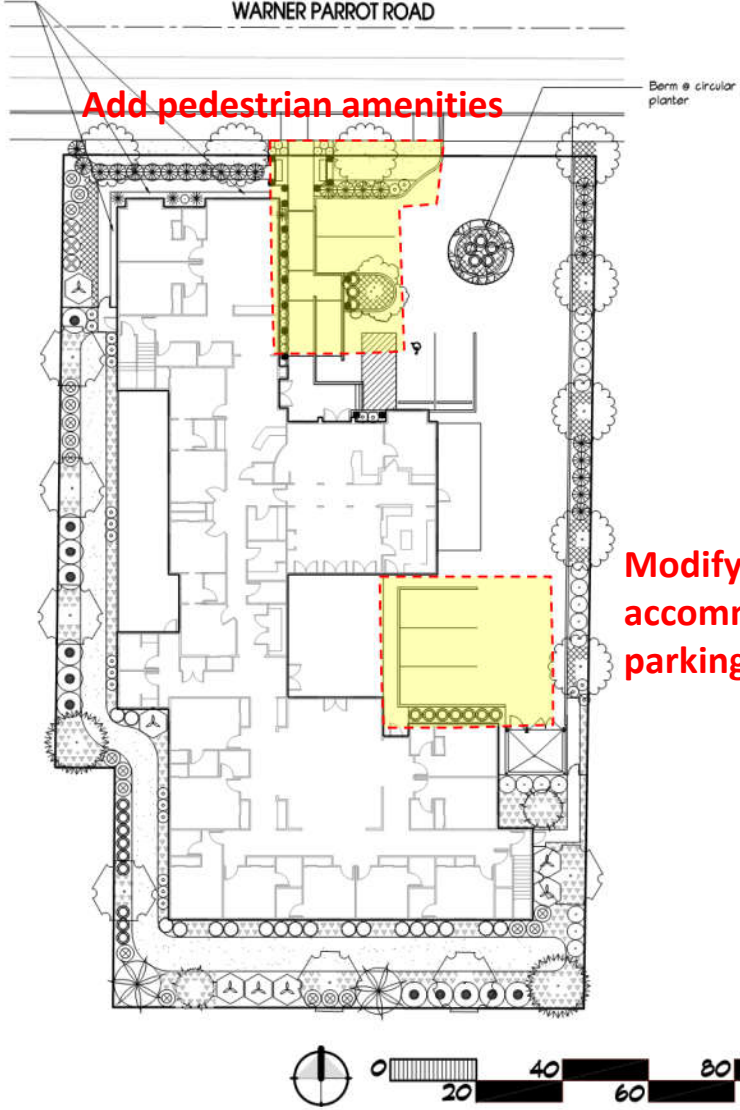
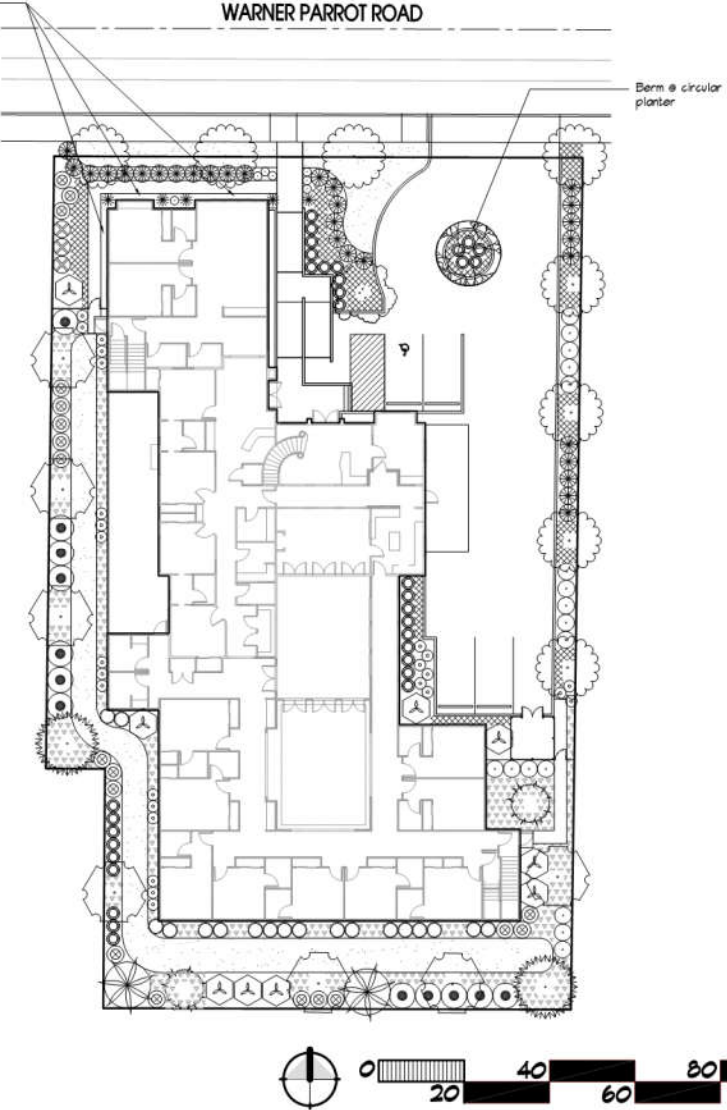
D  
A2.1 RIGHT SIDE ELEVATION (WEST)  
SCALE: 1/8" = 1'-0"



D  
A2.1 RIGHT SIDE ELEVATION (WEST)  
SCALE: 1/8" = 1'-0"



Figure 10. Original (left) vs. Revised (right) Landscaping Plan  
WARNER PARROT ROAD



Add pedestrian amenities

Modify landscaping to accommodate 3 more parking spaces





# Summary of Revisions

---

- Reduce the size and overall mass of the building by opening the center courtyard.
- Addition of additional off-street parking to 8 spaces, including one delivery parking space. With 4 available on-street parking spaces abutting the property the total spaces is 12. 8 off-street parking spaces is the maximum permitted per OCMC 17.52.020, as discussed in this report.
- Reduce lot coverage reduced slightly from 39% to 38%. The R-10 zone permits a maximum lot coverage of 40%.
- Increased front window percentage. The code requires a minimum window percentage of 60% on the front façade.
- Revised landscaping due to increased off-street parking areas.



**GLUA-20-00020 / CU-20-00002 / SP-20-00043**



# Existing Conditions – Street View



GLUA-20-00020 / CU-20-00002 / SP-20-00043



# Concept Rendering



GLU

00043



## Solar Shading Analysis – Applicant submittal

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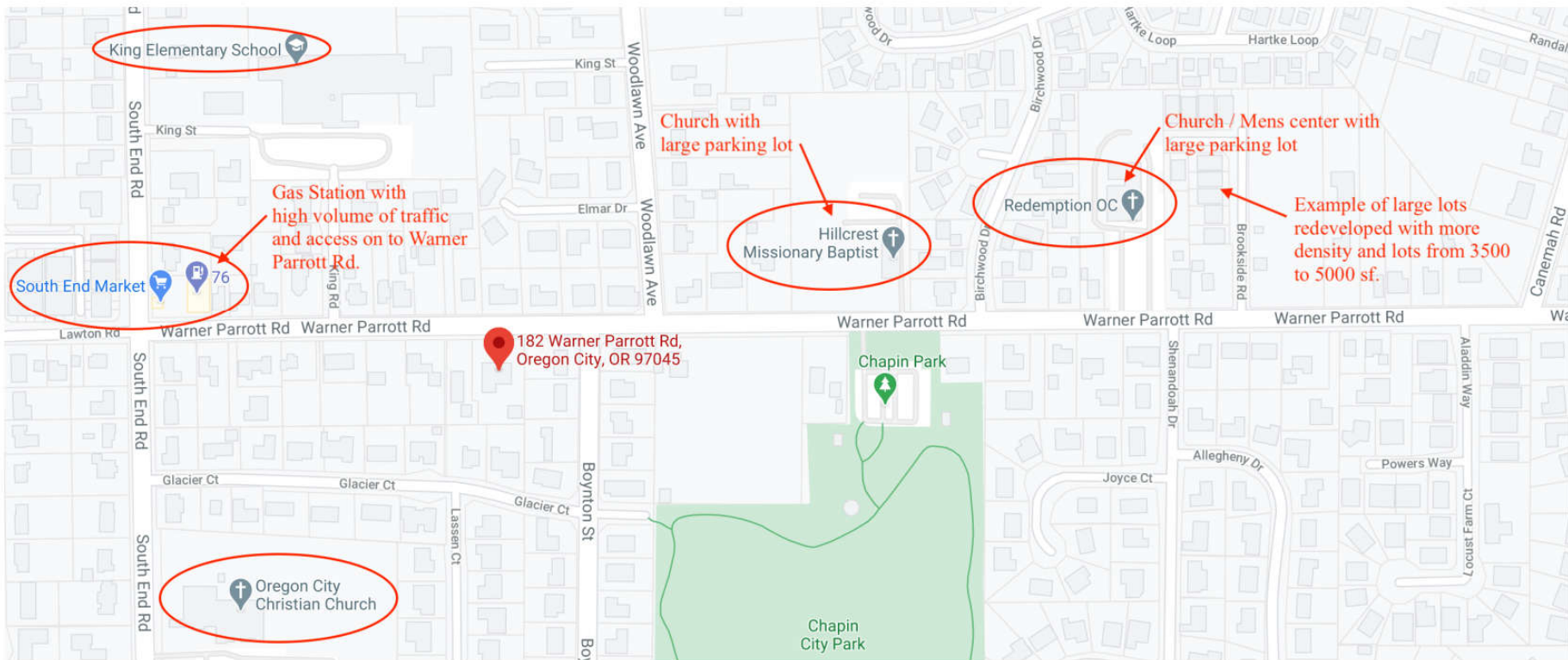
- No applicable standard in OCMC
- Applicant provided analysis per Lake Oswego Code 50.06.0007
- Calculation based on:
  - North – South Lot Dimension
  - Distance to Shade Reduction Line
  - Shade Point Height = Building Height
- Based on applicant's calculation the building complies with the shade point height at <28 feet to the ridge of the roof



**GLUA-20-00020 / CU-20-00002 / SP-20-00043**



# Surrounding Uses – Applicant Submittal



GLUA-20-00020 / CU-20-00002 / SP-20-00043

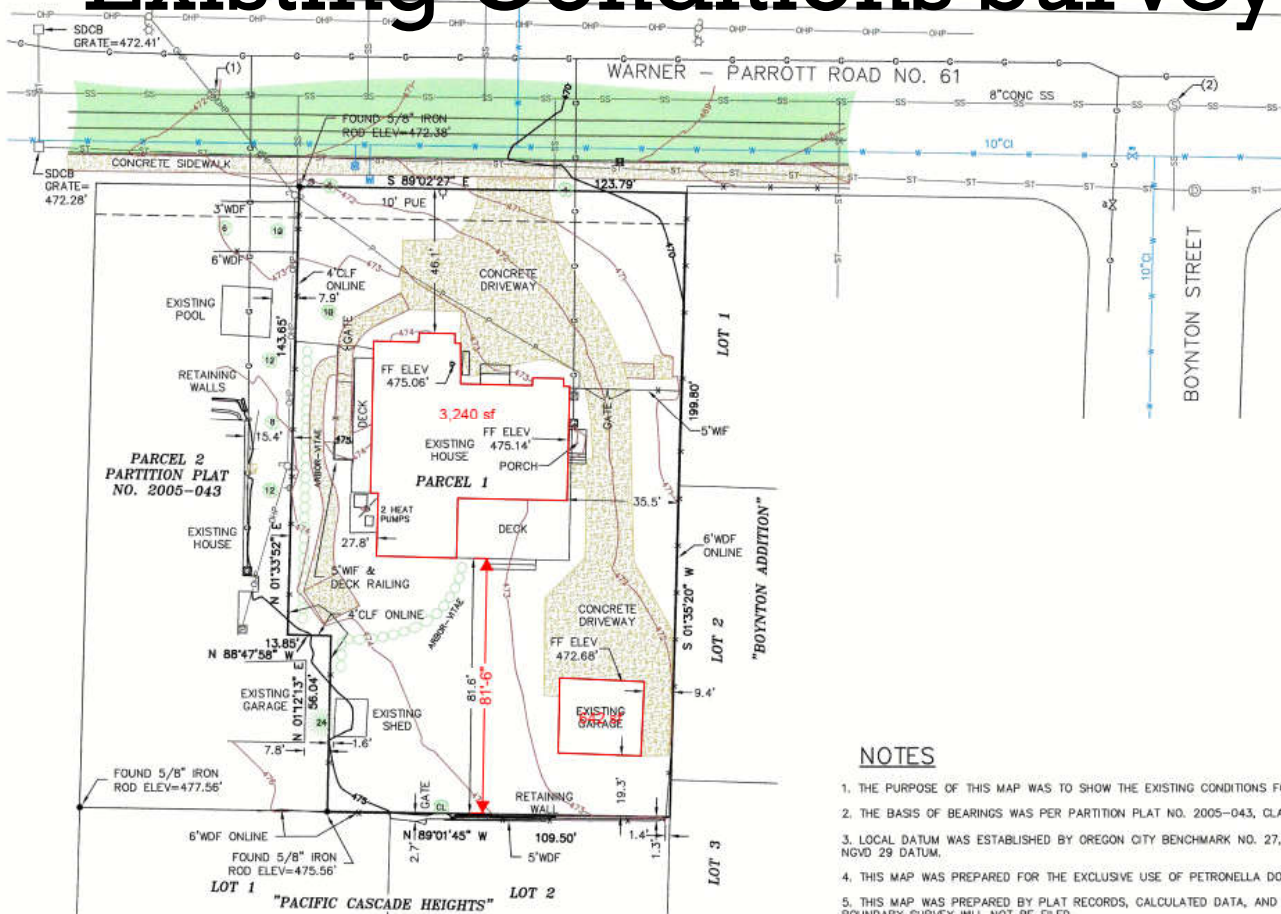


# Aerial View from South – Applicant submittal





# Existing Conditions Survey



## LEGEND

- EXISTING ARBOR-VITAE
- EXISTING DECIDUOUS TREE W/ TRUNK DIAMETER (INCHES)(CL=CLUSTER)
- EXISTING CONIFEROUS TREE W/ TRUNK DIAMETER (INCHES)
- EXISTING SIGN
- EXISTING UNDERGROUND TELEPHONE
- EXISTING ELECTRIC METER
- EXISTING POWER/LIGHT POLE
- EXISTING POWER POLE
- EXISTING GUY ANCHOR
- EXISTING LIGHT POLE
- EXISTING UNDERGROUND POWER LINES
- EXISTING OVERHEAD POWER LINES
- EXISTING WATER METER
- EXISTING WATER VALVE
- EXISTING UNDERGROUND WATER
- EXISTING GAS VALVE
- EXISTING GAS RISER
- EXISTING GAS PUMP
- EXISTING GAS METER
- EXISTING UNDERGROUND GAS LINE
- EXISTING CATCH BASIN
- EXISTING SANITARY MANHOLE
- EXISTING STORM MANHOLE
- EXISTING SANITARY SEWER LINE
- EXISTING STORM SEWER LINE
- EXISTING MAILBOX
- EXISTING FENCE
- WDF EXISTING WOOD FENCE
- CLF EXISTING CHAIN LINK FENCE
- WIF EXISTING WROUGHT IRON FENCE
- FOUND MONUMENTS
- EXISTING GRAVEL
- EXISTING CONCRETE
- EXISTING ASPHALT
- (1) SSMH  
RIM=471.98'  
IE 8"CONC IN W=464.48'  
IE 8"CONC OUT E=464.28'
- (2) SSMH  
RIM=465.95'  
IE 8"CONC IN W=458.45'  
IE 8"CONC IN N=458.35'  
IE 10"CONC OUT E=458.25'

## NOTES

1. THE PURPOSE OF THIS MAP WAS TO SHOW THE EXISTING CONDITIONS FOR 182 WARNER-PARROTT ROAD.
2. THE BASIS OF BEARINGS WAS PER PARTITION PLAT NO. 2005-043, CLACKAMAS COUNTY RECORDS.
3. LOCAL DATUM WAS ESTABLISHED BY OREGON CITY BENCHMARK NO. 27, FOUND A BRASS DISK, ELEVATION=459.664' NGVD 29 DATUM.
4. THIS MAP WAS PREPARED FOR THE EXCLUSIVE USE OF PETRONELLA DONOVAN.
5. THIS MAP WAS PREPARED BY PLAT RECORDS, CALCULATED DATA, AND FIELD MEASUREMENTS. A RECORDED BOUNDARY SURVEY WILL NOT BE FILED.
6. ALL UTILITY LOCATIONS ARE SHOWN BY ABOVE GROUND FEATURES AND LOCATION OF PAINT MARKS SUPPLIED BY THE LOCAL UTILITY COMPANIES. CMT TAKES NO RESPONSIBILITY OF UNDERGROUND LOCATION. PLEASE NOTIFY THE UTILITY NOTIFICATION CENTER BEFORE ANY DIGGING 1-800-332-2344.

## EXISTING CONDITIONS

182 WARNER-PARROTT ROAD



# OCMC Approval Criteria

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- CHAPTER 12.04 – STREETS SIDEWALKS AND PUBLIC SPACES
- CHAPTER 13.12 – STORMWATER MANAGEMENT
- CHAPTER 15.48 – GRADING, FILLING AND EXCAVATING
- CHAPTER 16.12 – MINIMUM PUBLIC IMPROVEMENTS AND DESIGN STANDARDS FOR DEVELOPMENT
- CHAPTER 17.47 – EROSION AND SEDIMENT CONTROL
- CHAPTER 12.08 PUBLIC AND STREET TREES
- CHAPTER 17.08 LOW DENSITY RESIDENTIAL DISTRICTS
- CHAPTER 17.41 TREE PROTECTION, PRESERVATION, REMOVAL AND REPLANTING STANDARDS
- CHAPTER 17.50 ADMINISTRATION AND PROCEDURES
- CHAPTER 17.52 OFF-STREET PARKING AND LOADING
- CHAPTER 17.54 SUPPLEMENTAL ZONING REGULATIONS AND EXCEPTIONS
- CHAPTER 17.56 CONDITIONAL USES
- CHAPTER 17.62 - SITE PLAN AND DESIGN REVIEW



**GLUA-20-00020 / CU-20-00002 / SP-20-00043**



## OCMC Approval Criteria – Conditional Use

---

1. The use is listed as a conditional use in the underlying district;
2. The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, existence of improvements and natural features;
3. Development shall demonstrate compliance with OCMC 16.12;
4. The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs or precludes the use of surrounding properties for the primary uses listed in the underlying district;
5. The proposal satisfies the goals and policies of the city comprehensive plan which apply to the proposed use.



**GLUA-20-00020 / CU-20-00002 / SP-20-00043**



## OCMC Approval Criteria – Conditional Use

---

1. The use is listed as a conditional use in the underlying district;
2. The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, existence of improvements and natural features;
3. Development shall demonstrate compliance with OCMC 16.12;
4. The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs or precludes the use of surrounding properties for the primary uses listed in the underlying district;
5. The proposal satisfies the goals and policies of the city comprehensive plan which apply to the proposed use.



**GLUA-20-00020 / CU-20-00002 / SP-20-00043**



## Public concerns on record

| Concern / Comment       | Application                                            | OCMC / Standard                | Standard Met? | Notes                                             |
|-------------------------|--------------------------------------------------------|--------------------------------|---------------|---------------------------------------------------|
| Traffic                 | Transportation Analysis Letter (TAL)                   | 16.12.033 - Mobility Standards | Complies      |                                                   |
| Sight Distance / Safety | Sight Distance Analysis in TAL                         | 10.32 / AASHTO                 | Complies      | Sight distance is exceeded in both directions     |
| Safety                  | Crash Analysis in TAL                                  | 10.32 / AASHTO                 | Complies      |                                                   |
| Parking                 | 8 off-street – max permitted.<br>4 on-street available | 17.52                          | Complies      | Vehicles may park on street                       |
| Building Height         | 24' feet                                               | 35' permitted                  | Complies      |                                                   |
| 10-foot setback         | Site plans,<br>Architectural Plans,<br>narrative       | 17.62.055                      | Complies      | Required for commercial / institutional buildings |



## Public concerns on record - continued

| Concern / Comment                                                                  | Application                                                  | OCMC / Standard                                                                     | Standard Met?        | Notes                                                                                           |
|------------------------------------------------------------------------------------|--------------------------------------------------------------|-------------------------------------------------------------------------------------|----------------------|-------------------------------------------------------------------------------------------------|
| Building Size /<br>Massing / Height<br>is incompatible with<br>adjacent structures | Site plans,<br>Architectural Plans,<br>narrative             | <i>17.04 – Dimensional<br/>standards</i><br><i>17.62.055 – Design<br/>Standards</i> | Complies             | Design compatibility is a<br>subjective standard<br>Dimensional standards are<br>not            |
| Shade / Sunlight                                                                   | Applicant provided<br>shade analysis per<br>Lake Oswego code | No standard                                                                         | N/A<br>Meets LO code | PC may require as a<br>condition of approval                                                    |
| Vehicles Blocking<br>Sight Distance                                                | Sight Distance<br>Analysis in TAL                            | 10.32 / AASHTO                                                                      | Complies             | Reasonable to allow<br>temporarily parked<br>vehicles to park in the<br>public ROW parking lane |



GLUA-20-00020 / CU-20-00002 / SP-20-00043



## Public concerns on record - continued

| Concern / Comment         | Application | OCMC / Standard                                                                                                           | Standards Met?                | Notes                                                                                                           |
|---------------------------|-------------|---------------------------------------------------------------------------------------------------------------------------|-------------------------------|-----------------------------------------------------------------------------------------------------------------|
| Impact to off-site trees  |             | N/A                                                                                                                       | N/A                           | Applicant should address in more detail                                                                         |
| Property values will drop |             | N/A                                                                                                                       | N/A                           | Applicant should address in more detail                                                                         |
| Construction hours        |             | <i>Private Construction</i><br>9.12.023<br><br><i>ROW and Public Utility Construction</i><br><i>Engineering Standards</i> | Monitored during construction | 7 AM – 10 PM M-F<br>9 AM - 10 PM Sat<br>9 AM – 8 PM Sun<br><br>7 am – 6pm M-F<br>9 am – 6 pm Sat<br>NONE Sunday |



GLUA-20-00020 / CU-20-00002 / SP-20-00043



## Public concerns on record - continued

| Concern / Comment                                               | Application | OCMC / Standard                                                                       | Standards Met?            | Notes                                   |
|-----------------------------------------------------------------|-------------|---------------------------------------------------------------------------------------|---------------------------|-----------------------------------------|
| Livability                                                      | Narrative   | <i>Comp. Plan Goal 2.4 – Neighborhood Liveability</i><br><br><i>17.56.010.(A).(4)</i> | Complies, with conditions | Applicant should address in more detail |
| Loss of privacy / due to height / 2 <sup>nd</sup> story windows | Narrative   | <i>17.04 – Dimensional standards</i>                                                  | Complies                  | Applicant should address in more detail |



GLUA-20-00020 / CU-20-00002 / SP-20-00043



# Staff Recommendation

---

Staff recommends that the Planning Commission continue Planning File GLUA-20-00020 / CU-20-00002 / SP-20-00043 to the date certain of January 11, 2020.

Thank you. Questions?



**GLUA-20-00020 / CU-20-00002 / SP-20-00043**





GLUA-20-00020  
CU-20-00002: Conditional Use  
SP-20-00043: Site Plan and Design Review  
30-Bed Assisted Living Facility with Memory Care Street  
182 Warner Parrott Rd

Pete Walter, AICP, Senior Planner  
October 26, 2020 Planning Commission  
Continued from August 24, 2020





# Existing Conditions - Aerial



GLUA-20-00020 / CU-20-00002 / SP-20-00043



# Existing Conditions – Street View



GLUA-20-00020 / CU-20-00002 / SP-20-00043



# Existing Conditions – Oblique Aerial



GLUA-20-00020 / CU-20-00002 / SP-20-00043



# Summary of Proposal

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The proposed land use application consists of conversion and expansion of the existing 5-room adult care home into a 30-bed residential care facility for elderly care and memory care with 17,728 square feet, with a one-way circular driveway, four off-street parking spaces, a two-way drive-aisle along the eastern property line, a refuse/recycling area, and upgraded landscaping throughout the site.



**GLUA-20-00020 / CU-20-00002 / SP-20-00043**



# Concept Rendering





# Summary of Revisions

---

- Reduce the size and overall mass of the building by opening the center courtyard.
- Addition of additional off-street parking to 8 spaces, including one delivery parking space. With 4 available on-street parking spaces abutting the property the total spaces is 12. 8 off-street parking spaces is the maximum permitted per OCMC 17.52.020, as discussed in this report.
- Reduce lot coverage reduced slightly from 39% to 38%. The R-10 zone permits a maximum lot coverage of 40%.
- Increased front window percentage. The code requires a minimum window percentage of 60% on the front façade.
- Revised landscaping due to increased off-street parking areas.



GLUA-20-00020 / CU-20-00002 / SP-20-00043



- Figure 5: Original vs. Revised Site Plan (Dashed area indicates modifications) – Not to Scale

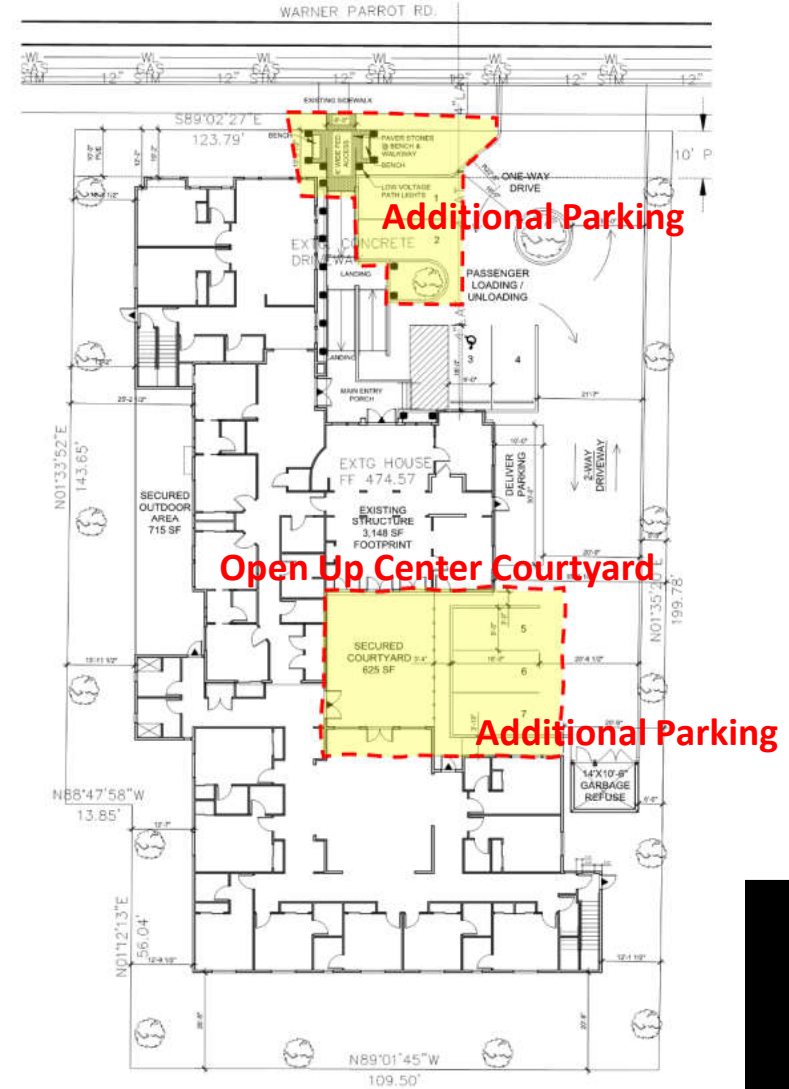
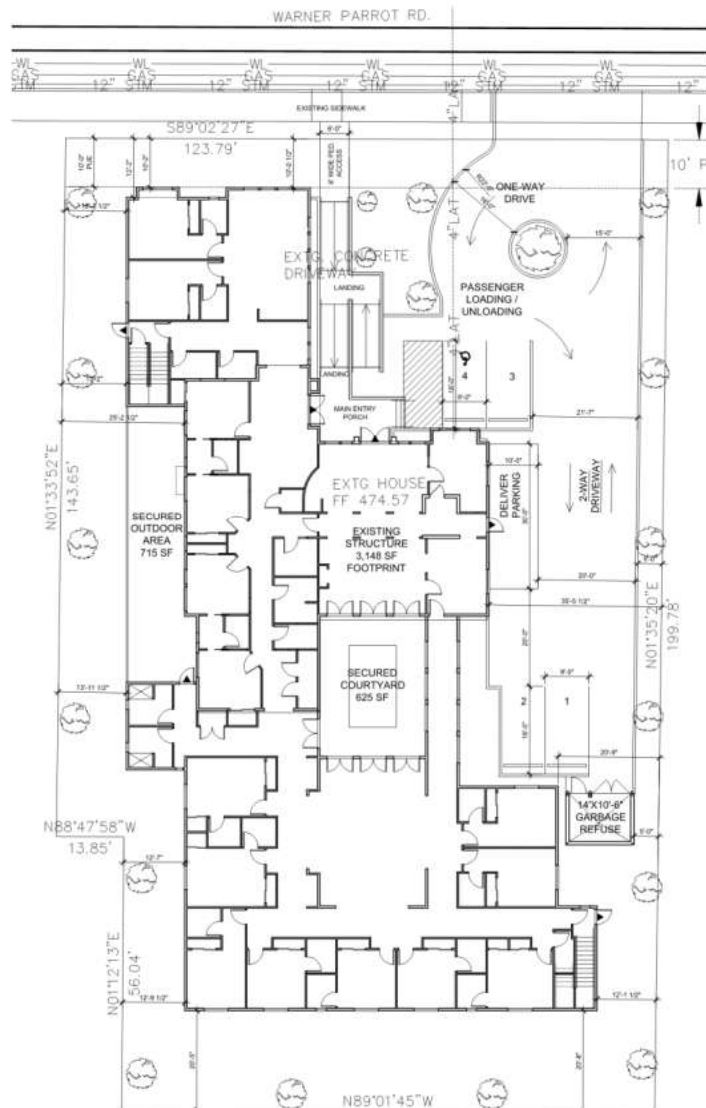




Figure 8. Original (top) vs. Revised (bottom) Front / North Elevation



A FRONT ELEVATION (NORTH)  
A2.0 SCALE: 3/16" = 1'-0"



Added Windows to 60%





Figure 6. Original (top) vs. Revised (bottom) Left (East) Side Elevation – Not to Scale



C LEFT SIDE ELEVATION (EAST)  
A2.1 SCALE: 1/8" = 1'-0"



Open Up Center Courtyard –  
Increase setback

C LEFT SIDE ELEVATION (EAST)  
A2.1 SCALE: 1/8" = 1'-0"



Figure 7. Original (top) vs. Revised (bottom) Right (west) Side Elevation – Not to Scale



D  
A2.1 RIGHT SIDE ELEVATION (WEST)  
SCALE: 1/8" = 1'-0"



D  
A2.1 RIGHT SIDE ELEVATION (WEST)  
SCALE: 1/8" = 1'-0"



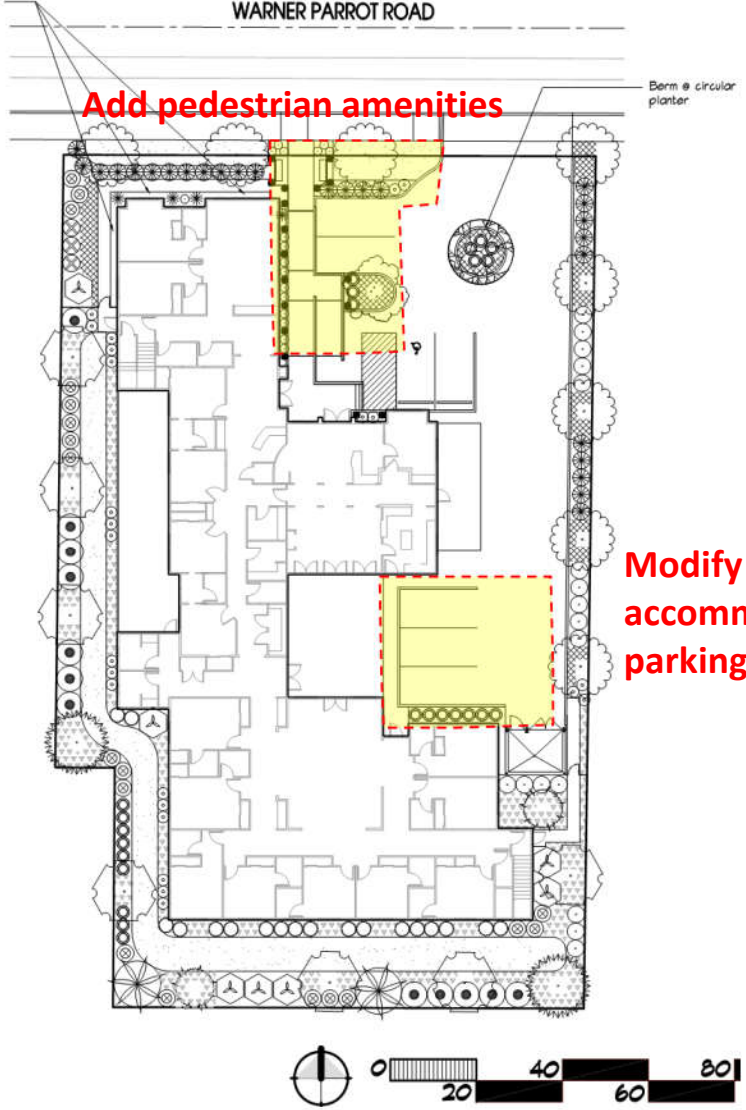
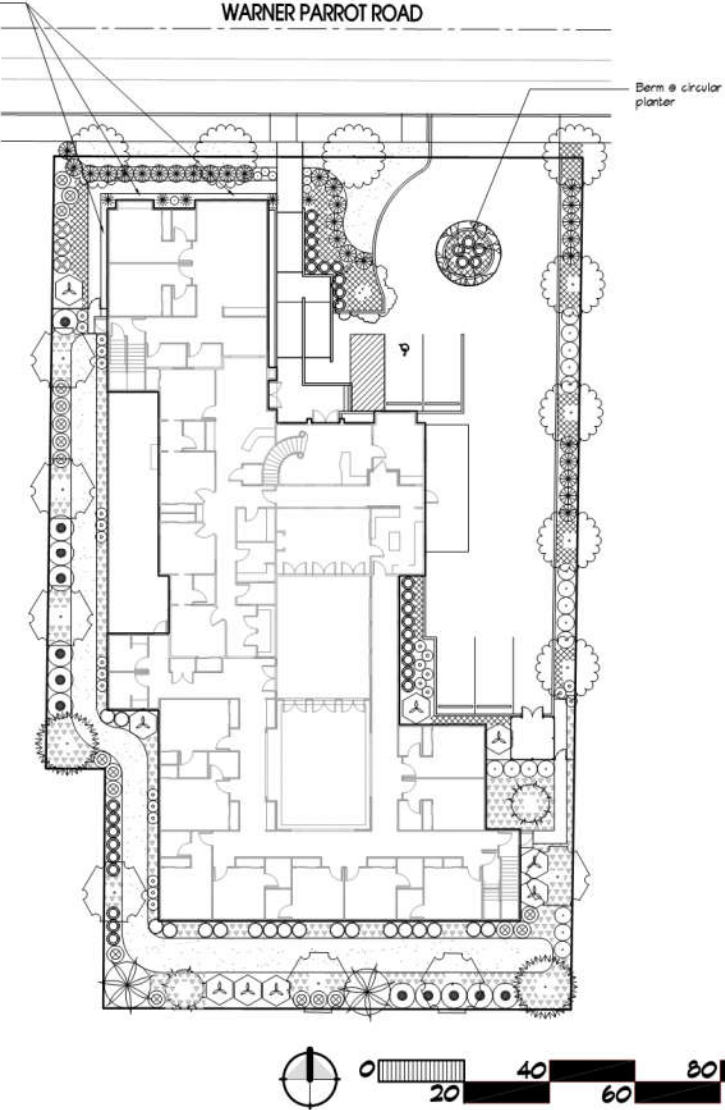


Remove roof peak





Figure 10. Original (left) vs. Revised (right) Landscaping Plan  
WARNER PARROT ROAD



Add pedestrian amenities

Berm & circular planter

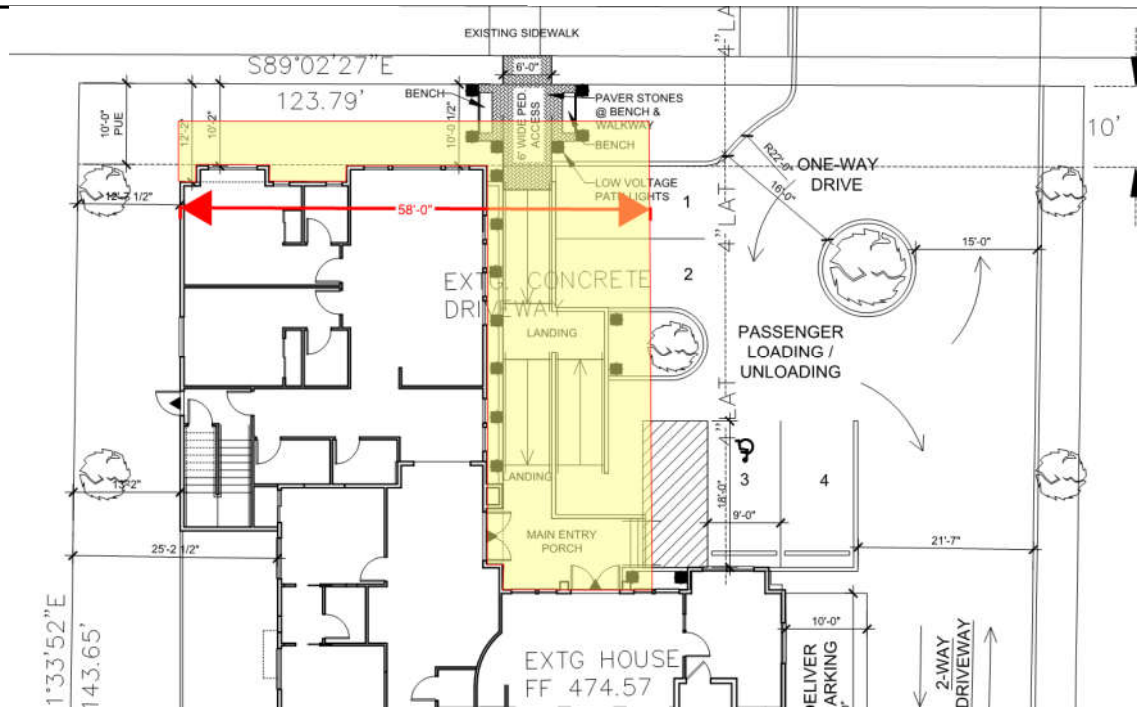
Modify landscaping to accommodate 3 more parking spaces





# Requested Modification

- OCMC 17.62.055.D. Siting of Structures - sixty percent of the site frontage width shall be occupied by buildings placed within five feet of the property line.
- Applicant requests modification of standard pursuant to OCMC 17.62.015.B.2



**Yellow shading indicates minimum area occupied by buildings required to meet code**



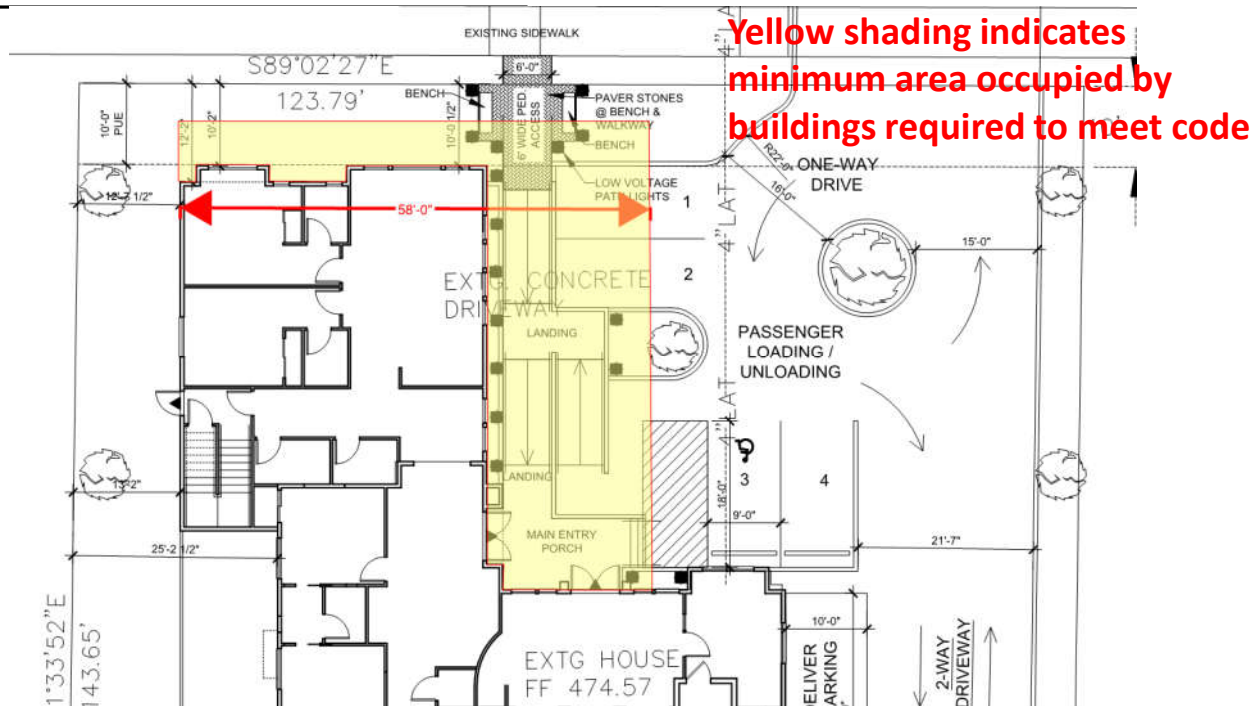
**GLUA-20-00020 / CU-20-00002 / SP-20-00043**



# Requested Modification - Criteria

## •OCMC 17.62.015.B.2

1. The modification will result in a development that better meets the applicable design guidelines; and
2. The modification meets the intent of the standard. On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested.



GLUA-20-00020 / CU-20-00002 / SP-20-00043



# Requested Modification - Purpose

---

- OCMC 17.62.055.A. Purpose:

...to provide a range of design choices that promote creative, functional, and cohesive development that is compatible with surrounding areas. Buildings approved in compliance with these standards are intended to serve multiple tenants over the life of the building and are not intended for a one-time occupant. The standards **encourage people to spend time in the area**, which also provides **safety through informal surveillance**. Finally, this section is intended to promote the design of an urban environment that is **built to human scale** by creating buildings and streets that are **attractive to pedestrians, create a sense of enclosure, provide activity and interest at the intersection of the public and private spaces**, while also **accommodating vehicular movement**.

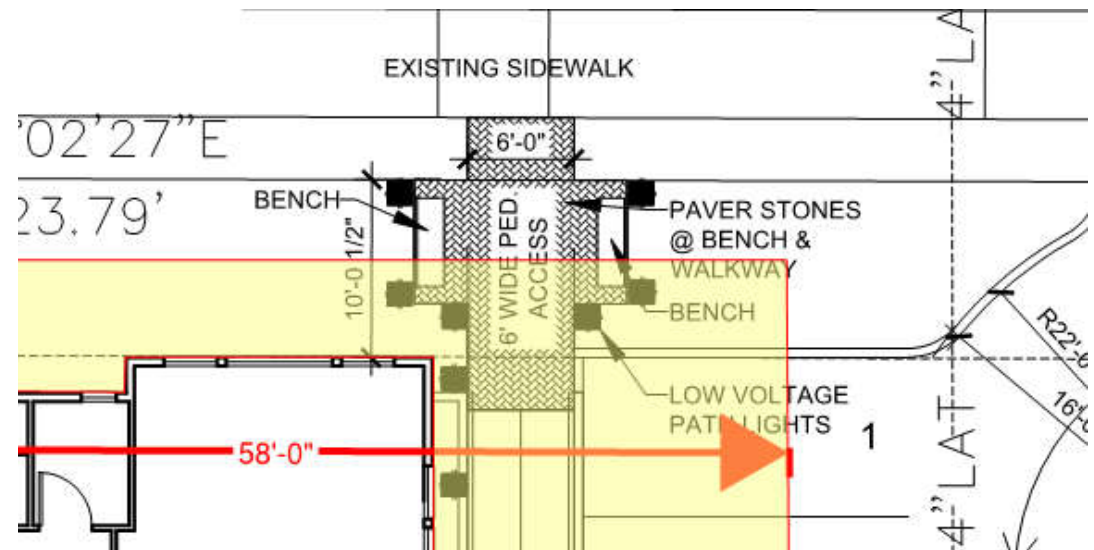


GLUA-20-00020 / CU-20-00002 / SP-20-00043



# Requested Modification

- See applicant's memo
- Applicant proposes three (3) elements in the front of the building as mitigation for the increased setback: benches, paving stones and pedestrian lighting.



GLUA-20-00020 / CU-20-00002 / SP-20-00043



# OCMC Approval Criteria

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- CHAPTER 12.04 – STREETS SIDEWALKS AND PUBLIC SPACES
- CHAPTER 13.12 – STORMWATER MANAGEMENT
- CHAPTER 15.48 – GRADING, FILLING AND EXCAVATING
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- CHAPTER 17.62 - SITE PLAN AND DESIGN REVIEW



**GLUA-20-00020 / CU-20-00002 / SP-20-00043**



## OCMC Approval Criteria – Conditional Use

---

1. The use is listed as a conditional use in the underlying district;
2. The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, existence of improvements and natural features;
3. Development shall demonstrate compliance with OCMC 16.12;
4. The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs or precludes the use of surrounding properties for the primary uses listed in the underlying district;
5. The proposal satisfies the goals and policies of the city comprehensive plan which apply to the proposed use.



**GLUA-20-00020 / CU-20-00002 / SP-20-00043**



## Staff Recommendation for Revised Conditions of Approval

---

### Condition of Approval #5 (Replace):

~~prior to issuance of a building permit, staff recommends that the applicant revise the off-street parking to include at least two additional off-street parking spaces. (P).~~

“The applicant shall provide eight off-street parking spaces which is the maximum permitted for the proposed use (P).”

### Condition of Approval COA#13 (Revise):

OCMC 17.52.060.E. Prior to issuance of permits, the applicant shall provide a revised landscaping plan which indicates the required minimum number of shrubs within the landscape island in the parking lot. in (P)



**GLUA-20-00020 / CU-20-00002 / SP-20-00043**



# Staff Recommendation

---

Staff recommends that the Planning Commission approve Planning File GLUA-20-00020 / CU-20-00002 / SP-20-00043, with the revised Conditions of Approval as recommended by staff.

Thank you. Questions?



**GLUA-20-00020 / CU-20-00002 / SP-20-00043**



**Pete Walter**

**From:** Edward Radulescu <eddie@eprdesign.com>  
**Sent:** Wednesday, October 14, 2020 2:31 PM  
**To:** Pete Walter  
**Cc:** Petronella Donovan; Daniel Donovan  
**Subject:** Re: 182 Warner Parrot Rd Revised Drawings  
**Attachments:** A0.1\_SITE PLAN.pdf; A2.0\_ELEVATIONS.pdf; A2.1\_ELEVATIONS.pdf; A3.1\_MAIN LEVEL FLOOR PLAN.pdf; A3.2\_UPPER LEVEL FLOOR PLAN.pdf; L1.0 LANDSCAPE PLAN.pdf

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

Pete,  
 Revised drawings attached including updated landscape plan. I should have the updated 3D over to you in the next day or two. Thanks

Regards,  
 Edward Radulescu, B. Arch



[www.eprdesign.com](http://www.eprdesign.com)

919 N.E. 19th Ave

Suite 155

Portland, Or. 97232

Office: 503-265-8461

Direct: 503-679-2493

[eddie@eprdesign.com](mailto:eddie@eprdesign.com)

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---

**From:** Pete Walter <pwalter@orccity.org>  
**Date:** Monday, October 12, 2020 at 3:29 PM  
**To:** "eddie@eprdesign.com" <eddie@eprdesign.com>  
**Cc:** Petronella Donovan <petra@donovaninvestments.com>, Daniel Donovan <daniel13donovan@gmail.com>  
**Subject:** RE: 182 Warner Parrot Rd Revised Drawings

Oops. Yes – sorry, that is correct. But remember, these are minimum standards. You can always propose more, and this is a discretionary decision, so I would recommend exceeding the standard a little if you can manage it, but it is your call.

Pete

Pete Walter, AICP, Senior Planner  
 Oregon City Community Development Department



---

**From:** Edward Radulescu <[eddie@eprdesign.com](mailto:eddie@eprdesign.com)>  
**Sent:** Monday, October 12, 2020 3:25 PM  
**To:** Pete Walter <[pwalter@orcity.org](mailto:pwalter@orcity.org)>  
**Cc:** Petronella Donovan <[petra@donovaninvestments.com](mailto:petra@donovaninvestments.com)>; Daniel Donovan <[daniel13donovan@gmail.com](mailto:daniel13donovan@gmail.com)>  
**Subject:** Re: 182 Warner Parrot Rd Revised Drawings

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

Since the requirement is 5' and we are proposing 10' doesn't they require 1 element? Am I reading that right?

Edward Radulescu  
EPR Design LLC  
503-679-2493 direct  
503-265-8461 office  
[eddie@eprdesign.com](mailto:eddie@eprdesign.com)

---

**From:** Pete Walter <[pwalter@orcity.org](mailto:pwalter@orcity.org)>  
**Sent:** Monday, October 12, 2020 3:20:24 PM  
**To:** Edward Radulescu <[eddie@eprdesign.com](mailto:eddie@eprdesign.com)>  
**Cc:** Petronella Donovan <[petra@donovaninvestments.com](mailto:petra@donovaninvestments.com)>; Daniel Donovan <[daniel13donovan@gmail.com](mailto:daniel13donovan@gmail.com)>  
**Subject:** RE: 182 Warner Parrot Rd Revised Drawings

Hi Eddie, the rule is 1 element for each additional 5 feet of setback. So, 5' requires one element, 10' requires two elements, 15' requires three elements, and 20' requires four elements.

Pete

Pete Walter, AICP, Senior Planner  
Oregon City Community Development Department  
(503) 496-1568 Desk  
(503) 867-2575 Mobile

---

**From:** Edward Radulescu <[eddie@eprdesign.com](mailto:eddie@eprdesign.com)>  
**Sent:** Monday, October 12, 2020 2:33 PM  
**To:** Pete Walter <[pwalter@orcity.org](mailto:pwalter@orcity.org)>  
**Cc:** Petronella Donovan <[petra@donovaninvestments.com](mailto:petra@donovaninvestments.com)>; Daniel Donovan <[daniel13donovan@gmail.com](mailto:daniel13donovan@gmail.com)>  
**Subject:** Re: 182 Warner Parrot Rd Revised Drawings

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Pete,  
Thank you for sending that link over. I see that one element is required for every 5' over the requirement. Because we are proposing 10' there instead of 5' I looks like we will need to select 1 element. However, I have selected the following features:

1. Benches. I will incorporate a bench area for seating there along the frontage where our walkway is that leads to the building entrance.



2. Pavers or enhanced paving. Where these benches are located and for the pedestrian path I will change the paving to be paver stones instead of concrete.

3. Pedestrian scale lighting. I will add some path lights in this area and around the benches.

Even though we needed 1 element only I think these 3 elements from the list will really enhance that area and give them what they are looking for. I have adjusted the site plan and reattached herein. I can create a memorandum for these items to go with it and send it over shortly. I will also get a revised landscape plan and 3D incorporating these elements and landscape over asap. Thank you

Regards,

Edward Radulescu, B. Arch



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919 N.E. 19th Ave

Suite 155

Portland, Or. 97232

Office: 503-265-8461

Direct: 503-679-2493

[eddie@eprdesign.com](mailto:eddie@eprdesign.com)

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---

**From:** Pete Walter <[pwalter@orccity.org](mailto:pwalter@orccity.org)>

**Date:** Monday, October 12, 2020 at 12:48 PM

**To:** "[eddie@eprdesign.com](mailto:eddie@eprdesign.com)" <[eddie@eprdesign.com](mailto:eddie@eprdesign.com)>

**Cc:** Petronella Donovan <[petra@donovaninvestments.com](mailto:petra@donovaninvestments.com)>, Daniel Donovan <[daniel13donovan@gmail.com](mailto:daniel13donovan@gmail.com)>

**Subject:** RE: 182 Warner Parrot Rd Revised Drawings

Eddie,

I can't design your project for you, but you may want to refer to the existing code section

[https://library.municode.com/or/oregon\\_city/codes/municipal\\_code?nodeId=TIT17ZO\\_CH17.62SIPLDERE\\_17.62.055IN\\_OFMUMIRECOBUST](https://library.municode.com/or/oregon_city/codes/municipal_code?nodeId=TIT17ZO_CH17.62SIPLDERE_17.62.055IN_OFMUMIRECOBUST)

and specifically review subsection (D) which contains a list of eligible items.

Pete

Pete Walter, AICP, Senior Planner

Oregon City Community Development Department

(503) 496-1568

---

**From:** Edward Radulescu <[eddie@eprdesign.com](mailto:eddie@eprdesign.com)>

**Sent:** Monday, October 12, 2020 12:26 PM

**To:** Pete Walter <[pwalter@orccity.org](mailto:pwalter@orccity.org)>

**Cc:** Petronella Donovan <[petra@donovaninvestments.com](mailto:petra@donovaninvestments.com)>; Daniel Donovan <[daniel13donovan@gmail.com](mailto:daniel13donovan@gmail.com)>

**Subject:** Re: 182 Warner Parrot Rd Revised Drawings



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Pete,  
 Thanks for the reply. What kind of pedestrian amenities do you recommend we place here? Should be do some benches along the sidewalk for pedestrians? Should be do more landscaping? What kinds of items do they usually like to see?  
 Thanks

Regards,  
 Edward Radulescu, B. Arch



[www.eprdesign.com](http://www.eprdesign.com)  
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 Office: 503-265-8461  
 Direct: 503-679-2493  
[eddie@eprdesign.com](mailto:eddie@eprdesign.com)

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---

**From:** Pete Walter <[pwalter@orcify.org](mailto:pwalter@orcify.org)>  
**Date:** Friday, October 9, 2020 at 4:12 PM  
**To:** "[eddie@eprdesign.com](mailto:eddie@eprdesign.com)" <[eddie@eprdesign.com](mailto:eddie@eprdesign.com)>  
**Cc:** Petronella Donovan <[petra@donovaninvestments.com](mailto:petra@donovaninvestments.com)>, Daniel Donovan <[daniel13donovan@gmail.com](mailto:daniel13donovan@gmail.com)>  
**Subject:** RE: 182 Warner Parrot Rd Revised Drawings

Good afternoon Eddie, Petronella and Daniel,

Thanks for sending these. I haven't had time to look at anything yet, but in response to your question about subsection (D), I meant to say that you can write a modification request to that standard based on OCMC 17.62.015. You should consider additional pedestrian amenities in the area to offset the impact.

I recommend you write this up in a separate memorandum to the Planning Commission rather than in an email.

Thanks,

Pete

Peter Walter, AICP, Senior Planner (he / him / his)  
 City of Oregon City  
 (503) 496-1568 *Desk*  
 (503) 867-2574 *Mobile*



**From:** Edward Radulescu <[eddie@eprdesign.com](mailto:eddie@eprdesign.com)>

**Sent:** Thursday, October 8, 2020 1:46 PM

**To:** Pete Walter <[pwalter@orcity.org](mailto:pwalter@orcity.org)>

**Cc:** Petronella Donovan <[petra@donovaninvestments.com](mailto:petra@donovaninvestments.com)>; Daniel Donovan <[daniel13donovan@gmail.com](mailto:daniel13donovan@gmail.com)>

**Subject:** 182 Warner Parrot Rd Revised Drawings

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

Pete,

Please find attached the revised drawings for the hearing this month. As we discussed I was able to modify the application to reduce the size of the building down a little (over-all mass) by opening up the center courtyard.

- With this I was able to also add additional parking. The parking numbers are now:  
On-site: 8 spaces (1 of these spaces is a loading space).  
Off-site: 4 spaces (directly along the curb at the frontage of the site).  
Total: 12 spaces.
- Lot coverage is met at 38% total.
- Windows: I have increased the size of the windows on the building facades so that we meet the 60% standard. (62% total).

There is one item that cannot be met in the standards but should be N/A:

- **One of the other design issues is with OCMC 17.62.055 subsection (D), which is not met. This is the standard that requires that 60% of the building be placed within 5' of the street. You need to either meet this standard or request a modification to it per OCMC 17.62.015. The existing house is actually conforming to the R-10 zone, but the change in use from Group Home to Assisted Living Facility triggers full compliance with the commercial siting standards.**

Our building cannot be set to within 5' of the street because there is an existing 10' PUE located at the frontage. I believe that this requirement should be N/A because of this. We cannot cross into the PUE. Thoughts?

Let me know if you need anything else for the hearing and if you have any other recommendations so that we can proceed with an approval. Thanks

Regards,

Edward Radulescu, B. Arch



[www.eprdesign.com](http://www.eprdesign.com)

919 N.E. 19th Ave

Suite 155

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Office: 503-265-8461

Direct: 503-679-2493

[eddie@eprdesign.com](mailto:eddie@eprdesign.com)

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**Pete Walter**

**From:** Edward Radulescu <eddie@eprdesign.com>  
**Sent:** Thursday, October 8, 2020 1:46 PM  
**To:** Pete Walter  
**Cc:** Petronella Donovan; Daniel Donovan  
**Subject:** 182 Warner Parrot Rd Revised Drawings  
**Attachments:** A0.1\_SITE PLAN.pdf; A2.0\_ELEVATIONS.pdf; A2.1\_ELEVATIONS.pdf; A3.1\_MAIN LEVEL FLOOR PLAN.pdf; A3.2\_UPPER LEVEL FLOOR PLAN.pdf

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Regards,  
 Edward Radulescu, B. Arch



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*Item 8a.*



## PLANNING COMMISSION MEMORANDUM

RE: 182 Warner Parrott Rd. Oregon City, Oregon 97045  
 GLUA-20-00020:  
 CU-20-00002 Conditional Use / SP-20-00043 Site Plan and Design Review

The City of Oregon City does not have a code requirement for solar shading. For the purposes of this voluntary exploration, we have used the standards adopted by other Jurisdictions, such as the City of Lake Oswego, in order to determine what the maximum allowed height at the shade point for the proposed structure would be in order to demonstrate that although the structure is far below the maximum allowed building height for the R10 zone, it is also at or below the maximum shade point height that would be required in other jurisdictions. The following standards, tables, and formulas were used from the City of Lake Oswego development code Section 50.06.007 Solar Access:

### c. Maximum Shade Point Height Standard

The height of the shade point shall comply with either subsection 2.c.i or ii of this section.

#### i. Basic Requirement

The height of the shade point shall be less than or equal to the height specified in Table [50.06.007-1](#) or computed using the following formula. If necessary, interpolate between the five-ft. dimensions listed in Table [50.06.007-1](#).

| TABLE 50.06.007-1: CALCULATION OF HEIGHT OF SHADE POINT |                                                                                                                                          |
|---------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------|
| H =                                                     | $\frac{(2 \times \text{SRL}) - N + 150}{5}$                                                                                              |
| Where H =                                               | The maximum allowed height of the shade point.                                                                                           |
| SRL =                                                   | Shade reduction line (the distance between the shade point and the northern lot line); and                                               |
| N =                                                     | The north-south lot dimension; provided, that a north-south lot dimension more than 90 ft. shall use a value of 90 ft. for this section. |

Provided, the maximum allowed height of the shade point may be increased one ft. above the amount calculated using the formula or Table [50.06.007-2](#) for each ft. that the average grade at the rear property line exceeds the average grade at the front property line.



| TABLE 50.06.007-2: MAXIMUM PERMITTED SHADE POINT HEIGHT                      |                                    |    |    |    |    |    |    |    |    |    |    |    |    |
|------------------------------------------------------------------------------|------------------------------------|----|----|----|----|----|----|----|----|----|----|----|----|
| Distance to<br>Shade Reduction<br>Line from<br>Northern Lot Line<br>(in ft.) | North-South Lot Dimension (in ft.) |    |    |    |    |    |    |    |    |    |    |    |    |
|                                                                              | 100+                               | 95 | 90 | 85 | 80 | 75 | 70 | 65 | 60 | 55 | 50 | 45 | 40 |
| 70                                                                           | 40                                 | 40 | 40 | 41 | 42 | 43 | 44 |    |    |    |    |    |    |
| 65                                                                           | 38                                 | 38 | 38 | 39 | 40 | 41 | 42 | 43 |    |    |    |    |    |
| 60                                                                           | 36                                 | 36 | 36 | 37 | 38 | 39 | 40 | 41 | 42 |    |    |    |    |
| 55                                                                           | 34                                 | 34 | 34 | 35 | 36 | 37 | 38 | 39 | 40 | 41 |    |    |    |
| 50                                                                           | 32                                 | 32 | 32 | 33 | 34 | 35 | 36 | 37 | 38 | 39 | 40 | 41 | 42 |
| 45                                                                           | 30                                 | 30 | 30 | 31 | 32 | 33 | 34 | 35 | 36 | 37 | 38 | 39 | 40 |
| 40                                                                           | 28                                 | 28 | 28 | 29 | 30 | 31 | 32 | 33 | 34 | 35 | 36 | 37 | 38 |
| 35                                                                           | 26                                 | 26 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 34 | 35 | 36 |
| 30                                                                           | 24                                 | 24 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 34 |
| 25                                                                           | 22                                 | 22 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 |
| 20                                                                           | 20                                 | 20 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 |
| 15                                                                           | 18                                 | 18 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 |
| 10                                                                           | 16                                 | 16 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 |
| 5                                                                            | 14                                 | 14 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 |

Based on the formula these are the figures that were used:

- SRL (Shade Reduction Line; the distance between the shade point and the northern lot line) = 40 – This figure was taken from table 50.06.007-2 where the north-south lot dimensions is 100'+ and the distance from the shade reduction line (shown on the Shade Point Height Site Plan provided) being over 70'.
- N = 90 – this value was given based on the north-south lot dimension being over 90' in length and therefore the formula states to use the value of 90'.
- The formula then is computed as follows:

$$H = \{(2 \times 40) - 90 + 150\} / 5$$

$$H = (80 - 90 + 150) / 5$$

$$H = 140 / 5 = 28'$$

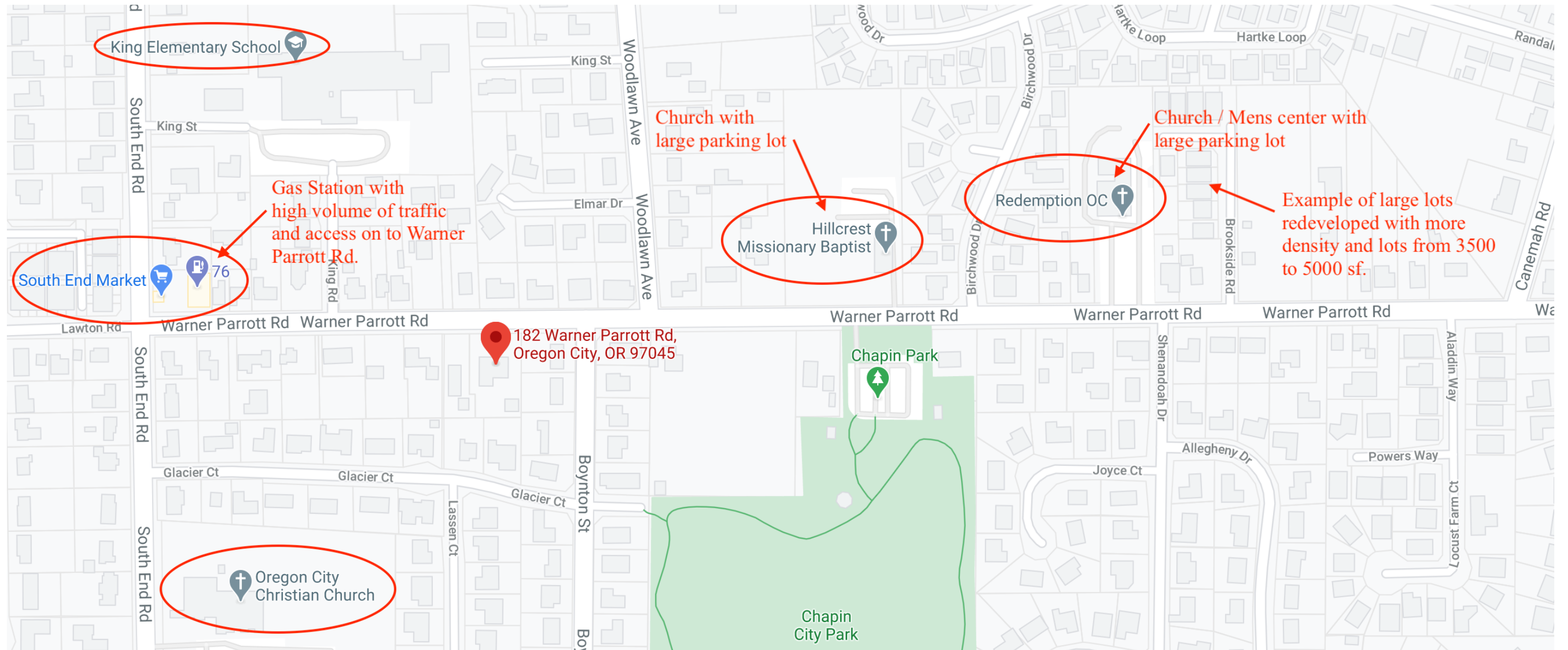


H = 28' (The maximum shade point height). The proposed building height at its highest point (on the northern side of the lot) is 28'-11-1/2" the majority of the building height is 27'-6" or less.

In the Solar Access code from the City of Lake Oswego under section 50.06.007.1.c that was also used for this study, it states that a lot automatically complies with the standard if the lot has a north-south dimension of 90' or more (the subject property has a dimension of 199.78'); and if the front lot line is oriented within 30 degrees or less of a true east-west axis (the subject property is oriented to within 5 degrees or less of the east-west axis).

At the first planning commission hearing there was a concern about shading onto the property located at 18621 Boynton St. however, that property has a large tree that far exceeds the height of the proposed structure, in this development, that is located on that neighbor's property. That tree will far exceed the shade creation it casts on that individual's property than the proposed building given its height and width. The proposed building is located 12'-35'+ away from that property line at the location with the existing tree being located on the neighbor's property between their yard and the proposed building addition. We do not believe that this proposal will cause any solar loss to the adjacent properties as outlined in this study and given the setbacks and heights of the proposed building.

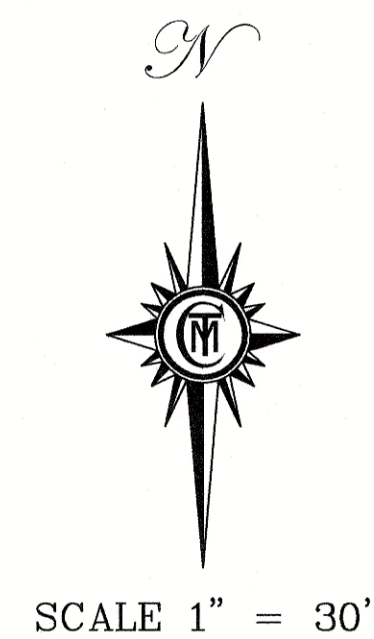












|                                                                                       |                                                                                                     |
|---------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------|
|    | EXISTING ARBOR—VITAE                                                                                |
|    | EXISTING DECIDUOUS TREE W/ TRUNK DIAMETER (INCHES)(CL=CLUSTER)                                      |
|    | EXISTING CONIFEROUS TREE W/ TRUNK DIAMETER (INCHES)                                                 |
|    | EXISTING SIGN                                                                                       |
|    | EXISTING UNDERGROUND TELEPHONE                                                                      |
|    | EXISTING ELECTRIC METER                                                                             |
|    | EXISTING POWER/LIGHT POLE                                                                           |
|    | EXISTING POWER POLE                                                                                 |
|    | EXISTING GUY ANCHOR                                                                                 |
|    | EXISTING LIGHT POLE                                                                                 |
|    | EXISTING UNDERGROUND POWER LINES                                                                    |
|    | EXISTING OVERHEAD POWER LINES                                                                       |
|    | EXISTING WATER METER                                                                                |
|    | EXISTING WATER VALVE                                                                                |
|    | EXISTING UNDERGROUND WATER                                                                          |
|    | EXISTING GAS VALVE                                                                                  |
|    | EXISTING GAS RISER                                                                                  |
|    | EXISTING GAS PUMP                                                                                   |
|    | EXISTING GAS METER                                                                                  |
|    | EXISTING UNDERGROUND GAS LINE                                                                       |
|    | EXISTING CATCH BASIN                                                                                |
|    | EXISTING SANITARY MANHOLE                                                                           |
|    | EXISTING STORM MANHOLE                                                                              |
|    | EXISTING SANITARY SEWER LINE                                                                        |
|  | EXISTING STORM SEWER LINE                                                                           |
|  | EXISTING MAILBOX                                                                                    |
|  | EXISTING FENCE                                                                                      |
| WDF                                                                                   | EXISTING WOOD FENCE                                                                                 |
| CLF                                                                                   | EXISTING CHAIN LINK FENCE                                                                           |
| WIF                                                                                   | EXISTING WROUGHT IRON FENCE                                                                         |
| ●                                                                                     | FOUND MONUMENTS                                                                                     |
|  | EXISTING GRAVEL                                                                                     |
|  | EXISTING CONCRETE                                                                                   |
|  | EXISTING ASPHALT                                                                                    |
| (1)                                                                                   | SSMH<br>RIM=471.98'<br>IE 8"CONC IN W=464.48'<br>IE 8"CONC OUT E=464.28'                            |
| (2)                                                                                   | SSMH<br>RIM=465.95'<br>IE 8"CONC IN W=458.45'<br>IE 8"CONC IN N=458.35'<br>IE 10"CONC OUT E=458.25' |

1. THE PURPOSE OF THIS MAP WAS TO SHOW THE EXISTING CONDITIONS FOR 182 WARNER-PARROTT ROAD.
2. THE BASIS OF BEARINGS WAS PER PARTITION PLAT NO. 2005-043, CLACKAMAS COUNTY RECORDS.
3. LOCAL DATUM WAS ESTABLISHED BY OREGON CITY BENCHMARK NO. 27, FOUND A BRASS DISK, ELEVATION=459.664' NGVD 29 DATUM.
4. THIS MAP WAS PREPARED FOR THE EXCLUSIVE USE OF PETRONELLA DONOVAN.
5. THIS MAP WAS PREPARED BY PLAT RECORDS, CALCULATED DATA, AND FIELD MEASUREMENTS, A RECORDED BOUNDARY SURVEY WILL NOT BE FILED.
6. ALL UTILITY LOCATIONS ARE SHOWN BY ABOVE GROUND FEATURES AND LOCATION OF PAINT MARKS SUPPLIED BY THE LOCAL UTILITY COMPANIES. CMT TAKES NO RESPONSIBILITY OF UNDERGROUND LOCATION. PLEASE NOTIFY THE UTILITY NOTIFICATION CENTER BEFORE ANY DIGGING 1-800-332-2344.

|                                      |
|--------------------------------------|
| PARCEL 1 PARTITION PLAT NO. 2005-043 |
| SW 1/4 SEC 6, T 3 S, R 2 E, W.M.     |
| CITY OF OREGON CITY                  |
| CLACKAMAS COUNTY, OREGON             |
| DECEMBER 8, 2020                     |
| DRAWN: DMR~RLmc CHECKED: SPF         |
| SCALE 1"=30' ACCOUNT #500-1008       |
| Y: \500-1008\DWG\5001008BASE.DWG     |



**CMT SURVEYING AND CONSULTING**  
20330 SE HIGHWAY 212  
DAMASCUS, OR 97089  
PHONE (503) 850-4672 FAX (503) 850-4590

OREGON  
SEPTEMBER 11, 2018  
DAVID ROEGER  
86811

EXPIRES DECEMBER 31, 2020





# LAND USE APPLICATION FORM

### Type I (OCMC 17.50.030.A)

- ☐ Compatibility Review
- ☐ Lot Line Adjustment
- ☐ Non-Conforming Use Review
- ☐ Natural Resource (NROD) Verification
- ☒ Site Plan and Design Review
- ☐ Extension of Approval

### Type II (OCMC 17.50.030.B)

- ☐ Detailed Development Review
- ☐ Geotechnical Hazards
- ☐ Minor Partition (<4 lots)
- ☐ Minor Site Plan & Design Review
- ☐ Non-Conforming Use Review
- ☐ Site Plan and Design Review
- ☐ Subdivision (4+ lots)
- ☐ Minor Variance
- ☐ Natural Resource (NROD) Review

### Type III / IV (OCMC 17.50.030.C)

- ☐ Annexation
- ☐ Code Interpretation / Similar Use
- ☐ Concept Development Plan
- ☒ Conditional Use
- ☐ Comprehensive Plan Amendment (Text/Map)
- ☐ Detailed Development Plan
- ☐ Historic Review
- ☐ Municipal Code Amendment
- ☐ Variance
- ☐ Zone Change

File Number(s): \_\_\_\_\_

Proposed Land Use or Activity: Site Plan and Design Review; Conditional Use Review for a proposed 30 bed residential care facility with memory care endorsement.

Project Name: Asteria Care Number of Lots Proposed (If Applicable): N/A

Physical Address of Site: 182 Warner Parrott Rd. Oregon City, Oregon 97045

Clackamas County Map and Tax Lot Number(s): 3-2E-06CB-01502

### Applicant(s):

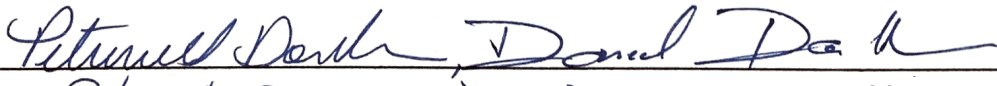
Applicant(s) Signature: 

Applicant(s) Name Printed: Edward Radulescu Date: 5.7.20

Mailing Address: 919 NE 19th Ave. Suite 155 Portland, Oregon 97232

Phone: 503.679.2493 Fax: \_\_\_\_\_ Email: eddie@eprdesign.com

### Property Owner(s):

Property Owner(s) Signature: 

Property Owner(s) Name Printed: Petronella Donovan, Daniel Donovan Date: 5.7.20

Mailing Address: 182 Warner Parrott Rd Oregon City, OR 97045

Phone: (503) 810-9045 Fax: 503.657-6783 Email: petra@donovaninvestments.com

### Representative(s):

Representative(s) Signature: \_\_\_\_\_

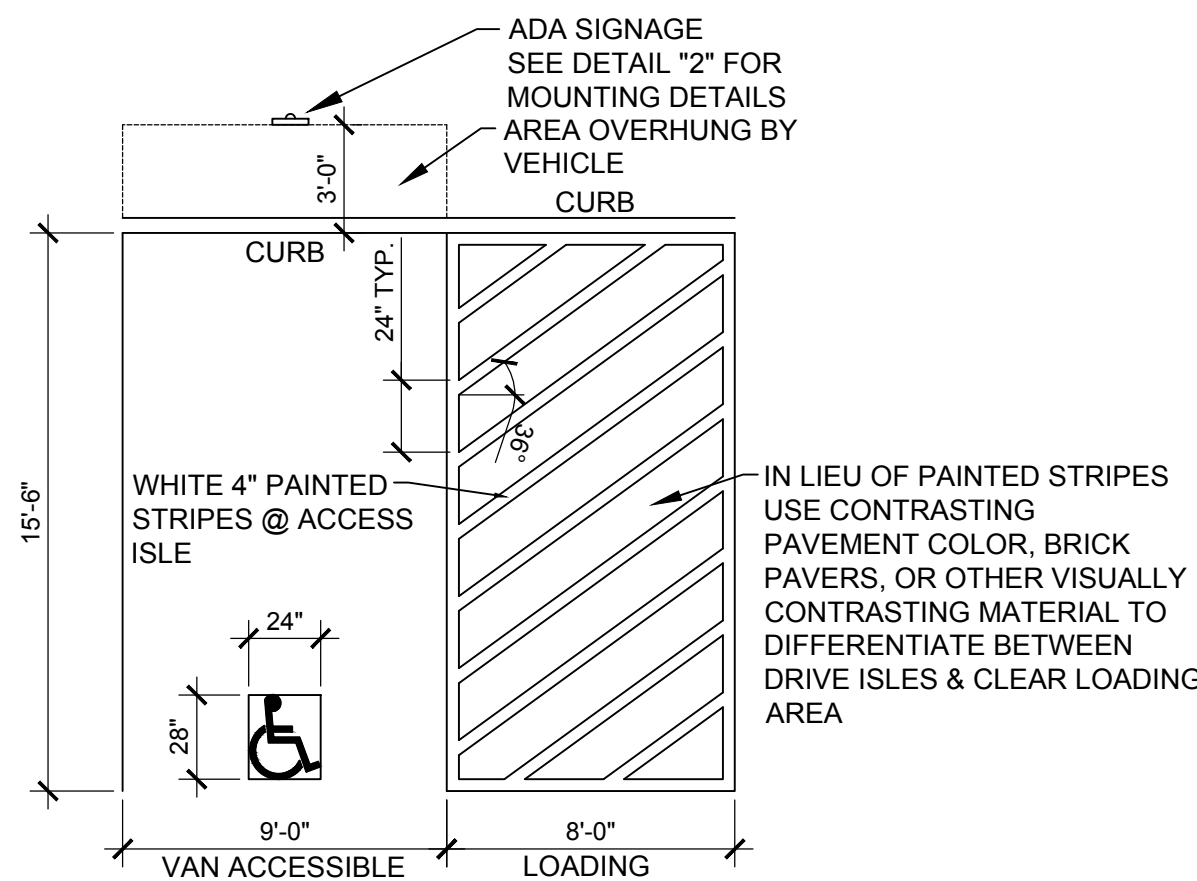
Representative (s) Name Printed: \_\_\_\_\_ Date: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

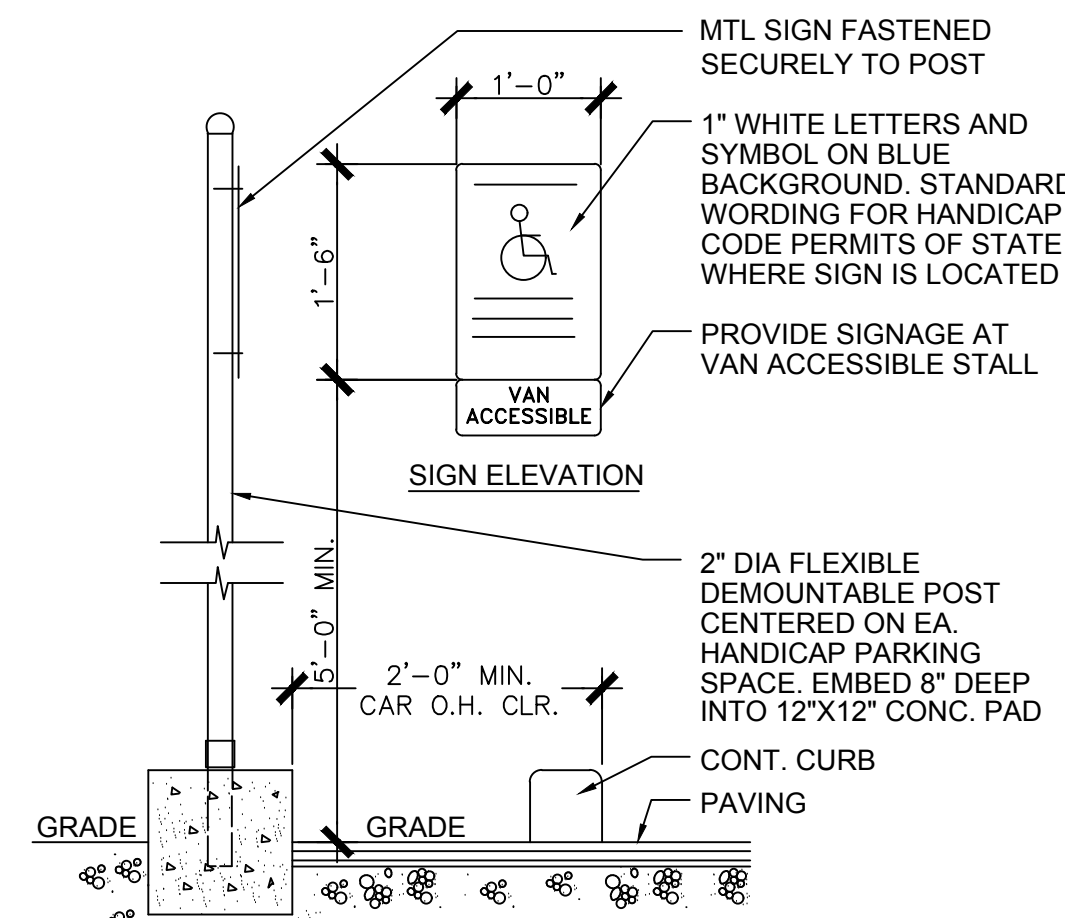
Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

All signatures represented must have the full legal capacity and hereby authorize the filing of this application and certify that the information and exhibits herewith are correct and indicate the parties willingness to comply with all code requirements.





**1**  
A0.1  
**VAN ACCESSIBLE PARKING STALL W/ LOADING AREA**  
SCALE: 3/16" = 1'-0"



**2**  
A0.1  
**ACCESSIBILITY SIGNAGE**  
SCALE: 3/4" = 1'-0"

#### SITE DETAILS:

|                              |                                                                                                    |
|------------------------------|----------------------------------------------------------------------------------------------------|
| SITE ADDRESS:                | 182 WARNER PARROTT RD.<br>OREGON CITY, OREGON                                                      |
| JURISDICTION:                | CITY OF OREGON CITY                                                                                |
| SITE ZONING:                 | R-10; SINGLE FAMILY                                                                                |
| PROPOSED USE:                | RESIDENTIAL CARE FACILITY WITH MEMORY CARE ENDORSEMENT                                             |
| LAND USE PROCESSES REQUIRED: | TYPE III SITE PLAN & DESIGN REVIEW<br>CONDITIONAL USE REVIEW                                       |
| TOTAL SITE AREA:             | 23,932 S.F.                                                                                        |
| SITE DENSITY PROPOSED:       | 30 RESIDENT BEDS                                                                                   |
| BUILDING COVERAGE:           | 39.3% (9,407 S.F.)                                                                                 |
| PAVED SURFACES:              | 22.6% (5,404 S.F.)                                                                                 |
| PROPOSED LANDSCAPED AREA:    | 9,121 S.F. (38.1%)                                                                                 |
| MIN. SETBACKS REQUIRED:      | 20' FRONT, 20' REAR, 10' ON ONE INTERIOR SIDE,<br>8 FEET ON OTHER INTERIOR SIDE                    |
| MAX. SETBACKS ALLOWED:       | 10' FRONT                                                                                          |
| PROPOSED BUILDING HEIGHT:    | APPROX. 29'                                                                                        |
| TOTAL PARKING SPACES:        | 4 W/ (1) VAN ACCESSIBLE SPACE ONSITE<br>4 OFF-STREET PARKING SPACES<br>8 TOTAL SPACES (5 REQUIRED) |
| TOTAL BICYCLE PARKING:       | 2 SPACES                                                                                           |
| FIRE DISTRICT:               | CLACKAMAS FIRE                                                                                     |
| GARBAGE:                     | OREGON CITY                                                                                        |
| WATER DISTRICT:              | CLACKAMAS                                                                                          |
| SEWER DISTRICT:              | WES                                                                                                |

#### GENERAL SITE PLAN NOTES:

SITE FURNISHINGS SUCH AS FENCES, & ANY OTHER FURNISHINGS SHALL BE CONSTRUCTED W/ 20% SUSTAINABLE HARVESTED MATERIALS, SUCH AS FORESTRY STEWARDSHIP COUNCIL (FSC), CERTIFIED WOOD & RECYCLED CONTENT MATERIALS, EXCLUDING PLASTICS. THE INTENT OF THIS STANDARD CAN ALSO BE ACHIEVED THROUGH THE USE OF LOCALLY SOURCED MATERIALS, ORIGINATING WITHIN 500 MILES OF THE SITE

A MIN. OF 20% RECYCLED CONTENT PAVEMENT OR PAVEMENT BASE, SUCH AS CONCRETE GRINDINGS FOR BASE MATERIALS OR BLAST FURNACE SLAG ADDITIVES OR ASPHALT W/ GLASS FOR HARD-SCAPE ELEMENTS SUCH AS STREETS, SIDEWALKS, PATHS, PARKING AREAS & COURTYARDS SHALL BE PROVIDED

REFERENCE LANDSCAPE PLANS FOR LANDSCAPE PLANTING DETAILS

REFERENCE CIVIL SHEETS FOR R.O.W. IMPROVEMENTS, PREVIOUS PAVEMENT DETAILS, STORM-WATER MANAGEMENT, ETC.

PROVIDE A LEVEL CEMENT CONCRETE PAD, MIN. 4" THICK, @ GROUND ELEVATION. THE PAD SHALL BE DESIGNED TO DISCHARGE SURFACE WATER RUNOFF TO PREVENT STANDING WATER TO DRAIN @ GARBAGE ENCLOSURE

THE VEHICULAR APPROACH AREA & STAGING AREA SHALL NOT HAVE A PERCENT OF GRADE EXCEEDING 3%, SLOPED IN ANY DIRECTION

PROVIDE A CLEAR STAGING AREA IN FRONT OF THE ENCLOSURE W/ A MIN. LENGTH & WIDTH TO ALLOW FOR A 3' PERIMETER AROUND ALL SIDES OF THE CONTAINER WHEN BEING SERVICED OUTSIDE OF THE ENCLOSURE

A MIN. OF 5' INCLUDING PAD AREA, SHALL BE PROVIDED IN FRONT OF EACH CONTAINER FOR MANEUVERABILITY IN DEPOSITING SOLID WASTE OR RECYCLABLE MATERIALS

PROVIDE A "NO PARKING" SIGN THAT SHALL BE PAINTED TO ON THE PAVEMENT IN FRONT OF THE GARBAGE AREA TO PROVIDE SAFE & UNOBSTRUCTED ACCESS FOR SERVICING CONTAINERS

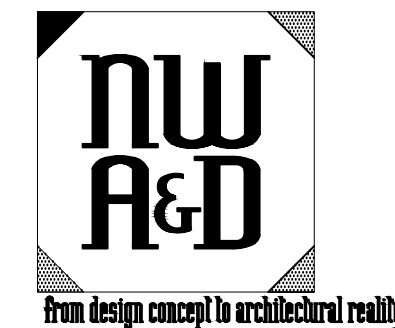
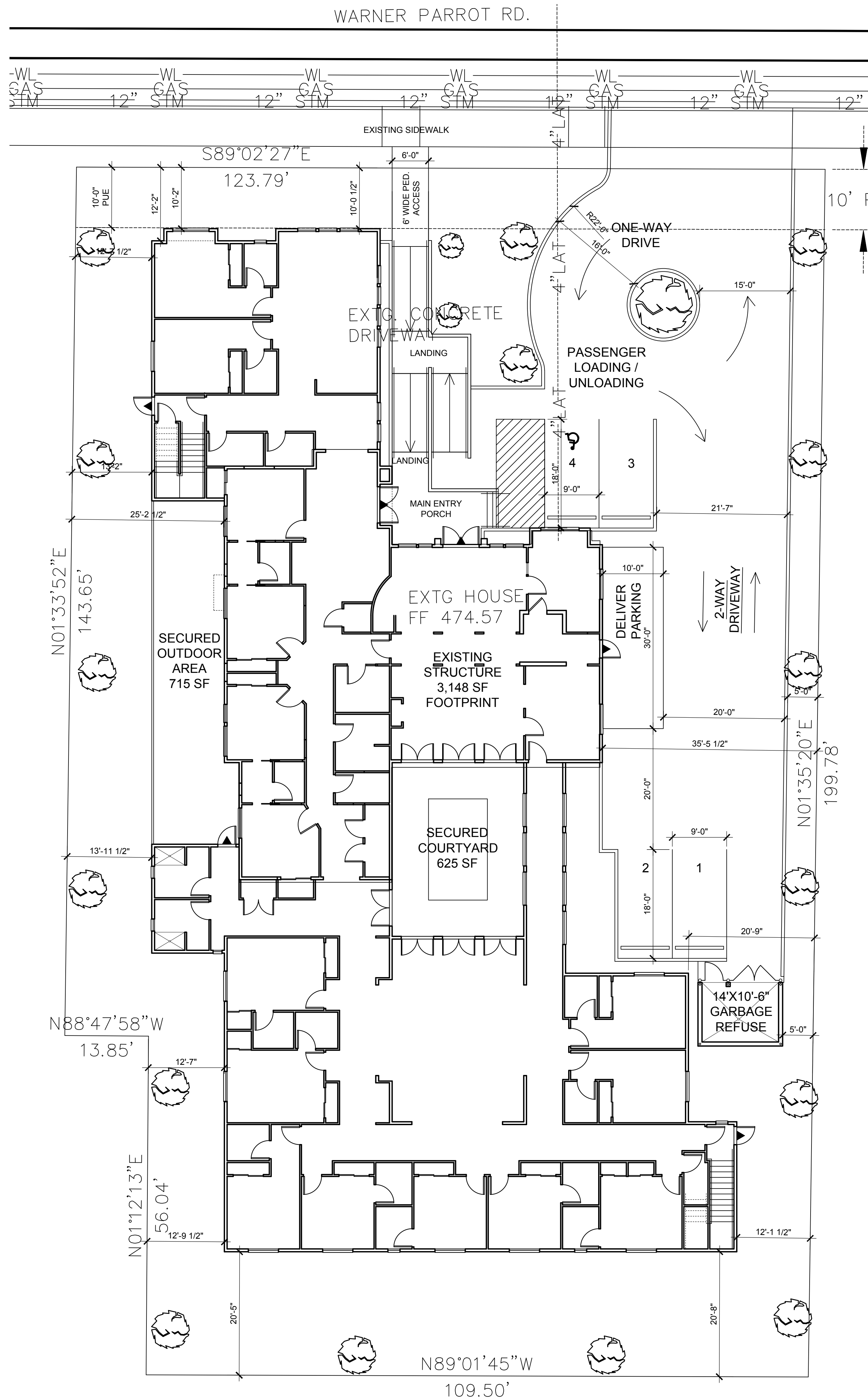
GARBAGE & RECYCLING ENCLOSURE GATES SHALL SWING FREE OF OBSTRUCTIONS & HAVE RESTRAINTERS IN THE OPEN & CLOSED POSITIONS. THE GATE SWING SHOULD OPEN TO A MIN. OF 120 DEGREES

OFF STREET PARKING SHALL BE COMPLETED PRIOR TO ISSUANCE OF CERT. OF OCC. & PROVIDED FOR EMPLOYEES & VISITORS. NO STORAGE OF NON-OPERABLE VEHICLES OR OF MATERIALS PERMITTED

OWNER TO FURNISH ALL OUTDOOR FURNITURE SHOWN ON SITE PLAN

ALL PEDESTRIAN WALKWAYS, BUILDING ENTRANCES AND EXITS, AND OUTDOOR USE AREAS TO HAVE LIGHTING PROVIDING A MIN. OF 5 FOOT CANDLE ILLUMINATION, TYP.

**A**  
A0.1  
**PROPOSED SITE PLAN**  
SCALE: 3/32" = 1'-0"



515 NW Saltzman Rd., No. 722  
Portland, Oregon 97229  
503-710-8551  
503-297-0409  
nwarchitecture@gmail.com

**epr**  
DESIGN

919 N.E. 19th Ave. Suite 155  
Portland, Oregon 97232  
503-265-8461  
www.eprdesign.com  
design@eprdesign.com



**ASTERIA CARE**  
182 Warner Parrott Rd.  
Oregon City, Oregon 97045  
30 Bed RCF + Memory Care

These plans and the designs herein are copyrighted under Federal Law by EPR DESIGN, LLC. & NW ARCHITECTURE & DESIGN, P.C.

#### PERMIT SET

1

#### PROPOSED SITE PLAN

REVISED:

DATED: 10/7/2019

DRAWN BY:

SHEET:

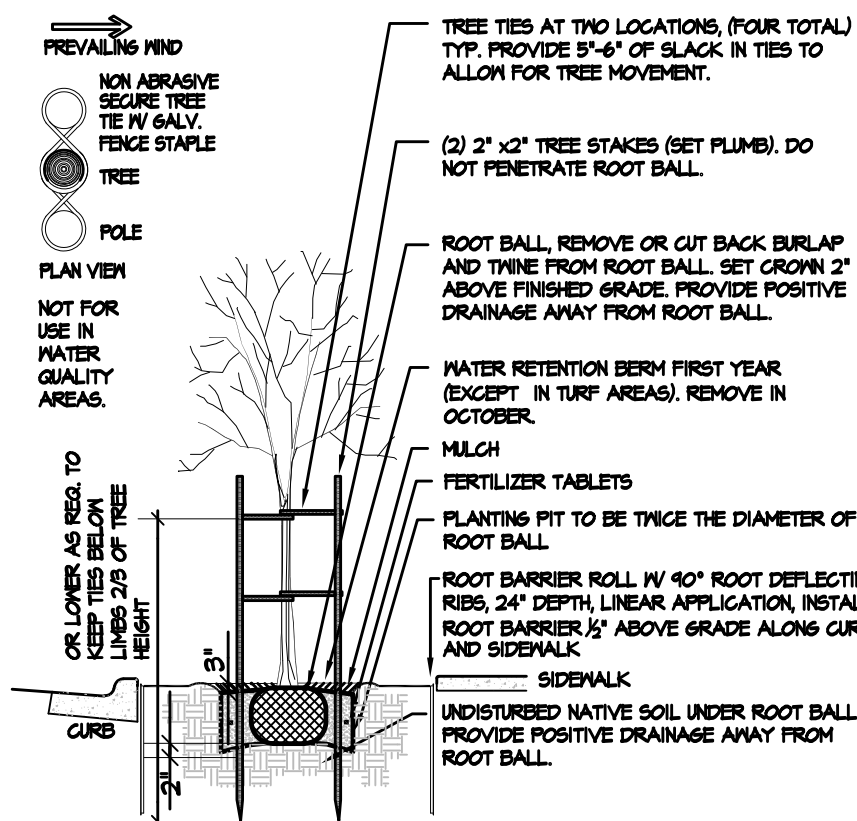
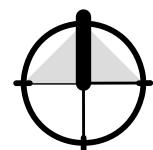
**A0.1**



Install strip of drain rock (4" deep) along building base as shown between sidewalk and building

WARNER PARROT ROAD

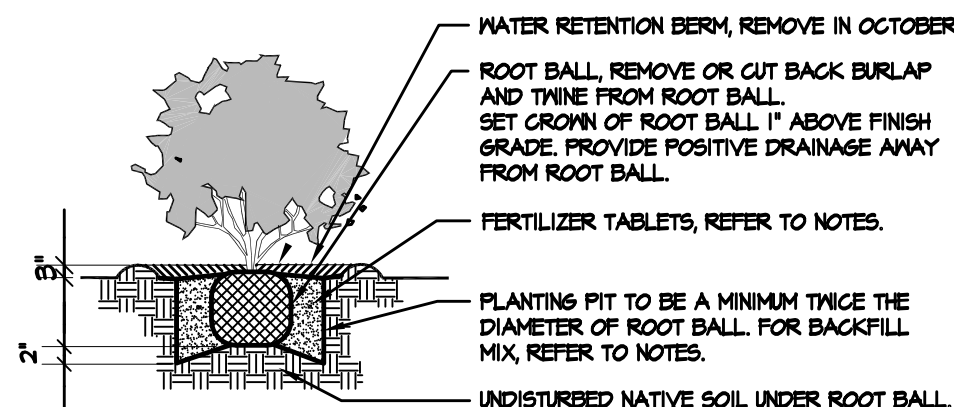
Berm @ circular planter



**A B & B Tree Planting Detail**

Not To Scale

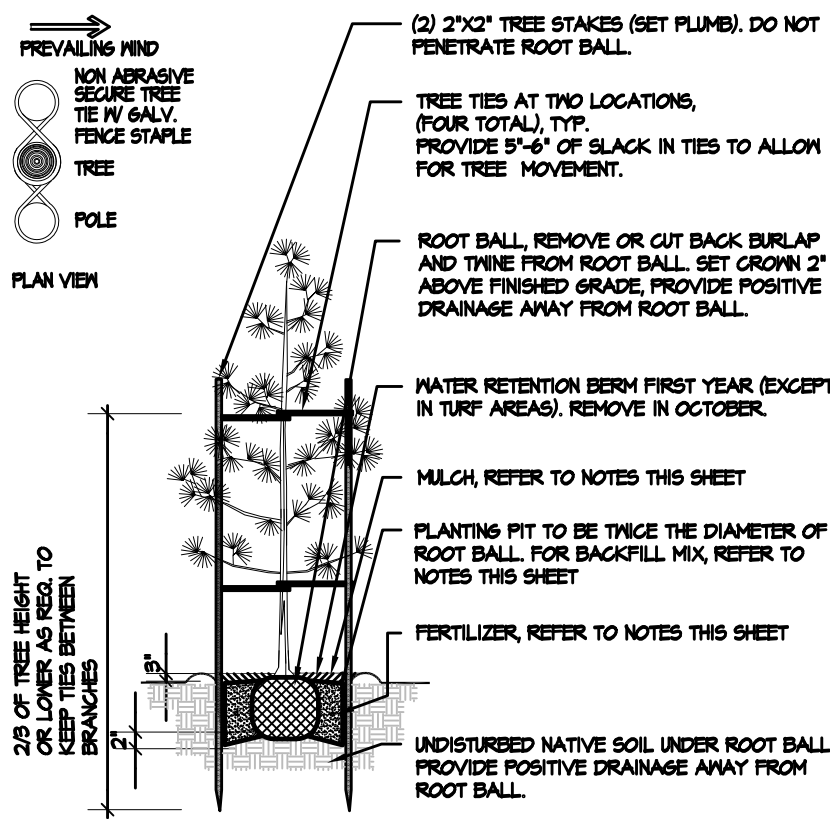
SECTION / PLAN VIEW



**C B & B Shrub Planting Detail**

Not To Scale

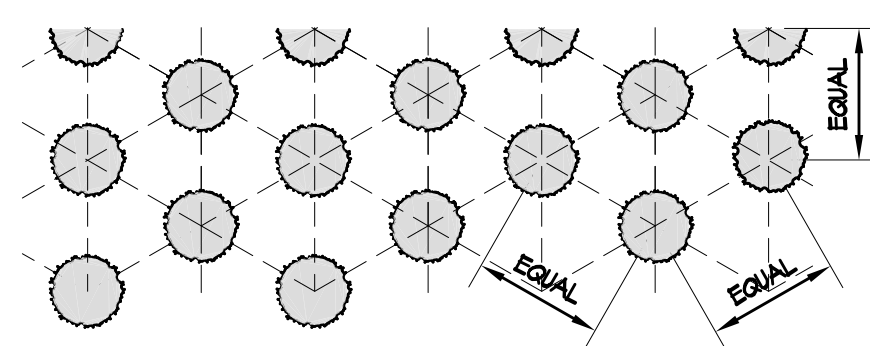
SECTION



**B B & B Tree Planting Detail: Evergreen under 8' Height**

Not To Scale

SECTION / PLAN VIEW



NOTES:

ALL GROUND COVER SHALL BE PLANTED AT EQUAL TRIANGULAR SPACING AS SPECIFIED IN PLANTING LEGEND.

GROUND COVER TO BE LOCATED ONE HALF OF SPECIFIED SPACING DISTANCE FROM ANY HARD SURFACE, UNLESS OTHERWISE SPECIFIED.

**D Ground Cover Planting Detail**

Not To Scale

PLAN VIEW

## PLANT LEGEND

| SYMBOL              | BOTANICAL / COMMON NAME                                             | SIZE                 | QUANTITY        |
|---------------------|---------------------------------------------------------------------|----------------------|-----------------|
| <b>TREES</b>        |                                                                     |                      |                 |
|                     | ACER GRISEUM<br>PAPERBARK MAPLE                                     | 2" cal.<br>min.      | 8               |
|                     | CERCIS CANADENSIS<br>EASTER REDBUD                                  | 2" cal.<br>min.      | 7               |
|                     | LAGERSTROEMIA INDICA X FAURIEI 'ZUNI'<br>ZUNI Crape MYRTLE          | 15 GAL.<br>TREE FORM | 1               |
|                     | MAGNOLIA GRANDIFLORA 'LITTLE GEM'<br>LITTLE GEM SOUTHERN MAGNOLIA   | 15 GAL.<br>TREE FORM | 1               |
|                     | PINUS FLEXILIS 'VANDERWOLF PYRAMID'<br>BLUE PYRAMIDAL PINE          | 6' TALL<br>MIN.      | 2               |
|                     | PICEA PUNGENS 'FASTIGIATA'<br>COLUMNAR BLUE COLORADO SPRUCE         | 6' TALL<br>MIN.      | 2               |
| <b>SHRUBS</b>       |                                                                     |                      |                 |
|                     | ABELIA X GRANDIFLORA 'KALEIDOSCOPE'<br>KALEIDOSCOPE ABELIA          | 1 GAL.               | 17              |
|                     | CAMELLIA X 'WINTER SNOWMAN'<br>WINTER'S SNOWMAN ICE ANGELS CAMELLIA | 2 GAL.               | 17              |
|                     | COTINUS COCCINEA 'ROYAL PURPLE'<br>ROYAL PURPLE SMOKE TREE          | 2 GAL.               | 2               |
|                     | EUPHORBIA X MARTINII 'ASCOT RAINBOW'<br>ASCOT RAINBOW SPURGE        | 1 GAL.               | 7               |
|                     | ILEX CRENATA 'SKY PENCIL'<br>AKY PENCIL JAPANESE HOLLY              | 2 GAL.               | 5               |
|                     | ILEX BLABRA 'CONFACIA'<br>CONFAC INKERRY HOLLY                      | 2 GAL.               | 29              |
|                     | MISCANTHUS SINENSIS 'MORNING LIGHT'<br>MORNING LIGHT MAIDEN GRASS   | 1 GAL.               | 19              |
|                     | NANDINA DOMESTICA 'MOON BAY'<br>MOON BAY HEAVENLY BAMBOO            | 2 GAL.               | 33              |
|                     | OSMANTHUS HETEROPHYLLUS 'GOSHIKI'<br>GOSHIKI FALSE HOLLY            | 2 GAL.               | 3               |
|                     | PENNISETUM ALOPECUROIDES 'HADELN'<br>HADELN FOUNTAIN GRASS          | 1 GAL.               | 26              |
|                     | RHODODENDRON X MIYAMA 'PICOBELLO'<br>PICOBELLO WHITE RHODODENDRON   | 2 GAL.               | 9               |
|                     | SPIREA JAPONICA 'GOLDFLAME'<br>GOLD FLAME SPIREA                    | 2 GAL.               | 18              |
| <b>GROUND COVER</b> |                                                                     |                      |                 |
|                     | COTONEASTER DAMMERI<br>BEARBERRY COTONEASTER                        | 1 GAL.               | 130<br>36" O.C. |
|                     | LIRIOPE MUSCARI 'BIG BLUE'<br>BIG BLUE LILY TURF                    | 1 GAL.               | 126<br>24" O.C. |
|                     | TURF (SEED OR SOD), PER OWNER                                       |                      |                 |

## PLANTING NOTES

- ALL BOUNDARIES, EASEMENTS, UTILITIES AND LEGAL ENCUMBRANCES TO BE CONFIRMED WITH OWNER PRIOR TO BEGINNING WORK. PROPERTY LINES AND SURVEY INFORMATION PROVIDED BY EPR DESIGN.
- IN NO WAY IS THIS PLAN TO BE INTERPRETED TO EXCEED THE LEGAL BOUNDARIES OF THE OWNER'S REAL PROPERTY.
- THE LANDSCAPE DESIGNER ASSUMES NO RESPONSIBILITY FOR THE LOCATION OF BOUNDARIES, UTILITIES AND WETLANDS.
- THIS PLAN SHALL BE INSTALLED TO MEET ALL APPLICABLE CITY, COUNTY, STATE AND FEDERAL CODES.
- THIS PLAN SHALL BE CONSIDERED PRELIMINARY UNTIL APPROVED BY ALL GOVERNING AGENCIES. IMPLEMENTATION OF THIS PLAN SHALL NOT PROCEED UNTIL ISSUANCE OF ALL RELATED PERMITS.
- PLANT QUANTITIES ARE FOR INFORMATION ONLY. IN CASE OF ANY DISCREPANCY, THE PLAN SHALL GOVERN.
- ALL WORK IS TO BE PERFORMED BY LICENSED CONTRACTORS AND EXPERIENCED WORKERS.
- THE CONTRACTOR IS TO VERIFY THE LOCATION OF EXISTING UNDERGROUND UTILITIES AND STRUCTURES PRIOR TO PERFORMING ANY EXCAVATION. CONTRACTOR SHALL REPAIR ANY DAMAGE TO UTILITIES CAUSED BY THE CONTRACTOR'S WORK. AT NO ADDITIONAL COST TO THE OWNER. CONTACT ALL UTILITY PROVIDERS SERVING THE SITE AREA 48 HOURS PRIOR TO ANY EXCAVATION.
- ALL PLANT MATERIALS SHALL MATCH SPECIFICATIONS PER SPECIES AND SHALL COMPLY WITH ANSI Z60.1 'STANDARD FOR NURSERY STOCK'.
- THE CONTRACTOR SHALL ADHERE TO THE OREGON ASSOCIATION OF NURSERIES GUIDELINES FOR PLANTING PRACTICES.
- THE CONTRACTOR SHALL REPAIR ANY DAMAGE TO EXISTING ELEMENTS ON AND OFF SITE, RESULTING FROM THE CONTRACTOR'S WORK.
- THE CONTRACTOR IS RESPONSIBLE FOR THE VIABILITY OF ALL PLANT MATERIAL FOR 2 YEARS AFTER COMPLETION OF PLANTING. DISEASED, DYING, OR DEAD PLANT MATERIAL SHALL BE REPLACED BY THE CONTRACTOR DURING THE TWO YEAR PERIOD AND MAINTAINED FOR AN ADDITIONAL 2 YEAR PERIOD.
- IMMEDIATELY UPON BID AWARD, CONTRACTOR SHALL SECURE THE PLANT MATERIALS AS SPECIFIED FROM AVAILABLE SOURCES. IN THE EVENT THAT PLANT MATERIALS ARE NOT AVAILABLE, CONTACT LANDSCAPE ARCHITECT FOR APPROVED SUBSTITUTIONS. NO SUBSTITUTION FOR PLANT MATERIAL WILL BE ALLOWED WITHOUT PRIOR WRITTEN APPROVAL OF THE LANDSCAPE ARCHITECT.
- TOP DRESS ALL SHRUB AND GROUND COVER AREAS (NOT LAWN) WITH 3" OF FIR BARK MULCH. SUBMIT SAMPLE TO THE LANDSCAPE ARCHITECT FOR APPROVAL PRIOR TO CONSTRUCTION.
- TREE LOCATIONS MAY BE ADJUSTED IN THE FIELD TO SUIT SITE REQUIREMENTS AS DIRECTED BY THE LANDSCAPE ARCHITECT.
- THE CONTRACTOR SHALL ENSURE THAT ALL EXCAVATED PLANTING PITS HAVE POSITIVE DRAINAGE. PLANT PITS FULLY FLOODED WITH WATER SHALL DRAIN WITHIN (12) HOURS OF FILLING.
- FINISH GRADE SHALL BE SET TO ALLOW POSITIVE DRAINAGE.
- ROTOTILL 2" OF COMPOST INTO ALL PLANTED AREAS.
- INCORPORATE PEAT INTO THE ROOT ZONE OF RHODODENDRONS, AZALEAS AND OTHER ACID LOVING PLANTS.
- INCORPORATE 10-20-20 FERTILIZER INTO THE ROOT ZONE OF ALL NEW PLANTINGS.
- RONSTAR, OR APPROVED EQUAL, PREEMERGENT HERBICIDE TO BE APPLIED TO ALL PLANTED AREAS PER MANUFACTURERS INSTRUCTIONS.
- EXISTING VEGETATION TO BE SPRAYED WITH ROUNDUP, OR APPROVED EQUAL, PER MANUFACTURERS INSTRUCTIONS. SUFFICIENT TIME SHALL BE GIVEN TO ALLOW EXISTING MATERIAL TO DIE. REMOVE EXISTING 27. THE PROPERTY OWNER IS RESPONSIBLE FOR MAINTAINING TURF PLANTED WITHIN THE RIGHT OF WAY.
- CROWN LAWN AREAS AND GRADE TO PROVIDE POSITIVE DRAINAGE.
- ROLL LAWN AREA TO INSURE PROPER COMPACTION TO MINIMIZE SETTILING.
- AMEND SOIL IN LAWN AREAS WITH 80 LBS. OF DOLOMITE LIME AND 40 LBS. OF 10-20-20 SLOW RELEASE FERTILIZER OR EQUIVALENT. PROVIDE A 3" LAYER OF SANDY LOAM TOPSOIL FOR LAWN AND BED AREA.
- SEED LAWN AREAS WITH GRASS SEED MANUFACTURER'S RECOMMENDATIONS. COVER SEED WITH FINE MULCH APPLIED WITH ROLLER OR HYDROSEED.
- THE PROPERTY OWNER IS RESPONSIBLE FOR MAINTAINING TURF PLANTED WITHIN THE RIGHT OF WAY.
- PLANT MATERIAL SHALL BE PLANTED 1/4" ROOT CROWN 1" ABOVE FINISHED GRADE TO ALLOW POSITIVE DRAINAGE AWAY FROM CROWN.
- STAKE ALL TREES OVER 6 FT. IN HEIGHT PER DETAILS ON THIS SHEET.
- REFER TO DETAILS FOR ADDITIONAL INFORMATION.
- ALL PLANTING SHALL BE IRRIGATED BY AN AUTOMATIC UNDERGROUND SPRINKLER SYSTEM.
- ALL PLANT MATERIALS FURNISHED ARE TO BE HEALTHY, UNIFORMLY BRANCHED AND WITH WELL DEVELOPED FIBROUS ROOT SYSTEMS.
- ALL PLANT MATERIALS FURNISHED ARE TO BE FREE FROM DEAD OR BROKEN BRANCHES, LICHENS, SCARS, BROKEN BARK OR WOUNDS. ALL PLANT MATERIALS WILL BE INSECT, WEED, AND DISEASE FREE ACCORDING TO THE REQUIREMENTS OF THE WASHINGTON STATE DEPARTMENT OF AGRICULTURE FOR NURSERY PLANT MATERIALS SOLD FOR WHOLESALE OR RETAIL. ALL PRUNING WOUNDS MUST BE WELL HEALED WITH NO EVIDENCE OF DECAY.
- FIELD CONFIRM ALL SITE CONDITIONS, AREAS AND SIZES PRIOR TO BIDDING & CONSTRUCTION. DO NOT SCALE FROM PLANS.

## IRRIGATION NOTE

ALL LANDSCAPE AREAS SHALL BE IRRIGATED WITH AN AUTOMATIC DRIP AND/OR SPRAY IRRIGATION SYSTEM. REFER TO CIVIL ENGINEERING PLANS FOR WATER SOURCE.



From design concept to architectural reality

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**ASTERIA CARE**  
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30 Bed RCF + Memory Care

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## PERMIT SET

1

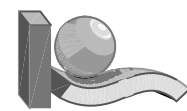
## PROPOSED LANDSCAPE PLAN

REVISED:

DATED: 01/21/20

DRAWN BY: HA

SHEET:



**Planning Solutions, Inc.**

4400 NE 77th Avenue  
Suite 275  
VANCOUVER, WA 98662  
VOICE: 360-750-9000 FAX: 360-713-6102  
www.planningsolutionsinc.com

**L1.0**



- ⓂⓅ1

X

= INSTALL 66W PRIVATE WALL PACK #.
- ⓂⓅ2

X

= INSTALL 66W PRIVATE WALL PACK #.
- ⓂⓅ3

X

= INSTALL 34W PRIVATE WALL PACK #.
- ⓂⓅ4

X

= INSTALL 34W PRIVATE WALL PACK #.
- ⓂⓅ5

X

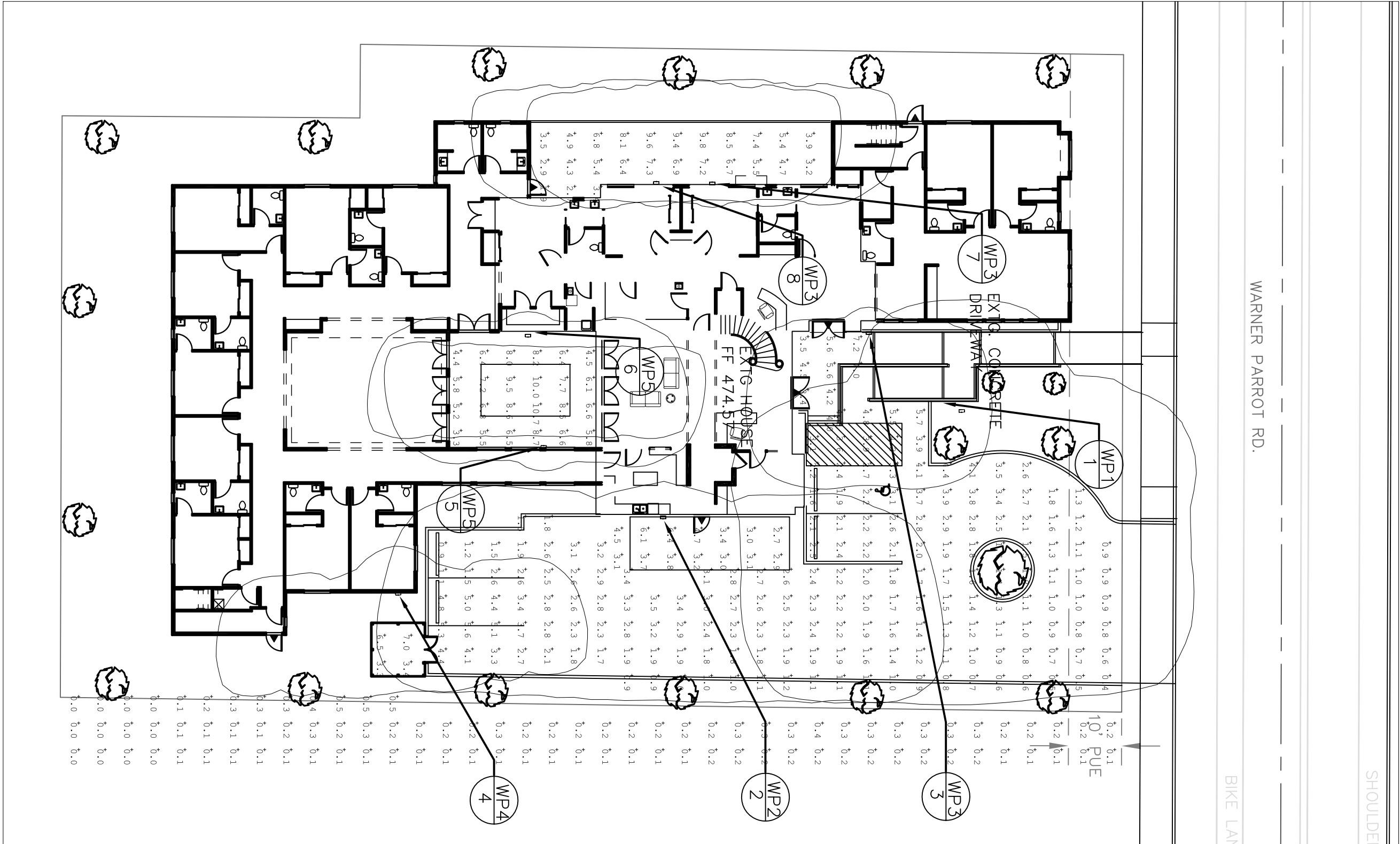
= INSTALL 34W PRIVATE WALL PACK #.

WALL PACK NOTES:  
1. WALL PACK SHALL BE BRONZE, 66W/34W, LED WALL PACK.  
2. APPROVED WALL PACKS ARE:  
ⓂⓅ1. SLEON GWC-AF-01-LED-E1-T4-F-BZ-7030-600  
ⓂⓅ2. SLEON GWC-AF-02-LED-E1-S2-BZ-7030-600  
ⓂⓅ3. SLEON GWC-AF-01-LED-E1-S2-BZ-7030-600  
ⓂⓅ4. SLEON GWC-AF-01-LED-E1-S2-BZ-7030-600  
ⓂⓅ5. SLEON GWC-AF-01-LED-E1-S2-BZ-7030-600

| WALL PACK INFORMATION TABLE |       |       |        |
|-----------------------------|-------|-------|--------|
| WALLPACK NUMBER             | MH    | WATTS | LUMENS |
| 1                           | 15 FT | 66    | 7963   |
| 2                           | 15 FT | 66    | 6649   |
| 3                           | 8 FT  | 34    | 3233   |
| 4                           | 9 FT  | 34    | 3967   |
| 5                           | 8 FT  | 34    | 3402   |
| 6                           | 8 FT  | 34    | 3402   |
| 7                           | 8 FT  | 34    | 3233   |
| 8                           | 8 FT  | 34    | 3233   |

STREETLIGHTING DESIGN

Scale: 1" = 20'



| NUMERIC SUMMARY        |             |       |      |       |
|------------------------|-------------|-------|------|-------|
| PROJECT: WARNER PARROT |             |       |      |       |
| LABEL                  | CALC TYPE   | UNITS | AVG  | MAX   |
| COURTYARD              | ILLUMINANCE | FC    | 6.96 | 10.70 |
| PARKING LOT            | ILLUMINANCE | FC    | 2.20 | 5.70  |
| DELIVERY AREA          | ILLUMINANCE | FC    | 3.83 | 6.40  |
| ENTRY PORCH            | ILLUMINANCE | FC    | 5.00 | 7.20  |
| GARBAGE AREA           | ILLUMINANCE | FC    | 5.05 | 7.00  |
| OUTDOOR PLAY AREA      | ILLUMINANCE | FC    | 5.83 | 9.80  |
| OFF-SITE               | ILLUMINANCE | FC    |      | 0.50  |

Northstar Electrical Contractors  
11055 S.W. Clay Street  
Sherwood, Oregon 97140  
Phone 503-612-0840  
Fax 503-612-0891  
Email adam.suminski@NorthStarElect.com



WARNER PARROT  
OREGON CITY, OREGON

| REV DATE | NO. | REV DESCRIPTION |
|----------|-----|-----------------|
|          |     |                 |
|          |     |                 |

Title: STREET LIGHTING  
Designed by: Adam Suminski  
Checked by: Jesse Culp  
Date: February 6, 2020





from design concept to architectural reality

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**WARNER PARROTT RD.**  
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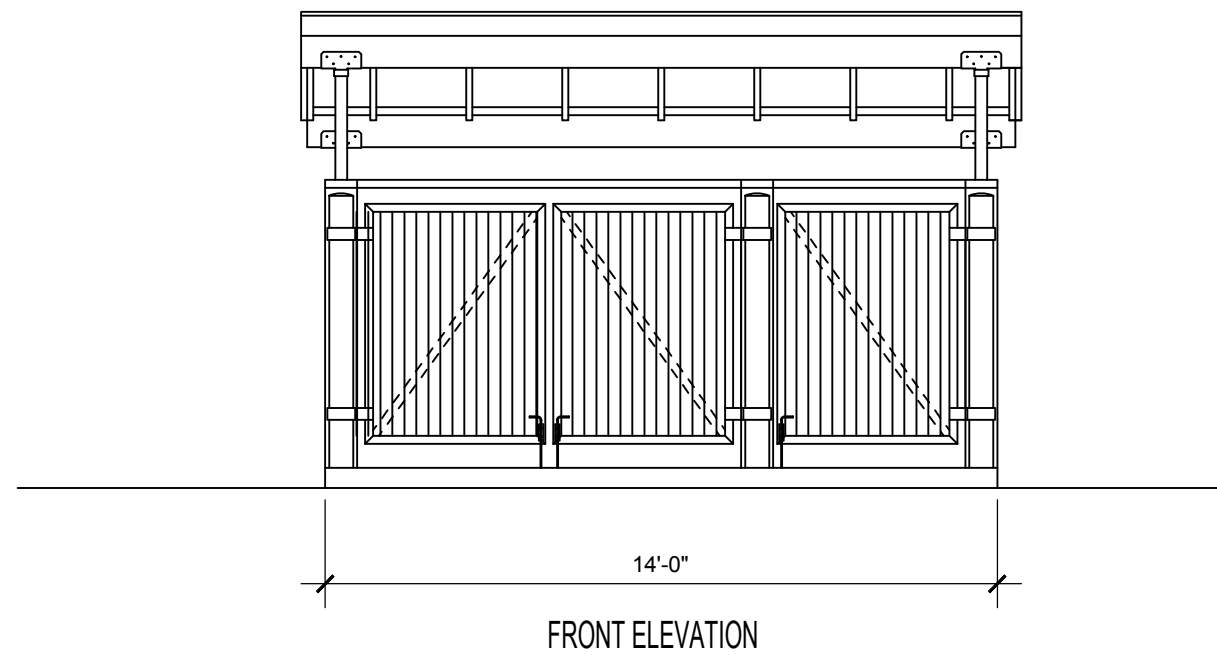
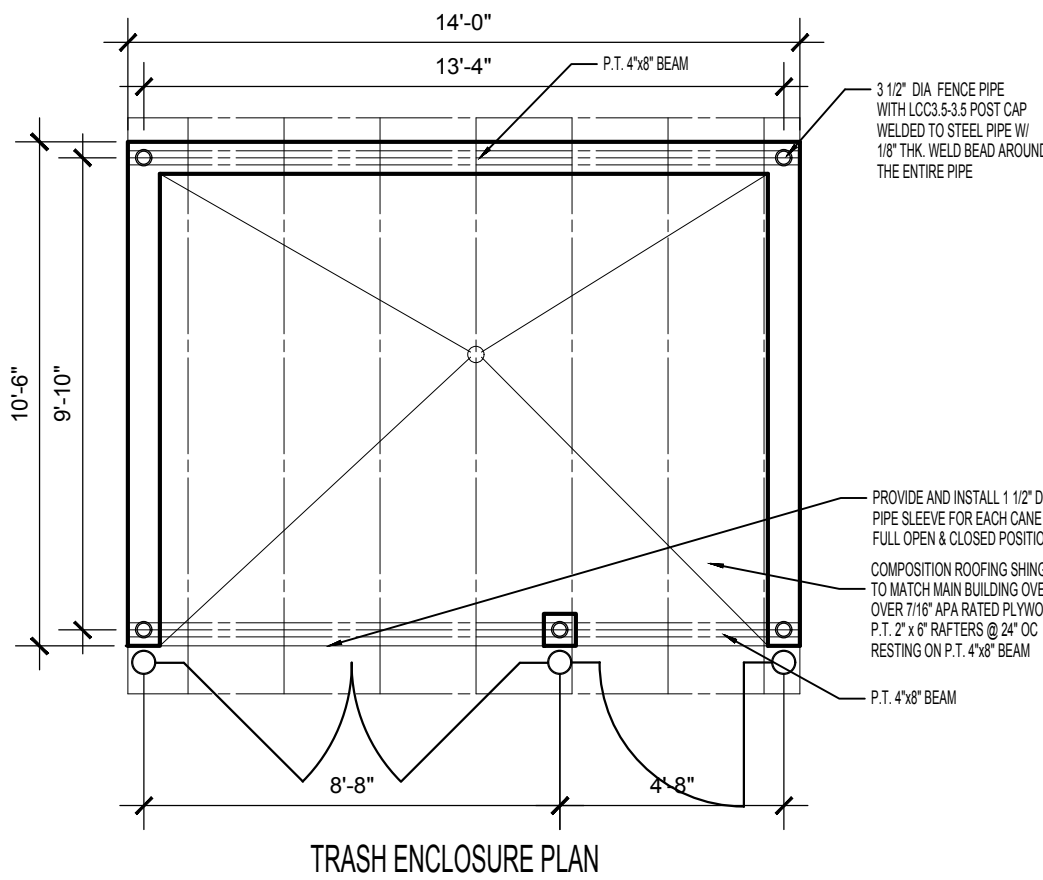
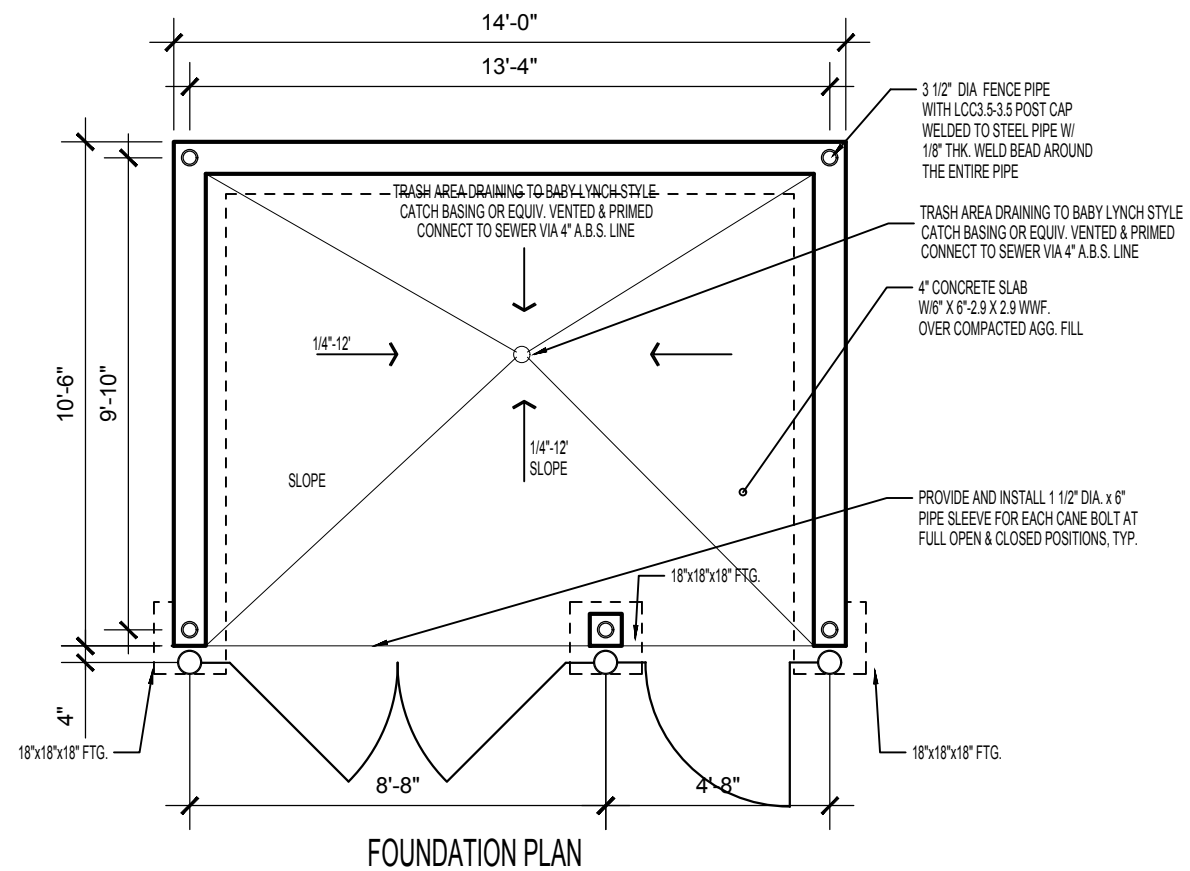
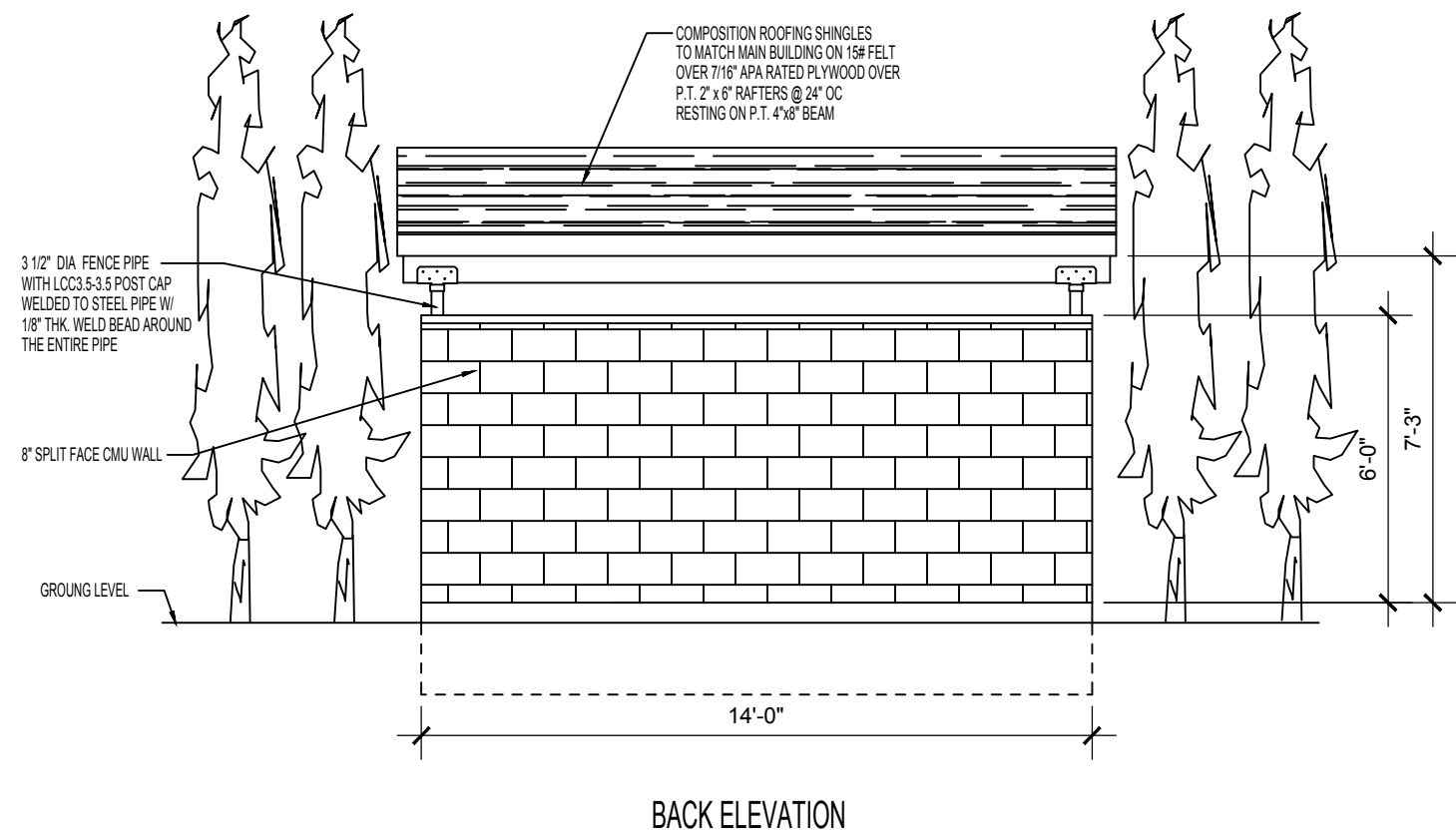
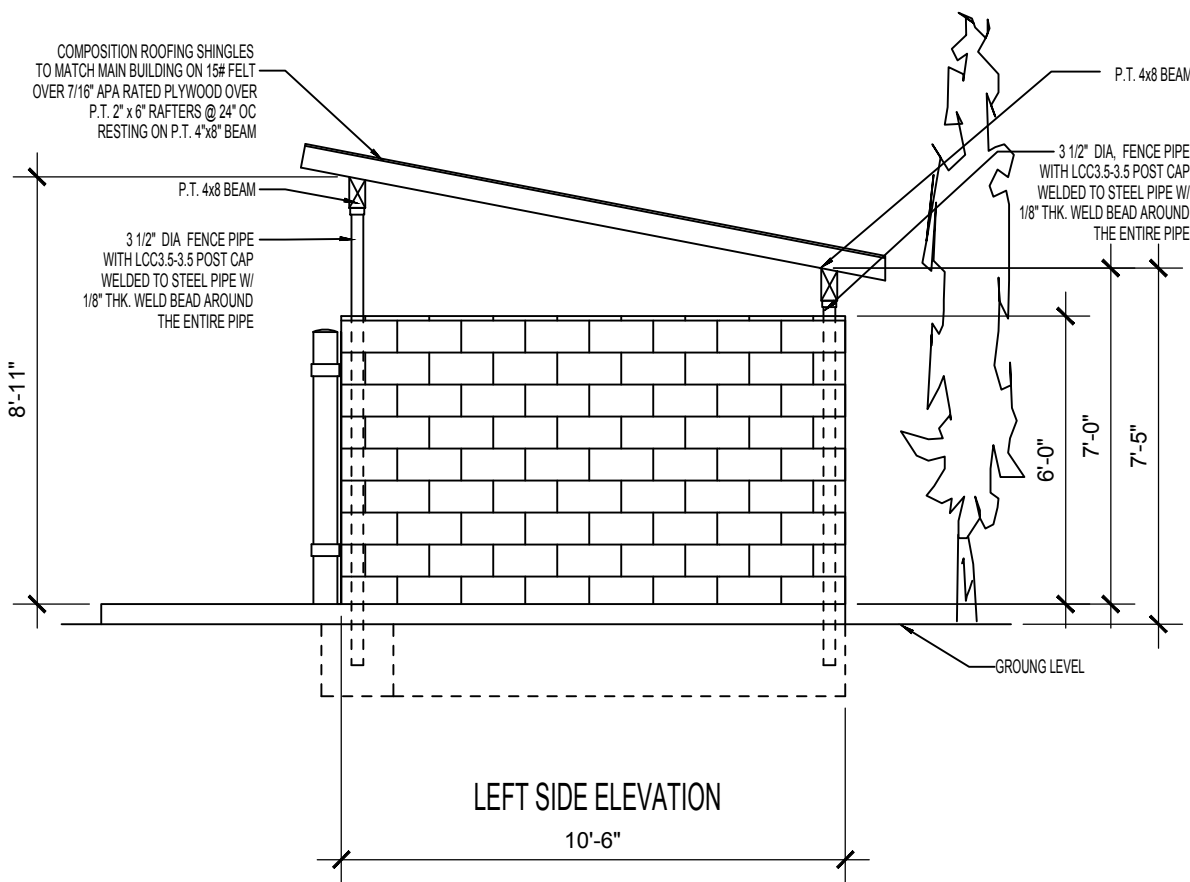
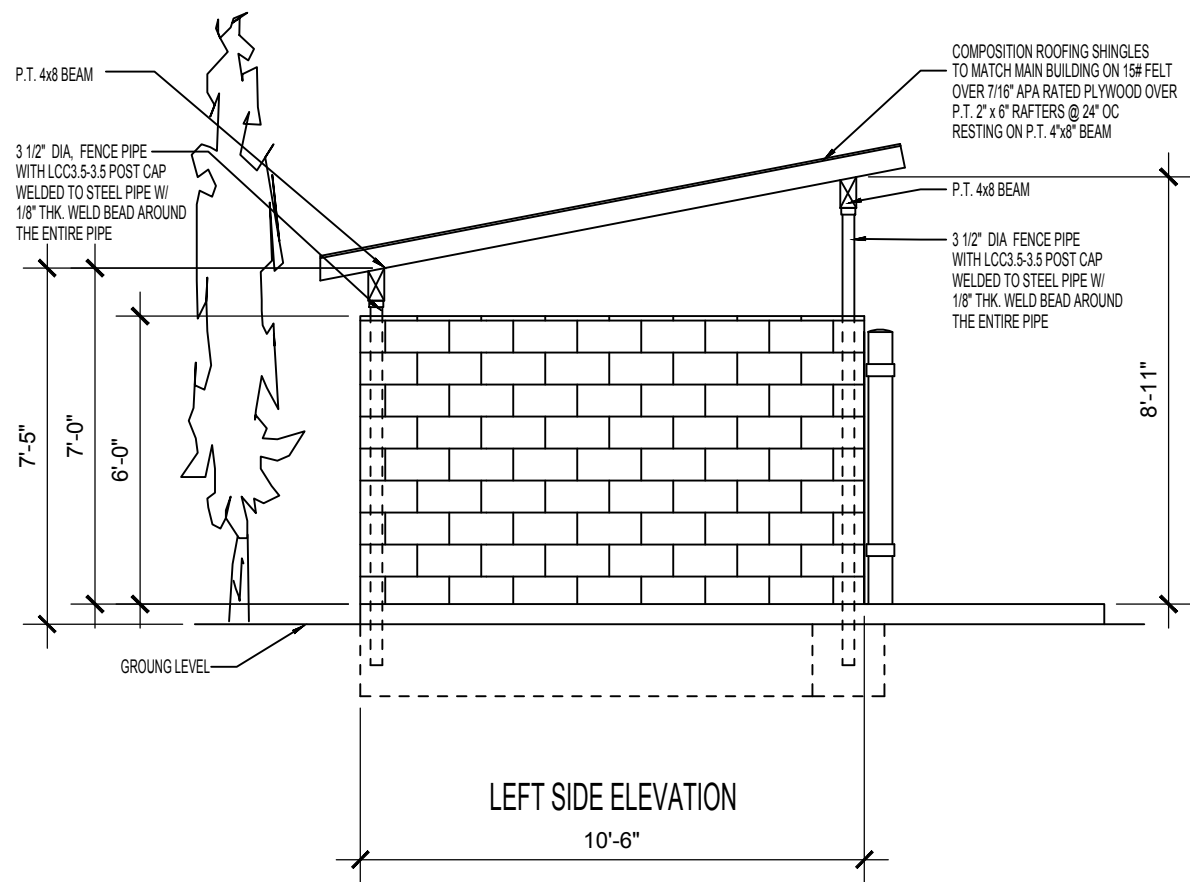
PROPOSED  
GARBAGE  
ENCLOSURE  
REVISED:

DATED: 2/18/2020

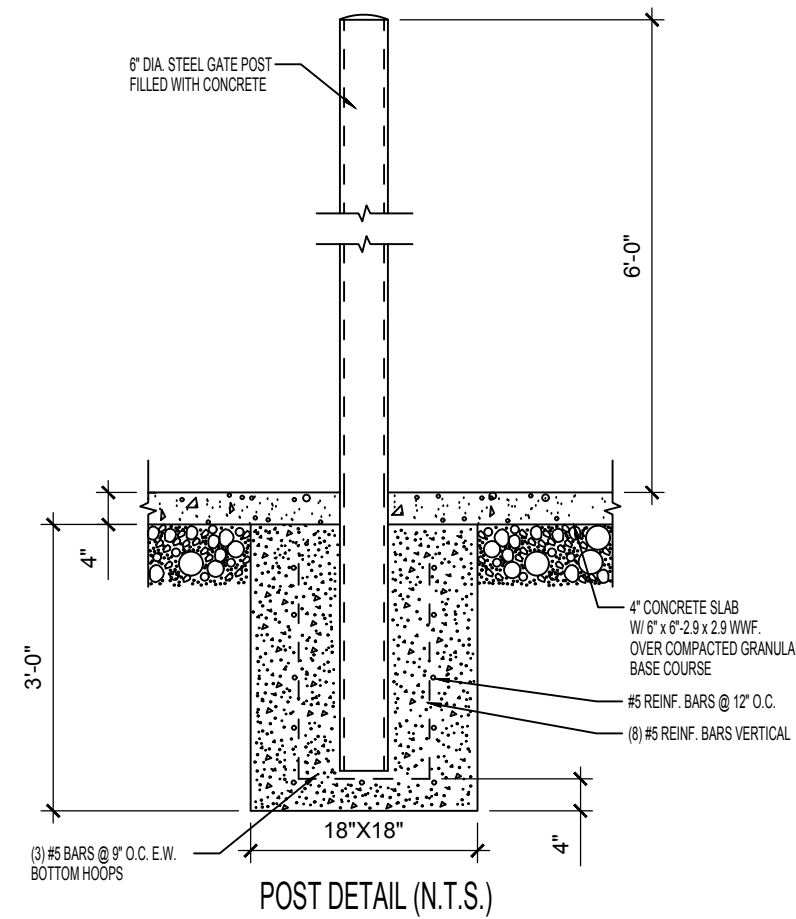
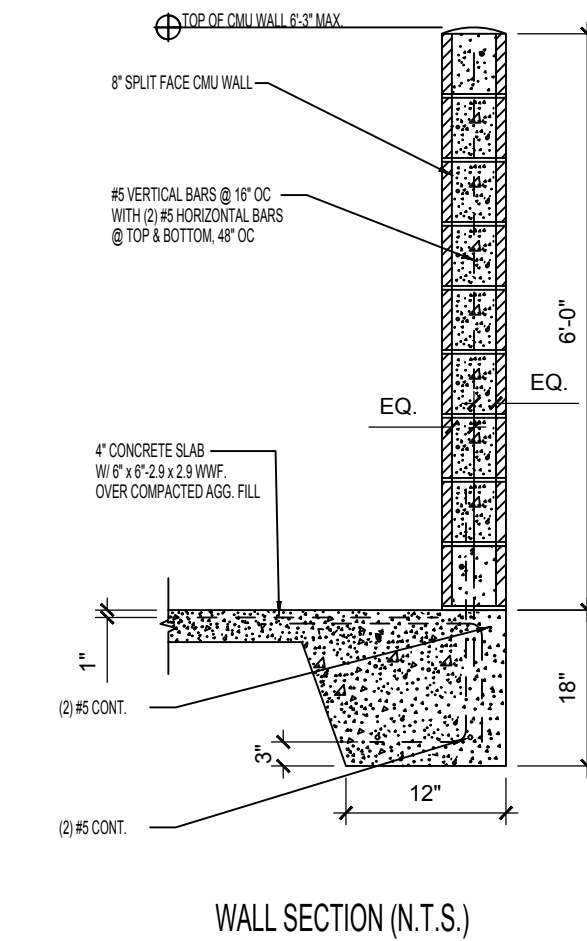
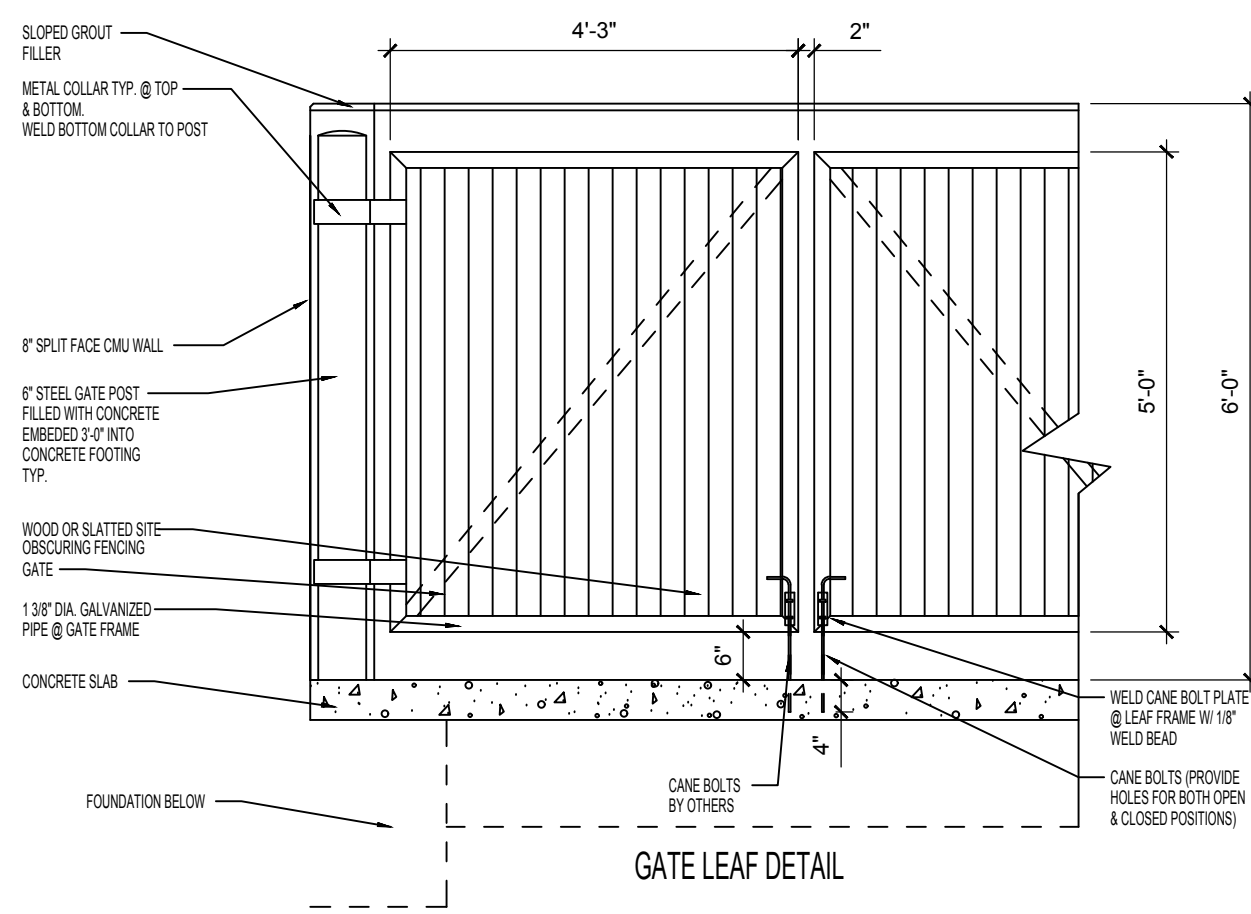
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SHEET:

A0.2



**A**  
**A1.2 TRASH ENCLOSURE**  
SCALE: 1/4" = 1'-0"

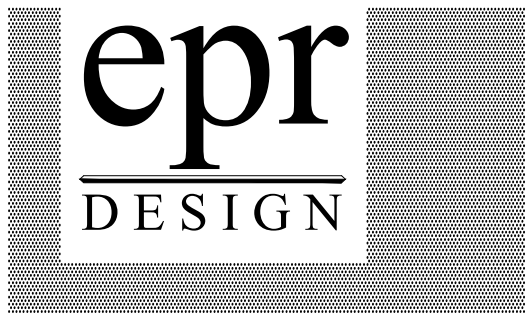


**B**  
**A1.2 TRASH ENCLOSURE DETAIL**  
SCALE: 1/2" = 1'-0"





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PROPOSED  
BUILDING  
ELEVATIONS

REVISED:

DATED: 8/20/2019

DRAWN BY:

SHEET:

A2.0

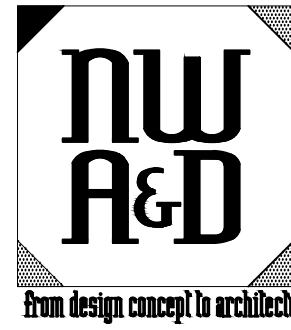


A FRONT ELEVATION (NORTH)  
A2.0 SCALE: 3/16" = 1'-0"

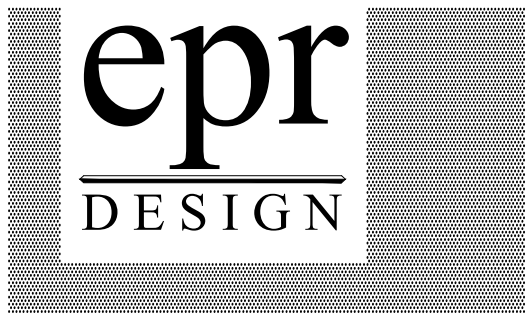


B REAR ELEVATION (SOUTH)  
A2.0 SCALE: 3/16" = 1'-0"





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PROPOSED  
BUILDING  
ELEVATIONS  
REVISED:

DATED: 8/20/2019

DRAWN BY:

SHEET:

A2.1



C LEFT SIDE ELEVATION (EAST)  
A2.1 SCALE: 1/8" = 1'-0"



D RIGHT SIDE ELEVATION (WEST)  
A2.1 SCALE: 1/8" = 1'-0"





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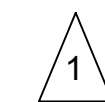
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## PROPOSED GROUND LEVEL FLOOR PLAN

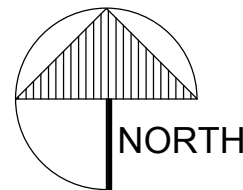
REVISED:

DATED: 8/20/2019

DRAWN BY:

SHEET:

**A3.1**



NORTH

## A A3.1 GROUND LEVEL FLOOR PLAN

SCALE: 1/8" = 1'-0"

GROUND LEVEL RESIDENT BEDS: 18  
GROUND LEVEL AREA: 9,378 SF  
(3,142 SF EXIST. + 6,236 SF NEW)

### LEGEND:

- SEE DOOR SCHEDULE      BUILDING EGRESS  
 SEE WINDOW DETAILS ON A1.1      2x SOUND INSULATED WALL. SEE DETAIL ON A4.0

### GENERAL NOTES:

ALL CORRIDOR DOORS TO BE MIN. 20 MINUTE RATED PER TABLE 715.4 FIRE PARTITIONS.  
EXCEPTION: RESIDENT BEDROOM DOORS NOT REQUIRED TO BE RATED.

RESIDENT SLEEPING UNITS TO BE ACCESSIBLE UNITS W/ ACCESSIBLE RESTROOMS.

RESIDENT BEDROOM DOORS ACCESSING THE CORRIDOR TO BE EQUIPPED WITH SMOKE GASKETS, POSITIVE LATCHING, & LEVER TYPE HANDLES W/ KEYED LOCKS.

RESIDENT AREAS TO BE ATTENDED BY STAFF ON A 24-HR. BASIS.

TYP. CEILING HEIGHTS TO BE 9'-0" U.N.O.

SEE BUILDING ELEVATIONS & WINDOW DETAILS SHEET FOR WINDOW STYLES, SIZES, & HEAD HEIGHTS, TYP.

EXTERIOR SIDEWALKS & CONCRETE PATIO AREAS SHOWN FOR COORDINATION ONLY. SEE SITE PLAN FOR ADDITIONAL INFORMATION.

SEE FIRE & LIFE SAFETY PLAN FOR WALL TYPES, EGRESS PATH, & OTHER DETAILS NOT SHOWN HERE FOR CLARITY.

KITCHEN TO COMPLY W/ OAR 333-150-0000 FOOD SANITATION RULES.

PROVIDE A 50GPM GREASE INTERCEPTOR AT KITCHEN. CONNECT ALL KITCHEN DRAIN FIXTURES TO GREASE INTERCEPTOR. GREASE INTERCEPTOR SHALL CONNECT TO MAIN SEWER LINE IN CRAWL SPACE.

PROVIDE NON-ABSORBENT SURFACE TO A HEIGHT OF 4' ABOVE FLOOR @ WALLS OF COMMON RESTROOMS & BATHING FACILITIES. FULL HEIGHT @ SHOWERS

### KEYNOTES:

- ① PROVIDE ADA COMPLIANT HANDRAIL.

### FLOOR FINISHES:

|                          |                                 |
|--------------------------|---------------------------------|
| RESIDENT BEDROOMS:       | LAMINATE WOOD                   |
| RESIDENT RESTROOMS:      | TILE W/ INTEGRAL TILE BASE COVE |
| COMMON SHOWER ROOMS:     | TILE W/ INTEGRAL TILE BASE COVE |
| CORRIDORS:               | LAMINATE WOOD                   |
| DINING & ACTIVITY AREAS: | LAMINATE WOOD                   |
| KITCHEN:                 | TILE W/ INTEGRAL TILE BASE COVE |
| LAUNDRY AREAS:           | TILE W/ INTEGRAL TILE BASE COVE |
| SOILED LINEN AREAS:      | TILE W/ INTEGRAL TILE BASE COVE |
| JANITORS CLOSETS:        | TILE W/ INTEGRAL TILE BASE COVE |
| LOBBY:                   | LAMINATE WOOD                   |
| ADMIN. OFFICE:           | LAMINATE WOOD                   |
| STORAGE AREAS:           | LAMINATE WOOD                   |
| NURSE / MED. ROOM:       | LAMINATE WOOD                   |
| STAIRWELLS:              | COMMERCIAL GRADE CARPET         |

CARPETING TO WITHSTAND A MIN. CRITICAL RADIANT FLUX AS REQUIRED FOR CLASS II MATERIALS, NFPA 253

FURNISHINGS BY OWNER. SHOWN FOR INFORMATION ONLY.

BUILDING SHALL BE HEATED & COOLED W/ DUCTLESS MINI-SPLIT HEATING & A/C UNITS. U.N.O.

ALL EXTERIOR WINDOWS / DOORS TO BE CENTERED ON ROOM / WALL U.N.O.

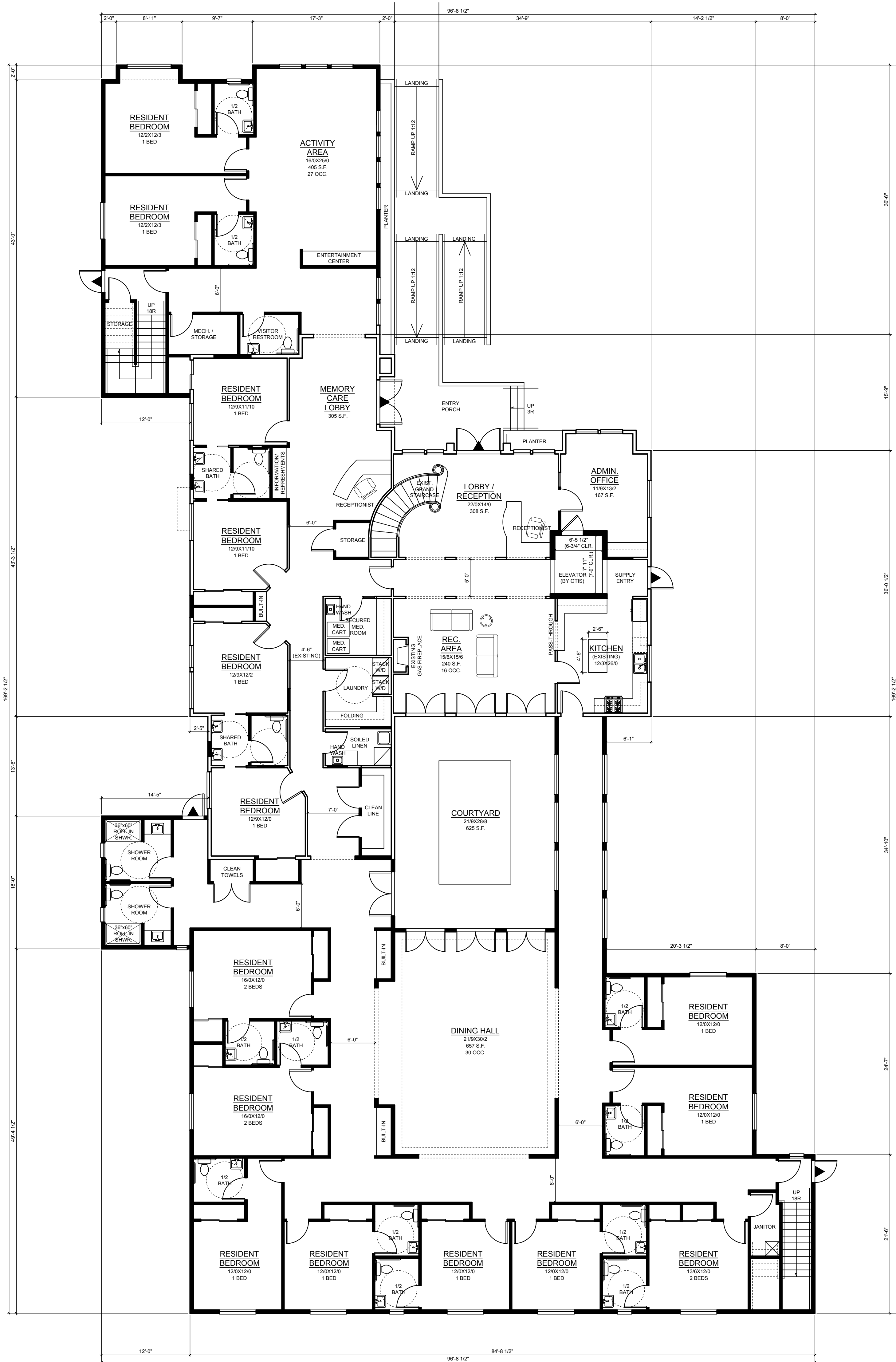
SEE ELEVATION DRAWINGS FOR WINDOW & EXTERIOR DOOR HEAD HEIGHTS.

ALL EXTERIOR WALLS TO BE 2x6 DFL #2 STUDS @ 16" O.C. W/ R-21 F.G. INSULATION.

ALL INTERIOR WALLS TO BE 2x4 DFL #2 STUDS @ 16" O.C. PLUMBING WALLS 2x6 DFL #2 STUDS @ 16" O.C. (U.N.O.).

TYPICAL EXTERIOR SHEATHING U.N.O.:  
5/8" DENSGLASS FIRE GUARD SHEATHING OVER STRUCTURAL WALL SHEATHING (SEE STRUCTURAL)

TYPICAL INTERIOR SHEATHING U.N.O.:  
5/8" TYPE "X" GYP. WALL BOARD.  
SEE DETAIL FOR 1-HOUR & 2-HOUR FIRE RATED ASSEMBLIES. ENTIRE CEILING TO BE CONSTRUCTED AS A SMOKE BARRIER. SEE FIRE & LIFE SAFETY PLAN FOR LOCATION OF 2-HR CEILING @ OCCUPANCY SEPARATION REQUIREMENTS.







from design concept to architectural reality

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**WARNER PARROTT RD.**  
182 Warner Parrott Rd.  
Oregon City, Oregon 97045  
25 Bed RCF + Memory Care

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DESIGN, P.C.

## PERMIT SET

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## PROPOSED 2ND LEVEL FLOOR PLAN

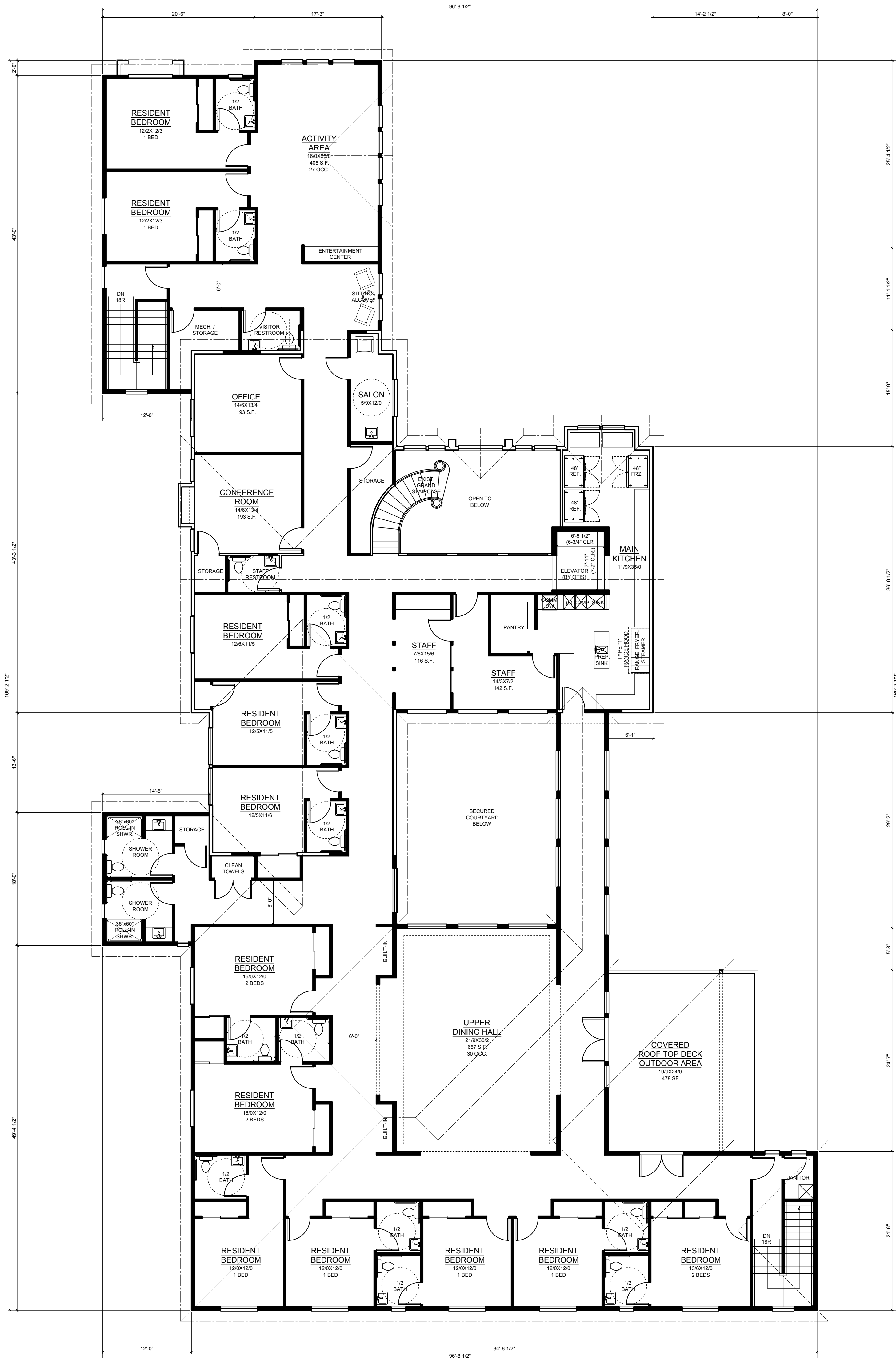
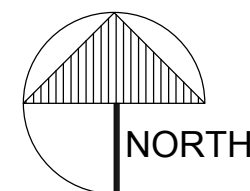
REVISED:

DATED: 8/20/2019

DRAWN BY:

SHEET:

**A3.2**





**TRAFFIC ANALYSIS LETTER**

**FOR**

**ASTERIA CARE MEMORY CARE FACILITY**

**182 WARNER PARROTT ROAD  
OREGON CITY, OREGON 97045**

**CITY OF OREGON CITY**

**PREPARED BY**

**CHARBONNEAU ENGINEERING LLC**





**JANUARY 2020**  
**MEMORANDUM**

**Date: January 23, 2020**

**To: Edward Radulescu, B.S. Arch, EPR Design, 825 NE 20th Avenue - Suite 202,  
Portland OR 97232**

**From: Frank Charbonneau, PE, PTOE; Gary Spanovich**

**Subject: Transportation Analysis Letter; Asteria Memory Care Facility at 182  
Warner Parrott Road, Oregon City, Oregon 97045**

This letter has been prepared for the Asteria Warner Parrott Road Memory Care Facility development in the City of Oregon City. Development of this Memory Care Facility does not exceed the City of Oregon City's trip generation (The 10<sup>th</sup> Edition, year 2017 of the ITE Manual was used) threshold of 25 AM & PM peak hour trips or 250 daily trips and as a result a transportation analysis letter (TAL) has been prepared. Capacity analysis of nearby public intersections and the site driveways is not required. The transportation analysis letter includes a description of the site, trip generation documentation, verification of the street spacing standards, sight distance assessment, and review of the traffic safety conditions.

**Site Development**

The Asteria Warner Parrott Road Memory Care Facility will be located on residential property on the south side of Warner Parrott Road at 182 Warner Parrott Road. Development of the site will include some demolition and construction of a memory care building facility as follows:

- 30 resident beds
- 9,407 sq. ft. of building coverage
- 5,404 sq. ft. of paved surface
- 23,932 sq. ft. of total site area
- 29 feet, building height
- R-10, single family zoning
- Parking Spaces: 4 onsite spaces (1 van accessible); 4 off street; 8 total
- Bicycle Parking: 2 spaces

The Appendix contains the Site Plan; Functional Classification System; and the Vicinity Map the project location.

The map below highlights the project location.





## PROJECT LOCATION – 182 Warner Parrott Road

### Trip Generation

**Trip rates presented in the Institute of Transportation Engineers (ITE) Trip Generation Manual, eighth edition, were utilized to estimate the site's trip generation. Assisted Living (ITE code #254) trip rates were applied to estimate the trips generated by the proposed use. The table in the Appendix presents the trip generation estimate for the memory care center. The 10<sup>th</sup> Edition, year 2017 of the ITE Manual was used.**

### **Trip Generation Summary**

**The Appendix contains the results of the trip generation analysis. In summary the Warner Parrott Road Memory Care Facility is expected to generate up to 78 daily trips, six AM peak hour trips, and eight PM peak hour trips.**

## Access Spacing

**The spacing of the existing driveways and the proposed site access on Warner Parrott Road between King Road and Woodlawn Avenue was reviewed for conformance to the City's spacing standards. Warner Parrott Road is classified**



by the City of Oregon City as a minor arterial. King Road, Woodlawn Avenue, Boynton St are all classified as local streets.

Contained in the Appendix is a copy of Table 4 of the City of Oregon City Design Standards identifies the spacing between local streets along a minor arterial as 150 feet. Based on the spacing measurements the proposed site access will located 160 feet west of Boynton St; 390 feet east of King Road; and 390 feet west of Woodlawn Avenue. The City of Oregon City does not have a spacing standard for single-family residential driveways

### Sight Distance

Sight distance along Warner Parrott Road was reviewed in accordance with AASHTO standards. The speed along Warner Parrott Road is posted for 30 MPH. Based on the posted speed AASHTO recommends a minimum sight distance of 390 feet be available.

The sight distance and the required sight distance standards will be exceeded as the available sight distance exceeds 390 feet in both directions. Sight distance is as follows:

- Roadway is flat in both directions
- To the West, .1 mile or 528 feet
- To the East, .2 mile or 1056 feet

With development of the Memory Care Facility the proposed access should be designed such that AASHTO's minimum sight distance recommendations are met or exceeded; and it does.

### Safety Review

Accident data for the three-year period between 01/01/15 and 12/31/17 for Warner Parrott Road from South End Road to Central Point Road was requested from the ODOT crash analysis unit. This data has not yet come in; but will be added as an Addendum to this report when it arrives.

### Conclusion

The transportation analysis letter for the Warner Parrott Road Memory Care Facility has been prepared to document the trip generation, access spacing, and the sight distance availability. Development of the Warner Parrott Road Memory Care Facility will consist of a 30 bed unit building that is projected to generate 78 daily trips, six AM peak hour trips, and eight PM peak hour trips.

The spacing of streets and private driveways along Warner Parrott Road was reviewed for comparison to the City's spacing standards. Warner Parrott Road is classified by the City of Oregon City as a minor arterial and Boynton St; King Road; and Woodlawn Avenue are classified as local streets with more than 150



feet of separation. The City's standard identifies the spacing between local streets on a minor arterial as 150 feet. Currently, the City of Oregon City does not have a spacing standard for single-family residential driveways. The existing driveway also functions for an existing house used as a memory care facility; so the driveway already exists; the proposal simply adds beds to the existing facility.

There are no obstructions to the sight distance and the required sight distance standards will be exceeded as the available sight distance exceeds 390 feet in both directions. With development of the Memory Care Facility the proposed access should be designed such that AASHTO's minimum sight distance recommendations are met or exceeded. Obstruction by landscaping, signing, parking, buildings, or other objects would be unsafe.

Accident data for the roadway will be added as an Addendum to this report, when received from ODOT.



## APPENDIX





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**ASTERIA CARE**  
182 Warner Parrott Rd.  
Oregon City, Oregon 97045  
30 Bed RCF + Memory Care

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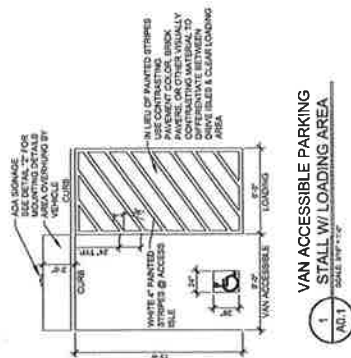
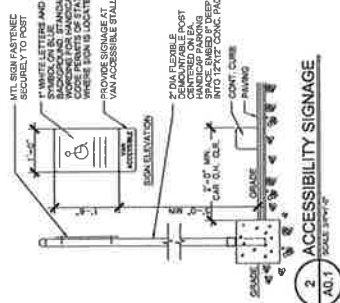
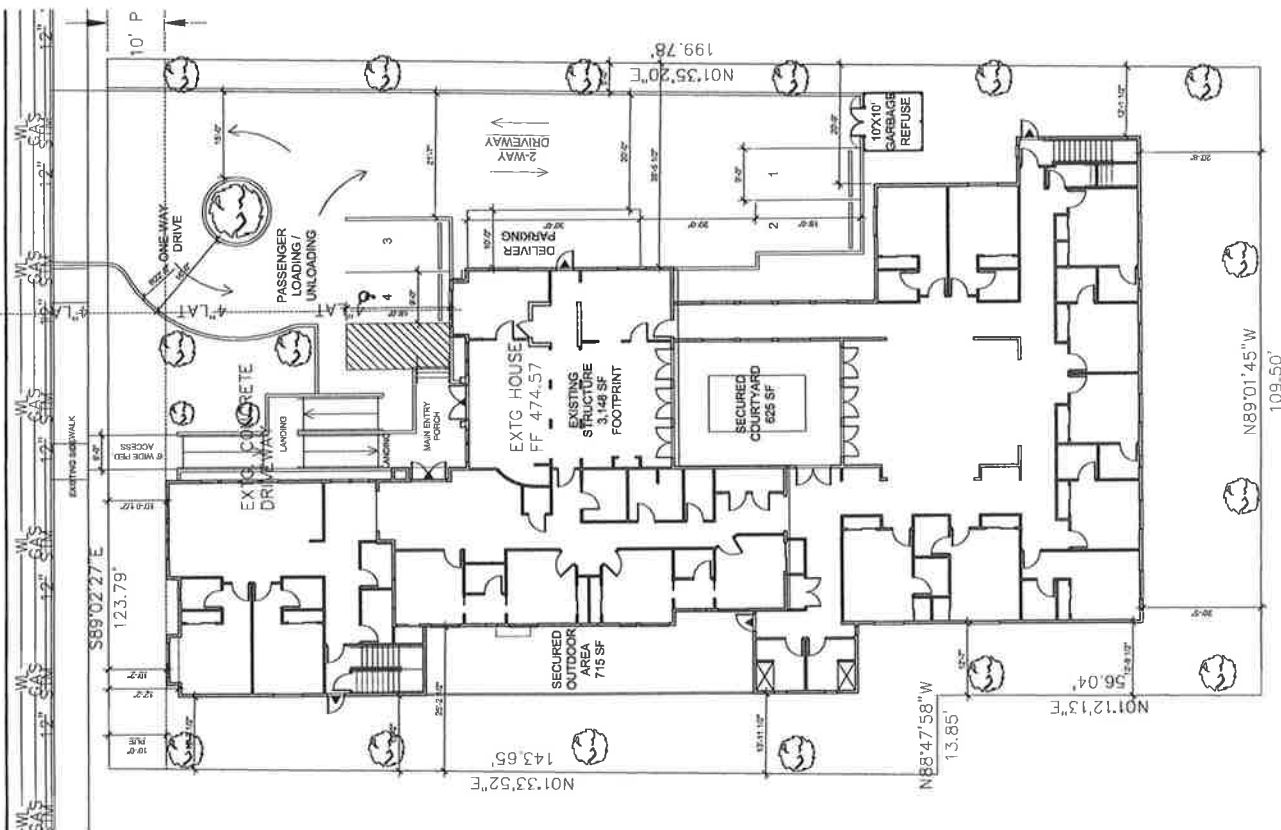
# PROPOSED SITE PLAN

10/7/2016

## SALE NEWS

## A0.1

WARNER PARROT RD.



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| 73  |                 |     |                     |

GENERAL SITE PLAN NOTES:

[illegible]

**A** **PROPOSED SITE PLAN**  
A0.1 SCALE: 3/32"=1'-0"  NORTH



## City of Oregon City

GEOGRAPHIC INFORMATION SYSTEM

## Oregon City Streets

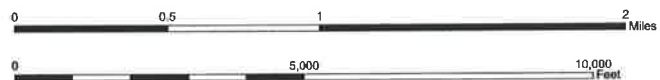
Map printed October 25, 2018

## Functional Class

-  Freeway
-  Expressway
-  Major Arterial
-  Minor Arterial
-  Collector
-  Local
-  Oregon City Limits



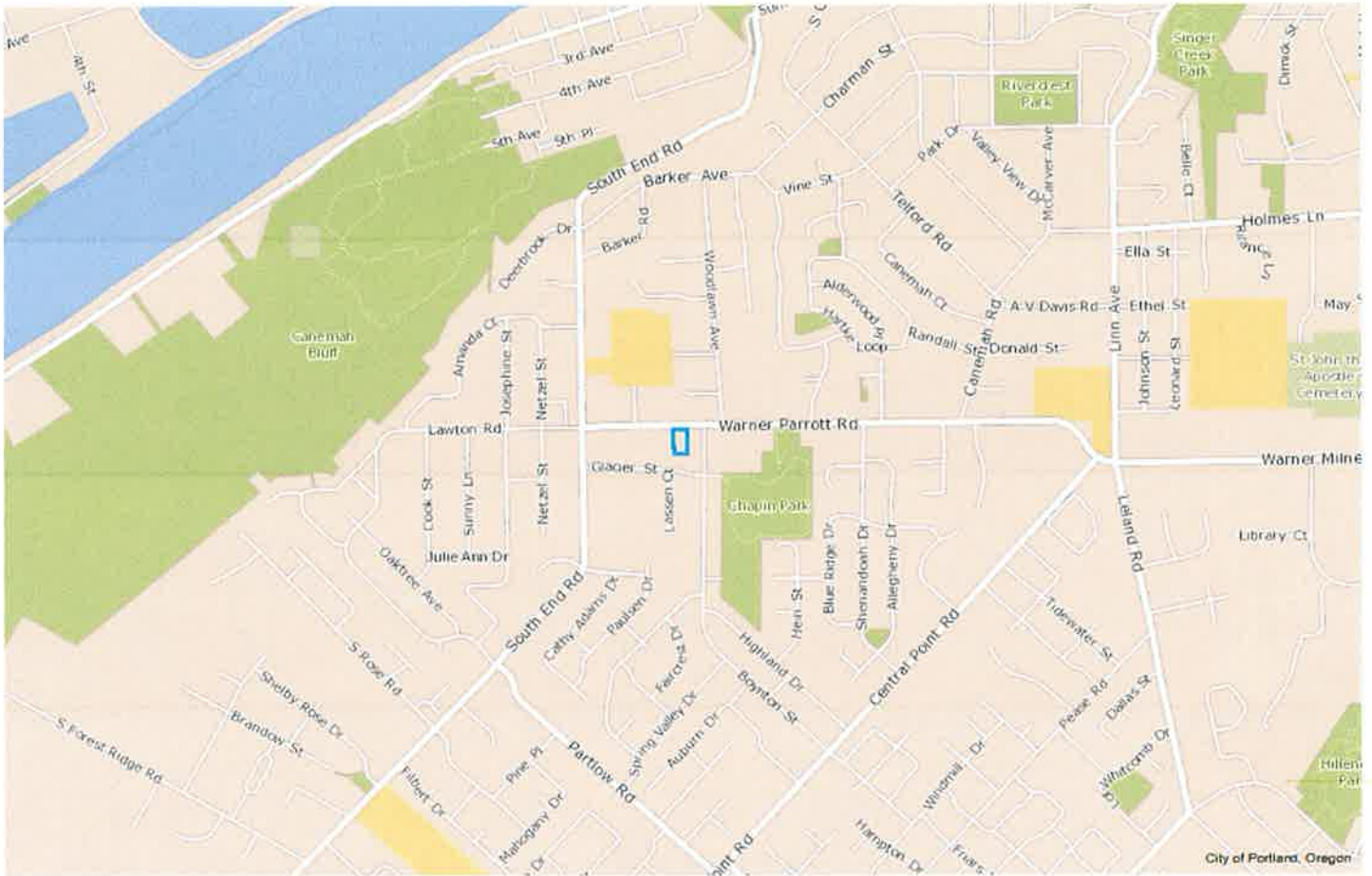
The City of Oregon City makes no representations, express or implied, as to the accuracy, completeness and timeliness of the information displayed. This map is not suitable for legal, engineering, or surveying purposes. Notification of any errors is appreciated.



City of Oregon City  
P.O. Box 3040  
625 Center St  
Oregon City, OR 97045  
503-657-0891 phone  
503-657-6629 fax  
www.orcity.org





 **Snapshot**

□ SITE







Search...

Query Map

Find Features

Measure

Draw



Tool Labels



Report

Print

Tools

Share



Pan



Zoom In



Zoom Out



Initial View



Previous



Next



Point

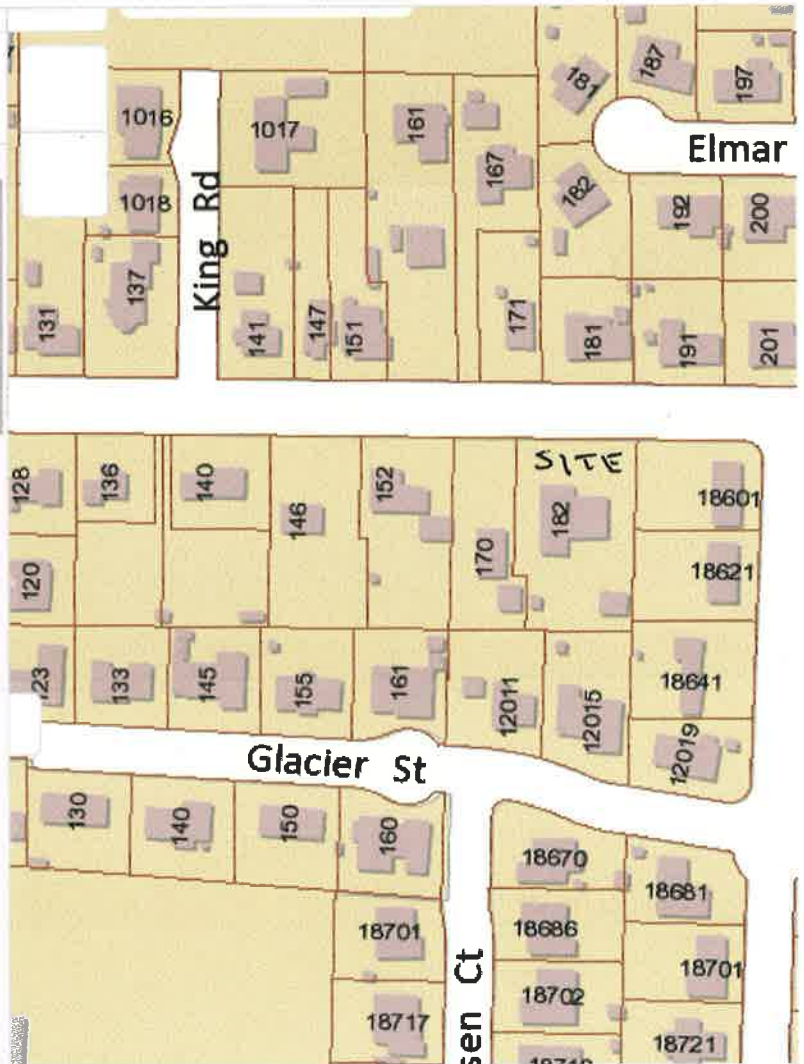
Navigation Tools

Query Tools

Filter Layers...

Filter

- ☒ Address Numbers
- ☐ Address Pts
- ☒ Street Names
- ☐ Streams
- ☐ Contours (2ft)
- ☐ Contours (10ft)
- ☐ Building Outlines
- ☒ Taxlots
- ☒ Taxlots (Outside UGB)
- ☒ Transportation
- ☐ Transportation - PMUF
- ☐ Transportation Planning



Layers

0 100 200ft



# Trip Generation Summary

Alternative: Alternative 1

Phase:

Project: 1

Open Date: 1/17/2020

Analysis Date: 1/17/2020

| ITE | Land Use                         | Weekday Average Daily Trips |       |      |       | Weekday AM Peak Hour of Adjacent Street Traffic |       |      |       | Weekday PM Peak Hour of Adjacent Street Traffic |       |      |       |
|-----|----------------------------------|-----------------------------|-------|------|-------|-------------------------------------------------|-------|------|-------|-------------------------------------------------|-------|------|-------|
|     |                                  | *                           | Enter | Exit | Total | *                                               | Enter | Exit | Total | *                                               | Enter | Exit | Total |
| 254 | ASSISTLIVE 1                     |                             | 39    | 39   | 78    |                                                 | 4     | 2    | 6     |                                                 | 3     | 5    | 8     |
|     | 30 Beds                          |                             |       |      |       |                                                 |       |      |       |                                                 |       |      |       |
|     | Unadjusted Volume                |                             | 39    | 39   | 78    |                                                 | 4     | 2    | 6     |                                                 | 3     | 5    | 8     |
|     | Internal Capture Trips           |                             | 0     | 0    | 0     |                                                 | 0     | 0    | 0     |                                                 | 0     | 0    | 0     |
|     | Pass-By Trips                    |                             | 0     | 0    | 0     |                                                 | 0     | 0    | 0     |                                                 | 0     | 0    | 0     |
|     | Volume Added to Adjacent Streets |                             | 39    | 39   | 78    |                                                 | 4     | 2    | 6     |                                                 | 3     | 5    | 8     |

Total Weekday Average Daily Trips Internal Capture = 0 Percent

Total Weekday AM Peak Hour of Adjacent Street Traffic Internal Capture = 0 Percent

Total Weekday PM Peak Hour of Adjacent Street Traffic Internal Capture = 0 Percent

\* - Custom rate used for selected time period.



Table 4 - Minimum Public Intersection Spacing Standards

|                                                      | Distance in Feet between Streets of Various Classifications |                                                  |                                                                      |                                                        |                                                              |                                                                        |                                                |                                                                    |                                                |                  |
|------------------------------------------------------|-------------------------------------------------------------|--------------------------------------------------|----------------------------------------------------------------------|--------------------------------------------------------|--------------------------------------------------------------|------------------------------------------------------------------------|------------------------------------------------|--------------------------------------------------------------------|------------------------------------------------|------------------|
|                                                      | Between<br>Minor<br>Arterial<br>and<br>Minor<br>Arterial    | Between<br>Minor<br>Arterial<br>and<br>Collector | Between<br>Minor<br>Arterial<br>and<br>Neighbor<br>hood<br>Collector | Between<br>Minor<br>Arterial<br>and<br>Local<br>Street | Between<br>Collector<br>Street<br>and<br>Collector<br>Street | Between<br>Collector<br>Street<br>and<br>Neighbor<br>hood<br>Collector | Between<br>Collector<br>and<br>Local<br>Street | Between<br>Neighbor<br>hood<br>Collector<br>and<br>Local<br>Street | Between<br>two<br>adjacent<br>Local<br>Streets | Figure<br>Number |
| Measured along a<br>Minor Arterial<br>Street         | 1320                                                        | 800                                              | 600                                                                  | 300                                                    | 600                                                          | 300                                                                    | 150                                            | 150                                                                | 150                                            | 1                |
| Measured along a<br>Collector Street                 | 800                                                         | 800                                              | 600                                                                  | 300                                                    | 600                                                          | 300                                                                    | 150                                            | 150                                                                | 150                                            | 2                |
| Measured along a<br>Neighborhood<br>Collector Street | 800                                                         | 600                                              | 300                                                                  | 300                                                    | 300                                                          | 150                                                                    | 150                                            | 150                                                                | 150                                            | 3                |
| Measured along a<br>Local Street                     | 600                                                         | 600                                              | 300                                                                  | 300                                                    | 300                                                          | 150                                                                    | 150                                            | 150                                                                | 150                                            | 4                |

Source: City of Oregon City Draft Design Standards.



**Crash Analysis and Safety Review Addendum Ro January 23, 2020  
Transportation Analysis Letter (TAL) Submitted to the City of Oregon  
City For Asteria Memory Care Facility at 182 Warner Parrott Road**

Date: February 4, 2020

TO: John Replinger, PE, City of Oregon City

From: Gary Spanovich, Charbonneau Engineering

Copy: Frank Charbonneau, PE

**CRASH ANALYSIS**

Accident data for the three year period between 2015 and 2017 for Warner Parrott Road from Linn Avenue to South End Road, this can be found in the attachments from ODOT.

There were no accidents reported in the immediate vicinity of the site (182 Warner Parrott Road).

The following were the closest intersections with traffic accidents.

- TO THE WEST – To the west the nearest accident location was at King Road & Warner Parrott; In 2016 there were two accidents, one was a driver error and the second was a rear end, failed to avoid driver ahead; the intersection is 450 feet to the east from the proposed site.
- TO THE EAST – To the east the nearest accident was at Birchwood Drive & Warner Parrott; in 2015 a driver was following too close and caused a rear end accident; this intersection is 1200 feet to the east from the proposed site.



OREGON DEPARTMENT OF TRANSPORTATION - TRANSPORTATION DEVELOPMENT DIVISION  
TRANSPORTATION DATA SECTION - CRASH ANALYSIS AND REPORTING UNIT  
CRASH SUMMARIES BY YEAR BY COLLISION TYPE

Crashes on Warner-Parrott Rd between South End Rd & Linn Ave \*\*Including ending Intersections\*\*  
January 1, 2015 through December 31, 2017

| COLLISION TYPE         | FATAL<br>CRASHES | NON-<br>FATAL<br>CRASHES | PROPERTY<br>DAMAGE<br>ONLY | TOTAL<br>CRASHES | PEOPLE<br>KILLED | PEOPLE<br>INJURED | TRUCKS | DRY<br>SURF | WET<br>SURF | DAY | DARK | INTER-<br>SECTION | INTER-<br>SECTION<br>RELATED | OFF-<br>ROAD |
|------------------------|------------------|--------------------------|----------------------------|------------------|------------------|-------------------|--------|-------------|-------------|-----|------|-------------------|------------------------------|--------------|
| YEAR: 2017             |                  |                          |                            |                  |                  |                   |        |             |             |     |      |                   |                              |              |
| TURNING MOVEMENTS      | 0                | 0                        | 1                          | 1                | 0                | 0                 | 0      | 1           | 0           | 1   | 0    | 1                 | 0                            | 0            |
| 2017 TOTAL             | 0                | 0                        | 1                          | 1                | 0                | 0                 | 0      | 1           | 0           | 1   | 0    | 1                 | 0                            | 0            |
| YEAR: 2016             |                  |                          |                            |                  |                  |                   |        |             |             |     |      |                   |                              |              |
| BACKING                | 0                | 1                        | 0                          | 1                | 0                | 1                 | 0      | 1           | 0           | 1   | 0    | 0                 | 1                            | 0            |
| REAR-END               | 0                | 1                        | 1                          | 2                | 0                | 1                 | 0      | 1           | 1           | 1   | 1    | 0                 | 0                            | 0            |
| SIDESWIPE - OVERTAKING | 0                | 1                        | 1                          | 2                | 0                | 1                 | 0      | 1           | 1           | 2   | 0    | 0                 | 0                            | 1            |
| TURNING MOVEMENTS      | 0                | 1                        | 0                          | 1                | 0                | 1                 | 0      | 0           | 1           | 1   | 0    | 1                 | 0                            | 0            |
| 2016 TOTAL             | 0                | 4                        | 2                          | 6                | 0                | 4                 | 0      | 3           | 3           | 5   | 1    | 1                 | 1                            | 1            |
| YEAR: 2015             |                  |                          |                            |                  |                  |                   |        |             |             |     |      |                   |                              |              |
| REAR-END               | 0                | 1                        | 0                          | 1                | 0                | 2                 | 0      | 1           | 0           | 1   | 0    | 0                 | 0                            | 0            |
| 2015 TOTAL             | 0                | 1                        | 0                          | 1                | 0                | 2                 | 0      | 1           | 0           | 1   | 0    | 0                 | 0                            | 0            |
| FINAL TOTAL            | 0                | 5                        | 3                          | 8                | 0                | 6                 | 0      | 5           | 3           | 7   | 1    | 2                 | 1                            | 1            |

**Disclaimers:** Effective 2016, collection of “Property Damage Only” (PDO) crash data elements was reduced for vehicles and participants. Age, Gender, License, Error and other elements are no longer available for PDO crash reporting. Please keep this in mind when comparing 2016 PDO crash data to prior years.

A higher number of crashes may be reported as of 2011 compared to prior years. This does not necessarily reflect an increase in annual crashes. The higher numbers may result from a change to an internal departmental process that allows the Crash Analysis and Reporting Unit to add previously unavailable, non-fatal crash reports to the annual data file. Please be aware of this change when comparing pre-2011 crash statistics. For all disclaimers, see [https://www.oregon.gov/ODOT/Data/documents/Crash\\_Data\\_Disclaimers.pdf](https://www.oregon.gov/ODOT/Data/documents/Crash_Data_Disclaimers.pdf).



OREGON DEPARTMENT OF TRANSPORTATION - TRANSPORTATION DEVELOPMENT DIVISION  
 TRANSPORTATION DATA SECTION - CRASH ANALYSIS AND REPORTING UNIT  
 CITY STREET LOCATIONS BY COUNTY - DRIVER BEHAVIOR FORMAT

Item 8a.

Crashes on Warner-Parrott Rd between South End Rd & Linn Ave \*\*Including ending Intersections\*\*  
 January 1, 2015 through December 31, 2017

## CLACKAMAS COUNTY

|        |            |      |      |             |                                            |                |              |         |       | S<br>U<br>R<br>F | T<br>O<br>T<br>A<br>L | PEOPLE                          |         |                            |                       |                                 |                                 |
|--------|------------|------|------|-------------|--------------------------------------------|----------------|--------------|---------|-------|------------------|-----------------------|---------------------------------|---------|----------------------------|-----------------------|---------------------------------|---------------------------------|
| SERIAL | NO         | DATE | TIME | DAY         | *COUNTY OR<br>CITY NAME                    | CRASH LOCATION | COLL<br>TYPE | EVENT   | CAUSE | ERROR            |                       | V<br>E<br>H<br>I<br>C<br>L<br>E | TYP/OWN | I<br>N<br>J<br>U<br>R<br>Y | D<br>E<br>A<br>T<br>H | A<br>L<br>T<br>E<br>R<br>E<br>D | S<br>E<br>R<br>I<br>O<br>U<br>S |
| 05511  | 11/26/2016 | 7A   | SA   | Oregon City | CANEMAH RD AT WARNER-PARROTT RD            | TURN           | 02           | 028     | WET   | 2                | 011                   | 011                             | 0       | 1                          | N                     | N                               |                                 |
| 01429  | 04/14/2017 | 1P   | FR   | Oregon City | SHENANDOAH DR AT WARNER-PARROTT RD         | TURN           | 02           |         | DRY   | 2                | 010                   | 010                             | 0       | 0                          | N                     | N                               |                                 |
| 03831  | 09/19/2015 | 2P   | SA   | Oregon City | WARNER-PARROTT RD 100 FT W OF BIRCHWOOD DR | REAR           | 07           | 026,043 | DRY   | 2                | 011                   | 011                             | 0       | 2                          | N                     | N                               |                                 |
| 00958  | 02/28/2016 | 8P   | SU   | Oregon City | WARNER-PARROTT RD 75 FT W OF CANEMAH RD    | REAR           | 29           |         | WET   | 2                | 010                   | 010                             | 0       | 0                          | N                     | N                               |                                 |
| 05610  | 12/02/2016 | 7A   | FR   | Oregon City | WARNER-PARROTT RD 100 FT W OF KING RD      | SS-O           | 10           |         | WET   | 2                | 010                   | 010                             | 0       | 0                          | N                     | N                               |                                 |
| 04153  | 09/09/2016 | 12P  | FR   | Oregon City | WARNER-PARROTT RD 140 FT W OF KING RD      | REAR           | 29           | 026     | DRY   | 2                | 011                   | 011                             | 0       | 1                          | N                     | N                               |                                 |
| 04264  | 09/16/2016 | 4P   | FR   | Oregon City | WARNER-PARROTT RD 100 FT W OF LELAND RD    | BACK           | 10           | 011     | DRY   | 2                | 011                   | 011                             | 0       | 1                          | N                     | N                               |                                 |
| 02436  | 05/31/2016 | 3P   | TU   | Oregon City | WARNER-PARROTT RD 70 FT W OF LINN AVE      | SS-O           | 13           | 045     | DRY   | 2                | 011                   | 011                             | 0       | 1                          | N                     | N                               |                                 |



VEHICLE OWNERSHIP CODES

| Code | Short Description | Long Description              |
|------|-------------------|-------------------------------|
| 0    | N/A               | Not collected for PDO Crashes |
| 1    | PRVTE             | Private                       |
| 2    | GOVMT             | Government                    |
| 3    | PUBLC             | Public                        |
| 4    | RENTL             | Rental vehicle                |
| 5    | STOLN             | Stolen vehicle                |
| 9    | UNKN              | Unknown ownership             |



## VEHICLE TYPE CODES

| Code | Short Description | Long Description                                  |
|------|-------------------|---------------------------------------------------|
| 00   | PDO               | Not collected for PDO Crashes                     |
| 01   | PSNGR CAR         | Passenger car, pickup, light delivery, etc.       |
| 02   | BOBTAIL           | Truck tractor with no trailers (bobtail)          |
| 03   | FARM TRCTR        | Farm tractor or self-propelled farm equipment     |
| 04   | SEMI TOW          | Truck Tractor with trailer/mobile home in tow     |
| 05   | TRUCK             | Truck with non-detachable bed, panel, etc.        |
| 06   | MOPED             | Moped, minibike, seated motor scooter, motor bike |
| 07   | SCHL BUS          | School bus (includes van)                         |
| 08   | OTH BUS           | Other bus                                         |
| 09   | MTRCYCLE          | Motorcycle, dirt bike                             |
| 10   | OTHER             | Other: forklift, backhoe, etc.                    |
| 11   | MOTRHOME          | Motorhome                                         |
| 12   | TROLLEY           | Motorized Street Car/Trolley (no rails/wires)     |
| 13   | ATV               | ATV                                               |
| 14   | MTRSCCTR          | Motorized scooter (standing)                      |
| 15   | SNOWMOBILE        | Snowmobile                                        |
| 99   | UNKNOWN           | Unknown vehicle type                              |



## CAUSE CODES

Item 8a.

| Code | Short Description | Medium Description   | Long Description                                   | Code Termination Date |
|------|-------------------|----------------------|----------------------------------------------------|-----------------------|
| 00   | NO CODE           | NO CODE APPLICABLE   | No cause associated at this level                  |                       |
| 01   | TOO-FAST          | TOO FAST FOR COND    | Too fast for conditions (not exceed posted speed)  |                       |
| 02   | NO-YIELD          | FAILED YIELD ROW     | Did not yield right-of-way                         |                       |
| 03   | PAS-STOP          | PASSED STOP SIGN     | Passed stop sign or red flasher                    |                       |
| 04   | DIS SIG           | DISREGRD TRAF SIGNAL | Disregarded traffic signal                         |                       |
| 05   | LEFT-CTR          | LEFT OF CTR/STRADDLE | Drove left of center on two-way road; straddling   |                       |
| 06   | IMP-OVER          | IMPROPER PASSING     | Improper overtaking                                |                       |
| 07   | TOO-CLOS          | FOLLOW TOO CLOSE     | Followed too closely                               |                       |
| 08   | IMP-TURN          | IMPROPER TURN        | Made improper turn                                 |                       |
| 09   | DRINKING          | ALC OR DRUGS         | Alcohol or Drug Involved                           | 12/31/2002            |
| 10   | OTHR-IMP          | OTHER DRIVE ERR      | Other improper driving                             |                       |
| 11   | MECH-DEF          | MECH DEFECT          | Mechanical defect                                  |                       |
| 12   | OTHER             | OTHER                | Other (not improper driving)                       |                       |
| 13   | IMP LN C          | IMP LANE CHANGE      | Improper change of traffic lanes                   |                       |
| 14   | DIS TCD           | DISRG OTHR TCD       | Disregarded other traffic control device           |                       |
| 15   | WRNG WAY          | WRONG WAY / 1-WAY RD | Wrong way on one-way road; wrong side divided road |                       |
| 16   | FATIGUE           | DRIVER FATIGUED      | Driver drowsy/fatigued/sleepy                      |                       |
| 17   | ILLNESS           | PHYSICAL ILLNESS     | Physical illness                                   |                       |
| 18   | IN RDWY           | ILLEGALLY IN RDWY    | Non-motorist illegally in roadway                  |                       |
| 19   | NT VISBL          | NOT VISIBLE          | Non-motorist not visible; non-reflective clothing  |                       |
| 20   | IMP PKNG          | IMPROPER PARKING     | Vehicle improperly parked                          |                       |
| 21   | DEF STER          | DEFECTIVE STEERING   | Defective steering mechanism                       |                       |
| 22   | DEF BRKE          | DEFECTIVE BRAKES     | Inadequate or no brakes                            |                       |
| 24   | LOADSHFT          | LOAD SHIFTED         | Vehicle lost load or load shifted                  |                       |
| 25   | TIREFAIL          | TIRE FAILURE         | Tire Failure                                       |                       |
| 26   | PHANTOM           | PHANTOM VEHICLE      | Phantom / Non-contact Vehicle                      |                       |
| 27   | INATTENT          | INATTENTION          | Inattention                                        |                       |
| 28   | NM INATT          | NON-MTRST INATTENT   | Non-Motorist Inattention                           |                       |
| 29   | F AVOID           | FAIL AVOID VEH AHEAD | Failed to avoid vehicle ahead                      |                       |
| 30   | SPEED             | EXCED POSTED SPEED   | Driving in excess of posted speed                  |                       |
| 31   | RACING            | SPEED RACING         | Speed Racing (per PAR)                             |                       |
| 32   | CARELESS          | CARELESS DRIVING     | Careless Driving (per PAR)                         |                       |
| 33   | RECKLESS          | RECKLESS DRIVING     | Reckless Driving (per PAR)                         |                       |
| 34   | AGGRESV           | AGGRESSIVE DRIVING   | Aggressive Driving (per PAR)                       |                       |
| 35   | RD RAGE           | ROAD RAGE            | Road Rage (per PAR)                                |                       |
| 40   | VIEW OBS          | VIEW OBSCURED        | View obscured                                      |                       |
| 50   | USED MDN          | IMP USE MEDIAN/SHLDR | Improper use of median or shoulder                 |                       |
| 51   | FAIL LN           | F MAINT LANE         | Failed to maintain lane                            | 12/31/2015            |
| 52   | OFF RD            | RAN OFF RD           | Ran off road                                       | 12/31/2015            |



## ERR CODES

| Code | Short Description | Medium Description | Long Description                                                                            |
|------|-------------------|--------------------|---------------------------------------------------------------------------------------------|
| 000  | NONE              | NO ERROR           | No error                                                                                    |
| 001  | WIDE TRN          | WIDE TURN          | Wide turn                                                                                   |
| 002  | CUT CORN          | CUT CORNER         | Cut corner on turn                                                                          |
| 003  | FAIL TRN          | F OBEY TRN         | Failed to obey mandatory traffic turn signal, sign or lane markings                         |
| 004  | L IN TRF          | LTRN FNT TRAF      | Left turn in front of oncoming traffic                                                      |
| 005  | L PROHIB          | LTRN PROHIB        | Left turn where prohibited                                                                  |
| 006  | FRM WRNG          | T FRM WRNG LN      | Turned from wrong lane                                                                      |
| 007  | TO WRONG          | T TO WRONG LN      | Turned into wrong lane                                                                      |
| 008  | ILLEG U           | ILLEG U-TURN       | U-turned illegally                                                                          |
| 009  | IMP STOP          | IMP STOP           | Improperly stopped in traffic lane                                                          |
| 010  | IMP SIG           | IMP/FAIL SIG       | Improper signal or failure to signal                                                        |
| 011  | IMP BACK          | IMP BACKING        | Backing improperly (not parking)                                                            |
| 012  | IMP PARK          | IMP PARKED         | Improperly parked                                                                           |
| 013  | UNPARK            | IMP STRT PARK      | Improper start leaving parked position                                                      |
| 014  | IMP STRT          | IMP STRT STOP      | Improper start from stopped position                                                        |
| 015  | IMP LGHT          | IMP/NO LIGHTS      | Improper or no lights (vehicle in traffic)                                                  |
| 016  | INATTENT          | INATTENTION        | Inattention (Failure to Dim Lights prior to 4/1/97)                                         |
| 017  | UNSF VEH          | DR UNSAFE VEH      | Driving unsafe vehicle (no other error apparent)                                            |
| 018  | OTH PARK          | PRK MAN N/CLR      | Entering/exiting parked position w/ insufficient clearance; other improper parking maneuver |
| 019  | DIS DRIV          | DISRG DR SIG       | Disregarded other driver's signal                                                           |
| 020  | DIS SGNL          | DISRG TRF SIG      | Disregarded traffic signal                                                                  |
| 021  | RAN STOP          | DISRG STP SGN      | Disregarded stop sign or flashing red                                                       |
| 022  | DIS SIGN          | DISRG WRN SGN      | Disregarded warning sign, flares or flashing amber                                          |
| 023  | DIS OFCR          | DISRG POL/FLG      | Disregarded police officer or flagman                                                       |
| 024  | DIS EMER          | DISRG SIR/EMR      | Disregarded siren or warning of emergency vehicle                                           |
| 025  | DIS RR            | DISRG RR SIG       | Disregarded RR signal, RR sign, or RR flagman                                               |
| 026  | REAR-END          | F AVOID STP V      | Failed to avoid stopped or parked vehicle ahead other than school bus                       |
| 027  | BIKE ROW          | F/YLD ROW BIK      | Did not have right-of-way over pedalcyclist                                                 |
| 028  | NO ROW            | NO R-O-W           | Did not have right-of-way                                                                   |
| 029  | PED ROW           | F/YLD ROW PED      | Failed to yield right-of-way to pedestrian                                                  |
| 030  | PAS CURV          | PASS ON CURVE      | Passing on a curve                                                                          |
| 031  | PAS WRNG          | PASS WRNG SID      | Passing on the wrong side                                                                   |
| 032  | PAS TANG          | PASS TANGENT       | Passing on straight road under unsafe conditions                                            |
| 033  | PAS X-WK          | PASS STP4PED       | Passed vehicle stopped at crosswalk for pedestrian                                          |
| 034  | PAS INTR          | PASS AT INTER      | Passing at intersection                                                                     |
| 035  | PAS HILL          | PASS ON HILL       | Passing on crest of hill                                                                    |
| 036  | N/PAS ZN          | PASS N/PASSNG      | Passing in "No Passing" zone                                                                |
| 037  | PAS TRAF          | PASS ONC TRAF      | Passing in front of oncoming traffic                                                        |
| 038  | CUT-IN            | CUTTING IN         | Cutting in (two lanes - two way only)                                                       |
| 039  | WRNGSIDE          | DR WRONG SIDE      | Driving on wrong side of the road (2-way undivided roadways)                                |
| 040  | THRU MED          | DR THRU MEDN       | Driving through safety zone or over island                                                  |
| 041  | F/ST BUS          | F/STP SCHLBUS      | Failed to stop for school bus                                                               |
| 042  | F/SLO MV          | F/SLO SLO VEH      | Failed to decrease speed for slower moving vehicle                                          |
| 043  | TOO CLOSE         | FOLLW TO CLOS      | Following too closely (must be on officer's report)                                         |
| 044  | STRDL LN          | STRD/DR WRNG       | Straddling or driving on wrong lanes                                                        |
| 045  | IMP CHG           | IMP LANE CHG       | Improper change of traffic lanes                                                            |



## ERR CODES

Item 8a.

| Code | Short Description | Medium Description | Long Description                                                    |
|------|-------------------|--------------------|---------------------------------------------------------------------|
| 046  | WRNG WAY          | WRNG WY/1 WAY      | Wrong way on one-way roadway; wrong side divided road               |
| 047  | BASCRULE          | V BASIC RULE       | Driving too fast for conditions (not exceeding posted speed)        |
| 048  | OPN DOOR          | OPN DOOR TRAF      | Opened door into adjacent traffic lane                              |
| 049  | IMPEDING          | IMPEDING TRAF      | Impeding Traffic                                                    |
| 050  | SPEED             | SPEED              | Driving in excess of posted speed                                   |
| 051  | RECKLESS          | RECKLSS DRVNG      | Reckless driving (per PAR)                                          |
| 052  | CARELESS          | CARELSS DRVNG      | Careless driving (per PAR)                                          |
| 053  | RACING            | RACING             | Speed Racing (per PAR)                                              |
| 054  | X N/SGNL          | X-INT NO SGNL      | Crossing at intersection, no traffic signal present                 |
| 055  | X W/SGNL          | X-INT W/ SGNL      | Crossing at intersection, traffic signal present                    |
| 056  | DIAGONAL          | X-INT DIAGNL       | Crossing at intersection - diagonally                               |
| 057  | BTWN INT          | X-BTWN INTER       | Crossing between intersections                                      |
| 059  | W/TRAF-S          | W SHLD W/TRAF      | Walking, running, riding, etc., on shoulder WITH traffic            |
| 060  | A/TRAF-S          | W SHLD A/TRAF      | Walking, running, riding, etc., on shoulder FACING traffic          |
| 061  | W/TRAF-P          | W PAVE W/TRAF      | Walking, running, riding, etc., on pavement WITH traffic            |
| 062  | A/TRAF-P          | W PAVE A/TRAF      | Walking, running, riding, etc., on pavement FACING traffic          |
| 063  | PLAYINRD          | PLAY IN RDWY       | Playing in street or road                                           |
| 064  | PUSH MV           | PUSH MV IN RD      | Pushing or working on vehicle in road or on shoulder                |
| 065  | WORK IN RD        | WORK IN RD         | Working in roadway or along shoulder                                |
| 070  | LAY ON RD         | LYING IN RD        | Standing or lying in roadway                                        |
| 071  | NM IMP USE        | N-M IMP USE        | Improper use of traffic lane by non-motorist                        |
| 073  | ELUDING           | ELUDING            | Eluding / Attempt to elude                                          |
| 079  | F NEG CURV        | FAIL NEG CURV      | Failed to negotiate a curve                                         |
| 080  | FAIL LN           | F MAINT LANE       | Failed to maintain lane                                             |
| 081  | OFF RD            | RAN OFF RD         | Ran off road                                                        |
| 082  | NO CLEAR          | MISJUDGE CLR       | Driver misjudged clearance                                          |
| 083  | OVRSTEER          | OVERSTEER          | Over-correcting                                                     |
| 084  | NOT USED          | NOT USED           | Code not in use                                                     |
| 085  | OVRLOAD           | OVERLOAD           | Overloading or improper loading of vehicle with cargo or passengers |
| 097  | UNA DIS TC        | UNA DISRG TCD      | Unable to determine which driver disregarded traffic control device |



## EVENT CODES

| Code | Short Description | Medium Description  | Long Description                                                                              |
|------|-------------------|---------------------|-----------------------------------------------------------------------------------------------|
| 001  | FEL/JUMP          | FELL/JUMPED MV      | Occupant fell, jumped or was ejected from moving vehicle                                      |
| 002  | INTERFER          | PSNGR INTERFERED    | Passenger interfered with driver                                                              |
| 003  | BUG INTF          | ANML INTERFERED     | Animal or insect in vehicle interfered with driver                                            |
| 004  | INDRCT PED        | PED INDRCTLY INVLV  | Pedestrian indirectly involved (not struck)                                                   |
| 005  | SUB-PED           | SUBSEQUENT PED      | "Sub-Ped": pedestrian injured subsequent to collision, etc.                                   |
| 006  | INDRCT BIK        | BIKE INDRCTLY INVLV | Pedalcyclist indirectly involved (not struck)                                                 |
| 007  | HITCHIKR          | HITCHHIKER          | Hitchhiker (soliciting a ride)                                                                |
| 008  | PSNGR TOW         | PSNGR TOWED         | Passenger or non-motorist being towed or pushed on conveyance                                 |
| 009  | ON/OFF V          | ON/OFF STOP VEH     | Getting on/off stopped/parked vehicle (occupants only; must have physical contact w/ vehicle) |
| 010  | SUB OTRN          | SUBSEQ OVERTURN     | Overtaken after first harmful event                                                           |
| 011  | MV PUSHED         | VEH BEING PUSHED    | Vehicle being pushed                                                                          |
| 012  | MV TOWED          | VEH TOWED/TOWING    | Vehicle towed or had been towing another vehicle                                              |
| 013  | FORCED            | FORCED BY IMPACT    | Vehicle forced by impact into another vehicle, pedalcyclist or pedestrian                     |
| 014  | SET MOTN          | MV SET IN MOTION    | Vehicle set in motion by non-driver (child released brakes, etc.)                             |
| 015  | RR ROW            | RAILROAD ROW        | At or on railroad right-of-way (not Light Rail)                                               |
| 016  | LT RL ROW         | LIGHT RAIL ROW      | At or on Light-Rail right-of-way                                                              |
| 017  | RR HIT V          | TRAIN HIT VEH       | Train struck vehicle                                                                          |
| 018  | V HIT RR          | VEH HIT TRAIN       | Vehicle struck train                                                                          |
| 019  | HIT RR CAR        | VEH HIT RR CAR      | Vehicle struck railroad car on roadway                                                        |
| 020  | JACKKNIFE         | JACKKNIFE           | Jackknife; trailer or towed vehicle struck towing vehicle                                     |
| 021  | TRL OTRN          | TRAILER O'TURN      | Trailer or towed vehicle overturned                                                           |
| 022  | CN BROKE          | TRLR CONN BROKE     | Trailer connection broke                                                                      |
| 023  | DETACH TRL        | DETCHD TRLR STRKNG  | Detached trailing object struck other vehicle, non-motorist, or object                        |
| 024  | V DOOR OPN        | V DOOR OPN IN TRAF  | Vehicle door opened into adjacent traffic lane                                                |
| 025  | WHEELOFF          | WHEEL CAME OFF      | Wheel came off                                                                                |
| 026  | HOOD UP           | HOOD FLEW UP        | Hood flew up                                                                                  |
| 028  | LOAD SHIFT        | LOAD SHIFTED        | Lost load, load moved or shifted                                                              |
| 029  | TIREFAIL          | TIRE FAILURE        | Tire failure                                                                                  |
| 030  | PET               | PET                 | Pet: cat, dog and similar                                                                     |
| 031  | LVSTOCK           | LIVESTOCK           | Stock: cow, calf, bull, steer, sheep, etc.                                                    |
| 032  | HORSE             | HORSE               | Horse, mule, or donkey                                                                        |
| 033  | HRSE&RID          | HORSE & RIDER       | Horse and rider                                                                               |
| 034  | GAME              | GAME NO DEER/ELK    | Wild animal, game (includes birds; not deer or elk)                                           |
| 035  | DEER ELK          | DEER OR ELK         | Deer or elk, wapiti                                                                           |
| 036  | ANML VEH          | ANIMAL-DRAWN VEH    | Animal-drawn vehicle                                                                          |
| 037  | CULVERT           | CULVERT/MANHOLE     | Culvert, open low or high manhole                                                             |
| 038  | ATENUATN          | IMPACT CUSHION      | Impact attenuator                                                                             |
| 039  | PK METER          | PARKING METER       | Parking meter                                                                                 |
| 040  | CURB              | CURB                | Curb (also narrow sidewalks on bridges)                                                       |
| 041  | JIGGLE            | JIGGLE BAR N/MED    | Jiggle bar or traffic snake for channelization                                                |



## EVENT CODES

| Code | Short Description | Medium Description  | Long Description                                                                 |
|------|-------------------|---------------------|----------------------------------------------------------------------------------|
| 042  | GDRL END          | GUARDRAIL END       | Leading edge of guardrail                                                        |
| 043  | GARDRAIL          | GUARDRAIL           | Guard rail (not metal median barrier)                                            |
| 044  | BARRIER           | MEDIAN BARRIER      | Median barrier (raised or metal)                                                 |
| 045  | WALL              | WALL                | Retaining wall or tunnel wall                                                    |
| 046  | BR RAIL           | BRIDGE RAIL         | Bridge railing or parapet (on bridge or approach)                                |
| 047  | BR ABUTMNT        | BRIDGE ABUTMENT     | Bridge abutment (included "approach end" thru 2013)                              |
| 048  | BR COLMN          | BRIDGE COLUMN       | Bridge pillar or column                                                          |
| 049  | BR GIRDR          | BRIDGE GIRDER       | Bridge girder (horizontal bridge structure overhead)                             |
| 050  | ISLAND            | TRAFFIC ISLAND      | Traffic raised island                                                            |
| 051  | GORE              | GORE                | Gore                                                                             |
| 052  | POLE UNK          | POLE-UNKNOWN        | Pole – type unknown                                                              |
| 053  | POLE UTL          | POLE-UTILITY        | Pole – power or telephone                                                        |
| 054  | ST LIGHT          | POLE-ST LIGHT       | Pole – street light only                                                         |
| 055  | TRF SGNL          | POLE-TRAF SIGNAL    | Pole – traffic signal and ped signal only                                        |
| 056  | SGN BRDG          | POLE-SIGN BRIDGE    | Pole – sign bridge                                                               |
| 057  | STOPSIGN          | STOP/YIELD SIGN     | Stop or yield sign                                                               |
| 058  | OTH SIGN          | OTHER SIGN          | Other sign, including street signs                                               |
| 059  | HYDRANT           | HYDRANT             | Hydrant                                                                          |
| 060  | MARKER            | DELINEATOR          | Delineator or marker (reflector posts)                                           |
| 061  | MAILBOX           | MAILBOX             | Mailbox                                                                          |
| 062  | TREE              | TREE/STUMP          | Tree, stump or shrubs                                                            |
| 063  | VEG OHED          | VEGTN OVER RDWY     | Tree branch or other vegetation overhead, etc.                                   |
| 064  | WIRE/CBL          | CABLE ACROSS RD     | Wire or cable across or over the road                                            |
| 065  | TEMP SGN          | TEMP SIGN/BARR      | Temporary sign or barricade in road, etc.                                        |
| 066  | PERM SGN          | PERM SIGN/BARR      | Permanent sign or barricade in/off road                                          |
| 067  | SLIDE             | SLIDE/ROCKS         | Slides, fallen or falling rocks                                                  |
| 068  | FRGN OBJ          | FOREIGN OBJECT      | Foreign obstruction/debris in road (not gravel)                                  |
| 069  | EQP WORK          | EQUIP WORKING       | Equipment working in/off road                                                    |
| 070  | OTH EQP           | OTHER EQUIPMENT     | Other equipment in or off road (includes parked trailer, boat)                   |
| 071  | MAIN EQP          | MAINTNCE EQUIP      | Wrecker, street sweeper, snow plow or sanding equipment                          |
| 072  | OTHER WALL        | OTHER WALL          | Rock, brick or other solid wall                                                  |
| 073  | IRRGL PVMT        | IRREGULAR PAVEMENT  | Other bump (not speed bump), pothole or pavement irregularity (per PAR)          |
| 074  | OVERHD OBJ        | OTHER OVERHEAD OBJ  | Other overhead object (highway sign, signal head, etc.); not bridge              |
| 075  | CAVE IN           | CAVE IN             | Bridge or road cave in                                                           |
| 076  | HI WATER          | HIGH WATER          | High Water                                                                       |
| 077  | SNO BANK          | SNOW BANK           | Snow Bank                                                                        |
| 078  | LO-HI EDGE        | LOW-HIGH PVMNT EDGE | Low or high shoulder at pavement edge                                            |
| 079  | DITCH             | CUT SLOPE/DITCH     | Cut slope or ditch embankment                                                    |
| 080  | OBJ FRM MV        | OBJ FRM OTHR VEH    | Struck by rock or other object set in motion by other vehicle (incl. lost loads) |
| 081  | FLY-OBJ           | OTHER MOVING OBJ    | Struck by rock or other moving or flying object (not set in motion by vehicle)   |
| 082  | VEH HID           | VEH OBSCURE VIEW    | Vehicle obscured view                                                            |
| 083  | VEG HID           | VEG OBSCURE VIEW    | Vegetation obscured view                                                         |
| 084  | BLDG HID          | BLD OBSCURE VIEW    | View obscured by fence, sign, phone booth, etc.                                  |



## EVENT CODES

Item 8a.

| Code | Short Description | Medium Description   | Long Description                                                            |
|------|-------------------|----------------------|-----------------------------------------------------------------------------|
| 085  | WIND GUST         | WIND GUST            | Wind Gust                                                                   |
| 086  | IMMERSED          | IMMERSION            | Vehicle immersed in body of water                                           |
| 087  | FIRE/EXP          | FIRE/EXPLOSION       | Fire or explosion                                                           |
| 088  | FENC/BLD          | FENCE/BUILDING       | Fence or building, etc.                                                     |
| 089  | OTHR CRASH        | REFER OTHR CRASH     | Crash related to another separate crash                                     |
| 090  | TO 1 SIDE         | TWO WAY ONE SIDE     | Two-way traffic on divided roadway all routed to one side                   |
| 091  | BUILDING          | BUILDING             | Building or other structure                                                 |
| 092  | PHANTOM           | PHANTOM VEH          | Other (phantom) non-contact vehicle                                         |
| 093  | CELL PHONE        | CELL PHONE PER PAR   | Cell phone (on PAR or driver in use)                                        |
| 094  | VIOL GDL          | VIOL GRAD DR LIC     | Teenage driver in violation of graduated license pgm                        |
| 095  | GUY WIRE          | GUY WIRE             | Guy wire                                                                    |
| 096  | BERM              | BERM                 | Berm (earthen or gravel mound)                                              |
| 097  | GRAVEL            | GRAVEL IN RDWY       | Gravel in roadway                                                           |
| 098  | ABR EDGE          | ABRUPT EDGE          | Abrupt edge                                                                 |
| 099  | CELL WTNSD        | CELL PHONE WITNESSED | Cell phone use witnessed by other participant                               |
| 100  | UNK FIXD          | UNK FIX OBJ          | Fixed object, unknown type.                                                 |
| 101  | OTHER OBJ         | OTHER OBJ NOT FIXED  | Non-fixed object, other or unknown type                                     |
| 102  | TEXTING           | TEXTING              | Texting                                                                     |
| 103  | WZ WORKER         | WZ WORKER            | Work Zone Worker                                                            |
| 104  | ON VEHICLE        | RIDE ON VEH EXTERIOR | Passenger riding on vehicle exterior                                        |
| 105  | PEDAL PSGR        | PSNGR ON PEDALCYCLE  | Passenger riding on pedalcycle                                              |
| 106  | MAN WHLCHR        | NONMOTOR WHEELCHAIR  | Pedestrian in non-motorized wheelchair                                      |
| 107  | MTR WHLCHR        | MOTORIZED WHEELCHAIR | Pedestrian in motorized wheelchair                                          |
| 108  | OFFICER           | POLICE OFFICER       | Law Enforcement / Police Officer                                            |
| 109  | SUB-BIKE          | SUBSEQUENT BICYCLIST | "Sub-Bike": pedalcyclist injured subsequent to collision, etc.              |
| 110  | N-MTR             | NM STR VEH           | Non-motorist struck vehicle                                                 |
| 111  | S CAR VS V        | ST CAR STRUCK VEH    | Street Car/Trolley (on rails or overhead wire system) struck vehicle        |
| 112  | V VS S CAR        | VEH STRUCK ST CAR    | Vehicle struck Street Car/Trolley (on rails or overhead wire system)        |
| 113  | S CAR ROW         | STREET CAR ROW       | At or on street car or trolley right-of-way                                 |
| 114  | RR EQUIP          | VEH STRUCK RR EQUIP  | Vehicle struck railroad equipment (not train) on tracks                     |
| 115  | DSTRCT GPS        | DISTRACT GPS DEVICE  | Distracted by navigation system or GPS device                               |
| 116  | DSTRCT OTH        | DISTRACT OTHR DEVICE | Distracted by other electronic device                                       |
| 117  | RR GATE           | RR DROP-ARM GATE     | Rail crossing drop-arm gate                                                 |
| 118  | EXPNSN JNT        | EXPANSION JOINT      | Expansion joint                                                             |
| 119  | JERSEY BAR        | JERSEY BARRIER       | Jersey barrier                                                              |
| 120  | WIRE BAR          | WIRE BARRIER         | Wire or cable median barrier                                                |
| 121  | FENCE             | FENCE                | Fence                                                                       |
| 123  | OBJ IN VEH        | LOOSE OBJ IN VEHICLE | Loose object in vehicle struck occupant                                     |
| 124  | SLIPPERY          | SLIPPERY SURFACE     | Sliding or swerving due to wet, icy, slippery or loose surface (not gravel) |
| 125  | SHLDR             | SHLDR GAVE           | Shoulder gave way                                                           |
| 126  | BOULDER           | ROCKS / BOULDER      | Rock(s), boulder (not gravel; not rock slide)                               |
| 127  | LAND SLIDE        | ROCK OR LAND SLIDE   | Rock slide or land slide                                                    |
| 128  | CURVE INV         | CURVE PRESENT        | Curve present at crash location                                             |



EVENT CODES

| Code | Short<br>Description | Medium<br>Description | Long<br>Description                             |
|------|----------------------|-----------------------|-------------------------------------------------|
| 129  | HILL INV             | HILL PRESENT          | Vertical grade / hill present at crash location |
| 130  | CURVE HID            | CURVE OBSCURED VIEW   | View obscured by curve                          |
| 131  | HILL HID             | HILL OBSCURED VIEW    | View obscured by vertical grade / hill          |
| 132  | WINDOW HID           | WINDOW VIEW OBSCURED  | View obscured by vehicle window conditions      |
| 133  | SPRAY HID            | SPRAY OBSCURED VIEW   | View obscured by water spray                    |
| 134  | TORRENTIAL           | TORRENTIAL RAIN       | Torrential Rain (exceptionally heavy rain)      |



# Geotechnical Investigation

182 Warner Parrott Road  
Oregon City, Oregon

Prepared for:  
Waterstone Investments  
3 December 2019



3915 SW Plum Street  
Portland, OR 97219  
503-816-3689



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## SUPPORTING DATA

Figure 1      Site Location  
Figure 2      Tax lot Map  
Figure 3      Testing Locations  
Laboratory data and Soil logs



## 1.0 PROJECT AND SITE DESCRIPTIONS

Rapid Soil Solutions Inc (RSS) has prepared this geotechnical report, as requested, for the proposed remodel and addition to the existing structure located at the street address of 192 Warner Parrott Road in Oregon City, Oregon (97045). The site is located in the 'South End' neighborhood of Oregon City, OR. It is positioned on the southern side of Warner Parrott Road roughly 800 feet east of South End Road and 3,900 feet west of its intersection with Leland Road. The site is positioned within a residential neighborhood surrounded on all sides by single family dwellings. East of the site the adjacent lots are assigned the street addresses of 18601 and 18621 Boynton Street. West of the site the adjacent dwelling is assigned the street address of 170 Warner Parrott Road.

The site can be found in the northwest quarter of the southwest quarter of Section 06, Township 3-South, Range 2-East (W.M.) in Clackamas County and can be distinguished by the lot number 1502. The state tax lot identification number is 32E06CB01502. The modern property dimensions were established by Partition Plat Number 2005-043, where the lot was designated 'parcel 1'. The latitude and longitude of the site are 45.337004 and -122.619628 (45°20'13.2"N, 122°37'10.7"W). The site can be found in the northwestern quarter of the Oregon City 7.5-minute quadrangle (SE ¼ of the Oregon City 15' Quad).

RSS understands that the proposed additions will add square footage along the southern, western, and northern ends of the existing structure. RSS understands that the detached garage in the southeastern corner of the parcel will be demolished as part of the remodel. RSS understands that the existing structure is an adult care facility; RSS additionally understands that the proposed future use is consistent with the existing use of the site.

## 2.0 SITE CONDITIONS

### 2.1 Surface Conditions

The subject site is situated within a residential neighborhood within the incorporated area of Oregon City. The site is situated within the original boundary of the city, incorporated in 1844 as the first incorporated city established west of the Rocky Mountains. The site is part of the upland area of the city, in a suburban neighborhood. The local zoning is R-10 within a Low-Density Residential district of the City's comprehensive plan. The site is surrounded on all sides by single-family residential dwellings. The site is half a block west of Chapin Park, 400 feet south of King Elementary School, and 340 feet northeast of the Oregon Christian Church. The subject site and surrounding parcels are generally occupied by dwellings surrounded by short-cropped grass lawns and scattered trees.

#### *General Site Conditions*

The subject site currently contains a 6,003 square foot structure originally constructed in 2005. A detached garage is positioned in the southeastern corner of the site. RSS understands that the existing structure is utilized as an adult care facility. Roughly half of the front yard area is occupied by a stamped concrete driveway; this driveway extends along the eastern edge of the structure to the detached garage. The non-developed portions of the parcel



contain a short-cropped grass, a number of small trees are scattered along the western margin of the subject site.

Warner Parrott Road in front of the subject site is an undivided, two-lane road with bike lanes and street parking on the southern side. The road contains curbs and sidewalks on both sides.

#### *Historic Site Conditions*

Historic aerial imagery dating back to 1952 was referenced as part of this investigation. These indicated that the land including and surrounding the subjected site was agricultural in 1952. An orchard was positioned to the east of the site, and the subject parcel appears to be bisected by an access road to some agricultural buildings. The 1960 and 1970 images appear to depict relatively consistent conditions on the subject site. Many of the trees on the parcel were removed in the decades and the orchard east of the site was converted to fields. Residential development along Warner Parrott Road appeared to slowly progress around and after the 1960s. By 1970, a row of single-family dwellings are present on the northern side of Warner Parrott Road.

By 1981, the subject site is still part of a moderately large agricultural parcel, surrounded on most sides by single-family residential development. This pocket of land was partitioned and developed between 1994 and 2000; the northern end of the property, containing the original farm house appears to have been left intact. The subject site occupied the eastern side yard of the farmhouse, which appears to still be standing at 170 Warner Parrott Road. The subject site was utilized as a side-yard/vegetable garden until 2005.

Construction of the easing structure can be observed in the image collected in 07/2005. The sit fence and disturbed soils extend up to 25 feet from the edge of the structure. In 2007 and 2008, the front yard area appears to have been mulched, displaying a dark brown coloration. By 2010, both the front and rear yard contained short cropped grasses. No major changes appear to have occurred on site since the existing structures and driveway were completed in 2005.

#### *Slopes*

Regionally the subject site is positioned within on the informally named, Oregon City Plateau. This region forms a low-relief, upland surface that extends southwards from Oregon City. This area is capped by a basaltic flow from the latest Pliocene, creating a platform of loess erodible materials. Along the edges of the plateau, incised streams cut steep sided drainages into the underlying sedimentary rock. The slopes at the subject site are low-relief, consistent with the low-relief nature of the upland platform. The nearest slope break is 0.4 miles northwest of the subject site, at the crest of a northwest-falling landslide above the Willamette River.

Two-foot contours of the subject site, presented by Metro Map and by Oregon City Maps Online, indicate that there is roughly 4-6 feet of elevation change across the subject site. The average slope is about 2-3%. The slopes are descending gently towards the northeast.



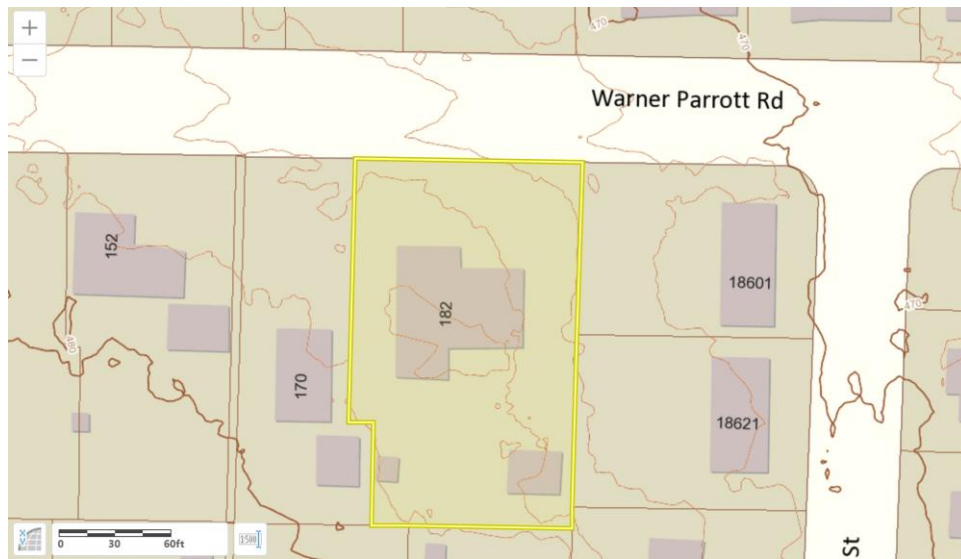


Figure 1: Two-foot contours at the subject site. Oregon City Maps Online.

## 2.2 Regional Geology

Current geologic literature classifies the slopes underlying the subject site as a flow of the Pliocene-Pleistocene Boring volcanic field. Madin (2009) classifies the flows underlying the subject site as Basalt of Canemah, a flow unit mapped capping the majority of the local upland surface. The site is generally tucked within the forearc basin of the Cascadia Subdivision system, near the northern/northwestern end of an area informally called the Oregon City Plateau.

### *Geologic History*

The site is tucked between the northern edge of the Northern Willamette Valley and the southern edge of the Portland Basin. These basins are part of the Willamette Lowland in Oregon and among of several topographic and structural depressions that collectively constitute the Puget-Willamette forearc trough of the Cascadia subduction system. The topographic and structural basins generally have low topographic relief, except where dissected by modern rivers and creeks. Structural features in the underlying bedrock (faulting and folding) primarily control the surrounding uplands. The basin formed due to tectonic compressional stress that both intimated and produced prolonged enlargement. They contain a thick accumulation of material preserving a complex record of deposition and erosion (aggradation and incision) within the basins that were emplaced concurrent with basin development. These basin-fill sediments form a thick section, generally divided into a lower mudstone (Sandy River Mudstone) and an upper conglomerate (Troutdale Formation).

The northern eastern edge of the Northern Willamette Valley and Portland Basin are dotted with dozens of young extinct volcanoes known as the Boring volcanic field. These Boring eruptive events formed isolated hills and hill clusters that rise up to 200 meters above the surrounding landscape. Many of the hills are monogenetic volcanoes erupted west of the Cascade arc axis beginning in latest Pliocene time. Boring centers consist of cinder cones and associated lava flows, small shields and lava cones. In the Oregon City area, the flows from a



set of vents southeast of the subject site created a slightly less erodible platform, informally named the Oregon City Plateau. Along the edge of the plateau, where rivers, creeks and streams have incised through the cap formed by the boring volcanic flow, the morphology typically displayed a sharp drop into the underlying sedimentary rock. These steep sided canyons include those containing the Willamette River, Clackamas River, Abernethy Creek, and their tributaries. These areas are prone towards landslides. The nearest slope break to the subject site is 0.4 miles to the north.

The elevation of the plateau ranges from about 120 to 210 meters in elevation. Structurally, the local region consists of a largely flat-lying sequence of volcanic and sedimentary rocks cut by two major and several minor N to NW trending faults.

### *Site Geology*

The geology at the site is mapped as part of the Boring Volcanic field. These flows are typically light-grey to grey colored basalt and basaltic andesite flows that erupted from a series of local vents. These cones are comprised of interstratified cinders and lava. The lava flows typically display block to columnar jointing and, if preserved, vesicular flow tops. Typical eruptive events were brief, during which the volcano built up a cinder cone, which may have then filled with a lava lake that eventually broke out of the crater and flowed across the surrounding landscape. The Boring cinders and lavas weather very rapidly in the wet Portland climate. Cinder cones become masses of red and yellow clay, and lava flows decompose into large rounded core-stones surrounded by sticky red clay. It is noted that flows are often poorly exposed due to deep weathering and thick mantles of loess.

Madin (2009: GMS-119) further classifies the flows at the subject site the flows as the Basalt of Canemah. The flow or flows of dark gray medium-grained, olivine basalt classified as part of this unit, underlies much of the center of the Oregon City 7.5-minute quadrangle. This basalt is typically massive with jointing restricted to well-developed to crude columns 0.6 to 1.5 meters across. Weathering is observed to extend to depths of 3 to 6 meters. In many excavations observed by Madin, all that remained of the highly weathered flows were scattered large rounded corestones within a matrix of red clay. Where observed, intact weathered basalt is typically soft and grey, white or pink with abundant red clay coatings on joint faces.

The weathered top of the basalt of Canemah is locally overlain by massive red-brown to brown sandy silty clay. The material is apparently sedimentary in origin, comprising a matrix of red-brown to brown clay with variable amounts of heterogenous lithic sand, silt, fine lithic and feldspathic sand and rare angular quartz sand. This unit is patchy and appears to never exceed 1-3 meters. The source of this deposit may include airfall tephra from later Boring eruptions, windblown sediments and/or an alluvial component from the earliest drainages established of the surface of the basalt.



## 2.3 Field Exploration and Subsurface Conditions

### 2.3.1 Field Explorations

RSS conducted field explorations of the subject on November 19<sup>th</sup>, 2019. RSS traversed all exterior areas of the subject site and viewed adjacent parcels from the site and Warner Parrott Road. The conditions observed on site are consistent with the mapped information presented above.

The slopes on the subject site are very low and are smooth. Some grading was likely conducted when the house was constructed.

No surface water, springs or pockets of unusual vegetation were observed on the interior areas of the subject site. No substantial grade changes are present on the subject site. No indications of active instability such as tension cracks, sunken grades, rotated blocks, scarps or other suspicious morphological features were observed.

The soils on the subject site, as mapped by the USDA National Resource Conservation Service Web Soil, are classified as Bornstedt silt loam (0-8% slopes) and Jory stony silt loam (3-8% slopes).

The Bornstedt silt loam forms on hillslopes and terraces from mixed old alluvium. It is classified as moderately well drained with a water table often found at depths of 24 to 36 inches. The typical profile is comprised of silt loam (H1L 0"-8"), silty clay loam (H2: 8"-33"), and silty clay (H3: 33"-71").

The Jory stony silt loam forms on hillslopes from colluvium. It is classified as well drained with a water table generally found at depths greater than 80 inches. The typical profile is comprised of stony silt loam (H1: 0"-8") and stony silty clay (H2: 8"-48", H3: 48"-60").

### 2.3.2 Subsurface Conditions

A total of three (3) shallow hand auger borings were attempted at the subject site. RSS conducted these borings to variable depths, ranging from 2' bgs to 4' bgs. All three found some surficial fill/disturbed materials, likely from the construction of the dwelling in 2005. All three coring contained very stiff, fine grained, silty clays of a brown coloration with an orange to orange-red hue. Moisture content ranged from 15.6 percent to 18.9 percent.

A Geologist in Training (GIT) observed the borings and logged the subsurface materials. Samples were transported to the lab for further testing in sealed plastic bags. The soil descriptions were reviewed by a professional engineer. The logs were created using the Unified Soil Classification and Visual Manual Procedure (ASTM-D 2488). No groundwater was encountered during this investigation.



### 2.3.3 Groundwater

Groundwater was not encountered.

## 3.0 GEOTECHNICAL DESIGN RECOMMENDATIONS

### 3.1 Foundation Design

The building foundations may be installed on either engineered fill or firm native sub-grade that is found at a depth of about **2 feet**. This depth may be locally variable and should be confirmed by a geotechnical engineer or their representative at the time of construction. ***Please allow 24hours notice to call for foundation inspections.***

Continuous wall and isolated spread footings should be at least 16 and 24 inches wide, respectively. The bottom of exterior footings should be at least 16 inches below the lowest adjacent exterior grade. The bottom of interior footings should be at least 12 inches below the base of the floor slab.

Footings placed on firm native sub-grade CLAY should be designed for an allowable bearing capacity of *1,500 pounds per square foot (psf)*. The recommended allowable bearing pressure can be doubled for short-term loads such as those resulting from wind or seismic forces. If a greater bearing capacity is needed then when over excavating the fill soils replace with rock for 2,500psf.

Based on our analysis the total post-construction settlement is calculated to be less than 1 inch, with differential settlement of less than 0.5 inch over a 50-foot span for maximum column, perimeter footing loads of less than 100 kips and 6.0 kips per linear foot.

Lateral loads on footings can be resisted by passive earth pressure on the sides of the structures and by friction at the base of the footings. An allowable lateral bearing pressure of *150 pounds per cubic foot (psf/f)* below grade may be used. Adjacent floor slabs, pavements or the upper 12-inch depth of adjacent, unpaved areas should not be considered when calculating passive resistance.

If construction is undertaken during periods of rain, then I recommend a 2-inch (or greater) layer of compacted, crushed rock be placed over the native soil. The clayey soil is moisture sensitive. Meaning when dry it is firm and non-yielding but exposed to season rains it will lose its strength and need to be excavated and replaced with rock. See section 4.1.2 for wet weather conditions.

### 3.2 Retaining Walls and Embedded Walls

Default lateral soil load for the design of basement and retaining walls supporting level backfill shall be 35 psf/ft for laterally unrestrained retaining walls and 60 psf/ft for laterally restrained retaining walls.



For embedded building walls, a superimposed seismic lateral force should be calculated based on a dynamic force of  $5H^2$  pounds per lineal foot of wall, where H is the height of the wall in feet and applied at  $1/3 H$  from the base of the wall. The wall footings should be designed in accordance with the guidelines provided in the “Foundation Design” section of this report. These design parameters have been provided assuming that back-of-wall drains will be installed to prevent buildup of hydrostatic pressures behind all walls.

The backfill material placed behind the walls and extending a horizontal distance equal to at least half of the height of the retaining wall should consist of granular retaining wall backfill as specified in the “Structural Fill” section of this report. The wall backfill should be compacted to a minimum of 95 percent of the maximum dry density, as determined by ASTM D698. However, backfill located within a horizontal distance of 3 feet from the retaining walls should only be compacted to approximately 92 percent of the maximum dry density, as determined by ASTM D698. Backfill placed within 3 feet of the wall should be compacted in lifts less than 6 inches thick using hand-operated tamping equipment (e.g., jumping jack or vibratory plate compactors). If flat work (e.g., sidewalks or pavements) will be placed atop the wall backfill, we recommend that the upper 2 feet of material be compacted to 95 percent of the maximum dry density, as determined by ASTM D698.

A minimum 12-inch-wide zone of drain rock, extending from the base of the wall to within 6 inches of finished grade, should be placed against the back of all retaining walls. Perforated collector pipes should be embedded at the base of the drain rock. The drain rock should meet the requirements provided in the “Structural Fill” section of this report. The perforated collector pipes should discharge at an appropriate location away from the base of the wall. The discharge pipe(s) should not be tied directly into storm water drain systems, unless measures are taken to prevent backflow into the wall’s drainage system. Settlements of up to 1 percent of the wall height commonly occur immediately adjacent to the wall as the wall rotates and develops active lateral earth pressures.

#### Engineering values summary

|                              |          |
|------------------------------|----------|
| Bearing capacity soil        | 1,500psf |
| Bearing capacity rock        | 2,500psf |
| Coefficient of friction soil | 0.30     |
| Coefficient of friction rock | 0.45     |
| Active pressure              | 35pcf    |
| Passive pressure             | 300pcf   |

A safety factor of 1.5 is included in the above values.

### 3.3 Seismic Design Criteria

We understand that the seismic design criteria for this project is based on the 2015 IBC, Section 1615 and the USGS web site using a Latitude of 45.337004 and a Longitude of -122.619628, soil site class D.



|                                                   | <b>Short Period</b>        | <b>1 Second</b>            |
|---------------------------------------------------|----------------------------|----------------------------|
| Maximum Credible Earthquake Spectral Acceleration | $S_S = 0.987 \text{ g}$    | $S_1 = 0.423 \text{ g}$    |
| Adjusted Spectral Acceleration                    | $S_{MS} = 1.091 \text{ g}$ | $S_{M1} = 0.667 \text{ g}$ |
| Design Spectral Response Acceleration Perimeters  | $S_{DS} = 0.727 \text{ g}$ | $S_{D1} = 0.445 \text{ g}$ |

### 3.4 Geohazard Review

The Oregon HazVu: Statewide Geohazard Viewer and Metro Map were reviewed on 22 November 2019 to investigate mapped geological hazards.

This review indicates that the subject site is situated outside the 100-year floodplain, as mapped by FEMA.

The expected earthquake-shaking hazard is classified as ‘very strong’. The mapped earthquake liquefaction hazard at the subject site is not classified. The mapped geology (basaltic bedrock) is not susceptible to liquefaction during severe shaking events.

Numerous faults cut through the local region. DOGAMI classifies some of these as active. The nearest fault mapped as active by DOGAMI is the Bolton Fault, extending east-southeast off the Oswego Fault, roughly 1.5 miles northeast of the subject site.

There are no landslides mapped on or adjacent to the subject site. The edges of the Oregon City Plateau are rimmed by landslides. The subject site is not situated near the edge of the plateau.

## 4.0 CONSTRUCTION RECOMMENDATIONS

### 4.1 Site Preparation

On this site only disturb the area in which can be covered with rock during the day. The moisture sensitive clay soil when exposed to wet weather becomes soft and yielding. See wet weather conditions below.

#### 4.1.1 Proof Rolling

Following stripping and prior to placing aggregate base course, pavement the exposed sub-grade should be evaluated by proof rolling. The sub-grade should be proof rolled to identify soft, loose, or unsuitable areas. Please give 24-hour notice to observe the proof rolling. Soft or loose zones identified during the field evaluation should be compacted to an unyielding condition or be excavated and replaced with structural fill, as discussed in the *Structural Fill* section of this report.

#### 4.1.2 Wet Weather Conditions

The near-surface soils will be difficult during or after extended wet periods or when the moisture content of the surface soil is more than a few percentage points above optimum. Soils that have been disturbed during site preparation activities, or soft or loose zones identified during probing or proof rolling, should be removed and replaced with compacted structural fill. Track-mounted excavating



equipment will be required during wet weather. The imported granular material should be placed in one lift over the prepared, undisturbed sub-grade and compacted using a smooth drum, non-vibratory roller. Additionally, a geo-textile fabric should be placed as a barrier between the sub-grade and imported granular material in areas of repeated traffic.

#### **4.2 Excavation**

Subsurface conditions of accessible cleared areas of the project site show predominately CLAY to the depth explored (4.0 feet). Excavations in the soils may be readily accomplished with conventional earthwork equipment with a smooth bucket (no teeth).

#### **4.3 Structural Fills**

Fills should be placed over sub-grade prepared in compliance with Section 4.1 of this report. Material used, as structural fill should be free of organic matter or other unsuitable materials and should meet specifications provided in OSSC, depending upon the application. A discussion of these materials is in the following sections.

##### **4.3.1 Native Soils**

Laboratory testing indicates that the moisture content of the near-surface is greater than the optimum moisture content of the soil required for satisfactory compaction. This is depending on the weather conditions at the time of excavation. See section 4.3.2 for imported granular fill.

##### **4.3.2 Imported Granular Fill**

The imported granular material must be reasonably well graded to between coarse and fine material and have less than 5% by weight passing the US Standard No.200 Sieve. Imported granular material should be placed in lifts 8 to 12 inches and be compacted to at least 95% of the maximum dry density, as determined by ASTM D 698. Where imported granular material is placed over wet or soft soil sub-grades, we recommend that a geo-textile serve as a barrier between the sub-grade and imported granular material.

#### **4.4 Drainage Considerations**

The Contractor shall be made responsible for temporary drainage of surface water and groundwater as necessary to prevent standing water and/or erosion at the working surface. We recommend removing only the foliage necessary for construction to help minimize erosion. Slope the ground surface around the structures to create a minimum gradient of 2% away from the building foundations for a distance of at least 5 feet. Surface water should be directed away from all buildings into drainage swales or into a storm drainage system. Foundation house drains are required.



## 5.0 CONSTRUCTION OBSERVATIONS

Satisfactory pavement and earthwork performance depends on the quality of construction. Sufficient monitoring of the activities of the contractor is a key part of determining that the work is completed in accordance with the construction drawings and specifications. I recommend that a geotechnical engineer observe general excavation, stripping, fill placement, and sub-grades in addition to base. Subsurface conditions observed during construction should be compared with those encountered during the subsurface explorations. Recognition of changed conditions requires experience. Therefore, qualified personnel should visit the site with sufficient frequency to detect whether subsurface conditions change significantly from those anticipated.

## 6.0 LIMITATIONS

This report has been prepared for the exclusive use of the addressee, and their architects and engineers for aiding in the design and construction of the proposed development. It is the addressee's responsibility to provide this report to the appropriate design professionals, building officials, and contractors to ensure correct implementation of the recommendations.

The opinions, comments and conclusions presented in this report were based upon information derived from our literature review, field investigation, and laboratory testing. Conditions between, or beyond, our exploratory borings may vary from those encountered. Unanticipated soil conditions and seasonal soil moisture variations are commonly encountered and cannot be fully determined by merely taking soil samples or soil borings. Such variations may result in changes to our recommendations and may require that additional expenditures be made to attain a properly constructed project. Therefore, some contingency fund is recommended to accommodate such potential extra costs.

If there is a substantial lapse of time between the submission of this report and the start of work at the site; if conditions have changed due to natural causes or construction operations at, or adjacent to, the site; or, if the basic project scheme is significantly modified from that assumed, it is recommended this report be reviewed to determine the applicability of the conclusions and recommendations.

The work has been conducted in general conformance with the standard of care in the field of geotechnical engineering currently in practice in the Pacific Northwest for projects of this nature and magnitude. No warranty, express or implied, exists on the information presented in this report. By utilizing the design recommendations within this report, the addressee acknowledges and accepts the risks and limitations of development at the site, as outlined within the report.



## **APPENDIX**





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NW 1/4 SW 1/4 SEC. 6 T.3 S. R.2 E. W.M.  
CLACKAMAS COUNTY

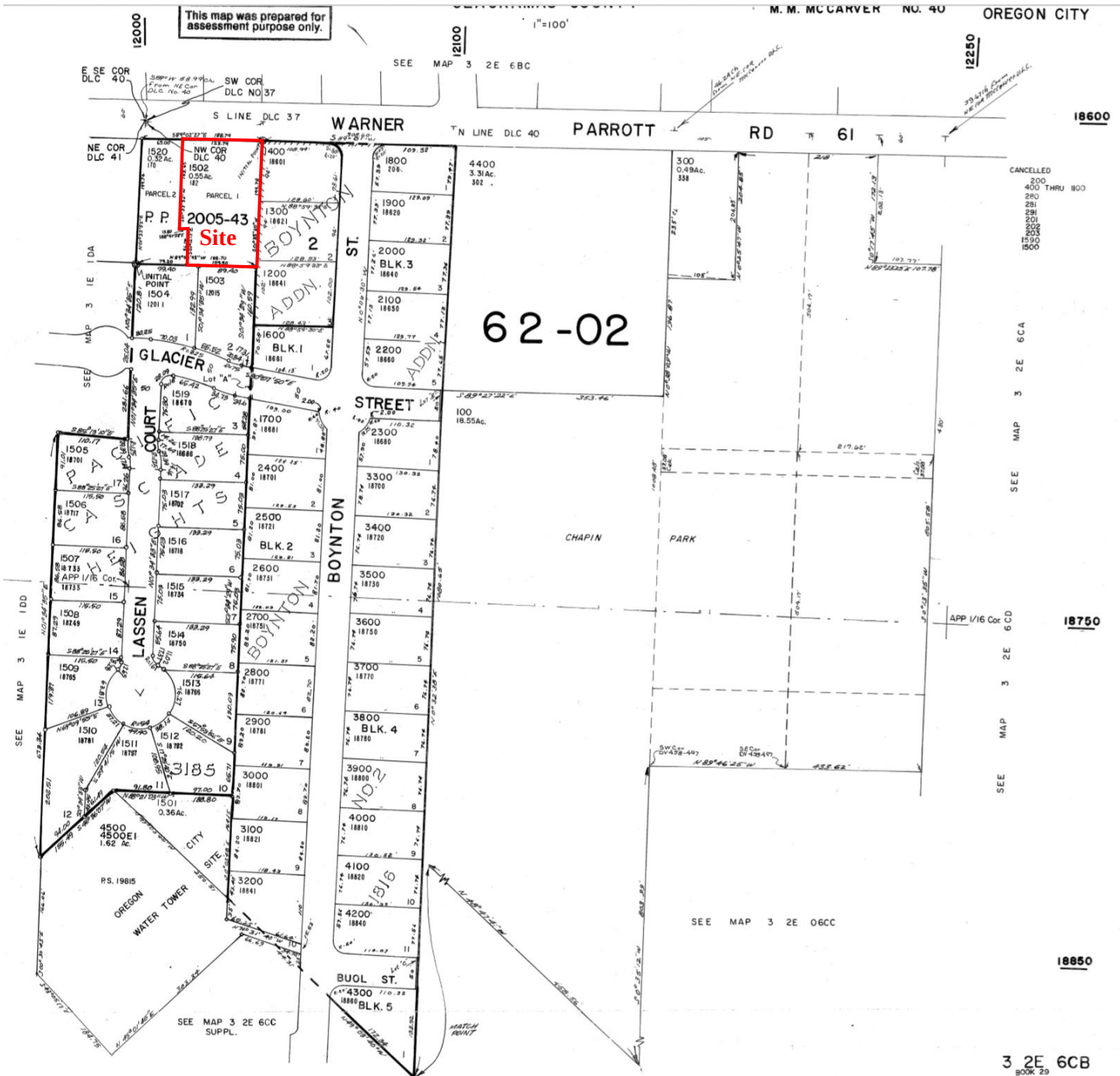


Figure 2: Subject site location on the Clackamas County Assessor's Map



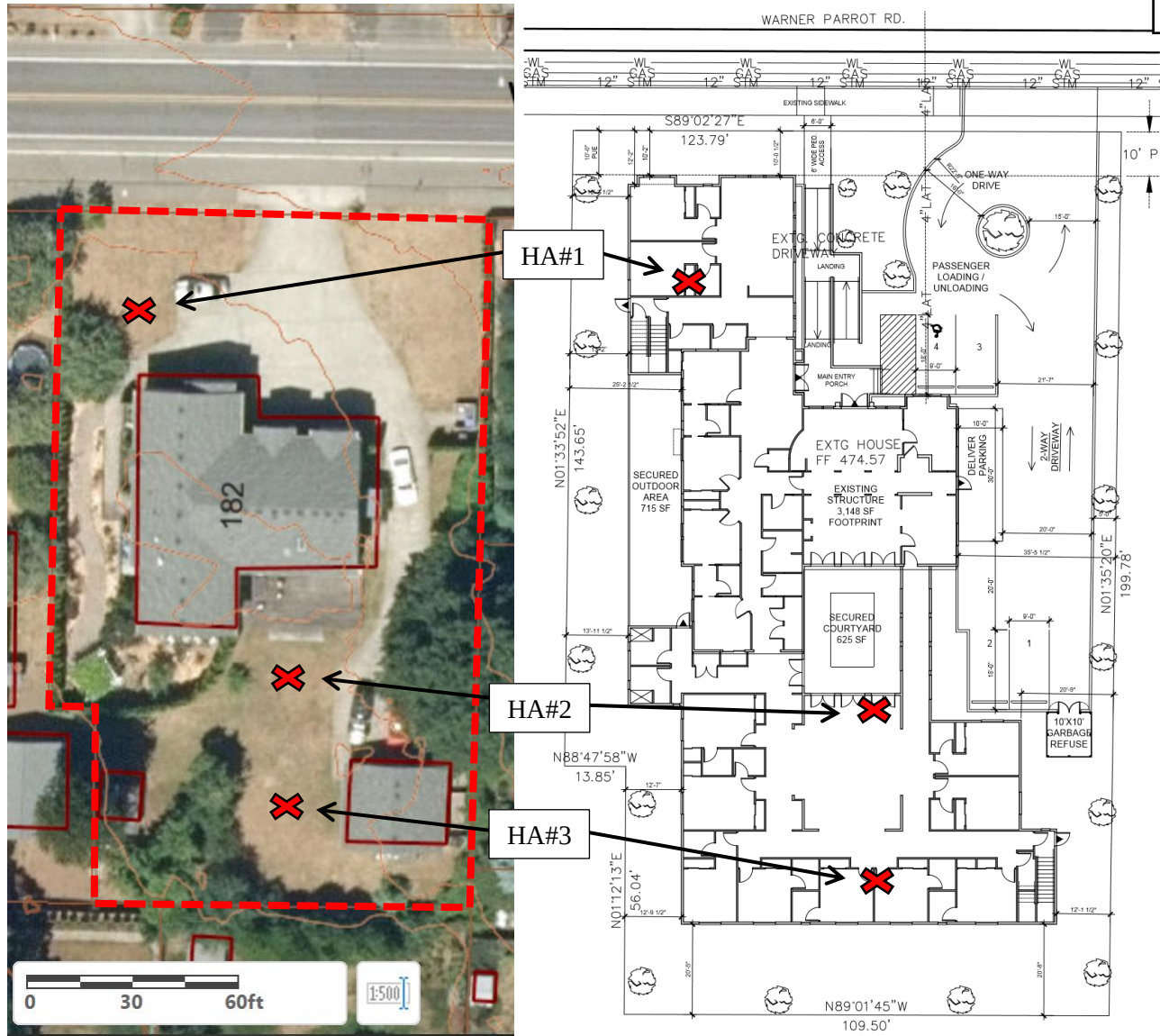


Figure 3: Approximate boring locations on a 2018 aerial image (left) and site plan (right)



# Lab Results

Page 1 of 1

Item 8a.

Project Name: 182 Warner Parrott Road, Oregon City

Sample Date 11/19/2019

## Moisture

|    | Sample number             | HA#1              | HA#2              | HA#3              |  |  |
|----|---------------------------|-------------------|-------------------|-------------------|--|--|
| 1  | Date and time in oven     | 11/19/19 12:15 PM | 11/19/19 12:15 PM | 11/19/19 12:15 PM |  |  |
| 2  | Date and time out of oven | 11/20/19 11:45 AM | 11/20/19 11:45 AM | 11/20/19 11:45 AM |  |  |
| 3  | Depth (ft)                | 2                 | 4                 | 2.3               |  |  |
| 4  | Tare No.                  | 1                 | 2                 | 3                 |  |  |
| 5  | Tare Mass                 | 233               | 233               | 234               |  |  |
| 6  | Tare plus sample moist    | 1073              | 1138              | 1166              |  |  |
| 7  | Tare plus sample dry      | 942               | 1016              | 1018              |  |  |
| 8  | Mass of water (g)         | 131               | 122               | 148               |  |  |
| 9  | Mass of soil (g)          | 709               | 783               | 784               |  |  |
| 10 | Water Content (%)         | 18.5              | 15.6              | 18.9              |  |  |

## Atterberg Limit Test

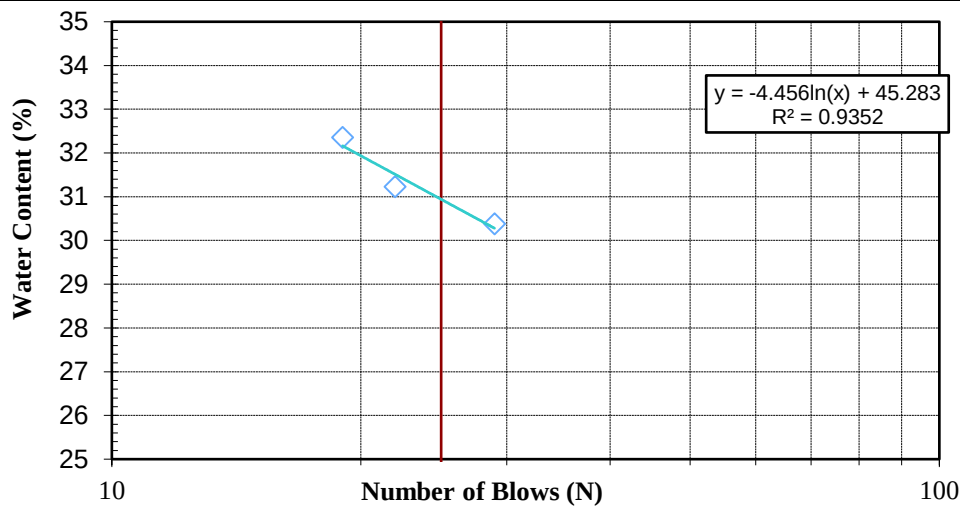
Sample Number: HA#1

Depth: 2 feet

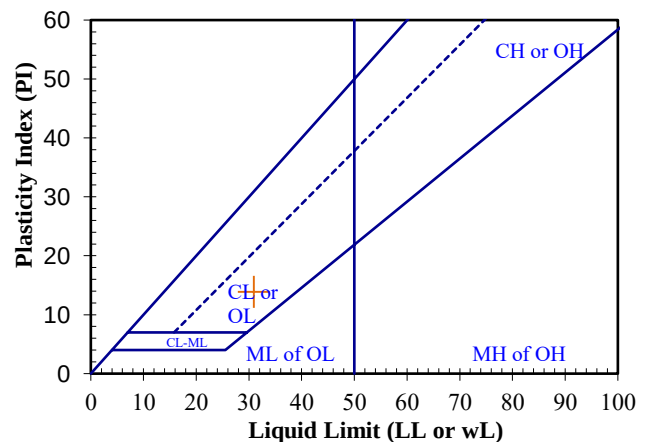
### Liquid Limit

### Plastic Limit

|   |                        | D#1.1 | D#1.2 | D#1.3 | R#1.1 | R#1.2 |
|---|------------------------|-------|-------|-------|-------|-------|
| 1 | Tare No.               |       |       |       |       |       |
| 2 | Tare Mass (g)          | 39.08 | 39.48 | 40.15 | 39.38 | 40.14 |
| 3 | Tare Plus Wet Soil (g) | 76.35 | 83.86 | 81.78 | 50.16 | 52.12 |
| 4 | Tare Plus Dry Soil (g) | 67.24 | 73.30 | 72.08 | 48.59 | 50.37 |
| 5 | Mass of Water (g)      | 9.11  | 10.56 | 9.70  | 1.57  | 1.75  |
| 6 | Mass of Soil (g)       | 28.16 | 33.82 | 31.93 | 9.21  | 10.23 |
| 7 | Water Content (%)      | 32.35 | 31.22 | 30.38 | 17.05 | 17.11 |
| 8 | No. Blows              | 19    | 22    | 29    |       |       |



Liquid Limit (%) 30.9  
 Plastic Limit (%) 17.1  
 Plasticity Index (%) 13.9  
 USCS Classification of fines: CL





## HA#1

Surface Elevation:

Boring Date: 19 Nov 2019

Boring Location: Oregon City, OR

Drilling Method: Hand Auger

| Depth | Remarks      | Moisture (%) | Dry Density | Blow Counts | Sample Type | Water Table |
|-------|--------------|--------------|-------------|-------------|-------------|-------------|
| 0     |              |              |             |             |             |             |
|       |              |              |             |             |             | FL          |
|       |              |              |             |             |             | TP          |
| 2     | LL=31, PI=14 | 18.5         |             |             |             | CL          |
| 3     |              |              |             |             |             |             |
| 4     |              |              |             |             |             |             |
| 5     |              |              |             |             |             |             |
| 6     |              |              |             |             |             |             |
| 7     |              |              |             |             |             |             |

## LOG OF BORING

**RAPID SOIL SOLUTIONS**

182 Warner Parrott Road

Plate 1



# HA#2

Surface Elevation:  
 Boring Date: 19 Nov 2019  
 Boring Location: Oregon City, OR  
 Drilling Method: Hand Auger

| Depth | Remarks | Moisture (%) | Dry Density | Blow Counts | Sample Type | Water Table |
|-------|---------|--------------|-------------|-------------|-------------|-------------|
| 0     |         |              |             |             |             |             |
| 1     |         |              |             |             |             |             |
| 2     |         |              |             |             |             |             |
| 3     |         |              |             |             |             |             |
| 4     | 15.6    |              |             |             |             |             |
| 5     |         |              |             |             |             |             |
| 6     |         |              |             |             |             |             |
| 7     |         |              |             |             |             |             |

GWT not encountered

|    |                                                                                                                                            |
|----|--------------------------------------------------------------------------------------------------------------------------------------------|
| FL | FILL and top soil. Damp, soft, medium rich brown, clayey SILT to silty CLAY with some fine organics.                                       |
| CL | Damp-dry, stiff, orange hued light brown, fine grained, CLAY to silty CLAY.                                                                |
| CL | Dry, very stiff, orange-brown to reddish-orange brown, fine grained, CLAY to silty CLAY with trace, small, subrounded, spherical, gravels. |

Boring completed at depth of 4 feet.

## LOG OF BORING

**RAPID SOIL SOLUTIONS**

182 Warner Parrott Road

Plate 2

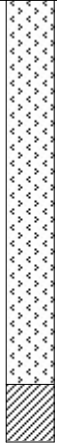


# HA#3

Surface Elevation:  
 Boring Date: 19 Nov 2019  
 Boring Location: Oregon City, OR  
 Drilling Method: Hand Auger

| Depth | Remarks | Moisture (%) | Dry Density | Blow Counts | Sample Type | Water Table |
|-------|---------|--------------|-------------|-------------|-------------|-------------|
| 0     |         |              |             |             |             |             |
| 1     |         |              |             |             |             |             |
| 2     | 18.9    |              |             |             |             |             |
| 3     |         |              |             |             |             |             |
| 4     |         |              |             |             |             |             |
| 5     |         |              |             |             |             |             |
| 6     |         |              |             |             |             |             |
| 7     |         |              |             |             |             |             |

GWT not encountered



TP  
 FILL and top soil. Damp, soft, medium rich brown, clayey SILT to silty CLAY with some fine organics.

CL  
 Damp-dry, very stiff, orangeish light brown, fine grained, CLAY to silty CLAY.  
 Boring completed at depth of 2.3 feet.

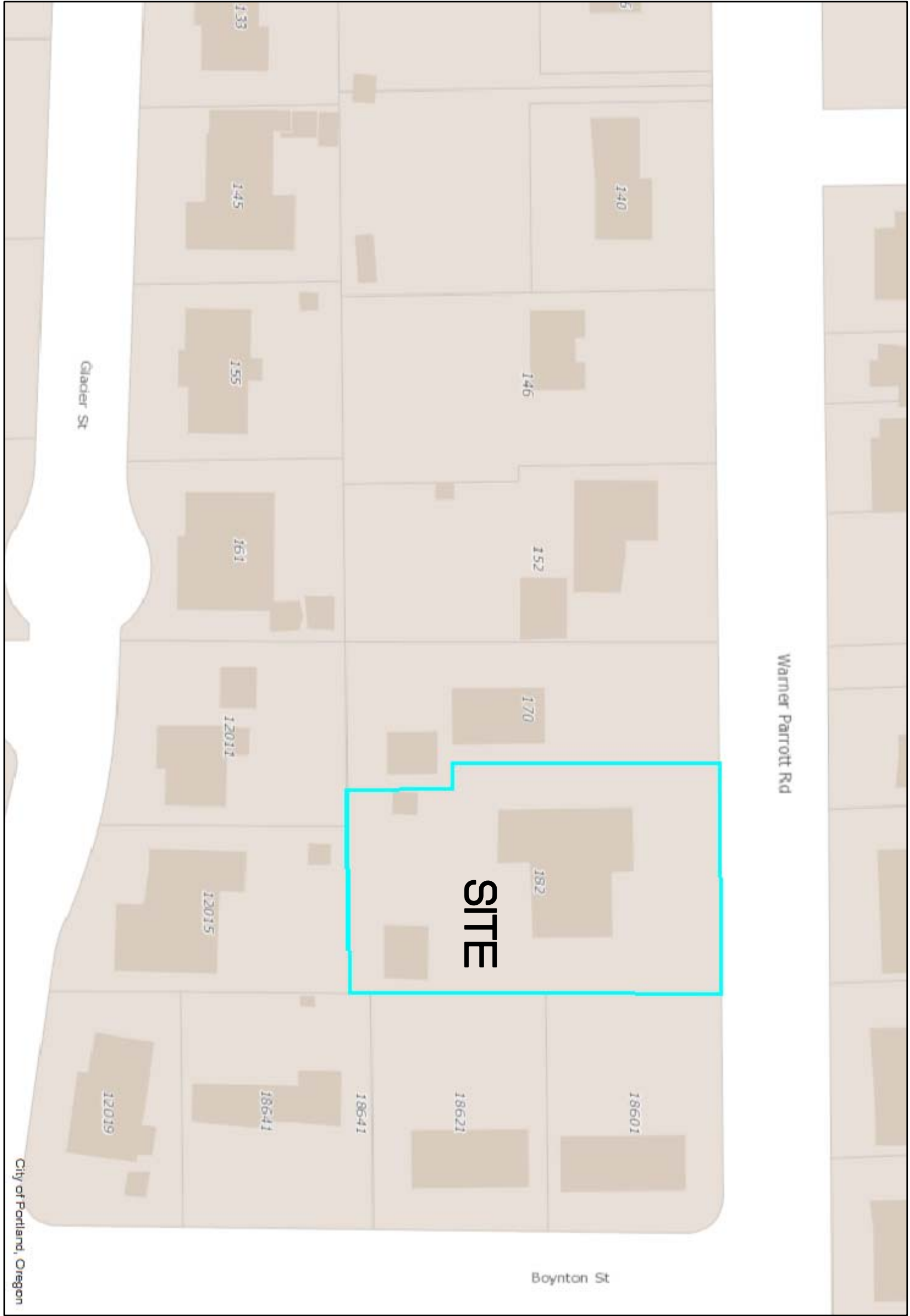
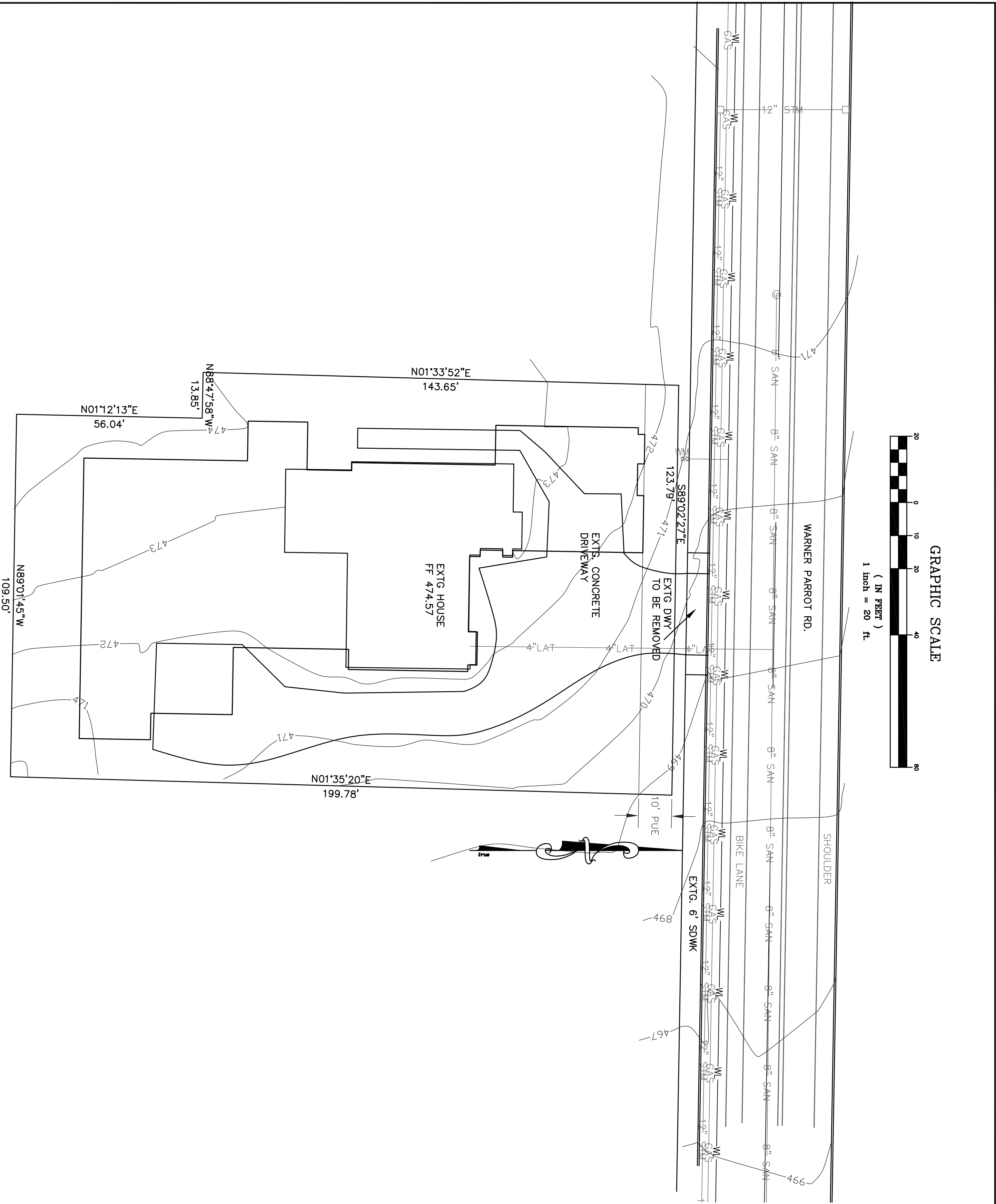
## LOG OF BORING

**RAPID SOIL SOLUTIONS**

182 Warner Parrott Road

Plate 3





| TABLE OF CONTAINS:: |                                          |
|---------------------|------------------------------------------|
| E1                  | EXISTING SITE TOPOGRAPHY AND COVER SHEET |
| E2                  | PROPOSED GRADING AND UTILITY PLAN        |











# STORMWATER NARRATIVE FOR 182 WARNER PARROT RD.

---

We are proposing to do an addition to the existing house. Will be handicap accessibility, and the existing parking lot will be enlarge.

## DOWN STREAM ANALISIS

N/A

I'm proposing to infiltrate all the stormwater (roof and driveway) on site, improving the existing. because the extg. parking lot is drain toward the street.

INFILTRATION TEST WAS PROVIDED BY RAPID SOIL SOLUTION see attached.

## SEASON GROUND DEPTH ELEVATION

Best on USGI Map, the depth of ground water is 92.136 feet, giving us enough clearance for the drywells.

## BMP

For the roof, I'm proposing 5 drywells, and for parking lot, porous asphalt.

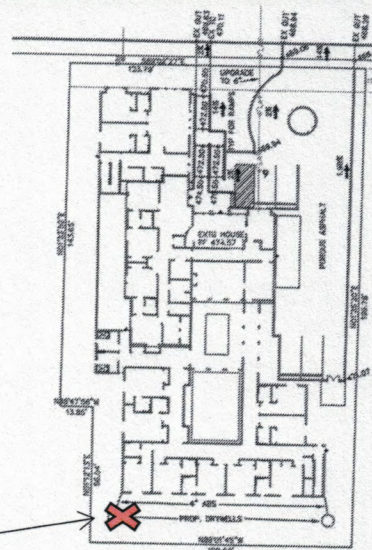
See attached .



EXP 6/30/21



## Rapid Soil Solutions Infiltration Test Results



HA#1

### Preliminary Information

|                         |                                                  |                                                            |                  |
|-------------------------|--------------------------------------------------|------------------------------------------------------------|------------------|
| <b>Location:</b>        | 182 Warner Parrott Road<br>Oregon City, OR 97045 | <b>Performed By:</b><br>(Supervised by Mia Mahedy, PE, GE) | Rachel Gipe, GIT |
| <b>Date &amp; Time:</b> | 10 December 2019, 9 AM                           | <b>Instrument Used:</b>                                    | 4" Hand Auger    |
| <b>Weather:</b>         | Rain, 45 degrees                                 | <b>Depth:</b>                                              | 8'               |

### HA#1

### Soil Profile Detail

| Depth (ft) | Description                                                                                                                                                                                                                           |
|------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 0'-2'      | Fill and top soil. Damp, soft, medium rich brown, clayey SILT to silty CLAY with some fine organics.                                                                                                                                  |
| 2'-3'      | Damp-dry, stiff, orange hued light brown, fine grained, CLAY to silty CLAY.                                                                                                                                                           |
| 3'-5'      | Dry, grey stiff, orange-brown to reddish-orange brown, fine grained, CLAY to silty CLAY with trace to some small, sub-rounded, spherical, gravels.                                                                                    |
| 5'-8'      | Bedded weathered bedrock (soft to extremely soft rock, grey to purple-grey, medium-fine textured, intensely weathered basalt) and CLAY (red, purple and orange, very stiff, fine grained, high plasticity). Bedding roughly 1' thick. |

RSS applied one gallon of water to the boring at 9:50 AM. A total head of 13" was achieved in the uncased boring. After a four-hour presoak, only 1.5" of water infiltrated.

| Time                                        | Measurement (inches) | Level Refilled To (inches) | Rate (inches/hour) |
|---------------------------------------------|----------------------|----------------------------|--------------------|
| 9:50 AM                                     | 13"                  |                            |                    |
| 1:50 PM                                     | 11.5"                |                            | 0.375"             |
| <b>Site Infiltration Rate (inches/hour)</b> |                      |                            | <b>&lt; 0.375</b>  |



## HOUSE

\*\*\*\*\* S.C.S. TYPE-1A DISTRIBUTION \*\*\*\*\*

\*\*\*\*\* 25-YEAR 24-HOUR STORM \*\*\*\* 4.00" TOTAL PRECIP. \*\*\*\*\*

-----

AREA(ACRES)   PVIOUS   IMPVIOUS   TC(MINUTES)

          A   CN           A   CN

      .24       .0   86.0   .24   98.0    5.0

PEAK-Q(CFS)   T-PEAK(HRS)   VOL(CU-FT)

      .25        7.67       3280

### SUMMARY OF INPUT ITEMS

- 1) TYPE OF FACILITY: GRAVEL TRENCH/BED
- 2) STORAGE DEPTH(ft): 1.00
- 3) VERTICAL PERMEABILITY(min/in): 333.00
- 4) PRIMARY DESIGN HYDROGRAPH FILENAME: donvh
- 5) PRIMARY RELEASE RATE(cfs): .00
- 6) NUMBER OF TEST HYDROGRAPHS: 1

TEST HYD 1 FILENAME: donvh      TARGET RELEASE(cfs): .00

- 7) NUMBER-OF-ORIFICES, RISER-HEAD(ft), RISER-DIAM(in): 0, 1.00, 12

PERFORMANCE: INFLOW   TARGET-OUTFLOW   ACTUAL-OUTFLOW   PK-STAGE   STORAGE

DESIGN HYD:       .25       .00                   .00           1.00       **1550**



# ROOF

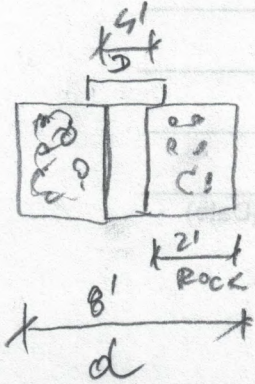
Item 8a.

$$A_{\text{ROOF}} = 10,600 \text{ SF} = \underline{\underline{0.24 \text{ AC}}}$$

$$\text{INFILTRATION TEST} = 0.37 \text{ in/hr} = \text{TAKE } 0.18 \text{ in/hr}$$

$$\frac{60}{0.185} = 333 \text{ MIN/INCH}$$

WE HAVE TO DETAIN 1,550 cu ft of storm water



$$V_{\text{DRYWELL/FT}} = \frac{\pi D^2}{4} \times 1 = 12.56 \text{ cu ft/ft}$$

$$V_{\text{ROCK/FT}} = \left( \frac{\pi d^2}{4} - \frac{\pi D^2}{4} \right) \times 1 \times 0.25 = \text{VOLUME OF ROCKS}$$

$$= (50.26 - 12.56) \times 0.25 = 9.42 \text{ cu ft/ft}$$

$$\underline{\underline{V_{\text{TOT}} = 12.56 + 9.42 = 21.98 \text{ cu ft/ft}}}$$

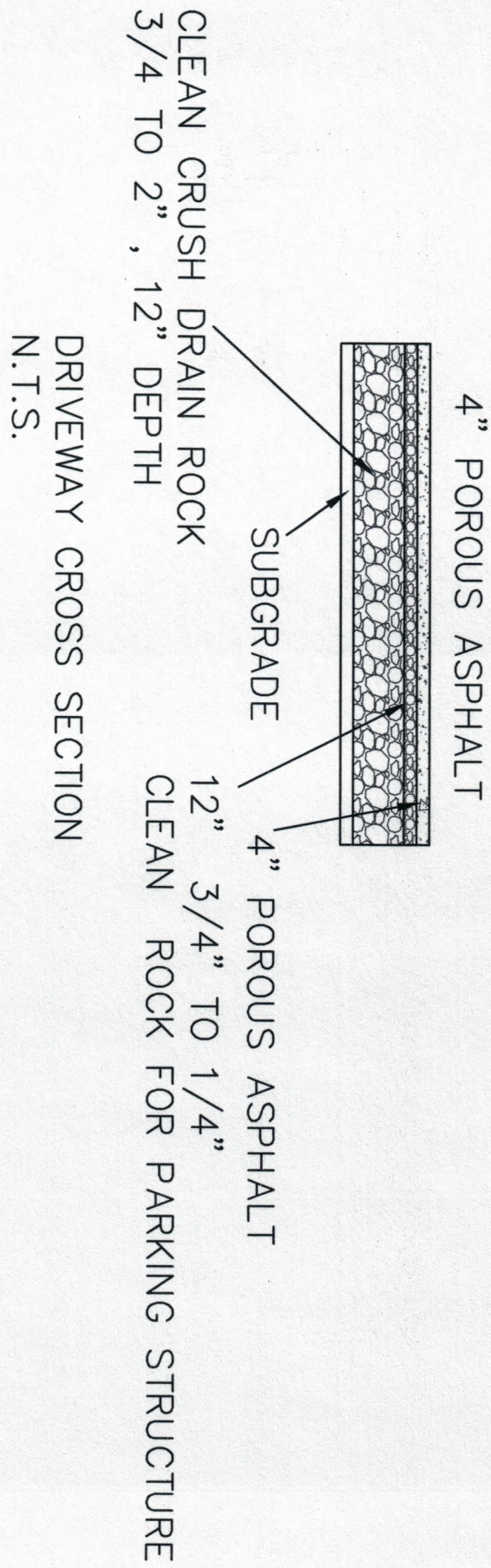
$$\text{WE HAVE TO STORE } \frac{1,550 \text{ cu ft}}{21.98 \text{ cu ft/ft}} = \underline{\underline{70.5 \text{ ft}}}$$

TAKE 5 DRYWELLS / 14.5 ft DEED

$$5 \times 14.5 = 72.5 \text{ ft} > 70.5 \text{ ft NEED IT!}$$

OK







**DRIVEWAY**

\*\*\*\*\* S.C.S. TYPE-1A DISTRIBUTION \*\*\*\*\*

\*\*\*\*\* 25-YEAR 24-HOUR STORM \*\*\*\* 4.00" TOTAL PRECIP. \*\*\*\*\*

-----

AREA(ACRES)    PERVIOUS    IMPERVIOUS    TC(MINUTES)

A    CN            A    CN

.11            .0 86.0    .11 98.0    5.0

PEAK-Q(CFS)    T-PEAK(HRS)    VOL(CU-FT)

.12            7.67            1503

## SUMMARY OF INPUT ITEMS

1) TYPE OF FACILITY: GRAVEL TRENCH/BED

2) STORAGE DEPTH(ft): 1.00

3) VERTICAL PERMEABILITY(min/in): 333.00

4) PRIMARY DESIGN HYDROGRAPH FILENAME: DONVD

5) PRIMARY RELEASE RATE(cfs): .00

6) NUMBER OF TEST HYDROGRAPHS: 1

TEST HYD 1 FILENAME: DONVD            TARGET RELEASE(cfs): .00

7) NUMBER-OF-ORIFICES, RISER-HEAD(ft), RISER-DIAM(in): 0, 1.00, 12

PERFORMANCE: INFLOW    TARGET-OUTFLOW    ACTUAL-OUTFLOW    PK-STAGE    STORAGE

DESIGN HYD:            .12            .00            .00            1.00            **712**



# DRIVEWAY

$$A = 4,800 \text{ S.F.} = 0.11 \text{ AC}$$

WE NEED TO STOR 712 cu ft OF STORMWATER

$$4800 \text{ SF} \times 1' \text{ DEPTH} \times 0.25 \text{ VOL. OF VOIDS} = 1200 \text{ cu ft}$$

$$1200 \text{ cu ft VOL OF VOIDS} > 712 \text{ cu ft NEED IT!}$$

OK



# STORMWATER NARRATIVE FOR 182 WARNER PARROT RD.

---

We are proposing to do an addition to the existing house. Will be handicap accessibility, and the existing parking lot will be enlarged.

## DOWN STREAM ANALISIS

N/A

I'm proposing to infiltrate all the stormwater (roof and driveway) on site, improving the existing. because the extg. parking lot is drain toward the street.

## INFILTRATION TEST

On 4/12/2020, I dug a hole, using a mechanical ager, 4 feet deep and 6" diameter, filling with water. Also, I found a digging, about 8 feet deep, done by others. I observed a consistence of the ground, brown clay with cobbles. On 2/13/20, I start the percolation test, and I found 2.16 inch/hr. In my calculations, I used 1 inch/hr, and infiltrate all the 25 yr storm event (exceeding the standards).

Having a 1 foot freeboard, in my professional opinion, the soil is suitable for infiltration without overflow.

## SEASON GROUND DEPTH ELEVATION

Best on USGI Map, the depth of ground water is 92.136 feet, giving us enough clearance for the stormwater planter.

## BMP

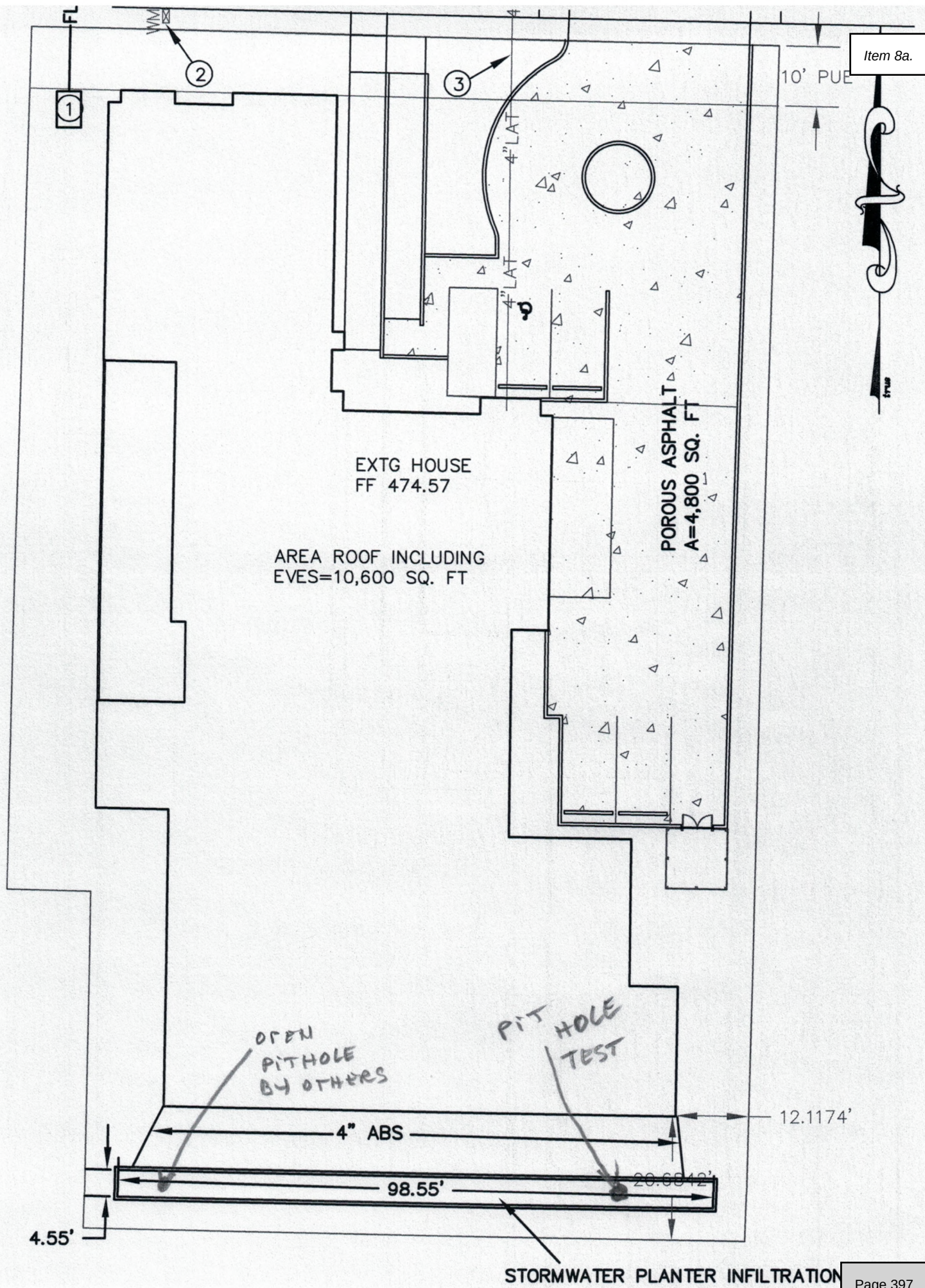
For the roof, I'm proposing stormwater planter infiltration, and for parking lot, porous asphalt.

See attached.





ZED





| Infiltration Test Data Table                                               |                        |                      |                           |                                   |                  |
|----------------------------------------------------------------------------|------------------------|----------------------|---------------------------|-----------------------------------|------------------|
| Location: 182 WARNER PARROT                                                |                        | Date: 4/13/20        |                           | Test Hole Number: 1               |                  |
| Depth to bottom of hole: 4 FE                                              |                        | Diameter of hole: 6" |                           | Test Method: OPEN PIT             |                  |
| Tester's Name: RICHARD S. GEORGESEN P.E.                                   |                        |                      |                           |                                   |                  |
| Tester's Company: RSG ENGINEERING CO Tester's Contact Number: 503-380-6179 |                        |                      |                           |                                   |                  |
| Depth, feet                                                                |                        |                      | Soil Texture              |                                   |                  |
| 0-0.5'                                                                     |                        |                      | TOP SOIL                  |                                   |                  |
| 0.5'-8'                                                                    |                        |                      | BROWN CLAY w/ COBBLES     |                                   |                  |
|                                                                            |                        |                      |                           |                                   |                  |
|                                                                            |                        |                      |                           |                                   |                  |
|                                                                            |                        |                      |                           |                                   |                  |
| Time                                                                       | Time interval, minutes | Measurement, feet    | Drop in water level, feet | Percolation rate, inches per hour | Remarks          |
| NOON                                                                       | —                      | 3.5'                 | —                         | —                                 | FILL w/ 6" WATER |
| 12:10                                                                      | 10                     | 3.55'                | 0.05                      | 3.6                               |                  |
| 12:20                                                                      | 10                     | 3.60'                | 0.05                      | 3.6                               |                  |
| 12:30                                                                      | 10                     | 3.64'                | 0.04                      | 2.88                              |                  |
| 12:40                                                                      | 10                     | 3.68'                | 0.04                      | 2.88                              |                  |
| 12:50                                                                      | 10                     | 3.71'                | 0.03                      | 2.16                              |                  |
| 1 PM                                                                       | 10                     | 3.74'                | 0.03                      | 2.16                              |                  |
| 1:10                                                                       | —                      | 3.5'                 | —                         | —                                 | FILL w/ 6" WATER |
| 1:20                                                                       | 10                     | 3.53'                | 0.03                      | 2.16                              |                  |
| 1:30                                                                       | 10                     | 3.56'                | 0.03                      | 2.16                              |                  |

FOR THE NEXT HOUR STABILIZED @ 2.16 in/HR  
 TAKE  $2 \text{ in/HR} / 2 = 1 \text{ in/HR} = 60 \text{ MIN/INCH}$

March 2020

D-8







## HOUSE

-----  
 \*\*\*\*\* S.C.S. TYPE-1A DISTRIBUTION \*\*\*\*\*  
 \*\*\*\*\* 25-YEAR 24-HOUR STORM \*\*\*\* 4.00" TOTAL PRECIP. \*\*\*\*\*  
 -----

ENTER: A(PERV), CN(PERV), A(IMPERV), CN(IMPERV), TC FOR BASIN NO. 1  
 0,86,.24,98,5

## DATA PRINT-OUT:

| AREA(ACRES) | PERVIOUS |      | IMPERVIOUS |      | TC(MINUTES) |
|-------------|----------|------|------------|------|-------------|
|             | A        | CN   | A          | CN   |             |
| .24         | .0       | 86.0 | .24        | 98.0 | 5.0         |

| PEAK-Q(CFS) | T-PEAK(HRS) | VOL(CU-FT) |
|-------------|-------------|------------|
| .25         | 7.67        | 3280       |

## SUMMARY OF INPUT ITEMS

- 1) TYPE OF FACILITY: GRAVEL TRENCH/BED
- 2) STORAGE DEPTH(ft): 1.00
- 3) VERTICAL PERMEABILITY(min/in): 60.00
- 4) PRIMARY DESIGN HYDROGRAPH FILENAME: DONH
- 5) PRIMARY RELEASE RATE(cfs): .00
- 6) NUMBER OF TEST HYDROGRAPHS: 1  
 TEST HYD 1 FILENAME: DONH                      TARGET RELEASE(cfs): .00
- 7) NUMBER-OF-ORIFICES, RISER-HEAD(ft), RISER-DIAM(in): 0, 1.00, 12

| PERFORMANCE: | INFLOW | TARGET-OUTFLOW | ACTUAL-OUTFLOW | PK-STAGE | STORAGE |
|--------------|--------|----------------|----------------|----------|---------|
| DESIGN HYD:  | .25    | .00            | .00            | 1.00     | 611     |
| TEST HYD 1:  | .25    | .00            | .00            | .90      | 610     |



## PARKING

\*\*\*\*\* S.C.S. TYPE-1A DISTRIBUTION \*\*\*\*\*  
 \*\*\*\*\* 25-YEAR 24-HOUR STORM \*\*\*\* 4.00" TOTAL PRECIP. \*\*\*\*\*

## DATA PRINT-OUT:

| AREA(ACRES) | PERVIOUS |      | IMPERVIOUS |      | TC(MINUTES) |
|-------------|----------|------|------------|------|-------------|
|             | A        | CN   | A          | CN   |             |
| .11         | .0       | 86.0 | .11        | 98.0 | 5.0         |

| PEAK-Q(CFS) | T-PEAK(HRS) | VOL(CU-FT) |
|-------------|-------------|------------|
| .12         | 7.67        | 1503       |

## SUMMARY OF INPUT ITEMS

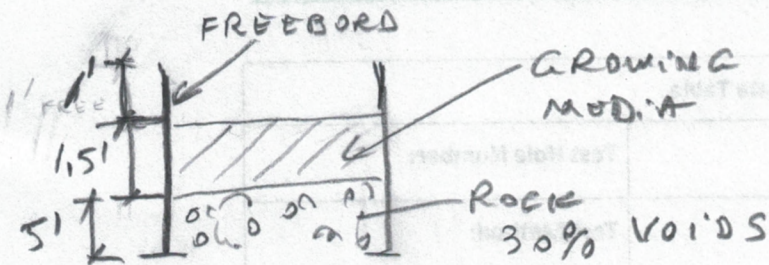
- 1) TYPE OF FACILITY: GRAVEL TRENCH/BED
- 2) STORAGE DEPTH(ft): 1.00
- 3) VERTICAL PERMEABILITY(min/in): 60.00
- 4) PRIMARY DESIGN HYDROGRAPH FILENAME: DONP
- 5) PRIMARY RELEASE RATE(cfs): .00
- 6) NUMBER OF TEST HYDROGRAPHS: 1  
 TEST HYD 1 FILENAME: DONP TARGET RELEASE(cfs): .00
- 7) NUMBER-OF-ORIFICES, RISER-HEAD(ft), RISER-DIAM(in): 0, 1.00, 12

| PERFORMANCE: | INFLOW | TARGET-OUTFLOW | ACTUAL-OUTFLOW | PK-STAGE | STORAGE |
|--------------|--------|----------------|----------------|----------|---------|
| DESIGN HYD:  | .12    | .00            | .00            | 1.00     | 274     |
| TEST HYD 1:  | .12    | .00            | .00            | .90      | 270     |



HOUSE

WE HAVE TO STORE 611 cu ft of STORMWATER

STORM PLANTER

$$\begin{aligned}
 V_{\text{STORAGE}} &= 5' \text{ DEEP} \times 98.5' \text{ LONG} \times 4.5' \text{ WIDE} \times 0.3 \text{ VOL VOIDS} \\
 &= \underline{665} \text{ cu ft} > \underline{611} \text{ cu ft NEEDED} \\
 &\quad \underline{\text{OK!}}
 \end{aligned}$$

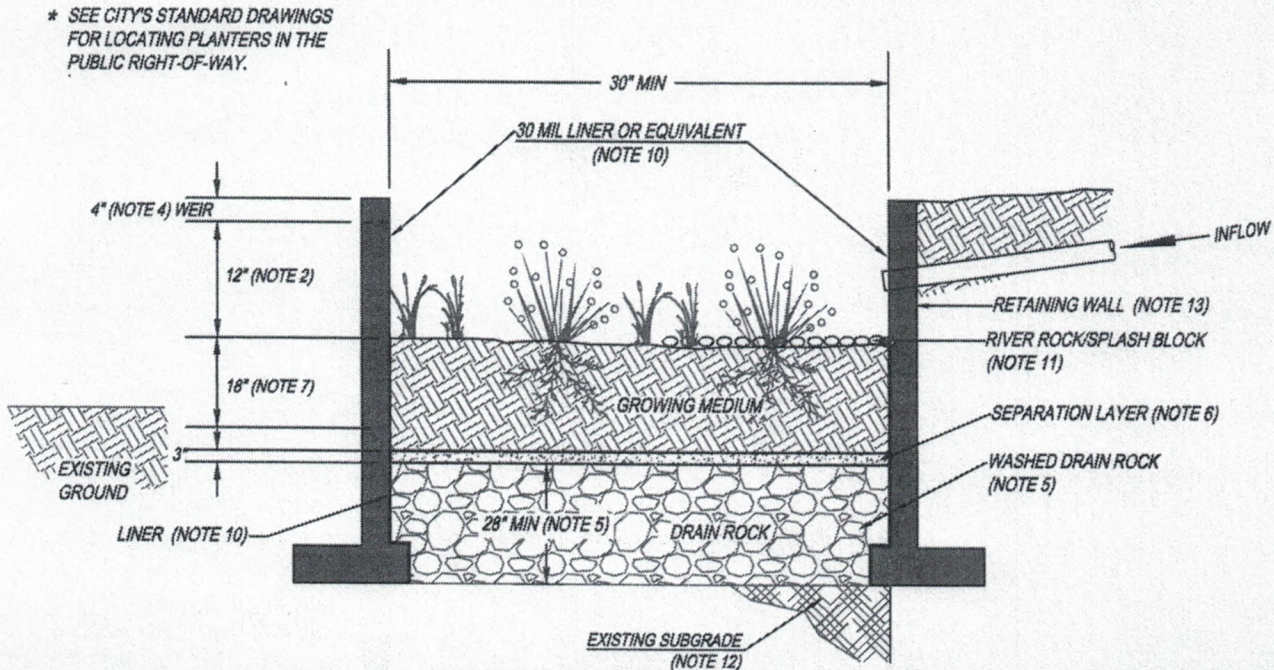
PARKING

WE HAVE TO STORE 274 cu ft of STORMWATER

$$A_{\text{POROUS ASPHALT}} = 9,800 \text{ SQ. FT}$$

$$\begin{aligned}
 V_{\text{STORAGE}} &= 9,800 \text{ S.F.} \times 1' \text{ DEEP ROCK} \times 0.3 \text{ VOL VOIDS} = \\
 &= \underline{1,440} \text{ cu ft} > \underline{274} \text{ cu ft NEEDED} \\
 &\quad \underline{\text{OK!}}
 \end{aligned}$$





## GENERAL NOTES:

1. **PROVIDE PROTECTION** FROM ALL VEHICLE TRAFFIC, EQUIPMENT STAGING, AND FOOT TRAFFIC IN PROPOSED INFILTRATION AREAS PRIOR TO, DURING AND AFTER CONSTRUCTION.
2. **DIMENSIONS:**
  - WIDTH: 30" MINIMUM
  - DEPTH OF PLANTER (FROM TOP OF GROWING MEDIUM TO OVERFLOW WEIR ELEVATION): 12"
  - SLOPE OF PLANTER: 0.5% OR LESS
3. **SETBACKS:**
  - PLANTERS MUST BE MINIMUM OF 5 FEET FROM PROPERTY LINE.
4. **OVERFLOW:**
  - WEIR ELEVATION MUST ALLOW FOR 4" OF FREEBOARD, MINIMUM.
  - SIZE OVERFLOW WEIR FOR THE 100 YEAR DESIGN STORM. IDENTIFY EMERGENCY OVERFLOW ROUTE ON THE STORMWATER MANAGEMENT PLAN.
5. **DRAIN ROCK:**
  - SIZE: 1 1/2" - 3/4" WASHED
  - DEPTH: 28" MINIMUM
6. **SEPARATION BETWEEN DRAIN ROCK AND GROWING MEDIUM:** SHALL BE A 3" LAYER OF 3/4" - 1/4" OPEN GRADED AGGREGATE.
7. **GROWING MEDIUM:**
  - DEPTH: 18" MINIMUM
  - SEE APPENDIX A FOR SPECIFICATION OR USE SAND/LOAM/COMPOST 3-WAY MIX.
  - FACILITY SURFACE AREA MAY BE REDUCED BY 20% WHEN GROWING MEDIA DEPTH IS INCREASED TO 30" OR MORE.
8. **VEGETATION:** FOLLOW LANDSCAPE PLANS OR REFER TO PLANTING REQUIREMENTS IN APPENDIX A.
9. **PLANTER WALLS:**
  - MATERIALS SHALL BE STONE, BRICK, CONCRETE OR OTHER DURABLE MATERIAL.
  - CONCRETE, BRICK, OR STONE WALLS SHALL BE INCLUDED ON FOUNDATION PLANS.
  - INSTALL INVERTED CURB AS NEEDED BETWEEN PLANTERS AND ROAD SUBGRADE.
  - WALL HEIGHTS GREATER THAN 24" ABOVE GRADE REQUIRE HANDRAIL.
10. **WATERPROOF LINER:**
  - LINER SHALL BE 30 MIL PVC OR EQUIVALENT.
  - A WATERPROOF LINER IS NOT REQUIRED IF THE WALL MATERIAL IS WATERPROOF REINFORCED CONCRETE OR APPROVED EQUAL.
11. **INSTALL RIVER ROCK SPLASH PAD** TO TRANSITION FROM INLET TO GROWING MEDIUM. SIZE OF ROCK SHALL BE 1" - 3".
12. **SEASONAL HIGH GROUNDWATER SEPARATION:**
  - SEPARATION DISTANCE AS REQUIRED BY THE CITY.
13. **SUBMIT RETAINING WALL DESIGN** IN ACCORDANCE WITH APPLICABLE STRUCTURAL CODES FOR REVIEW AND APPROVAL.

Stormwater Planter - Infiltration  
Figure C-2



OREGON CITY  
STORMWATER AND  
GRADING  
DESIGN STANDARDS



## Stormwater Planters Operations & Maintenance Plan

| What to Look For                                                                                                             | What to Do                                                                                                                                                             |
|------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Structural Components</b> , including inlets and outlets/overflows, shall freely convey stormwater.                       |                                                                                                                                                                        |
| Clogged inlets or outlets                                                                                                    | -Remove sediment and debris from catch basins, trench drains and curb inlets and pipes to maintain at least 50% conveyance capacity at all times.                      |
| Cracked Drain Pipes                                                                                                          | -Repair/seal cracks. Replace when repair is insufficient.                                                                                                              |
| Check Dams                                                                                                                   | -Maintain 4 to 10 inch deep rock check dams at design intervals.                                                                                                       |
| <b>Vegetation</b>                                                                                                            |                                                                                                                                                                        |
| Dead or strained vegetation                                                                                                  | -Replant per original planting plan, or substitute from Appendix A.<br>-Irrigate as needed. Mulch banks annually. DO NOT apply fertilizers, herbicides, or pesticides. |
| Tall Grass and Vegetation                                                                                                    | -Cut back grass and prune overgrowth 1-2 times per year. Remove cuttings.                                                                                              |
| Weeds                                                                                                                        | -Manually remove weeds. Remove all plant debris.                                                                                                                       |
| <b>Growing/Filter Medium</b> , including soil and gravels, shall sustain healthy plant cover and infiltrate within 72 hours. |                                                                                                                                                                        |
| Gullies                                                                                                                      | -Fill, lightly compact, and plant vegetation to disperse flow.                                                                                                         |
| Erosion                                                                                                                      | -Replace splash blocks or inlet gravel/rock.                                                                                                                           |
| Slope Slippage                                                                                                               | -Stabilize 3:1 slopes/banks with plantings from Appendix A.                                                                                                            |
| Ponding                                                                                                                      | -Rake, till, or amend to restore infiltration rate.                                                                                                                    |

### Annual Maintenance Schedule:

**Summer.** Make any structural repairs. Improve filter medium as needed. Clear drain. Irrigate as needed.

**Fall.** Replant exposed soil and replace dead plants. Remove sediment and plant debris.

**Winter.** Monitor infiltration/flow-through rates. Clear inlets and outlets/overflows to maintain conveyance.

**Spring.** Remove sediment and plant debris. Replant exposed soil and replace dead plants. Mulch.

**All seasons.** Weed as necessary. Clean scuppers or curb inlets as needed.

**Maintenance Records:** Record date, description, and contractor (if applicable) for all structural repairs, landscape maintenance, and facility cleanout activities. Keep work orders and invoices on file and make available upon request of the inspector.

**Access:** Maintain ingress/egress to design standards.

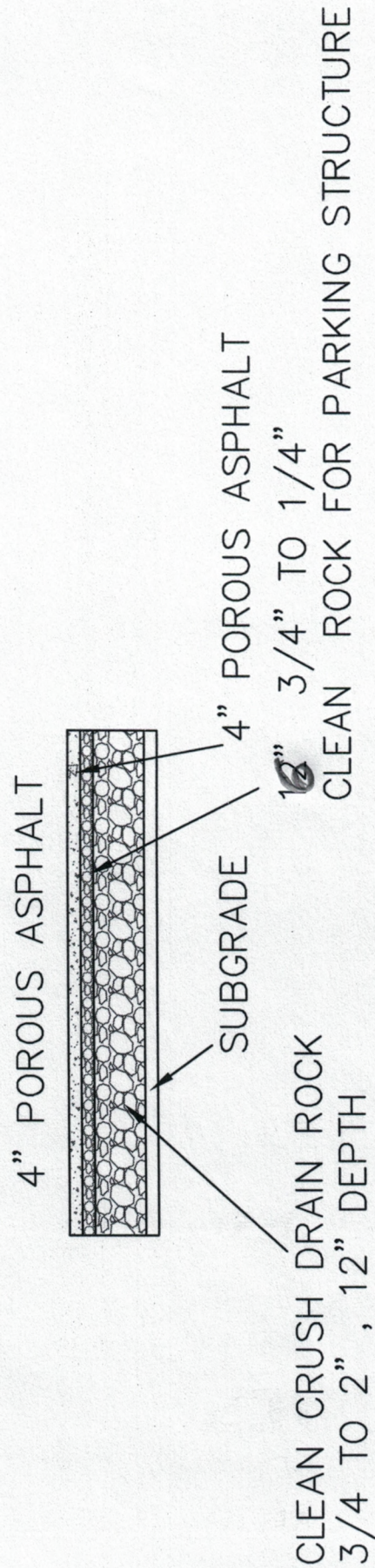
**Infiltration/Flow Control:** All facilities shall drain within 72 hours. Record time/date, weather, and site conditions when ponding occurs.

**Pollution Prevention:** All sites shall implement best management practices to prevent hazardous or solid wastes or excessive oil and sediment from contaminating stormwater. Contact emergency response agencies for immediate assistance responding to spills. Record time/date, weather, and site conditions if site activities contaminate stormwater.

**Vectors (Mosquitoes & Rodents):** Stormwater facilities shall not harbor mosquito larvae or rats that pose a threat to public health or that undermine the facility structure. Monitor standing water for small wiggling sticks perpendicular to the water's surface. Note holes/burrows in and around facilities. Call Clackamas County Vector Control for immediate assistance to eradicate vectors. Record time/date, weather, and site conditions when vector activity observed.

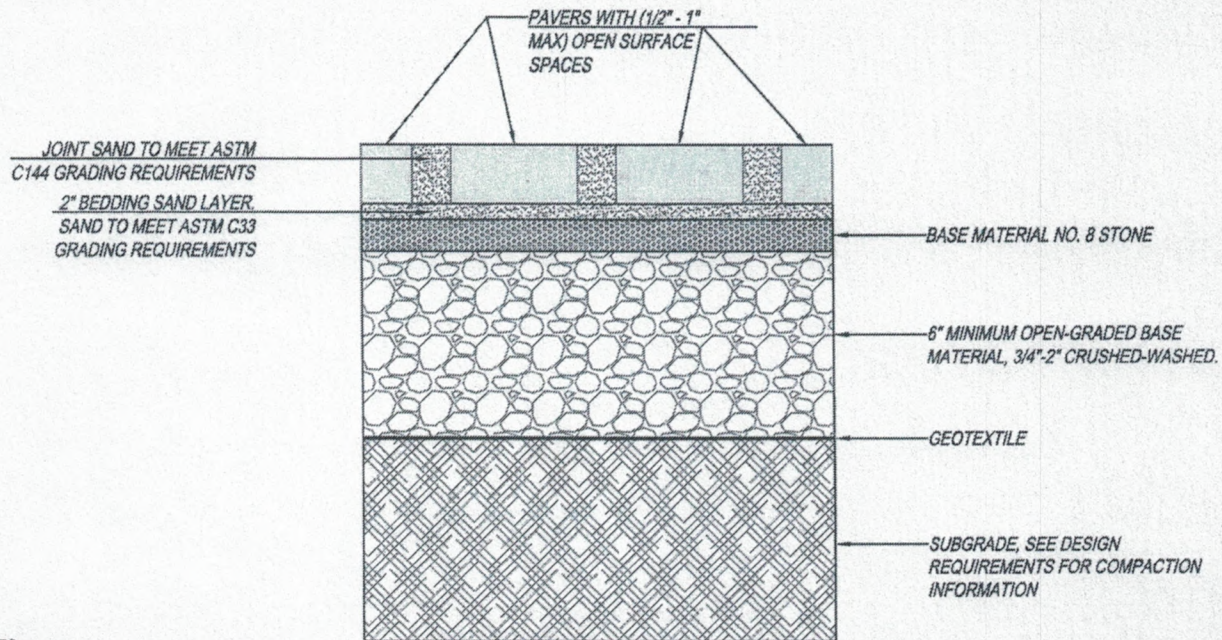






DRIVEWAY CROSS SECTION  
N.T.S.

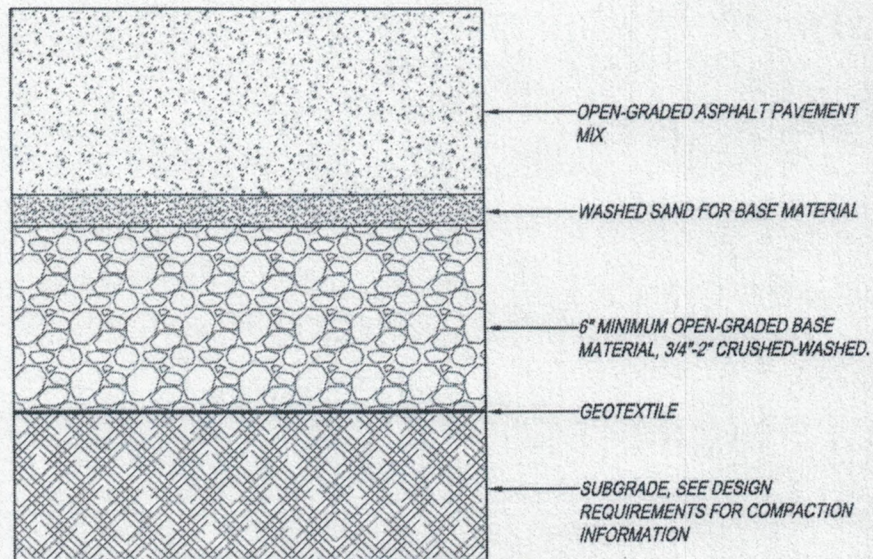




PERVIOUS CONCRETE BLOCK OR  
"PAVER" SYSTEMS

NOTES:

1. THE DESIGN ENGINEER SHALL SUBMIT PERVIOUS PAVEMENT DESIGN AND SPECIFICATIONS IN CONFORMANCE WITH INDUSTRY STANDARDS.
2. PAVERS AVERAGE COMPRESSIVE STRENGTH OF 8,000 PSI. NO INDIVIDUAL UNIT LESS THAN 7,200 PSI. MINIMUM 80 MM THICKNESS.
3. BANDED BY CONCRETE EDGE RESTRAINTS.
4. MANHOLE COLLARS PER CITY STANDARD DETAIL.



PERVIOUS (OPEN GRADED)  
CONCRETE SYSTEMS

Pervious Pavement  
Figure C-16



OREGON CITY  
STORMWATER AND  
GRADING  
DESIGN STANDARDS



## Pervious Pavement Operations & Maintenance Plan

Pervious pavement is a permeable pavement surface with an underlying stone reservoir that temporarily stores surface runoff before infiltrating into the subsoil or being collected in underlying drain pipes and being discharged off-site. There are many types of pervious pavement including plastic rings planted with grass, stone or concrete blocks with pore spaces backfilled with gravel or sand, porous asphalt, and porous concrete. Pervious pavement accepts only precipitation, not stormwater runoff. The following items shall be inspected and maintained as stated:

| What to Look For                                                                                | What to Do                                                                                                                                                                          |
|-------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Structural Components</b> , including surface materials, shall evenly infiltrate stormwater. |                                                                                                                                                                                     |
| Clogged surface                                                                                 | -Vacuum sweep at least twice a year.<br>-Powerwash annually or as needed. Do not use surfactants.                                                                                   |
| Cracked or moving edge restraints                                                               | -Repair per manufacturer's recommendations.                                                                                                                                         |
| Cracked or loose pavement                                                                       | -Repair per manufacturer's recommendations.                                                                                                                                         |
| <b>Vegetation</b> includes surface cover and nearby plantings.                                  |                                                                                                                                                                                     |
| Large Shrubs and Trees                                                                          | -Sweep leaf litter and sediment to prevent surface clogging and ponding.<br>-Prevent large root systems from damaging pavement.<br>-Manually remove weeds. Remove all plant debris. |
| <b>Filter Medium</b>                                                                            |                                                                                                                                                                                     |
| Aggregate loss in pavers from settling and from power washing.                                  | -Replace paver pore space with aggregate from original design.                                                                                                                      |

### Maintenance Schedule:

*Summer.* Make necessary structural repairs.

*Fall.* Vacuum sweep.

*Winter.* Monitor infiltration rates.

*Spring.* Power wash with proper disposal. Vacuum sweep.

*All Seasons:* Weed as necessary.

*Maintenance Records:* Record date, description, and contractor (if applicable) for all structural repairs, landscape maintenance, and facility cleanout activities. Keep work orders and invoices on file and make available upon request of the inspector.

*Access:* Maintain ingress/egress to design standards.

*Infiltration/Flow Control:* All facilities shall not retain standing water during dry weather. Record time/date, weather, and site conditions when ponding occurs.

*Pollution Prevention:* All sites shall implement best management practices to prevent hazardous or solid wastes or excessive oil and sediment from contaminating stormwater. Contact emergency response agencies for immediate assistance responding to spills. Record time/date, weather, and site conditions if site activities contaminate stormwater.

*Vectors (Mosquitoes & Rodents):* Stormwater facilities shall not harbor mosquito larvae or rats that pose a threat to public health or that undermine the facility structure. Monitor standing water for small wiggling sticks perpendicular to the water's surface. Note holes/burrows in and around facilities. Call Clackamas County Vector Control for immediate assistance to eradicate vectors. Record time/date, weather, and site conditions when vector activity observed.

Pervious Pavement - O&M Plan  
Figure C-17



**OREGON CITY  
STORMWATER AND  
GRADING  
DESIGN STANDARDS**



# STORMWATER NARRATIVE FOR 182 WARNER PARROT RD.

---

We are proposing to do an addition to the existing house. Will be handicap accessibility, and the existing parking lot will be enlarged.

## **DOWN STREAM ANALYSIS**

I'm proposing an overflow pipe (3" perforated pipe) from the site (under stormwater planter and porous asphalt) and connected with the existing 12" storm pipe in street, via a new catch basin. Best of my calculation and design, the overflow pipe will be constructive, not expected any flow for 25 yr storm event.

From the proposed catch basin, the existing 12" storm pipe, in approx 200 feet, connect with an extg. manhole situated at the intersection of Warner Parrot Rd. and Boynton St. From there, the storm pipe oversize to 15" and in approx 200 feet, connect another extg. manhole situated at the intersection Warner Parrot Rd and Woodlawn Ave. From there, in approx 575 feet, the extg. 15" storm pipe connect an extg. catch basin, goes North under the extg. street and discharge.

No flooding were observed or reported. Because on our overflow pipe is not expected any flow, will be any impact on the extg. storm pipe.

## **INFILTRATION TEST**

On 4/12/2020, I dug a hole, using a mechanical ager, 4 feet deep and 6" diameter, filling with water. Also, I found a digging, about 8 feet deep, done by others. I observed a consistence of the ground, brown clay with cobbles. On 2/13/20, I start the percolation test, and I found 2.16 inch/hr. In my calculations, I used 1 inch/hr, and infiltrate all the 25 yr storm event (exceeding the standards).

Having a 1 foot freeboard, in my professional opinion, the soil is suitable for infiltration.

## **SEASON GROUND DEPTH ELEVATION**



Best on USGI Map, the depth of ground water is 92.136 feet, giving us enough clearance for the stormwater planter.

**BMP**

For the roof, I'm proposing stormwater planter infiltration, and for parking lot, porous asphalt, both systems having an 3" perforated pipe overflow.

See attached.



exp 6/30/21



# Oregon City GIS Map

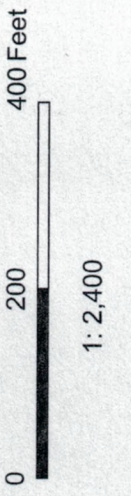
Downstream



### Legend

|              |         |                     |                |                   |                               |         |       |        |                             |      |         |       |                |             |             |      |       |                    |
|--------------|---------|---------------------|----------------|-------------------|-------------------------------|---------|-------|--------|-----------------------------|------|---------|-------|----------------|-------------|-------------|------|-------|--------------------|
| Street Names | Taxlots | Taxlots Outside UGB | Unimproved ROW | Project Locations | Storm Structures (City Owned) | Manhole | Inlet | Outlet | Storm Conduits (City Owned) | Pipe | Culvert | Ditch | Detention Tank | Flow Arrows | Storm Ponds | Pond | Swale | Minor Road, Medium |
|              |         |                     |                |                   |                               |         |       |        |                             |      |         |       |                |             |             |      |       |                    |

Notes



The City of Oregon City makes no representations, express or implied, as to the accuracy, completeness and timeliness of the information displayed. This map is not suitable for legal, engineering, surveying or navigation purposes. Publication of any errors is appreciated.

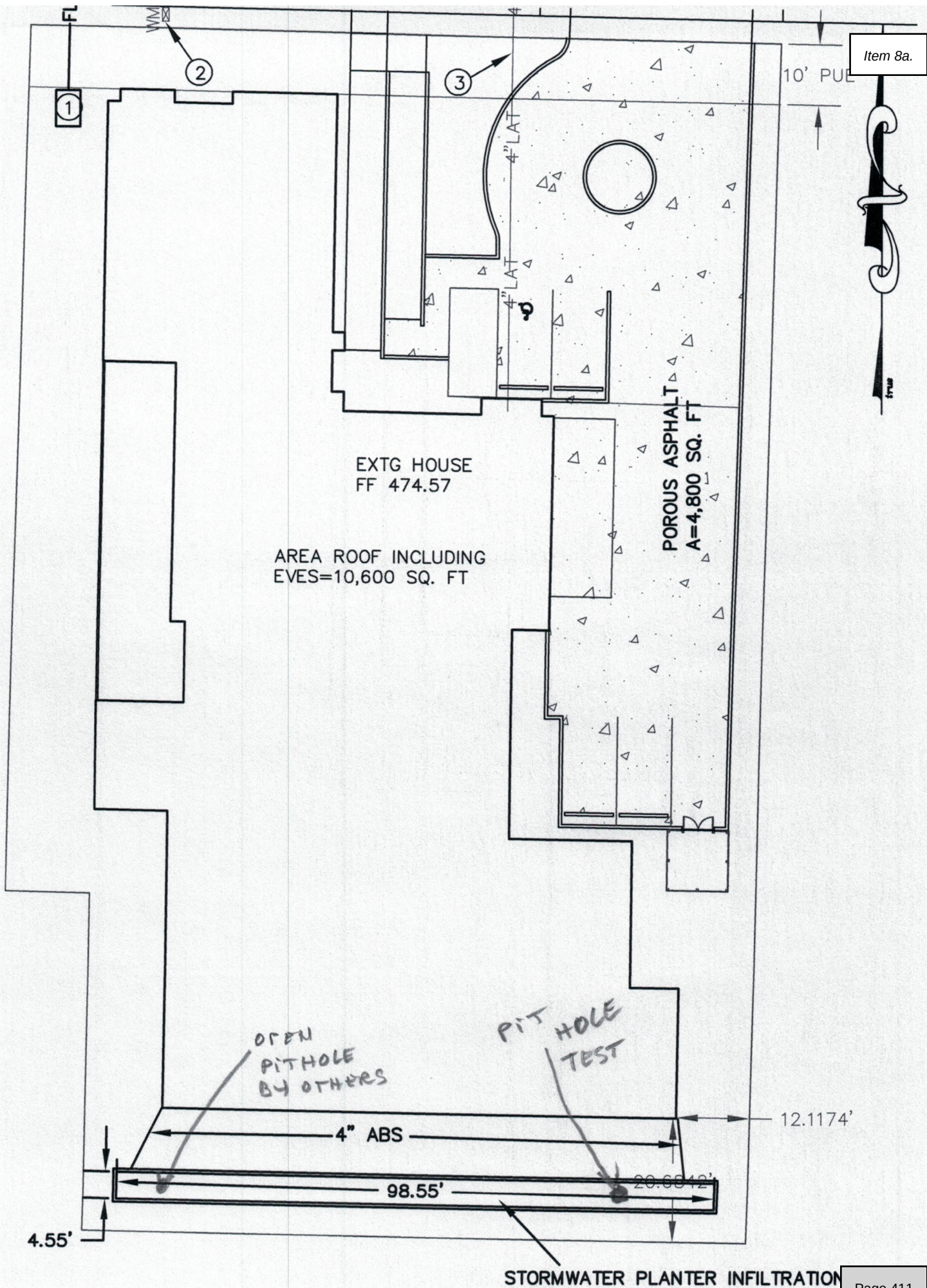
Map created 5/6/2020

Item 8a.

City of Oregon City  
PO Box 3040  
625 Center St  
Oregon City  
OR 97045  
(503) 657-0891  
www.orecity.org



ZED





| Infiltration Test Data Table                                               |                        |                         |                           |                                   |                  |
|----------------------------------------------------------------------------|------------------------|-------------------------|---------------------------|-----------------------------------|------------------|
| Location:<br>182 WARNER PARROT                                             |                        | Date:<br>4/13/20        |                           | Test Hole Number:<br>1            |                  |
| Depth to bottom of hole:<br>4 FE                                           |                        | Diameter of hole:<br>6" |                           | Test Method:<br>OPEN PIT          |                  |
| Tester's Name: RICHARD S. GEORGESEN P.E.                                   |                        |                         |                           |                                   |                  |
| Tester's Company: RSG ENGINEERING Co Tester's Contact Number: 503-380-6179 |                        |                         |                           |                                   |                  |
| Depth, feet                                                                |                        |                         | Soil Texture              |                                   |                  |
| 0-0.5'                                                                     |                        |                         | TOP SOIL                  |                                   |                  |
| 0.5'-8'                                                                    |                        |                         | BROWN CLAY w/ COBBLES     |                                   |                  |
|                                                                            |                        |                         |                           |                                   |                  |
|                                                                            |                        |                         |                           |                                   |                  |
|                                                                            |                        |                         |                           |                                   |                  |
| Time                                                                       | Time interval, minutes | Measurement, feet       | Drop in water level, feet | Percolation rate, inches per hour | Remarks          |
| NOON                                                                       | —                      | 3.5'                    | —                         | —                                 | FILL w/ 6" WATER |
| 12:10                                                                      | 10                     | 3.55'                   | 0.05                      | 3.6                               |                  |
| 12:20                                                                      | 10                     | 3.60'                   | 0.05                      | 3.6                               |                  |
| 12:30                                                                      | 10                     | 3.64'                   | 0.04                      | 2.88                              |                  |
| 12:40                                                                      | 10                     | 3.68'                   | 0.04                      | 2.88                              |                  |
| 12:50                                                                      | 10                     | 3.71'                   | 0.03                      | 2.16                              |                  |
| 1 PM                                                                       | 10                     | 3.74'                   | 0.03                      | 2.16                              |                  |
| 1:10                                                                       | —                      | 3.5'                    | —                         | —                                 | FILL w/ 6" WATER |
| 1:20                                                                       | 10                     | 3.53'                   | 0.03                      | 2.16                              |                  |
| 1:30                                                                       | 10                     | 3.56'                   | 0.03                      | 2.16                              |                  |

FOR THE NEXT HOUR STABILIZED @ 2.16 in/HR

$$\text{TAKE } 2 \text{ in/HR} / 2 = 1 \text{ in/HR} = \boxed{60 \text{ MIN/INCH}}$$

March 2020

D-8







## HOUSE

-----  
 \*\*\*\*\* S.C.S. TYPE-1A DISTRIBUTION \*\*\*\*\*  
 \*\*\*\*\* 25-YEAR 24-HOUR STORM \*\*\*\* 4.00" TOTAL PRECIP. \*\*\*\*\*  
 -----

ENTER: A(PERV), CN(PERV), A(IMPERV), CN(IMPERV), TC FOR BASIN NO. 1  
 0,86,.24,98,5

## DATA PRINT-OUT:

| AREA(ACRES) | PERVIOUS<br>A CN | IMPERVIOUS<br>A CN | TC(MINUTES) |
|-------------|------------------|--------------------|-------------|
| .24         | .0 86.0          | .24 98.0           | 5.0         |

| PEAK-Q(CFS) | T-PEAK(HRS) | VOL(CU-FT) |
|-------------|-------------|------------|
| .25         | 7.67        | 3280       |

## SUMMARY OF INPUT ITEMS

- 1) TYPE OF FACILITY: GRAVEL TRENCH/BED
- 2) STORAGE DEPTH(ft): 1.00
- 3) VERTICAL PERMEABILITY(min/in): 60.00
- 4) PRIMARY DESIGN HYDROGRAPH FILENAME: DONH
- 5) PRIMARY RELEASE RATE(cfs): .00
- 6) NUMBER OF TEST HYDROGRAPHS: 1  
 TEST HYD 1 FILENAME: DONH TARGET RELEASE(cfs): .00
- 7) NUMBER-OF-ORIFICES, RISER-HEAD(ft), RISER-DIAM(in): 0, 1.00, 12

| PERFORMANCE: | INFLOW | TARGET-OUTFLOW | ACTUAL-OUTFLOW | PK-STAGE | STORAGE |
|--------------|--------|----------------|----------------|----------|---------|
| DESIGN HYD:  | .25    | .00            | .00            | 1.00     | 611     |
| TEST HYD 1:  | .25    | .00            | .00            | .90      | 610     |



## PARKING

-----  
 \*\*\*\*\* S.C.S. TYPE-1A DISTRIBUTION \*\*\*\*\*  
 \*\*\*\*\* 25-YEAR 24-HOUR STORM \*\*\*\* 4.00" TOTAL PRECIP. \*\*\*\*\*  
 -----

## DATA PRINT-OUT:

| AREA(ACRES) | PERVIOUS<br>A CN | IMPERVIOUS<br>A CN | TC(MINUTES) |
|-------------|------------------|--------------------|-------------|
| .11         | .0 86.0          | .11 98.0           | 5.0         |

| PEAK-Q(CFS) | T-PEAK(HRS) | VOL(CU-FT) |
|-------------|-------------|------------|
| .12         | 7.67        | 1503       |

## SUMMARY OF INPUT ITEMS

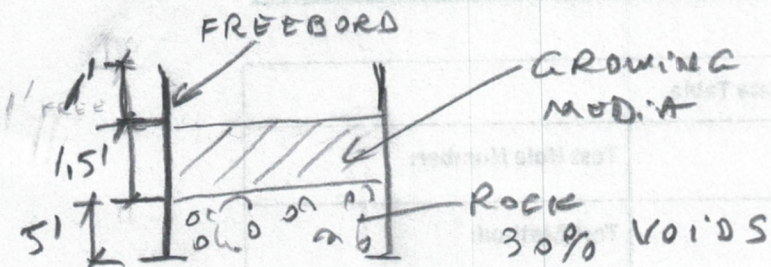
- 1) TYPE OF FACILITY: GRAVEL TRENCH/BED
- 2) STORAGE DEPTH(ft): 1.00
- 3) VERTICAL PERMEABILITY(min/in): 60.00
- 4) PRIMARY DESIGN HYDROGRAPH FILENAME: DONP
- 5) PRIMARY RELEASE RATE(cfs): .00
- 6) NUMBER OF TEST HYDROGRAPHS: 1  
 TEST HYD 1 FILENAME: DONP TARGET RELEASE(cfs): .00
- 7) NUMBER-OF-ORIFICES, RISER-HEAD(ft), RISER-DIAM(in): 0, 1.00, 12

| PERFORMANCE: | INFLOW | TARGET-OUTFLOW | ACTUAL-OUTFLOW | PK-STAGE | STORAGE |
|--------------|--------|----------------|----------------|----------|---------|
| DESIGN HYD:  | .12    | .00            | .00            | 1.00     | 274     |
| TEST HYD 1:  | .12    | .00            | .00            | .90      | 270     |



HOUSE

WE HAVE TO STORE 611 cu ft of STORMWATER

STORM PLANTER

$$\begin{aligned}
 V_{\text{STORAGE}} &= 5' \text{ DEEP} \times 98.5' \text{ LONG} \times 4.5' \text{ WIDE} \times 0.3 \text{ VOL VOIDS} \\
 &= \underline{665 \text{ cu ft}} > \underline{611 \text{ cu ft NEEDED}} \\
 &\quad \underline{\text{OK!}}
 \end{aligned}$$

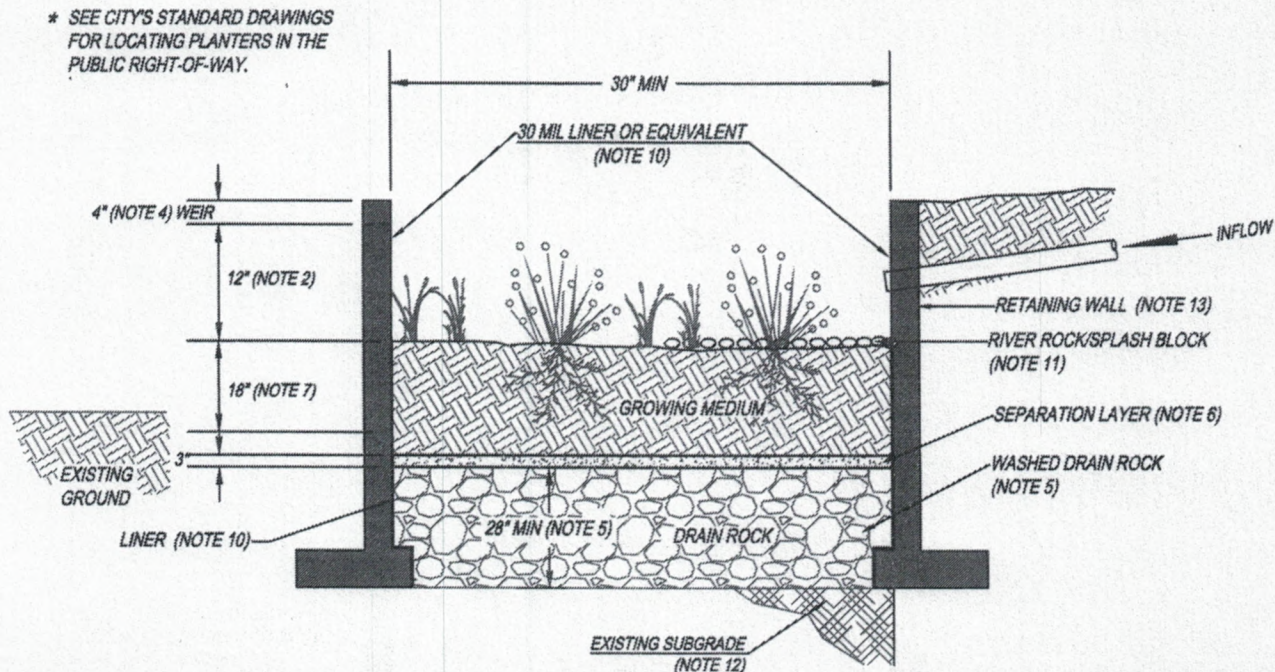
PARKING

WE HAVE TO STORE 274 cu ft of STORMWATER

$$A_{\text{POROUS ASPHALT}} = 4,800 \text{ SQ. FT}$$

$$\begin{aligned}
 V_{\text{STORAGE}} &= 4,800 \text{ S.F.} \times 1' \text{ DEEP ROCK} \times 0.3 \text{ VOL VOIDS} = \\
 &= \underline{1,440 \text{ cu ft}} > \underline{274 \text{ cu ft NEEDED}} \\
 &\quad \underline{\text{OK!}}
 \end{aligned}$$





## GENERAL NOTES:

1. **PROVIDE PROTECTION** FROM ALL VEHICLE TRAFFIC, EQUIPMENT STAGING, AND FOOT TRAFFIC IN PROPOSED INFILTRATION AREAS PRIOR TO, DURING AND AFTER CONSTRUCTION.
2. **DIMENSIONS:**
  - WIDTH: 30" MINIMUM
  - DEPTH OF PLANTER (FROM TOP OF GROWING MEDIUM TO OVERFLOW WEIR ELEVATION): 12"
  - SLOPE OF PLANTER: 0.5% OR LESS
3. **SETBACKS:**
  - PLANTERS MUST BE MINIMUM OF 5 FEET FROM PROPERTY LINE.
4. **OVERFLOW:**
  - WEIR ELEVATION MUST ALLOW FOR 4" OF FREEBOARD, MINIMUM.
  - SIZE OVERFLOW WEIR FOR THE 100 YEAR DESIGN STORM. IDENTIFY EMERGENCY OVERFLOW ROUTE ON THE STORMWATER MANAGEMENT PLAN.
5. **DRAIN ROCK:**
  - SIZE: 1 1/2" - 3/4" WASHED
  - DEPTH: 28" MINIMUM
6. **SEPARATION BETWEEN DRAIN ROCK AND GROWING MEDIUM:** SHALL BE A 3" LAYER OF 3/4" - 1/4" OPEN GRADED AGGREGATE.
7. **GROWING MEDIUM:**
  - DEPTH: 18" MINIMUM
  - SEE APPENDIX A FOR SPECIFICATION OR USE SAND/LOAM/COMPOST 3-WAY MIX.
  - FACILITY SURFACE AREA MAY BE REDUCED BY 20% WHEN GROWING MEDIA DEPTH IS INCREASED TO 30" OR MORE.
8. **VEGETATION:** FOLLOW LANDSCAPE PLANS OR REFER TO PLANTING REQUIREMENTS IN APPENDIX A.
9. **PLANTER WALLS:**
  - MATERIALS SHALL BE STONE, BRICK, CONCRETE OR OTHER DURABLE MATERIAL.
  - CONCRETE, BRICK, OR STONE WALLS SHALL BE INCLUDED ON FOUNDATION PLANS.
  - INSTALL INVERTED CURB AS NEEDED BETWEEN PLANTERS AND ROAD SUBGRADE.
  - WALL HEIGHTS GREATER THAN 24" ABOVE GRADE REQUIRE HANDRAIL.
10. **WATERPROOF LINER:**
  - LINER SHALL BE 30 MIL PVC OR EQUIVALENT.
  - A WATERPROOF LINER IS NOT REQUIRED IF THE WALL MATERIAL IS WATERPROOF REINFORCED CONCRETE OR APPROVED EQUAL.
11. **INSTALL RIVER ROCK SPLASH PAD** TO TRANSITION FROM INLET TO GROWING MEDIUM. SIZE OF ROCK SHALL BE 1" - 3".
12. **SEASONAL HIGH GROUNDWATER SEPARATION:**
  - SEPARATION DISTANCE AS REQUIRED BY THE CITY.
13. **SUBMIT RETAINING WALL DESIGN** IN ACCORDANCE WITH APPLICABLE STRUCTURAL CODES FOR REVIEW AND APPROVAL.

Stormwater Planter - Infiltration  
Figure C-2



OREGON CITY  
STORMWATER AND  
GRADING  
DESIGN STANDARDS



## Stormwater Planters Operations & Maintenance Plan

| What to Look For                                                                                                            | What to Do                                                                                                                                                             |
|-----------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Structural Components, including inlets and outlets/overflows, shall freely convey stormwater.</b>                       |                                                                                                                                                                        |
| Clogged inlets or outlets                                                                                                   | -Remove sediment and debris from catch basins, trench drains and curb inlets and pipes to maintain at least 50% conveyance capacity at all times.                      |
| Cracked Drain Pipes                                                                                                         | -Repair/seal cracks. Replace when repair is insufficient.                                                                                                              |
| Check Dams                                                                                                                  | -Maintain 4 to 10 inch deep rock check dams at design intervals.                                                                                                       |
| <b>Vegetation</b>                                                                                                           |                                                                                                                                                                        |
| Dead or strained vegetation                                                                                                 | -Replant per original planting plan, or substitute from Appendix A.<br>-Irrigate as needed. Mulch banks annually. DO NOT apply fertilizers, herbicides, or pesticides. |
| Tall Grass and Vegetation                                                                                                   | -Cut back grass and prune overgrowth 1-2 times per year. Remove cuttings.                                                                                              |
| Weeds                                                                                                                       | -Manually remove weeds. Remove all plant debris.                                                                                                                       |
| <b>Growing/Filter Medium, including soil and gravels, shall sustain healthy plant cover and infiltrate within 72 hours.</b> |                                                                                                                                                                        |
| Gullies                                                                                                                     | -Fill, lightly compact, and plant vegetation to disperse flow.                                                                                                         |
| Erosion                                                                                                                     | -Replace splash blocks or inlet gravel/rock.                                                                                                                           |
| Slope Slippage                                                                                                              | -Stabilize 3:1 slopes/banks with plantings from Appendix A.                                                                                                            |
| Ponding                                                                                                                     | -Rake, till, or amend to restore infiltration rate.                                                                                                                    |

### Annual Maintenance Schedule:

**Summer.** Make any structural repairs. Improve filter medium as needed. Clear drain. Irrigate as needed.

**Fall.** Replant exposed soil and replace dead plants. Remove sediment and plant debris.

**Winter.** Monitor infiltration/flow-through rates. Clear inlets and outlets/overflows to maintain conveyance.

**Spring.** Remove sediment and plant debris. Replant exposed soil and replace dead plants. Mulch.

**All seasons.** Weed as necessary. Clean scuppers or curb inlets as needed.

**Maintenance Records:** Record date, description, and contractor (if applicable) for all structural repairs, landscape maintenance, and facility cleanout activities. Keep work orders and invoices on file and make available upon request of the inspector.

**Access:** Maintain ingress/egress to design standards.

**Infiltration/Flow Control:** All facilities shall drain within 72 hours. Record time/date, weather, and site conditions when ponding occurs.

**Pollution Prevention:** All sites shall implement best management practices to prevent hazardous or solid wastes or excessive oil and sediment from contaminating stormwater. Contact emergency response agencies for immediate assistance responding to spills. Record time/date, weather, and site conditions if site activities contaminate stormwater.

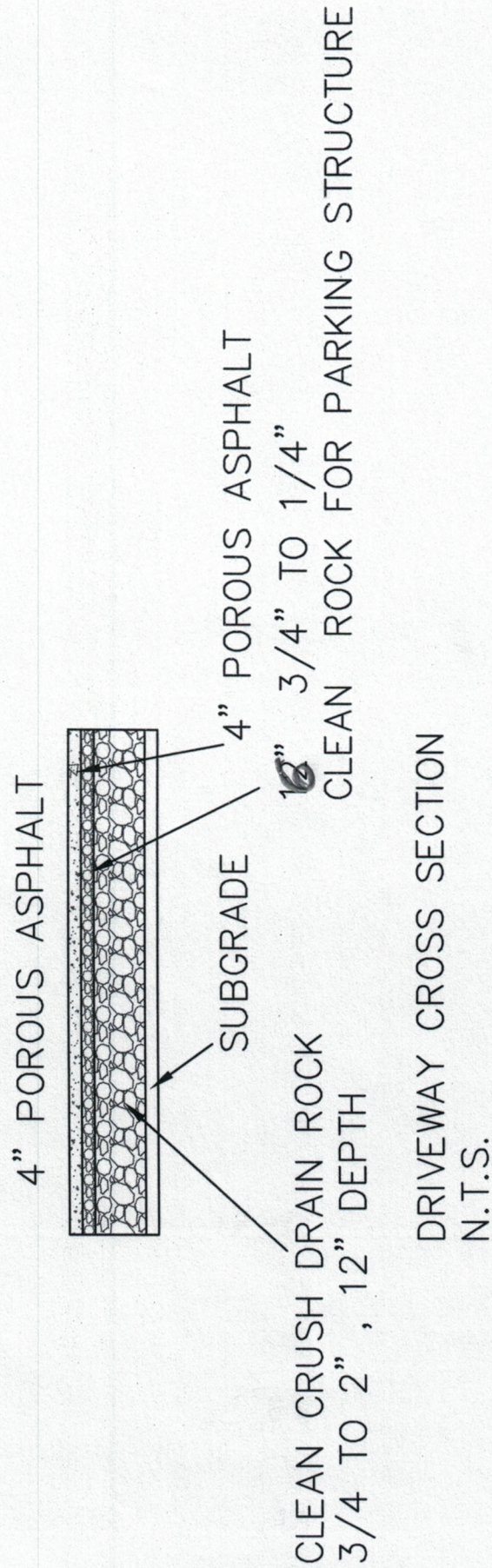
**Vectors (Mosquitoes & Rodents):** Stormwater facilities shall not harbor mosquito larvae or rats that pose a threat to public health or that undermine the facility structure. Monitor standing water for small wiggling sticks perpendicular to the water's surface. Note holes/burrows in and around facilities. Call Clackamas County Vector Control for immediate assistance to eradicate vectors. Record time/date, weather, and site conditions when vector activity observed.

Stormwater Planter O&M Plan  
Figure C-3

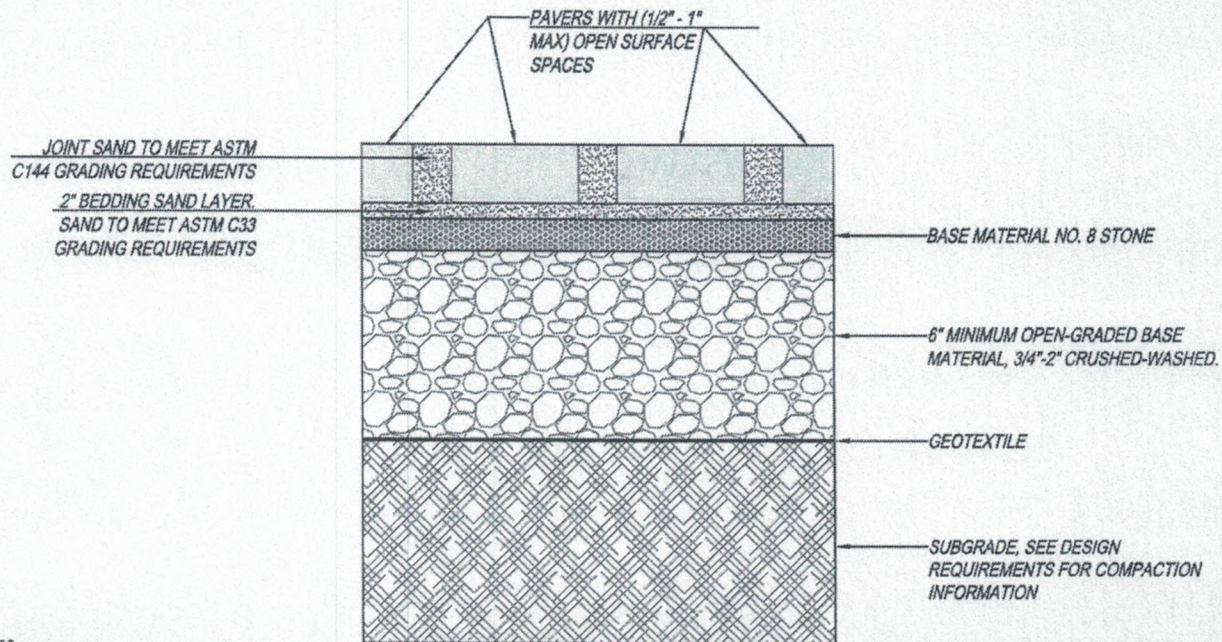


**OREGON CITY  
STORMWATER AND  
GRADING  
DESIGN STANDARDS**





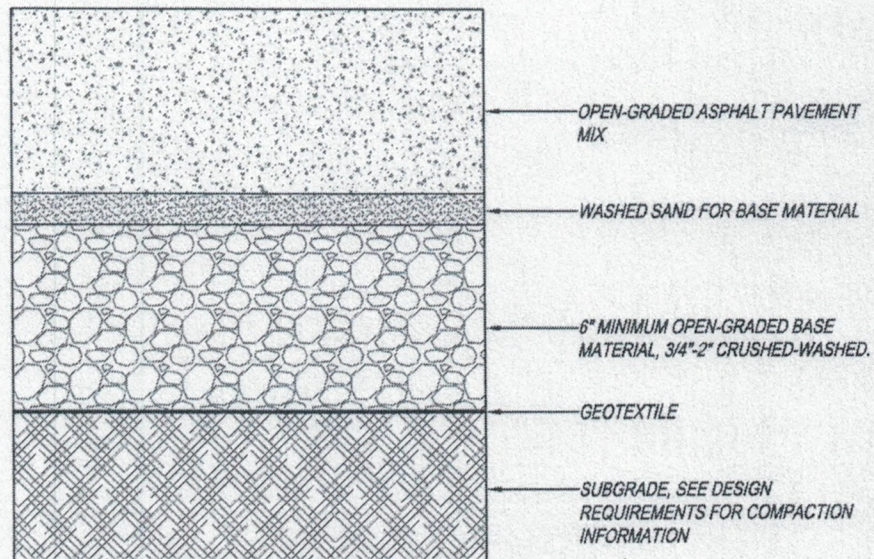




PERVIOUS CONCRETE BLOCK OR  
"PAVER" SYSTEMS

NOTES:

1. THE DESIGN ENGINEER SHALL SUBMIT PERVIOUS PAVEMENT DESIGN AND SPECIFICATIONS IN CONFORMANCE WITH INDUSTRY STANDARDS.
2. PAVERS AVERAGE COMPRESSIVE STRENGTH OF 8,000 PSI. NO INDIVIDUAL UNIT LESS THAN 7,200 PSI. MINIMUM 80 MM THICKNESS.
3. BANDED BY CONCRETE EDGE RESTRAINTS.
4. MANHOLE COLLARS PER CITY STANDARD DETAIL.



PERVIOUS (OPEN GRADED)  
CONCRETE SYSTEMS

Pervious Pavement  
Figure C-16



OREGON CITY  
STORMWATER AND  
GRADING  
DESIGN STANDARDS



## Pervious Pavement Operations & Maintenance Plan

Pervious pavement is a permeable pavement surface with an underlying stone reservoir that temporarily stores surface runoff before infiltrating into the subsoil or being collected in underlying drain pipes and being discharged off-site. There are many types of pervious pavement including plastic rings planted with grass, stone or concrete blocks with pore spaces backfilled with gravel or sand, porous asphalt, and porous concrete. Pervious pavement accepts only precipitation, not stormwater runoff. The following items shall be inspected and maintained as stated:

| What to Look For                                                                                | What to Do                                                                                                                                                                          |
|-------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Structural Components</b> , including surface materials, shall evenly infiltrate stormwater. |                                                                                                                                                                                     |
| Clogged surface                                                                                 | -Vacuum sweep at least twice a year.<br>-Powerwash annually or as needed. Do not use surfactants.                                                                                   |
| Cracked or moving edge restraints                                                               | -Repair per manufacturer's recommendations.                                                                                                                                         |
| Cracked or loose pavement                                                                       | -Repair per manufacturer's recommendations.                                                                                                                                         |
| <b>Vegetation</b> includes surface cover and nearby plantings.                                  |                                                                                                                                                                                     |
| Large Shrubs and Trees                                                                          | -Sweep leaf litter and sediment to prevent surface clogging and ponding.<br>-Prevent large root systems from damaging pavement.<br>-Manually remove weeds. Remove all plant debris. |
| <b>Filter Medium</b>                                                                            |                                                                                                                                                                                     |
| Aggregate loss in pavers from settling and from power washing.                                  | -Replace paver pore space with aggregate from original design.                                                                                                                      |

### Maintenance Schedule:

*Summer.* Make necessary structural repairs.

*Fall.* Vacuum sweep.

*Winter.* Monitor infiltration rates.

*Spring.* Power wash with proper disposal. Vacuum sweep.

*All Seasons:* Weed as necessary.

**Maintenance Records:** Record date, description, and contractor (if applicable) for all structural repairs, landscape maintenance, and facility cleanout activities. Keep work orders and invoices on file and make available upon request of the inspector.

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**Vectors (Mosquitoes & Rodents):** Stormwater facilities shall not harbor mosquito larvae or rats that pose a threat to public health or that undermine the facility structure. Monitor standing water for small wiggling sticks perpendicular to the water's surface. Note holes/burrows in and around facilities. Call Clackamas County Vector Control for immediate assistance to eradicate vectors. Record time/date, weather, and site conditions when vector activity observed.

Pervious Pavement - O&M Plan  
Figure C-17



**OREGON CITY  
STORMWATER AND  
GRADING  
DESIGN STANDARDS**



**Pete Walter**

---

**From:** Petronella Donovan <petra@donovaninvestments.com>  
**Sent:** Tuesday, February 23, 2021 12:34 PM  
**To:** Pete Walter  
**Cc:** Edward Radulescu  
**Subject:** Re: Extension of 120-day Decision Deadline for Appeal

Hi Pete,

Extension granted till March 24th.

Thank you,

**Petronella Donovan**

*This email message, including any attachments, is for sole use of the intended recipient and may contain confidential and privileged information. Any unauthorized review, use, disclosure, or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply email and delete the original and all copies of this email.*

On Tue, Feb 23, 2021 at 10:28 AM Pete Walter <[pwalter@orcity.org](mailto:pwalter@orcity.org)> wrote:

Hi Petronella and Eddie,

FYI, the agenda will be posted tomorrow for the appeal.

If you were going to submit any further argument in defense of the application or responding to the appeal, please send it to the city recorder's office and CC me.



Also, you had previously granted the city an extension of the decision deadline to March 15. Please can you grant extension until March 24<sup>th</sup>?

Thanks,

Pete

Peter Walter, AICP, Senior Planner (he / him)

Community Development Department

695 Warner Parrott Rd, Oregon City, OR 97045

(503) 867-2574 *Mobile*

(503) 496-1568 *Desk*

(503) 722-3789 *Main Office*

[Today in Black History](#)

[What's your Vision for Oregon City?](#)



[Interactive Maps and Apps](#)

[On-Line Submittal of Land Use Applications](#)

[COVID-19 \(Coronavirus\) Information](#)

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



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

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





# CITY OF OREGON CITY

## Staff Report

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

**To:** City Commission **Agenda Date:** 03/03/2021  
**From:** Public Works Director John M. Lewis, PE

### SUBJECT:

Resolution No. 21-14, Repealing Resolution No. 04-21, and Adopting a Methodology, Project List, and Amounts for the City's Water System Development Charges and Establishing Effective Dates

### STAFF RECOMMENDATION:

Authorize the Mayor and City Recorder to execute Resolution No. 21-14, repealing Resolution No. 04-21, and adopting a methodology, project list, and amounts for the City's water system development charges and establishing effective dates.

### EXECUTIVE SUMMARY:

Adoption of Resolution No. 21-14 repeals Resolution No. 04-21, the existing Water System Development Charge (WSDC) Resolution. Resolution No. 21-14 establishes the new WSDC methodology, project list, amounts, and establishes effective dates. Updated WSDC are needed to support the recently-adopted Amendment to the Water Master Plan (Ordinance No. 21-1001).

### BACKGROUND:

In February 2019, the Water Capital Improvement Plan (CIP) was updated and presented to the City Commission. That same year, the City executed a contract with FCS Group to complete a water rate and SDC study based on the 2019 CIP update. The results of this study were presented to the City Commission in October 2019.

In accordance with ORS 223.309, the water master plan was formally amended to include the 2019 water CIP project list (Table 17 of the Amendment) by the City Commission through Ordinance 21-1001 (GLUA 20-00033, LEG 19-0002).

In August 2020, the FCS Group was contracted to assist in implementation of the water rates and SDCs. This contract included separation of the joint water/SDC rate study into two separate reports: Water Rate Study and SDC Methodology Modification, allowing



each rate process to proceed independently. In addition, the reports were updated to reflect updated regional comparables.

Modification of the Water SDC has followed procedural requirements of ORS 223.304 including:

- Issuance of Public Notice, a minimum of 90 days prior to Public Hearing, which was issued November 30, 2020.
- Posting of SDC Methodology Report, a minimum of 60 days prior to Public Hearing, which was posted on the City's website on December 23, 2020.

In addition, information regarding the modification to the water SDC was presented and discussed at the Oregon City Developer Stakeholder Group on December 10, 2020, and February 11, 2021.

The FCS Group Water SDC Methodology Modification Report, dated December 2020, describes the methodology used to develop the modified water SDCs.

### **Public Comments Received**

One letter was received for public testimony, from the Home Builders Association (HBA) of Metropolitan Portland, dated February 17, 2021. The comment letter links SDCs to housing affordability and developer level of certainty. Recommendations made by HBA were reviewed with staff. The following is a summary of the HBA recommendation, staff comments, and recommendations.

#### **HBA suggestion for Phased-In Implementation: 1/3 increments over 2 years**

- **Staff Comment:** Incremental approach helps builders plan for increase. Delay impacts City SDC revenues needed for short term projects
- **Staff Recommendation:** Implement in two increments, as noted below:
  - July 1, 2021: 50% of increase
  - January 1, 2022: Full SDC increase, indexed for inflation



| Water SDC Implementation Proposal                                                      |             |              |               |            | Phase In SDC Rate |                    |
|----------------------------------------------------------------------------------------|-------------|--------------|---------------|------------|-------------------|--------------------|
|                                                                                        |             |              |               |            | 7/2/2021          | 1/1/2022           |
|                                                                                        |             |              |               |            | 50%               | Fully Implemented* |
| Meter Size                                                                             | Flow Factor | Current Rate | Modified Rate | Increase   |                   |                    |
| 5/8" x 3/4"                                                                            | 1           | \$ 4,603     | \$ 9,374      | \$ 4,771   | \$ 6,989          | \$ 9,374           |
| 3/4"                                                                                   | 1.5         | \$ 6,905     | \$ 14,062     | \$ 7,157   | \$ 10,484         | \$ 14,062          |
| 1"                                                                                     | 2.5         | \$ 11,508    | \$ 23,436     | \$ 11,928  | \$ 17,472         | \$ 23,436          |
| 1 1/2"                                                                                 | 5           | \$ 23,015    | \$ 46,872     | \$ 23,857  | \$ 34,944         | \$ 46,872          |
| 2"                                                                                     | 8           | \$ 36,824    | \$ 74,995     | \$ 38,171  | \$ 55,910         | \$ 74,995          |
| 3"                                                                                     | 16          | \$ 73,648    | \$ 149,990    | \$ 76,342  | \$ 111,819        | \$ 149,990         |
| 4"                                                                                     | 25          | \$ 115,075   | \$ 234,360    | \$ 119,285 | \$ 174,718        | \$ 234,360         |
| 6"                                                                                     | 50          | \$ 230,151   | \$ 468,720    | \$ 238,569 | \$ 349,436        | \$ 468,720         |
| 8"                                                                                     | 80          | \$ 368,241   | \$ 749,952    | \$ 381,711 | \$ 559,097        | \$ 749,952         |
| 10"                                                                                    | 115         | \$ 529,346   | \$ 1,078,056  | \$ 548,710 | \$ 803,701        | \$ 1,078,056       |
| *Rate for full implementation effective 1/1/2022 will be adjusted to reflect inflation |             |              |               |            |                   |                    |

#### HBA suggestion Phased-In Implementation: Reduced Basis of Initial Rate

- **Staff Comment:** Rates must be set using adopted plan, which includes project list and timeline. Modifying the basis of the rate is not consistent with standard practice. Project timeframes are based on the best available information and professional judgement.
- **Staff Recommendation:** Do Not Implement.

#### HBA suggestion to Lock in SDC Rates for Plat Holders at time of Increase

- **Staff Comment:** Rates are locked in at the time of building permit acceptance, per City code. Time between plat approval and building permits vary and are unpredictable, which can result in significant differences between rates in place at time of plat and those in place when building permits are submitted. Tracking rates that apply for plat issuance may be problematic.
- **Staff Recommendation:** Do Not Implement

#### HBA suggestion to Collect SDC Later

- **Staff Comment:** Securing all fees at time of building permit issuance ensures builders have the financing to complete the work. In the past, economic downturns have resulted in outstanding SDCs and partially-constructed buildings. Significant effort was made to update City Code to prevent similar situations from happening again. SDCs can be deferred per City Code, which provide builders options to delay payment until a later date, while providing the City surety that they will be paid.
- **Staff Recommendation:** Do Not Implement

#### HBA suggestion to Adjust Interest Rate for SDC Deferral (Financing)



- **Staff Comment:** OCMC 13.20.080 establishes the interest rate for deferred SDC based on the “legal rate” which is established by ORS 82.010
- **Staff Recommendation:** Do Not Implement

**OPTIONS:**

1. Approve Resolution No. 21-14 with no changes.
2. Direct staff to make modifications to Resolution No. 21-14 and continue public hearing to a date certain of March 17, 2021 or later.
3. Deny Resolution No. 21-14. If the Commission chooses to deny the Resolution, staff requests direction on how to proceed.



**RESOLUTION NO. 21-14**

---

**A RESOLUTION REPEALING RESOLUTION NO. 04-21 AND ADOPTING A METHODOLOGY, PROJECT LIST, AND AMOUNTS FOR THE CITY'S WATER SYSTEM DEVELOPMENT CHARGES AND ESTABLISHING EFFECTIVE DATES**

**WHEREAS**, Oregon Revised Statutes (ORS) Chapter 223, authorizes Oregon City to charge System Development Charges (SDCs) for cost of existing and planned facility improvements that provide capacity to serve future growth; and

**WHEREAS**, ORS 223.304 established requirements for determination of the amounts of SDCs; and

**WHEREAS**, Oregon City Municipal Code (OCMC) 13.20 System Development Charge for Capital Improvements, implements the statutory authority to impose SDCs on new development and specifically authorizes the City Commission to adopt and modify the amount of the charges and the methodology upon which such charges are based; and

**WHEREAS**, the City's Water System Development Charge (WSDC) was last amended in 2004 through Resolution No. 04-21; and

**WHEREAS**, the City Commission approved an Amendment to the City's Water Master Plan as described in ORS 223.309 for the City's water distribution system that resulted in an updated list of capital improvements to be funded with water SDCs; and

**WHEREAS**, the City is modifying the water SDC methodology and calculated new water SDC amount in accordance with ORS 223.297 through 223.314 and OCMC 13.20 to support the updated list of capital improvements; and

**WHEREAS**, the modified WSDC Methodology and calculated amount are documented in the attached December 2020 Report, prepared by FCS Group, identified as Exhibit 1; and

**WHEREAS**, the City has met the procedural requirements of ORS 223.304 to adopt this resolution.

**NOW, THEREFORE, OREGON CITY RESOLVES AS FOLLOWS:**

**Section 1.** Repeal of Previous Resolution. Oregon City Resolution No 04-21, enacted on June 2, 2004, that previously established water SDC methodology and amounts, is hereby repealed.

**Section 2.** Methodology.

- A. The December 2020 FCS Group Water System Development Charge Methodology Report (Report) is adopted and incorporated herein by reference as though set forth in its entirety (Exhibit 1).
- B. The methodology for establishing revised reimbursement and/or improvement SDCs for funding the Oregon City water distribution system capital improvements, as presented in the Report, is hereby adopted by this resolution to determine the water SDC.



**Section 3.** Amounts of Water System Development Charge.

- A. The calculations for determining the amounts of the water SDC are set forth in the Report.
- B. Based on the calculations in the Report, the following schedule for water SDCs is adopted:

| Meter Size  | Flow Factor | Amount of SDC Fee |
|-------------|-------------|-------------------|
| 5/8" x 3/4" | 1.0         | \$ 9,374          |
| 3/4"        | 1.5         | \$ 14,062         |
| 1"          | 2.5         | \$ 23,436         |
| 1 1/2"      | 5.0         | \$ 46,872         |
| 2"          | 8.0         | \$ 74,995         |
| 3"          | 16.0        | \$ 149,990        |
| 4"          | 25.0        | \$ 234,360        |
| 6"          | 50.0        | \$ 468,720        |
| 8"          | 80.0        | \$ 749,952        |
| 10"         | 115.0       | \$ 1,078,056      |

- C. The City Engineer may use alternative data when estimating the actual water use of a development when, in the City Engineer's opinion, the alternative data are more reliable and realistic for a particular development than those set forth in this resolution.
- D. A single-family home shall be charged as set forth in the above schedule, unless the home is equipped with a sprinkler fire suppression system and that sprinkler fire system is the sole reason that the home requires a larger water meter. In such a case, so long as the water meter is no greater than 1 1/2-inch in size, the single-family home shall be charged the rate applicable to a 5/8 x 3/4-inch meter. If the single-family home is equipped with a water meter larger than 1 1/2-inch, the home shall be charged the SDC as set forth in the schedule above.

**Section 4.** Implementation of Water System Development Charge and Effective Dates.

- A. This resolution shall take effect immediately upon its adoption by the City Commission.
- B. This schedule shall be implemented with two incremental increases as follows:
  - (1) Effective July 1, 2021, the WSDC will fees be as follows:



| Meter Size  | Flow Factor | Amount of SDC Fee Effective 7-1-2021 |
|-------------|-------------|--------------------------------------|
| 5/8" x 3/4" | 1.0         | 6,989                                |
| 3/4"        | 1.5         | \$ 10,484                            |
| 1"          | 2.5         | \$ 17,472                            |
| 1 1/2"      | 5.0         | \$ 34,944                            |
| 2"          | 8.0         | \$ 55,910                            |
| 3"          | 16.0        | \$ 111,819                           |
| 4"          | 25.0        | \$ 174,718                           |
| 6"          | 50.0        | \$ 349,436                           |
| 8"          | 80.0        | \$ 559,097                           |
| 10"         | 115.0       | \$ 803,701                           |

- (2) Effective January 1, 2022, the SDC Fee adopted in Section 3, adjusted for inflation, as set forth in this Resolution, will be implemented.

**Section 5.** Annual Adjustment. Effective January 1, 2022, and annually thereafter, the system development charges included herein shall be adjusted based on the change in the Seattle Engineering News Record (ENR) Construction Cost Index (CCI).

Approved and adopted at a regular meeting of the City Commission held on the 3rd day of March 2021.

\_\_\_\_\_  
ROCKY SMITH, JR.  
Commission President

Attested to this 3<sup>rd</sup> day of March 2021:

Approved as to legal sufficiency:

\_\_\_\_\_  
Kattie Riggs, City Recorder

\_\_\_\_\_  
City Attorney



# City of Oregon City

## WATER SYSTEM DEVELOPMENT CHARGE METHODOLOGY REPORT

DRAFT REPORT  
December, 2020

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**FCS GROUP**  
Solutions-Oriented Consulting



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## Section I. INTRODUCTION

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This section describes the policy context and project scope upon which this report is based.

### I.A. THE ENGAGEMENT

In February 2019, the City of Oregon City (City) updated the capital improvement plan for its water utility. Two months later, the City contracted with FCS GROUP to develop an SDC methodology. We conducted the study using the following general approach:

- **Policy Framework for Charges.** In this step, we worked with City staff to identify and agree on the approach to be used and the components to be included in the analysis.
- **Technical Analysis.** In this step, we worked with City staff to isolate the recoverable portion of facility costs and calculate the SDC.
- **Methodology Report Preparation.** In this step, we documented the calculations and recommendations in this report.

### I.B. SYSTEM DEVELOPMENT CHARGE BACKGROUND

Oregon Revised Statutes (ORS) 223.297 to 223.314 authorize local governments to establish system development charges (SDCs), one-time fees on new development paid at the time of development. SDCs are intended to recover a fair share of the cost of existing and planned facilities that provide capacity to serve future growth.

ORS 223.299 defines two types of SDCs:

- A reimbursement fee designed to recover “costs associated with capital improvements already constructed, or under construction when the fee is established, for which the local government determines that capacity exists”
- An improvement fee designed to recover “costs associated with capital improvements to be constructed”

ORS 223.304(1) states, in part, that a reimbursement fee must be based on “the value of unused capacity available to future system users or the cost of existing facilities” and must account for prior contributions by existing users and any gifted or grant-funded facilities. The calculation must “promote the objective of future system users contributing no more than an equitable share to the cost of existing facilities.” A reimbursement fee may be spent on any capital improvement related to the system for which it is being charged (whether cash-financed or debt-financed) and on the costs of compliance with Oregon’s SDC law.

ORS 223.304(2) states, in part, that an improvement fee must be calculated to include only the cost of projected capital improvements needed to increase system capacity for future users. In other words, the cost of planned projects that correct existing deficiencies or do not otherwise increase capacity for future users may not be included in the improvement fee calculation. An improvement fee may be spent only on capital improvements (or portions thereof) that increase the capacity of the



system for which it is being charged (whether cash-financed or debt-financed) and on the costs of compliance with Oregon's SDC law.



## Section II. SDC CALCULATION

This section provides our detailed calculations of the maximum defensible water SDC.

### II.A. CALCULATION OVERVIEW

In general, SDCs are calculated by adding a reimbursement fee component and an improvement fee component—both with potential adjustments. Each component is calculated by dividing the eligible cost by growth in units of demand. The unit of demand becomes the basis of the charge. **Table 1** shows this calculation in equation format:

**Table 1. SDC Equation**

|                                                                |   |                                                                |   |                                        |
|----------------------------------------------------------------|---|----------------------------------------------------------------|---|----------------------------------------|
| Eligible costs of available<br>capacity in existing facilities | + | Eligible costs of capacity-<br>increasing capital improvements | = | SDC per unit<br>of growth in<br>demand |
| Units of growth in demand                                      |   | Units of growth in demand                                      |   |                                        |

#### II.A.1. Reimbursement Fee

The reimbursement fee is the cost of available capacity per unit of growth that such available capacity will serve. In order for a reimbursement fee to be calculated, unused capacity must be available to serve future growth. For facility types that do not have available capacity, no reimbursement fee may be calculated.

#### II.A.2. Improvement Fee

The improvement fee is the cost of planned capacity-increasing capital projects per unit of growth that those projects will serve. In reality, the capacity added by many projects serves a dual purpose of both meeting existing demand and serving future growth. To compute a compliant improvement fee, growth-related costs must be isolated, and costs related to meeting current demand must be excluded.

We have used the capacity approach to allocate costs to the improvement fee basis.<sup>1</sup> Under this approach, the cost of a given project is allocated to growth by the portion of total project capacity that represents capacity for future users. That portion, referred to as the improvement fee eligibility percentage, is multiplied by the total project cost for inclusion in the improvement fee cost basis.

<sup>1</sup> Two alternatives to the capacity approach are the incremental approach and the causation approach. The incremental approach requires the computation of hypothetical project costs to serve existing users. Only the incremental cost of the actual project is included in the improvement fee cost basis. The causation approach, which allocates 100 percent of all growth-related projects to growth, is vulnerable to legal challenge.



## II.A.3. Fund Balance Adjustments

All accumulated SDC revenue currently available in fund balance is also deducted from its corresponding cost basis. This practice prevents a jurisdiction from double-charging for projects that were in the previous methodology's improvement fee cost basis but have not yet been constructed.

## II.B. GROWTH

The growth calculation is the basis by which an SDC is charged. Growth for each system is measured in units that most directly reflect the source of demand. For water SDCs, the most applicable and administratively feasible unit of growth is the meter capacity equivalent (MCE). For the City, one MCE equals the flow capacity of a 5/8" x 3/4" water meter.

### II.B.1. Current Demand

According to the City's records, the water utility has 11,142 customer accounts with a combined flow capacity of 15,557 MCEs as of April 2019, as shown in **Table 2**:

**Table 2. Customer Data**

|                                                                          | Total         | Flow Factor | Meter Capacity<br>Equivalents |
|--------------------------------------------------------------------------|---------------|-------------|-------------------------------|
| Single Family (assumed to be 5/8" x 3/4" meters)                         | 10,196        | 1.00        | 10,196                        |
| 1"                                                                       | 239           | 2.50        | 598                           |
| 1 1/4" - 1 1/2"                                                          | 88            | 5.00        | 440                           |
| 2"                                                                       | 120           | 8.00        | 960                           |
| 3"                                                                       | 18            | 16.00       | 288                           |
| 4"                                                                       | 3             | 25.00       | 75                            |
| 6"                                                                       | 3             | 50.00       | 150                           |
| 8"                                                                       | 3             | 80.00       | 240                           |
| 10"                                                                      | 1             | 115.00      | 115                           |
| Unknown (Based on Dwelling Units for MF, 1.0 per account for all others) | 471           | N/A         | 2,495                         |
| <b>Total</b>                                                             | <b>11,142</b> |             | <b>15,557</b>                 |

### II.B.2. Future Demand

The City's Water Distribution System Capital Improvement Plan Update (Capital Plan) includes a demand growth forecast for the utility through 2040. Assuming that water demand increases in proportion to population growth, the City will serve 21,320 MCEs in 2040. The growth from 15,557 MCEs in 2019 to 21,320 MCEs in 2040 (i.e., 5,763 MCEs) is the denominator in the SDC equation (**Table 3**).



**Table 3. Customer Growth**

| Growth Unit                | 2019   | 2040   | Growth (2019-2040) | Growth Share |
|----------------------------|--------|--------|--------------------|--------------|
| Meter Capacity Equivalents | 15,557 | 21,320 | 5,763              | 27.03%       |

## II.C. REIMBURSEMENT FEE COST BASIS

The reimbursement fee is the eligible cost of available capacity per unit of growth that such available capacity will serve. Calculation of the reimbursement fee begins with the historical cost of assets or recently completed projects that have unused capacity to serve future users. For each asset or project, the eligible cost is the cost portion of the asset or project that is available to serve future users.

To avoid charging future development for facilities provided at no cost to the City or its ratepayers, the reimbursement fee cost basis must be reduced by any grants or contributions used to fund the assets or projects included in the cost basis. Furthermore, unless a reimbursement fee will be specifically used to pay debt service, the reimbursement fee cost basis should be reduced by any outstanding debt related to the assets or projects included in the cost basis to avoid double charging for assets paid for by debt service in the rates.

The City's records list \$42,929,158 in water fixed assets net of grants and contributions. These assets were then allocated to eight categories based on the function of the asset – meters & services, supply, treatment, storage, pumping, transmission & distribution, fire, and general plant. Of these eight categories, only storage was determined to have available capacity for future users of the system. Section II.C.1 details how the capacity share for storage was determined. General plant was then allocated a capacity share based on the overall capacity share of all other assets.

### II.C.1. Storage

The capacity share for the storage function is 39.03 percent. The detailed calculation of storage capacity is shown in **Table 4**:

**Table 4. Storage Capacity Share**

| Storage Capacity      | 2019        |
|-----------------------|-------------|
| Total Storage         | 18.25 MGD   |
| Less Required Storage | (11.13 MGD) |
| Storage Excess (Need) | 7.12 MGD    |
| Available Capacity    | 39.03%      |



## II.C.2. Reimbursement Fee Cost Calculation

The reimbursement fee cost basis is calculated by multiplying the capacity share of each asset category by the net asset value (original cost less contributions) of that category. General plant is allocated as the total capacity share of all other assets. The detailed calculation is shown in **Table 5**:

**Table 5. Reimbursement Fee Cost Basis**

| Asset Category    | Original Cost        | Less: Contributions   | Net Asset Value      | Available Capacity | Eligible Cost       |
|-------------------|----------------------|-----------------------|----------------------|--------------------|---------------------|
| Meters & Services | \$ 45,050            | \$ -                  | \$ 45,050            | 0.00%              | \$ -                |
| Supply            | -                    | -                     | -                    | 0.00%              | -                   |
| Treatment         | 8,610                | -                     | 8,610                | 0.00%              | -                   |
| Storage           | 10,391,124           | -                     | 10,391,124           | 39.03%             | 4,055,523           |
| Pumping           | 132,355              | -                     | 132,355              | 0.00%              | -                   |
| Distribution      | 19,572,298           | (1,953,681)           | 17,618,617           | 0.00%              | -                   |
| Fire              | 1,823                | -                     | 1,823                | 0.00%              | -                   |
| General Plant     | 14,731,579           | -                     | 14,731,579           | 13.45%             | 1,981,484           |
| <b>Total</b>      | <b>\$ 44,882,839</b> | <b>\$ (1,953,681)</b> | <b>\$ 42,929,158</b> | <b>13.45%</b>      | <b>\$ 6,037,007</b> |

The reimbursement fee cost basis must be reduced by any reimbursement fee revenue currently held by the City. The City currently has a balance of \$1,024,107 in water reimbursement fees. Reducing the gross reimbursement fee cost basis of \$6,037,007 by this amount results in a net reimbursement fee cost basis of \$5,012,900.

## II.D. IMPROVEMENT FEE COST BASIS

An improvement fee is the eligible cost of planned projects per unit of growth that such projects will serve. The improvement fee cost basis is based on a specific list of planned capacity-increasing capital improvements. The portion of each project that can be included in the improvement fee cost basis is determined by the extent to which each new project creates capacity for future users. **Table 6** shows how a total project cost of \$82,861,645 reduces to an eligible cost of \$51,992,926.



**Table 6. Improvement Fee Cost Basis**

| Description                                                                                                        | 2019 Project Cost*   | SDC Eligible | SDC Eligible Portion of Costs | Estimated Timing |
|--------------------------------------------------------------------------------------------------------------------|----------------------|--------------|-------------------------------|------------------|
| <b>Budget CIP - Water Fund</b>                                                                                     |                      |              |                               |                  |
| Budget CIP - Water Fund                                                                                            | \$ 9,003,585         | 0.00%        | \$ -                          | 2019-2021        |
| Budget CIP - Water SDC Fund                                                                                        | 3,389,060            | 100.00%      | 3,389,060                     | 2019-2021        |
| <b>Facility Projects:</b>                                                                                          |                      |              |                               |                  |
| New transmission along Leland Rd                                                                                   | 370,000              | 100.00%      | 370,000                       | 2-5 years        |
| New distribution along McCord Rd                                                                                   | 681,500              | 100.00%      | 681,500                       | 2-5 years        |
| Move the Master Meter, MM08, to the UGB and update CRW connection                                                  | 200,000              | 0.00%        | -                             | 2-5 years        |
| New distribution within development - backbone only                                                                | 5,394,500            | 100.00%      | 5,394,500                     | 15-20 years      |
| Move the Master Meter, MM09, to the UGB and update CRW connection                                                  | 200,000              | 0.00%        | -                             | 15-20 years      |
| New distribution loop North of Beavercreek and South of Hilltop                                                    | 624,500              | 100.00%      | 624,500                       | 2-5 years        |
| Finish looping along Maplelane Road to increase transmission to existing area                                      | 454,500              | 26.89%       | 122,218                       | 5-10 years       |
| Upsize existing I-205 crossing to improve fire flow and distribution looping                                       | 199,500              | 26.89%       | 53,647                        | 0-5 years        |
| Upsize existing piping on Abernethy Road for fire flow supply to Lower Zone                                        | 738,000              | 100.00%      | 738,000                       | 5-10 years       |
| Joint OC/CRW transmission from SFWB along Redland Rd for replacement of aging pipe and new transmission to F       | 3,538,000            | 100.00%      | 3,538,000                     | 2-5 years        |
| Transmission at the Park Place Intermediate Level (above 310')                                                     | 370,000              | 100.00%      | 370,000                       | 2-5 years        |
| Transmission from the 16" Barlow Crest Transmission to PP Int Concept (above 310') - redundant transmission an     | 738,000              | 100.00%      | 738,000                       | 2-5 years        |
| New PRV from 550' to 430' (supply to area between 200' and 310'). Note: Livesay Pump Station shall be removed      | 200,000              | 100.00%      | 200,000                       | 4-6 years        |
| New 430' distribution piping (supply to area between 200' and 310')                                                | 483,500              | 100.00%      | 483,500                       | 4-6 years        |
| New PRV from 430' to 320' (alternate emergency supply and fire flow to PP Concept Area)                            | 200,000              | 100.00%      | 200,000                       | 5-10 years       |
| New 320' distribution piping (supply to area below 200')                                                           | 1,760,500            | 100.00%      | 1,760,500                     | 5-10 years       |
| Replace existing 320' distribution piping (supply to area below 200')                                              | 597,000              | 100.00%      | 597,000                       | 5-10 years       |
| New 350' Reservoir (supply to area above 110')                                                                     | 2,000,000            | 100.00%      | 2,000,000                     | 15-20 years      |
| New Pump Station from 320' to 350' (supply to area above 110')                                                     | 1,194,000            | 100.00%      | 1,194,000                     | 15-20 years      |
| New PRV from 350' to 320' (emergency fire flow to PP Concept Area for new reservoir)                               | 200,000              | 100.00%      | 200,000                       | 15-20 years      |
| New 350' transmission and distribution (supply above 350' and transmission to new Holly Lane PS)                   | 2,839,000            | 100.00%      | 2,839,000                     | 15-20 years      |
| Parallel transmission line between Mountainview Reservoirs and Beavercreek Rd - Increase transmission to Henri     | 2,153,500            | 100.00%      | 2,153,500                     | 5-10 years       |
| Parallel transmission line between Beavercreek Rd and Glen Oak Rd along Streetscape improvements - Increase        | 2,963,000            | 100.00%      | 2,963,000                     | 0-5 years        |
| New crossing north of Glen Oak Rd from Molalla to OC Public Schools property - distribution for development, incre | 738,000              | 100.00%      | 738,000                       | 0-5 years        |
| OC HS crossing to Beavercreek Rd - Increase looping and transmission to Henri                                      | 852,000              | 100.00%      | 852,000                       | 5-10 years       |
| New parallel transmission between Fairway Downs and Henri Reservoir                                                | 2,051,500            | 100.00%      | 2,051,500                     | 0-5 years        |
| New Upper Zone distribution - supply new development below 480', improve transmission                              | 3,379,500            | 100.00%      | 3,379,500                     | 5-10 years       |
| New Fairway Downs distribution - supply new development below 480'                                                 | 3,890,500            | 100.00%      | 3,890,500                     | 5-10 years       |
| New PRV between Fairway Downs and Upper Zone - emergency fire flow                                                 | 200,000              | 100.00%      | 200,000                       | 5-10 years       |
| New Fairway Downs Reservoir - supply new development                                                               | 2,500,000            | 80.00%       | 2,000,000                     | 0-5 years        |
| New Fairway Downs Pump Station - supply new development                                                            | 1,194,000            | 80.00%       | 955,200                       | 0-5 years        |
| New Fairway Downs Transmission - supply new development                                                            | 1,654,000            | 80.00%       | 1,323,200                     | 0-5 years        |
| Transfer existing Henri transmission to Fairway Downs transmission - supply new development                        | 200,000              | 80.00%       | 160,000                       | 0-5 years        |
| S. Center St from S. 2nd to 1st St                                                                                 | 134,000              | 0.00%        | -                             | 0-5 years        |
| Barker Ave from South End Rd to Barker Rd                                                                          | 154,500              | 0.00%        | -                             | 0-5 years        |
| Warner-Parrott Rd from King Rd to Boynton St                                                                       | 313,000              | 0.00%        | -                             | 0-5 years        |
| Belle Ct and Glenwood Ct from Holmes Ln to Linn Ave                                                                | 288,500              | 0.00%        | -                             | 0-5 years        |
| Valley View Dr from Park Dr to McCarver Ave                                                                        | 192,000              | 0.00%        | -                             | 0-5 years        |
| Canemah Ct from Canemah Rd to Telford Rd                                                                           | 326,000              | 0.00%        | -                             | 0-5 years        |
| Randall St from Canemah Rd to Hartke Lp                                                                            | 134,000              | 0.00%        | -                             | 0-5 years        |
| Hartke Lp and Alderwood Pl                                                                                         | 712,000              | 0.00%        | -                             | 0-5 years        |
| Harrison St from 7th St to Division St                                                                             | 115,000              | 0.00%        | -                             | 0-5 years        |
| Division St from Harrison St to 13th/14th St                                                                       | 827,000              | 0.00%        | -                             | 0-5 years        |
| Division St from Anchor Way PRV Station to Davis Rd                                                                | 250,500              | 0.00%        | -                             | 0-5 years        |
| Repair and Replacement Program                                                                                     | 2,996,500            | 26.89%       | 805,777                       | 5-10 years       |
| Repair and Replacement Program                                                                                     | 8,033,500            | 26.89%       | 2,160,257                     | 10-20 years      |
| 11th St & Washington St, 15th St & Madison St, 3rd St & Bluff, Apperson Blvd & La Rae Rd, Jennifer Estates, Swan   | 100,000              | 26.89%       | 26,891                        | 0-5 years        |
| 16th St & Division St, 18th St & Anchor Way, 4th Ave & Jerome St, 5th Ave & Canemah, Abernethy Rd & Redland        | 1,300,000            | 26.89%       | 349,578                       | 0-5 years        |
| 3rd Ave & Ganong St                                                                                                | 10,000               | 26.89%       | 2,689                         | 5-10 years       |
| 11th St & Washington St, Apperson Blvd & La Rae Rd, Jennifer Estates, Swan Ave & Holcomb Blvd, Hunter Ave P        | 1,000,000            | 26.89%       | 268,906                       | 5-10 years       |
| Barlow Crest Reservoir - Exterior Overcoat                                                                         | 291,954              | 62.86%       | 183,514                       | 0-5 years        |
| Barlow Crest Reservoir - Safety Upgrades                                                                           | 100,000              | 62.86%       | 62,857                        | 0-5 years        |
| Barlow Crest Reservoir - Seismic Analysis/Seismic Upgrades3                                                        | 975,000              | 62.86%       | 612,857                       | 0-5 years        |
| Barlow Crest Reservoir - Steel Interior Removal and Recoat                                                         | 319,046              | 62.86%       | 200,543                       | 0-5 years        |
| Barlow Crest Reservoir - Steel Exterior Removal and Recoat                                                         | 1,059,000            | 62.86%       | 665,657                       | 10-20 years      |
| Boynton Reservoir - Seismic Analysis/Seismic Upgrades (may require new reservoir)                                  | 775,000              | 0.00%        | -                             | 0-5 years        |
| Boynton Reservoir - Steel Exterior Removal and Recoat                                                              | 1,059,000            | 0.00%        | -                             | 10-20 years      |
| Henrici Reservoir - Exterior Overcoat                                                                              | 291,954              | 0.00%        | -                             | 0-5 years        |
| Henrici Reservoir - Safety Upgrades                                                                                | 100,000              | 0.00%        | -                             | 0-5 years        |
| Henrici Reservoir - Seismic Analysis/Seismic Upgrades3                                                             | 975,000              | 0.00%        | -                             | 0-5 years        |
| Henrici Reservoir - Steel Interior Removal and Recoat                                                              | 319,046              | 0.00%        | -                             | 0-5 years        |
| Henrici Reservoir - Steel Exterior Removal and Recoat                                                              | 1,059,000            | 0.00%        | -                             | 10-20 years      |
| Mountainview 2 Reservoir - Safety Upgrades                                                                         | 100,000              | 53.00%       | 53,001                        | 0-5 years        |
| Mountainview 1 Reservoir - Concrete Major Repairs                                                                  | 200,000              | 53.00%       | 106,002                       | 10-20 years      |
| Mountainview 2 Reservoir - Concrete Major Repairs                                                                  | 200,000              | 53.00%       | 106,002                       | 10-20 years      |
| Hunter Ave PS - PLC, Pumps, drives, SCADA/ electrical, transfer                                                    | 375,000              | 26.89%       | 100,840                       | 0-5 years        |
| Mountainview PS - Drives                                                                                           | 95,000               | 26.89%       | 25,546                        | 0-5 years        |
| Mountainview PS - Pumps, SCADA/electrical                                                                          | 380,000              | 26.89%       | 102,184                       | 5-10 years       |
| Decommission                                                                                                       | 50,000               | 0.00%        | -                             | 5-10 years       |
| Decommission                                                                                                       | 50,000               | 0.00%        | -                             | 0-5 years        |
| Decommission                                                                                                       | 50,000               | 0.00%        | -                             | 5-10 years       |
| <b>Total</b>                                                                                                       | <b>\$ 82,861,645</b> |              | <b>\$ 51,992,926</b>          |                  |



The improvement fee cost basis must be reduced by any improvement fee revenue currently held by the City. The City currently has a balance of \$2,984,258 in water improvement fees. Reducing the gross improvement fee cost basis of \$51,992,926 by this amount results in a net improvement fee cost basis of \$49,008,668.

## II.E. CALCULATED SDC

Dividing the sum of the net cost bases by the projected growth results in the calculated SDC per MCE, as shown in **Table 7**:

**Table 7. Water SDC per MCE**

| SDC                                      | SDC-Eligible     |
|------------------------------------------|------------------|
| <b>Reimbursement Fee</b>                 |                  |
| Cost of Unused Capacity                  | \$ 6,037,007     |
| Less: Reimbursement Fee Fund Balance     | (1,024,107)      |
| Reimbursement Fee Cost Basis             | \$ 5,012,900     |
| Growth to End of Planning Period         | 5,763 MCEs       |
| Reimbursement Fee                        | \$ 870 per MCE   |
| <b>Improvement Fee</b>                   |                  |
| Cost of Capacity Increasing Improvements | \$ 51,992,926    |
| Less: Improvement Fee Fund Balance       | (2,984,258)      |
| Improvement Fee Cost Basis               | \$ 49,008,668    |
| Growth to End of Planning Period         | 5,763 MCEs       |
| Improvement Fee                          | \$ 8,505 per MCE |
| <b>Total System Development Charge</b>   |                  |
| Reimbursement Fee                        | \$ 870 per MCE   |
| Improvement Fee                          | \$ 8,505 per MCE |
| Total SDC per MCE                        | \$ 9,374 per MCE |

## II.F. SCHEDULE OF SDCS

In order to impose water SDCs on an individual property, the number of MCEs is determined by the size of the property's water meter. The MCE calculation used is based on AWWA flow factors as shown in **Table 8** where one MCE is a 5/8" x 3/4" meter.



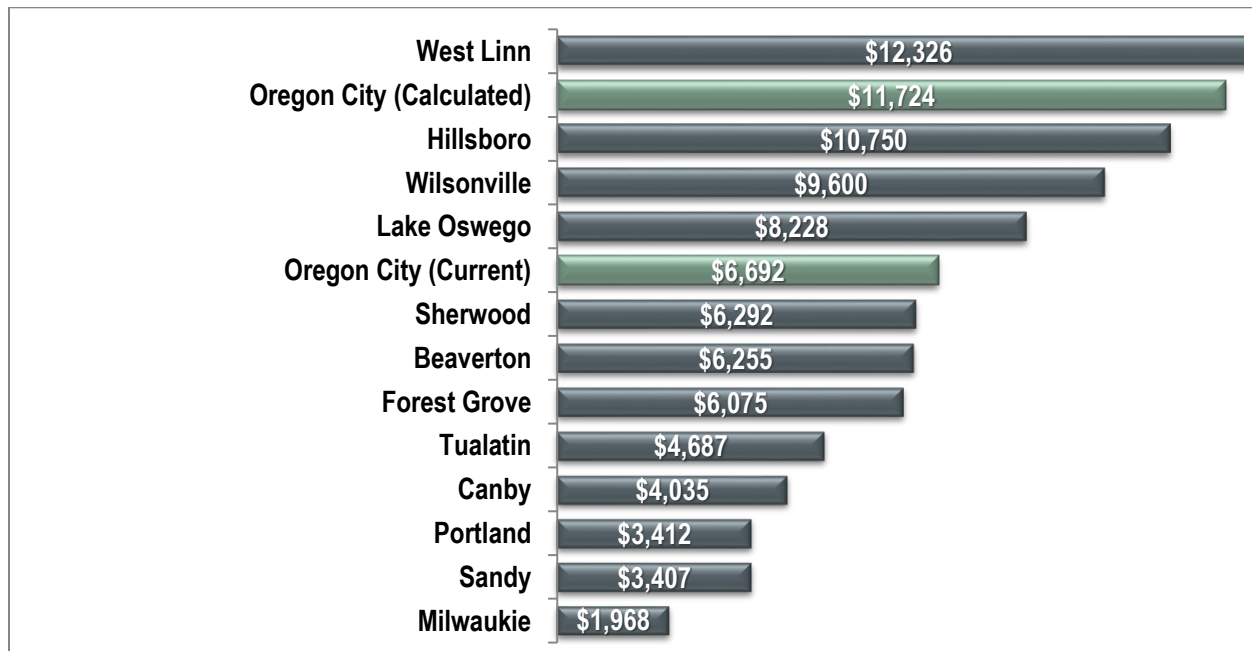
**Table 8. Water SDC Schedule**

| Meter Size  | Flow Factor | SDC Fee      |
|-------------|-------------|--------------|
| 5/8" x 3/4" | 1.0         | \$ 9,374     |
| 3/4"        | 1.5         | \$ 14,062    |
| 1"          | 2.5         | \$ 23,436    |
| 1 1/2"      | 5.0         | \$ 46,872    |
| 2"          | 8.0         | \$ 74,995    |
| 3"          | 16.0        | \$ 149,990   |
| 4"          | 25.0        | \$ 234,360   |
| 6"          | 50.0        | \$ 468,720   |
| 8"          | 80.0        | \$ 749,952   |
| 10"         | 115.0       | \$ 1,078,056 |

## II.G. COMPARISONS

**Table 9** shows how Oregon City's current and calculated 5/8" x 3/4" water SDCs, including the South Fork Water Board SDC of \$2,350, compare with SDCs adopted by other water utilities.

**Table 9. Regional Comparison**





## Section III. SDC IMPLEMENTATION

### III.A. FUNDING PLAN

The SDCs calculated in this report represent our opinion of the maximum water SDCs that the City can legally charge. However, even if the City imposes the full, calculated charge, the SDC will generate only 65 percent of the funds needed to complete the full project list, as shown in **Table 10**.

**Table 10. Funding Plan**

| Capital Funding Plan       | \$                   | %           |
|----------------------------|----------------------|-------------|
| <b>Requirements</b>        |                      |             |
| Capital Improvement Plan   | \$ 82,861,645        | 100%        |
|                            |                      |             |
| <b>Resources</b>           |                      |             |
| Existing SDC Fund Balance  | \$ 4,008,365         | 5%          |
| System Development Charges | 54,021,568           | 65%         |
| Other City Resources       | 24,831,712           | 30%         |
| <b>Total Resources</b>     | <b>\$ 82,861,645</b> | <b>100%</b> |

The City is under no legal obligation to impose the full, calculated SDC. However, the City should be aware that any discounting or phase-in period that reduces SDC revenue will, other things equal, increase the funding requirement from other resources.

### III.B. CREDITS

A credit is a reduction in the amount of the SDC for a specific development. ORS 223.304 requires that SDC credits be issued for the construction of a qualified public improvement which is: required as a condition of development approval; identified in the City's adopted SDC project list; and either "not located on or contiguous to property that is the subject of development approval," or located "on or contiguous to such property and is required to be built larger or with greater capacity than is necessary for the particular development project . . ."

Additionally, a credit must be granted "only for the cost of that portion of an improvement which exceeds the minimum standard facility size or capacity needed to serve" the particular project up to the amount of the improvement fee. For multi-phase projects, any "excess credit may be applied against SDCs that accrue in subsequent phases of the original development project."



### III.C. INDEXING

Oregon law (ORS 223.304) also allows for the periodic indexing of SDCs for inflation, as long as the index used is:

- (A) A relevant measurement of the average change in prices or costs over an identified time period for materials, labor, real property or a combination of the three;
- (B) Published by a recognized organization or agency that produces the index or data source for reasons that are independent of the system development charge methodology; and
- (C) Incorporated as part of the established methodology or identified and adopted in a separate ordinance, resolution or order.

We recommend that the City index its charges to the *Engineering News Record* Construction Cost Index for the City of Seattle and adjust its charges annually. There is no comparable Oregon-specific index.





## City of Oregon City

### **90-day Notice of Public Hearing for Modifications to the Oregon City Water System Development Charges November 30, 2020**

The City of Oregon City hereby issues public notice, pursuant to ORS 223.304 (6), of its intent to modify its Water System Development Charge (WSDC) Methodology and Rates.

A technical report addressing the methodology and calculation of the proposed charges will be available for review after December 30, 2020, at City Hall in Oregon City, 625 Center Street, Oregon City, Oregon 97045, or on the City Website by calling 503-657-0891 or at:

<https://bit.ly/OCWatermodification>

A public hearing to take comments regarding the proposed modifications to the WSDC will be held:

**Wednesday, March 3, 2021  
7:00 pm  
Commission Chambers  
Libke Public Safety Building  
1234 Linn Avenue, Oregon City, Oregon 97045**

If you wish to comment but cannot attend the public hearing, please submit written comments by **4:00 pm, Tuesday, February 16, 2021** to:

M. Patty Nelson, P.E.  
Senior Engineer  
City of Oregon City  
P.O. Box 3040  
Oregon City, OR 97045



## RESOLUTION NO. 04-21

A RESOLUTION REPEALING RESOLUTIONS 97-58 AND 98-02 AND ADOPTING REVISED AMOUNTS OF WATER SYSTEM DEVELOPMENT CHARGES AND SETTING FORTH THE METHODOLOGY USED TO DETERMINE THE REVISED AMOUNTS

WHEREAS, Chapter 223 of the Oregon Revised Statutes (ORS) authorizes Oregon City to charge system development charges (SDCs) for increased usage of capital facilities; and

WHEREAS, ORS 223.304 establishes requirements for determination of the amounts of system development charges; and

WHEREAS, Oregon City Municipal Code (OCMC) 13.20 implements the statutory authority to impose system development charges and addresses the requirements of ORS 223.304 with the exception of specifically defining the amounts of the SDCs and the methodology that determines those amounts; and

WHEREAS, OCMC 13.20.030 authorizes the City Commission to establish and modify from time to time by resolution an SDC for any capital improvement; and

WHEREAS, the City Commission adopted a new capital improvement plan as described in ORS 223.309 for the City's water distribution system that resulted in new projected capital improvement costs to be funded with water SDCs; and

WHEREAS, OCMC 13.20.030C requires that any resolution establishing or modifying reimbursement SDCs shall contain a methodology that considers the cost of existing facilities, prior contributions by existing users, the value of unused capacity, rate making principles employed to finance publicly owned capital improvements, and any other factors deemed relevant by the City Commission; and

WHEREAS, OCMC 13.20.030C requires that any resolution establishing or modifying improvement SDCs shall contain a methodology which considers the cost of projected capital improvements needed to increase the capacity of the systems to which the fee is related in order to accommodate new development; and

WHEREAS, the City has met the procedural requirements of ORS 223.304(5) to adopt this resolution.

NOW, THEREFORE, BE IT RESOLVED by the City Commission that:

### Section 1 – Repeal of Previous Resolutions

- 1) Oregon City Resolution No. 97-58, enacted on November 19, 1997 that previously established water SDC amounts, is hereby repealed.



- 2) Oregon City Resolution No. 98-02, enacted February 4, 1998 that amended Resolution No. 97-58 by including exceptions to the Schedule of Charges, is hereby repealed.

### Section 2 - Methodology

- 1) The May 2004 EES report (engineer's report) is adopted and incorporated herein by reference as though set forth in its entirety (see Exhibit A).
- 2) The methodology for establishing revised reimbursement and/or improvement SDCs for funding Oregon City's water distribution system capital improvements, which includes costs of pump stations, storage reservoirs, distribution mains, and compliance costs, as presented in the engineer's report is hereby adopted by this resolution to determine the water SDC.

### Section 3 – Amounts of Water System Development Charge

- 1) The calculations for determining the amounts of the water SDC are set forth in the engineer's report.
- 2) Based on those calculations in the engineer's report, the following schedule of water SDCs is adopted:

| <b><u>Schedule of Amounts of Water System Development Charge (SDC)</u></b> |                                                            |                             |
|----------------------------------------------------------------------------|------------------------------------------------------------|-----------------------------|
| <b><u>Meter Size (inches)</u></b>                                          | <b><u>Equivalent Residential Unit Weighting Factor</u></b> | <b><u>Amount of SDC</u></b> |
| 5/8 x 3/4                                                                  | 1                                                          | \$2,820                     |
| 3/4                                                                        | 1.5                                                        | \$4,230                     |
| 1                                                                          | 2.5                                                        | \$7050                      |
| 1 1/2                                                                      | 5                                                          | \$14,100                    |
| 2                                                                          | 8                                                          | \$22,560                    |
| 3                                                                          | 16                                                         | \$45,120                    |
| 4                                                                          | 25                                                         | \$70,500                    |
| 6                                                                          | 50                                                         | \$141,000                   |
| 8                                                                          | 80                                                         | \$225,600                   |
| 10                                                                         | 115                                                        | \$324,300                   |

- 3) The City Engineer may use alternative data when estimating the actual water use of a development when, in the City Engineer's opinion, the alternative data are more reliable and realistic for a particular development than those set forth in this resolution.
- 4) This schedule shall become effective 30 days after adoption of this resolution by the City Commission and shall apply to all building permit applications received and deemed complete by the Building Official after that effective date.



#### Section 4 – Exceptions to Amounts

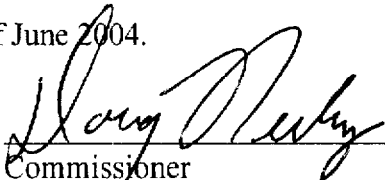
A single family home shall be charged as set forth in the above schedule, unless the home is equipped with a sprinkler fire suppression system and that sprinkler fire system is the sole reason that the home requires a larger water meter. In such a case, so long as the water meter is no greater than 1½-inch in size, the single family home shall be charged at the rate applicable to a 5/8 x 3/4-inch meter. If the single family home is equipped with a water meter larger than 1½-inch, the home shall be charged the SDC as set forth in the schedule above.

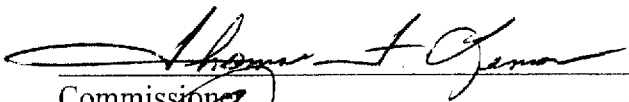
#### Section 5 – Annual Adjustment of SDC Amount

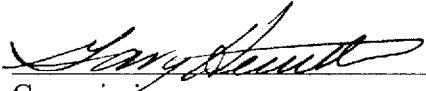
The SDC reflected in this resolution shall be automatically adjusted on January 1 of each year following the adoption year of this resolution based on changes in the Engineering News Record Construction Cost Index (CCI) for Seattle, Washington. The SDC shall be adjusted from those stated in this resolution by multiplying the SDC amounts by the Seattle area CCI for the month preceding the adjustment (for example, December 2004) divided by the Seattle area CCI for December 2003.

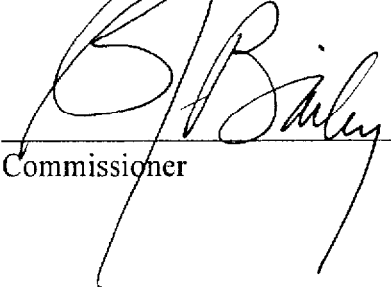
Adopted, signed, and approved this 2<sup>nd</sup> day of June 2004.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Commissioner

  
\_\_\_\_\_  
Commissioner

  
\_\_\_\_\_  
Commissioner

  
\_\_\_\_\_  
Commissioner

Comprising the City Commission of Oregon  
City, Oregon

RESOLUTION NO. 04-21

Effective Date: ~~June 2, 2004~~ <sup>July 1, 2004</sup>, upon approval by the City Commission of Oregon City  
<sup>July 2, 2004</sup>





February 17, 2021

Rocky Smith, President  
Oregon City Commission  
625 Center Street  
Oregon City, OR 97045

**Subject:** Public Hearing for Modifications to the Oregon City Water System Development Charges

Dear President Smith and Commissioners:

The Home Builders Association of Metropolitan Portland (HBA) represents over 850 companies and tens of thousands of women and men who work in the residential building and remodeling industries throughout the greater Portland area. We work to promote housing affordability and are dedicated to maximizing housing choice for all who reside in the region.

Oregon City (“the City”) recently became severely housing cost burdened, meaning that over 25% of its households spend more than half of their income on their rent or mortgage payment. Meanwhile, recent reports show that tragically, Oregon has underbuilt housing by over 155,000 units since the Great Recession and the Portland metro area has a record low three-week inventory of homes for sale. While a growing population continues its desperate housing search amidst a scarce supply of homes, rents and home prices have nowhere to go but up.

The City can help relieve the housing cost pressure its residents face by encouraging a greater supply of housing. With each additional available unit, households gain greater choice and financial stability. In order to encourage housing production, the City must ensure a level of certainty in the development process sufficient to warrant the fiscal risk the development community assumes over multiple years, often decades. One way to ensure development predictability is to avoid dramatic hikes in local fees, including System Development Charges (“SDCs”).

According to the City’s December 2020 Water SDC Methodology Report, the maximum defensible portion of its water SDC would be an increase from \$4,603 to \$9,374 for a 5/8” meter, representing a **104% increase** for the smallest, most commonly used residential meter. Unfortunately, this sudden and drastic SDC increase would shock development budgets, triggering project financing delays and forcing housing prices to rise to account for development costs. To ensure the water SDC increase is less disruptive, more easily absorbed, and continues to provide needed infrastructure funding, the City should consider implementing the following recommendations.

**Implement an initial \$6,240 water SDC for a 5/8” meter and allow the SDC to further increase with certain development triggers.** This funding approach represents an initial 36% increase from the current SDC—approximately one third of the maximum defensible increase—and would allow the charge to increase as specific water projects approach construction by the developer.



Due to development constraints, Water Capital Improvement Program Map ID project numbers 5, 16, 17, 21, 27, 28, and 29 are projects the developer is responsible for constructing, yet are unlikely to be constructed in their projected timeframe. Therefore, the City should delay the collection of \$18,061,000 in SDCs for these specific growth-only projects, and begin collecting them only when land use applications requiring one or more of the projects achieve preliminary approval. This measured approach allows the City enough time to collect SDCs necessary to fund or reimburse specific development-responsible projects, while maintaining consistent advanced collection on City-driven projects that must precede development further in advance.

**Phase in the water SDC increase over a two-year period and allow approved applications to lock in the current rate during the phase-in.** HBA requests that phasing occur in one-third incremental increases over a two-year period. By allowing a two-year phase-in and for preliminary plat holders to lock in the current SDC rate during that time, the City can facilitate a smooth transition to maximum defensible SDC collection with the least disruption to the City's projected growth.

**Collect water SDCs later in the construction process (e.g. upon sale transfer).** Infrastructure impacts related to new housing (i.e. the usage of water, roads, etc.) occur once a house is occupied. However, the City collects SDCs related to these impacts upon the issuance of a building permit, which precedes the true impact. This early collection increases housing costs in two ways. First, dollars used during the initial phase of construction are more expensive than those a builder can access later in the process. Second, dollars spent to finance SDCs incur carrying costs, which increase over the duration of construction. Because water SDCs relate to household occupancy, rather than construction, **the City should defer SDC collection to align better with project completion.**

**Reduce the City's water SDC finance rate.** At the current 9% rate, City-provided SDC financing is not as attractive as conventional financing. By lowering the rate, the City can encourage housing suppliers, including smaller builders who may not have access to the same institutional lending dollars, to do business in the community. Recognizing the development community is better able to pay its way with increased financial certainty, the City can use attractive SDC financing as a tool to lessen unnecessary carrying costs that cumulatively add to residents' housing cost burden.

The City has multiple opportunities to encourage housing production through strategic approaches to funding its water infrastructure. Knowing the careful consideration the City has given its concept-planned areas and Water Master Plan, Oregon City can stand proud of incentivizing future housing development as a solution to its residents' severe housing cost burden.

Sincerely,



Roseann Johnson  
Assistant Director of Government Affairs

Cc: Rachel Lyles-Smith, Commissioner  
Denyse McGriff, Commissioner  
Frank O'Donnell, Commissioner





# CITY OF OREGON CITY

## Staff Report

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

**To:** City Commission **Agenda Date:** 03/03/2021  
**From:** Public Works Director John Lewis & Community Development Director Laura Terway

### SUBJECT:

Resolution No. 21-15, Revisions to the Parklet & Private Property Restaurant/Retail Guide for March 15, 2021 - November 30, 2021

### STAFF RECOMMENDATION:

Approval of Resolution No. 21-15.

### EXECUTIVE SUMMARY:

In response to social distancing guidelines related to the Governor's Stay Home Stay Safe Executive Order due to COVID-19, the City Commission adopted a pilot program to allow temporary outdoor dining/retail in parking spaces in the right-of-way (parklets) and in private parking lots from July 16, 2020 to November 30, 2021. Since adopting the latest temporary outdoor dining/retail resolution No 20-30 (October 2020), the business community and the City Commission has raised questions and identified ideas to consider for program amendments. The proposed Resolution would update the guidelines for more flexibility over the last year of the program.

### BACKGROUND:

On March 23, 2020, Governor Brown issued Executive Order 20-12, Stay Home, Save Lives, which closed non-essential businesses and severely limited others that were still able to remain open, including restaurants which prohibited on-premises food consumption. Due to these social distancing measures, many have experienced loss of business through reduction of sales and closures. On May 22, 2020, the Governor accepted Clackamas County's application to enter Phase 1 of Reopening Oregon, effective May 23, 2020. On July 15, 2020, the City Commission adopted a parklet and outdoor dining/retail services pilot program for an eighteen (18) month period to begin July 16, 2020. This Resolution established the applicability, exceptions, and general requirements for the temporary use of this pilot program. The program allowed temporary outdoor dining/retail use of on-street parking stalls in the right-of-way and in private parking lots from July 16, 2020 to November 30, 2020 and again from March 15, 2021 to November 30, 2021. On October 21, 2020, the City Commission approved



resolution 20-30 extending the timeframe that businesses could use parklets to include the months through the 20/21 winter (December 1, 2020 to March 14, 2021).

The City Commission held a work session on February 9, 2021 to review the standards as well as the comments received from the community regarding the program requirements. Staff has proposed changes to the program including the following:

Temporary Private Property Dining and Retail Program:

- Private property restaurant and retail has been expanded from up to half a parking lot to also include other locations on private property, such as decks or patios. The expanded areas will allow property and business owners which have spaces which are not within a parking lot to participate in this temporary program.
- Allow outdoor seating/retail areas on private properties which are separated from parking lots or auto travel lanes by a raised curb, bollards, landscaping, or other continuous existing physical barrier to not construct a physical barrier as required for the temporary facilities within parking lots. As the program expanded to areas outside of parking lots, this will maintain safety for the facilities without requiring physical barriers. The barrier exemption is similar to an existing requirement for separation between walkways and parking lots Oregon City Municipal Code (OCMC) 17.62.050.C.5.
- Allow some landscaping removal, provided the minimum required landscaping is maintained. As the program expanded to areas outside of parking lots, this will allow more flexibility as well as recognition that property owners can already remove landscaping in excess of the minimum requirements.
- Clarification that required pedestrian walkways shall be maintained. Since the program expanded to areas outside of parking lots, this will assure that minimum pedestrian connections are maintained and Americans with Disabilities Act (ADA) access is maintained throughout the site.

Parklet Program:

- Removed membrane structures and pop ups as a disallowed material for parklets to increase opportunities.
- Allowing multiple parklets per business if the neighboring business and property owner allows.
- Allow sidewalk diversions in place of parklets to make better use of the sidewalk and parking areas.
- Clarification of the applicant's responsibility to comply with ADA, CDC, and Clackamas Fire District No. 1.

**OPTIONS:**



1. Approve Resolution No. 21-15
2. Recommend staff return with modifications
3. Do not approve Resolution No. 21-15



**RESOLUTION NO. 21-15****A RESOLUTION TO ALLOW TEMPORARY PARKLETS IN THE RIGHT-OF-WAY AND TEMPORARY PRIVATE PROPERTY OUTDOOR DINING AND RETAIL**

**WHEREAS**, the State of Oregon has placed restrictions on the use of commercial spaces due to the pandemic known as COVID-19; and

**WHEREAS**, providing an opportunity for businesses to expand their operations outdoors, either in the public right-of-way or private property, will generate greater pedestrian activity, help increase business patronage and overall interest in the area, and off-set some of the losses resulting from the spacing minimums required to reduce the spread of COVID-19; and

**WHEREAS**, temporary parklets are public spaces located in the public right-of-way that provide increased outdoor dining capacity; and

**WHEREAS**, temporary private property outdoor dining and retail activities will also provide additional seating or retail display space for local restaurants, bars, and retail businesses; and

**WHEREAS**, to be successful, parklets and private property outdoor dining and retail must adequately address infrastructure and parking impacts, be tied to a specific location, be safe for the public to use, be easily maintained by the permittee, be for a limited and certain term, and be capable of easy and fast installation and removal; and

**WHEREAS**, Oregon City Municipal Code ("OCMC") Section 12.04.120 identifies requirements for temporary obstructions in the right-of-way, OCMC Section 12.04.130 sets forth the requirements for sidewalk sales and OCMC Titles 15.28, 16 and 17 includes planning standards such as minimum and maximum off-street parking requirements; and

**WHEREAS**, the City Commission approved Resolution 20-22 temporarily allowing these uses from July 16, 2020 to November 30, 2020 and again from March 15, 2021 to November 30, 2021 with a fee of \$25 per year after March 14th. Resolution 20-30 allowed the business that submitted a permit by November 30<sup>th</sup>, to continue the use from December 1, 2020 to March 14, 2021 without additional review; and

**WHEREAS**, this Resolution will update the standards for parklets and private property restaurants and retail for the March 15, 2021 to November 30, 2021 year as identified in Exhibit A; and

**WHEREAS**, after the facilities are initially permitted, additional review is required for the March 15, 2021-November 30, 2021 year as well as any time changes are proposed. Each review requires submittal of a separate application and associated fee.

**NOW, THEREFORE, OREGON CITY RESOLVES AS FOLLOWS:**

**Section 1.** The City hereby allows Exhibit A, The Oregon City COVID-19 Recovery Assistance Program (the "Program"), which authorizes parklets on a limited basis within the MUD zone extending along 7<sup>th</sup> Street between Singer Hill Road and Jackson Street and the use of private parking lots on a limited basis throughout the City.



**Section 2.** All engineering and planning fees that otherwise would apply to a request to expand or alter a business into the right-of-way or private parking lot consistent with the Program terms shall be waived and instead, shall be subject to a fee of \$25 per business for each application type.

**Section 3.** All applicable engineering standards set forth in OCMC 12.04.120 and 12.04.130 for all temporary obstructions relating to restaurant, bar seating and retail sales within the public right-of-way that otherwise complies with the Program shall be waived for the period of March 15, 2021 to November 30, 2021.

**Section 4.** All applicable land use planning standards set forth in OCMC Titles 15.28, 16 and 17 for development on private property necessary to accommodate temporary outdoor dining and retail in private parking lots that otherwise complies with the Program shall be waived for the period of March 15, 2021 to November 30, 2021.

**Section 5.** Authorizations granted pursuant to this resolution are temporary and may occur only from March 15, 2021 to November 30, 2021.

**Section 6.** This resolution shall take effect immediately upon its adoption by the City Commission.

Approved and adopted at a regular meeting of the City Commission held on the 3<sup>rd</sup> day of March 2021.

\_\_\_\_\_  
ROCKY SMITH, Commission President

Attested to this 3<sup>rd</sup> day of March 2021:

Approved as to legal sufficiency:

\_\_\_\_\_  
Kattie Riggs, City Recorder

\_\_\_\_\_  
City Attorney

Attachments:

Exhibit A - Oregon City COVID-19 Recovery Assistance Program



## **Oregon City COVID-19 Recovery Assistance Program: March 15, 2021 – November 30, 2021**

Due to the COVID-19 pandemic, the City of Oregon City supports alternative ways to help increase patronage of local businesses effected by physical distancing requirements. This program includes temporarily allowing the following with restrictions:

- **Parklet Pilot Program:** Restaurants in certain locations downtown and along 7<sup>th</sup> Street to temporarily use adjacent on-street parking for outdoor temporary use as an extension of dining; and
- **Private Property Outdoor Dining and Retail Program:** Retail and Restaurants throughout the City to use up to half their parking lot or other locations on private property, such as decks or patios, for additional retail and/or dining.

Both programs are temporary from July 16, 2020 – November 30, 2020 (with an extension over the winter for those who had previously submitted an application) and again from March 15, 2021-November 30, 2021. This guide applies to both programs from March 15, 2021 to November 30, 2021.

### **Parklet Pilot Program**

Restaurants in the Mixed Use Downtown District and along 7<sup>th</sup> Street (Singer Hill Road to Jackson Street) may construct a parklet in adjacent on-street parking areas to allow expanded outdoor dining.

These expanded seating areas called “parklets” will allow restaurants throughout the business community to temporarily increase seating capacity and safely serve more customers, while maintaining social distancing, by locating chairs and tables along sidewalks, in on-street parking areas. See Exhibit 2 for conceptual drawings.





## **ELIGIBILITY OF BUSINESSES**

Eating and drinking establishments within the Mixed Use Downtown (MUD) District and within a block of 7th Street (from Singer Hill Road to Jackson Street).

## **PARKLET LOCATIONS**

The parklet program limits the number of allowed parklets per block as necessary to accommodate for ADA accessibility for pedestrians, protect accessible parking and no-parking areas such as loading zones. ADA parking spaces may be relocated temporarily if ADA standards can continue to be met.

### **1. Location**

A parklet must be located within an existing on-street parking stall abutting or partially abutting the business utilizing the parklet. Only one parklet may utilize one parking stall; however, multiple parklets are allowed per business, per frontage if neighboring property owners and businesses approve of additional parklets. Businesses may work together to create a parklet using two or more on-street parking stalls if the businesses are adjacent to each other. In addition, any business may allow customers of other nearby business to utilize the parklet.

### **2. Approval**

A parklet shall only be located in designated on-street parking areas that have been approved by the City of Oregon City after careful review and authorization via a Parklet Permit. The property owner, any additional building tenants, along with all other businesses located adjacent to and immediately abutting within the same block of the parklet must provide written consent supporting the request.

### **3. Posted Speed Limit**

A parklet may be established along roadways where the posted speed limit is 25 mph or less.

### **4. Parking Zones**

Parklets are prohibited in accessible parking spaces and the accessible aisle adjacent to the accessible spaces and no parking zones. See Exhibit 1 for locations that are prohibited from parklet use in downtown; areas marked in red. ADA parking spaces may be relocated temporarily if ADA standards can continue to be met.

## **TERM OF USE**



Parklets are to be temporary in construction. They may be assembled March 15 through November 30. Permits will be for this period only, pending review and approval. This means parklets must not be installed before March 15 and must be completely removed on or before November 30 of each year.

## **GENERAL GUIDELINES**

- Public parklets must be located adjacent to the applicant's business.
- If all accessibility and design requirements are met, installation of a parklet platform is not required, provided that existing pavement is not damaged or otherwise altered.
- Design for easy removal. The parklet will sit on top of the existing street surface. Because parklets may sit on top of critical infrastructure and utilities such as gas lines, sewer and water mains, etc., they need to be designed for easy removal in case of an emergency.
- No additional signage is allowed within or on the parklet other than those required by law.
- Maintenance and litter removal are the responsibility of the applicant/owner. Failure to maintain the parklet may result in the revocation of the permit.
- No audio systems or other sound amplification devices are permitted for incorporation in the design of any parklet and shall not be used on any parklet.
- No smoking or vaping is permitted within a parklet at any time.
- ADA Guidelines must be met at all times.
- If applicable, the applicant is responsible for obtaining separate Oregon Liquor Control Commission (OLCC) permits.
- If applicable, the applicant is responsible for following food safety guidelines as well as Center for Disease Control (CDC) guidelines regulated by the Oregon Health Authority.
- If applicable, the applicant is responsible for following fire safety guidelines as regulated by Clackamas Fire District #1.

## **MAINTENANCE OF THE PARKLET**

The parklet will be owned and maintained by the applicant. The applicant is responsible for all costs associated with the design development, construction, installation, maintenance, and removal of the parklet. Approval of an application obligates the applicant to keep the parklet free of debris, grime, and graffiti, and to keep all plants in good health.

The permit requires that the facility is swept daily and debris is removed from under (if applicable) and around the parklet a minimum of once a week. A maintenance plan and agreement are required to ensure compliance.



## **PARKLET DESIGN STANDARDS**

The following design standards ensure that all parklets are safe, accessible, attractive, and functional.

### **1. BASE AND DECKING**

If proposed, parklet decking must be designed such that the parklet has a vertical lip of no more than ¼-inch as it connects to the curb and may not have more than a ½ inch gap from the curb. The cross slope from the curb to the street must not exceed 2%. This means that most parklets will likely have an elevated base decking. The submitted design must demonstrate that the deck is compliant with ADA accessibility requirements including at least one ADA-compliant access point for each parking space used.

The parklet platform may not be attached to or damage the street and must be easily assembled and disassembled. Any damage to the street is the responsibility of the applicant.

The parklet platform must be designed to allow for curblane stormwater drainage and include a minimum twelve (12") inch gutter bar. The parklet platform must be designed to not allow debris to collect underneath the deck.

### **2. PARKLET FOOTPRINT**

A buffer is required in the locations in which the parklet abuts adjacent on-street parking stalls. For parallel parking there must be a twenty-four (24") inch setback on either end of the parklet, adjacent to parallel parking, and to the roadway. Wheel stops may be used but are not required.

For diagonal and perpendicular spaces, the edge of the parklet must be set back eighteen (18") inches from the adjacent parking space on either side. This setback space must be included within the parklet space, and not be taken from the adjacent space.

For multiple businesses adjacent to each other or businesses that received approval from the City and neighboring properties to install multiple parklets, adjoining stalls are allowed without a buffer.

### **3. BUFFER**

Parklet design must include a physical continuous physical barrier along the street able to withstand impact while maintaining clear visual sightlines to the street.

To protect a parklet located on a parallel parking space from parking maneuvers, substantial planters, weighted bollards, or other structures that can withstand light vehicular impact, must be installed on either end of the parklet and at the street edge. Cones or Type II barricades are not acceptable. Parklets occupying diagonal parking spaces



are not required to have such substantial edge materials, except for the side and corners at the street edge. Additional traffic safety items may be added to the final design by City staff.

Barriers and fencing may not extend into the street side setback zone or bolted into the street. If portable fencing is used, each section must be connected together. If cable is used for the barrier, spacing between cables cannot exceed 6-inches.

A reflective delineator post must be placed at the outer corners of the parking space/parklet, 6-inches from the wheel stops. Delineator posts must be 36-inches tall, cylindrical, white, flexible, and must include reflective striping.

#### **4. VERTICAL ELEMENTS**

Vertical elements, such as planters and umbrellas over tabletops, should be included so that the facility is visible to vehicles. Umbrellas or sails cannot be placed within 20 feet of a stop sign and must be contained within the parklet.

Applicants with overhead canopies, sails, or similar must demonstrate that the structures have the ability to withstand wind loads equal to the standards which apply on private property. Covers comprised of more substantial materials such as wood or metal are not allowed.

Applicants proposing a cover must demonstrate that visual obstruction to adjacent businesses, both to storefronts and identifying signage, is minimized.

#### **5. MATERIALS**

The use of high quality, durable materials capable of withstanding prolonged use is required. Examples include wood and metal. Pallets, construction fencing, or chain link are not allowed.

Surface materials: loose particles, such as sand or loose stone, are not permitted on the parklet. A non-slip surface is required.

#### **6. SEATING**

Everyone should be able to travel adjacent sidewalks and enjoy parklets. Furniture must be able to accommodate a minimum of one accessible space per parklet. To accommodate for social distancing measures currently in place, tables, including their seating, and circulation areas must be a minimum of 6 feet from one another.

#### **7. LIGHTING**



Lighting that extends across the sidewalk must be a minimum of 8 feet above the sidewalk. Any single lighting source more than 40 watts shall be shielded.



## **8. HEATING APPLIANCES**

Portable outdoor gas-fired heating appliances (such as propane heaters) shall be approved by Clackamas Fire District #1.

## **9. SIDEWALK DIVERSIONS**

In place of a parklet, a business may choose to install a sidewalk diversion which must meet ADA guidelines, be made of durable materials, using slip resistant materials, and be protected similarly with substantial planters, weighted bollards, or other structures that can withstand light vehicular impact.

Barriers and fencing may not extend into the street side setback zone or be bolted into the street. If portable fencing is used, each section must be connected together. If cable is used for the barrier, spacing between cables cannot exceed 6-inches.

A reflective delineator post must be placed at the outer corners of the parking space/sidewalk diversion, 6-inches from the wheel stops. Delineator posts must be 36-inches tall, cylindrical, white, flexible, and must include reflective striping.



Example of a sidewalk diversion

## **APPLICATION**



An application for a Parklet Permit is required and must be approved before installation of the parklet. Once the parklet is constructed, an inspection is required to verify compliance with the approved application. Applications will be accepted on a rolling basis. A parklet applicant must comply with the applicable standards and agree to the terms of the Indemnity and Release Agreement required as part of the application including Liability Insurance covering Permittee's activity described in the Release.

### **PARKLET PERMIT FEE**

During the initial pilot program, a \$25 parklet fee will be required per year, but the sidewalk fee will be waived.

### **LIABILITY INSURANCE**

A parklet applicant must maintain general liability insurance in the amount no less than \$2 million per occurrence/\$4 million aggregate throughout the term of the parklet permit, in accordance with the Indemnity and Release Agreement obligations and City of Oregon City standards.

### **SITE PLAN**

A design document is required at the time of application submittal. A complete set of proposal drawings is required in order to be considered for approval. This site plan/design will help staff understand how your parklet would fit within the street. The site plan does not need to be drawn by a design professional, it can be done by hand or computer, and shows the exact location of the parklet, the area around the parklet, the proposed layout and dimensions, and where parklet amenities (e.g., seating and landscape features) would be placed. Staff will determine if your selected site is appropriate for a parklet and how the parklet would integrate into the neighborhood context.



## EXHIBIT 1



Main Street from 6<sup>th</sup> Street to Hwy 99E



Main Street from 6<sup>th</sup> Street to 8t Street





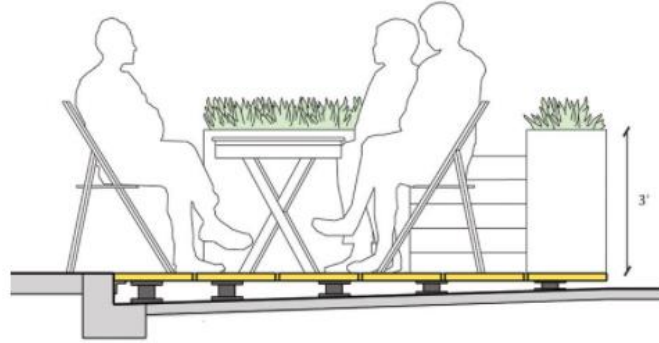
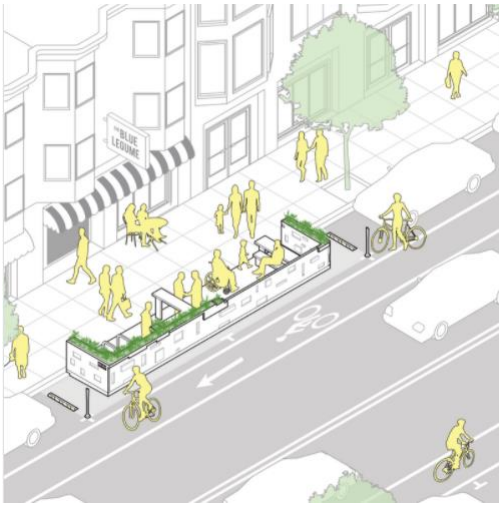
Main Street from 8<sup>th</sup> Street to 10<sup>th</sup> Street



Main Street from 10<sup>th</sup> Street to 11<sup>th</sup> Street



## EXHIBIT 2 – Possible Options





# Private Property Outdoor Dining and Retail Program

The following temporary program is designed to support local restaurants/bars and retail subject to COVID-19 minimum spacing requirements. The purpose of the program is to temporarily allow the use of up to half of a private parking lot or other areas on private property, such as patios or decks, for outdoor seating or retail use. Simply placing furniture on an existing patio or deck is not subject to compliance with this program, however, tents or other shade structures placed on a patio or deck require compliance with this program unless approved through a Site Plan and Design Review.



This program is temporary. Outdoor dining and retail areas constructed in compliance with these provisions may be assembled from July 16, 2020 – November 30, 2020 and again from March 15, 2021-November 30, 2021. Temporary facilities that submitted a permit by November 30, 2020 were allowed to continue use, from December 1, 2020 to March 14, 2021. The minimum parking requirements as well as other applicable land use standards are suspended and replaced with the requirements within this policy.

## DESIGN STANDARDS

### 1. SIZE

Up to 50% of the parking spaces in a parking lot on the same property as a restaurant/bar or retail business may be converted to outdoor dining/retail space. Within shopping centers, where a lot serves more than one business, the 50% limit applies to the shopping center parking lot as a whole.

### 2. DESIGN

- a. To protect the outdoor dining or retail area from parking maneuvers, substantial planters, weighted bollards, or other structures that can withstand light vehicular impact must be installed between vehicular areas and the expanded outdoor space. Cones or Type II barricades are not acceptable. A physical barrier is not required for outdoor seating/retail areas which are separated from parking lots or auto travel lanes by a raised curb, bollards, landscaping, or other continuous existing physical barrier.
- b. Minimum required landscaping shall not be removed.
- c. Required pedestrian walkways shall be maintained.



- d. An unlimited number of temporary tents, umbrellas, or and other shade structures are allowed within the expanded outdoor area with documentation demonstrating they are secured to the ground or otherwise protected from movement. The structures may be any size.
- e. No use of the ADA stall(s) or adjacent striping is allowed.
- f. No change to the vehicular ingress/egress of the site is allowed.
- g. The following minimum clearance must be maintained within the parking lot:  
8 feet above sidewalks/pedestrian accessways  
No cords, structures, sails, coverings, or similar may cover or extend across a space for vehicle maneuvering or parking.
- h. Any single lighting source more than 40 watts shall be shielded. Excessive lighting may be deemed a nuisance.
- i. If seating is provided, a minimum of one accessible (ADA) seat shall be provided per parklet.

### 3. **MATERIALS**

- a. The outdoor dining area shall be designed for easy removal.
- b. No installation of gravel, sand, or other surface materials is allowed.
- c. No chain link, pallets, or construction fencing is allowed.

### 4. **OTHER STANDARDS**

- a. Approval from the property owner is required.
- b. Approval from the Building Department and Clackamas County Fire District #1 is required.
- c. Applications must be submitted to the Planning Division.
- d. A fee of \$25 each year will be charged for participation in this program.

## 5. **PERMIT SUBMITTAL REQUIREMENTS**

An application for the Private Property Outdoor Dining and Retail Program is required and must be approved before installation. Once construction is complete, an inspection is required to verify compliance with the approved application

- ✓ Application Form
- ✓ Site Plan drawing or sketch including:
  - Footprint of the proposed outdoor dining/retail area
  - Building footprints and entrances
  - Existing parking stalls
  - Existing driveways
  - Proposed vehicle circulation diagram



- Location of barricades around outdoor dining/retail area

If an owner wishes to continue use of the outdoor dining or retail area after the closure of this program, the owner shall be responsible for obtaining proper approvals as well as compliance with all applicable standards in the Oregon City Municipal Code.



## Oregon City COVID-19 Recovery Assistance

### Program: March 15, 2021 – November 30, 2021

Due to the COVID-19 pandemic, the City of Oregon City supports alternative ways to help increase patronage of local businesses effected by physical distancing requirements. This program includes temporarily allowing the following with restrictions:

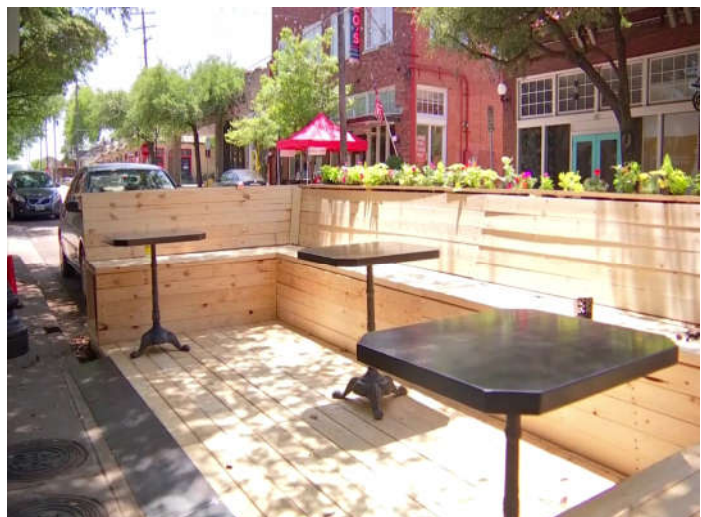
- **Parklet Pilot Program:** Restaurants in certain locations downtown and along 7<sup>th</sup> Street to temporarily use adjacent on-street parking for outdoor temporary use as an extension of dining; and
- **Private Property Outdoor Dining and Retail ~~in Private Parking Lots~~ Program:** Retail and Restaurants throughout the City to use up to half their parking lot or other locations on private property, such as decks or patios, for additional retail and/or dining.

Both programs are temporary from July 16, 2020 – November 30, 2020 (with an extension over the winter for those who had previously submitted an application) and again from March 15, 2021-November 30, 2021. ~~The City Commission will review the programs after November 30, 2020 but before March 15, 2021 to determine if any changes to the standards below are needed.~~ This guide applies to both programs from March 15, 2021 to November 30, 2021.

## Parklet Pilot Program

Restaurants in the Mixed Use Downtown District and along 7<sup>th</sup> Street (Singer Hill Road to Jackson Street) may construct a parklet in adjacent on-street parking areas to allow expanded outdoor dining.

These expanded seating areas called “parklets” will allow restaurants throughout the business community to temporarily increase seating capacity





and safely serve more customers, while maintaining social distancing, by locating chairs and tables along sidewalks, in on-street parking areas. [See Exhibit 2 for conceptual drawings.](#)

## **ELIGIBILITY OF BUSINESSES**

Eating and drinking establishments within the Mixed Use Downtown (MUD) District and within a block of 7th Street (from Singer Hill Road to Jackson Street).

## **PARKLET LOCATIONS**

The parklet program limits the number of allowed parklets per block as necessary to accommodate for ADA accessibility for pedestrians, protect accessible parking and no-parking areas such as loading zones. [ADA parking spaces may be relocated temporarily if ADA standards can continue to be met.](#)

### **1. Location**

A parklet must be located within an existing on-street parking stall abutting or partially abutting the business utilizing the parklet. Only one parklet [may](#) utilize [one parking stall](#); [however, multiple parklets are](#) ~~is~~ allowed per business, per frontage [if neighboring property owners and businesses approve of additional parklets](#). Businesses may work together to create a parklet using two or more on-street parking stalls if the businesses are adjacent to each other. In addition, any business may allow customers of other nearby business to utilize the parklet.

### **2. Approval**

A parklet shall only be located in designated on-street parking areas that have been approved by the City of Oregon City after careful review and authorization via a Parklet Permit. The property owner, any additional building tenants, along with all other businesses located adjacent to and immediately abutting within the same block of the parklet must provide written consent supporting the request.

### **3. Posted Speed Limit**

A parklet may be established along roadways where the posted speed limit is 25 mph or less.

### **4. Parking Zones**

Parklets are prohibited in accessible parking spaces and the accessible aisle adjacent to the accessible spaces and no parking zones. See Exhibit 1 for locations that are prohibited from



parklet use in downtown; areas marked in red. ADA parking spaces may be relocated temporarily if ADA standards can continue to be met.

## TERM OF USE

Parklets are to be temporary in construction. They may be assembled March 15 through November 30. Permits will be for this period only, pending review and approval. This means parklets must not be installed before March 15 and must be completely removed on or before November 30 of each year.

## GENERAL GUIDELINES

- Public parklets must be located adjacent to the applicant's business.
- If all accessibility and design requirements are met, installation of a parklet platform is not required, provided that existing pavement is not damaged or otherwise altered.
- Design for easy removal. The parklet will sit on top of the existing street surface. Because parklets may sit on top of critical infrastructure and utilities such as gas lines, sewer and water mains, etc., they need to be designed for easy removal in case of an emergency.
- No additional signage is allowed within or on the parklet other than those required by law.
- Maintenance and litter removal are the responsibility of the applicant/owner. Failure to maintain the parklet may result in the revocation of the permit.
- No audio systems or other sound amplification devices are permitted for incorporation in the design of any parklet and shall not be used on any parklet.
- No smoking or vaping is permitted within a parklet at any time.
- ADA Guidelines must be met at all times.
- If applicable, the applicant is responsible for obtaining separate Oregon Liquor Control Commission (OLCC) permits.
- If applicable, the applicant is responsible for following food safety guidelines as well as Center for Disease Control (CDC) guidelines regulated by the Oregon Health Authority.
- If applicable, the applicant is responsible for following fire safety guidelines as regulated by Clackamas Fire District #1.

## MAINTENANCE OF THE PARKLET

The parklet will be owned and maintained by the applicant. The applicant is responsible for all costs associated with the design development, construction, installation, maintenance, and removal of the parklet. Approval of an application obligates the applicant to keep the parklet free of debris, grime, and graffiti, and to keep all plants in good health.

The permit requires that the facility is swept daily and debris is removed from under (if



applicable) and around the parklet a minimum of once a week. A maintenance plan and agreement are required to ensure compliance.

## **PARKLET DESIGN STANDARDS**

The following design standards ensure that all parklets are safe, accessible, attractive, and functional.

### **1. BASE AND DECKING**

If proposed, parklet decking must be designed such that the parklet has a vertical lip of no more than ¼-inch as it connects to the curb and may not have more than a ½ inch gap from the curb. The cross slope from the curb to the street must not exceed 2%. This means that most parklets will likely have an elevated base decking. The submitted design must demonstrate that the deck is compliant with ADA accessibility requirements including at least one ADA-compliant access point for each parking space used.

The parklet platform may not be attached to or damage the street and must be easily assembled and disassembled. Any damage to the street is the responsibility of the applicant.

The parklet platform must be designed to allow for curblane stormwater drainage and include a minimum twelve (12") inch gutter bar. The parklet platform must be designed to not allow debris to collect underneath the deck.

### **2. PARKLET FOOTPRINT**

A buffer is required in the locations in which the parklet abuts adjacent on-street parking stalls. For parallel parking there must be a twenty-four (24") inch setback on either end of the parklet, adjacent to parallel parking, and to the roadway. Wheel stops may be used but are not required.

For diagonal and perpendicular spaces, the edge of the parklet must be set back eighteen (18") inches from the adjacent parking space on either side. This setback space must be included within the parklet space, and not be taken from the adjacent space.

For multiple businesses adjacent to each other or businesses that received approval from the City and neighboring properties to install multiple parklets ~~that want to assemble a parklet~~, adjoining stalls are allowed without a buffer.

### **3. BUFFER**

Parklet design must include a physical continuous physical barrier along the street able to withstand impact while maintaining clear visual sightlines to the street.



To protect a parklet located on a parallel parking space from parking maneuvers, substantial planters, weighted bollards, or other structures that can withstand light vehicular impact, must be installed on either end of the parklet and at the street edge. Cones or Type II barricades are not acceptable. Parklets occupying diagonal parking spaces are not required to have such substantial edge materials, except for the side and corners at the street edge. Additional traffic safety items may be added to the final design by City staff.

Barriers and fencing may not extend into the street side setback zone or bolted into the street. If portable fencing is used, each section must be connected together. If cable is used for the barrier, spacing between cables cannot exceed 6-inches.

A reflective delineator post must be placed at the outer corners of the parking space/parklet, 6-inches from the wheel stops. Delineator posts must be 36-inches tall, cylindrical, white, flexible, and must include reflective striping.

#### **4. VERTICAL ELEMENTS**

Vertical elements, such as planters and umbrellas over tabletops, should be included so that the facility is visible to vehicles. Umbrellas or sails cannot be placed within 20 feet of a stop sign and must be contained within the parklet.

Applicants with overhead canopies, sails, or similar must demonstrate that the structures have the ability to withstand wind loads equal to the standards which apply on private property. Covers comprised of more substantial materials such as wood or metal are not allowed.

Applicants proposing a cover must demonstrate that visual obstruction to adjacent businesses, both to storefronts and identifying signage, is minimized.

#### **6. MATERIALS**

The use of high quality, durable materials capable of withstanding prolonged use is required. Examples include wood and metal. ~~Membrane/pop-up structures, Pallets,~~ construction fencing, or chain link are not allowed.

Surface materials: loose particles, such as sand or loose stone, are not permitted on the parklet. A non-slip surface is required.

#### **7. SEATING**

Everyone should be able to travel adjacent sidewalks and enjoy parklets. Furniture must be able to accommodate a minimum of one accessible space per parklet. To accommodate for social distancing measures currently in place, tables, including their seating, and circulation areas must be a minimum of 6 feet from one another.



## 8. LIGHTING

Lighting that extends across the sidewalk must be a minimum of 8 feet above the sidewalk. Any single lighting source more than 40 watts shall be shielded.



## 9. HEATING APPLIANCES

Portable outdoor gas-fired heating appliances (such as propane heaters) shall be approved by Clackamas Fire District #1.

## 10. SIDEWALK DIVERSIONS

In place of a parklet, a business may choose to install a sidewalk diversion which must meet ADA guidelines, be made of durable materials, using slip resistant materials, and be protected similarly with substantial planters, weighted bollards, or other structures that can withstand light vehicular impact.

Barriers and fencing may not extend into the street side setback zone or be bolted into the street. If portable fencing is used, each section must be connected together. If cable is used for the barrier, spacing between cables cannot exceed 6-inches.

A reflective delineator post must be placed at the outer corners of the parking space/sidewalk diversion, 6-inches from the wheel stops. Delineator posts must be 36-inches tall, cylindrical, white, flexible, and must include reflective striping.



Example of a sidewalk diversion



## **APPLICATION**

An application for a Parklet Permit is required and must be approved before installation of the parklet. Once the parklet is constructed, an inspection is required to verify compliance with the approved application. Applications will be accepted on a rolling basis. A parklet applicant must comply with the applicable standards and agree to the terms of the Indemnity and Release Agreement required as part of the application including Liability Insurance covering Permittee's activity described in the Release.

## **PARKLET PERMIT FEE**

During the initial pilot program, a \$25 parklet fee will be required per year, but the sidewalk fee will be waived.

## **LIABILITY INSURANCE**

A parklet applicant must maintain general liability insurance in the amount no less than \$2 million per occurrence/\$4 million aggregate throughout the term of the parklet permit, in accordance with the Indemnity and Release Agreement obligations and City of Oregon City standards.

## **SITE PLAN**

A design document is required at the time of application submittal. A complete set of proposal drawings is required in order to be considered for approval. This site plan/design will help staff understand how your parklet would fit within the street. The site plan does not need to be drawn by a design professional, it can be done by hand or computer, and shows the exact location of the parklet, the area around the parklet, the proposed layout and dimensions, and where parklet amenities (e.g., seating and landscape features) would be placed. Staff will determine if your selected site is appropriate for a parklet and how the parklet would integrate into the neighborhood context.



## EXHIBIT 1



Main Street from 6<sup>th</sup> Street to Hwy 99E



Main Street from 6<sup>th</sup> Street to 8t Street





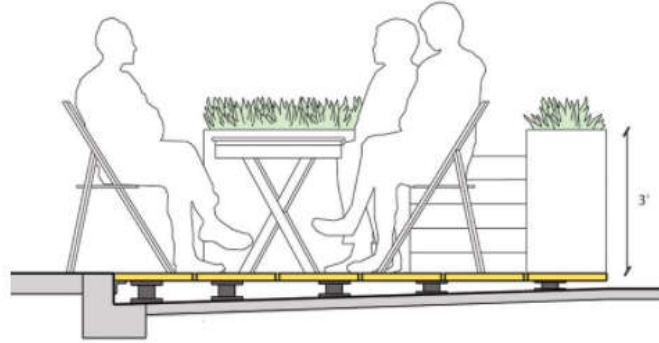
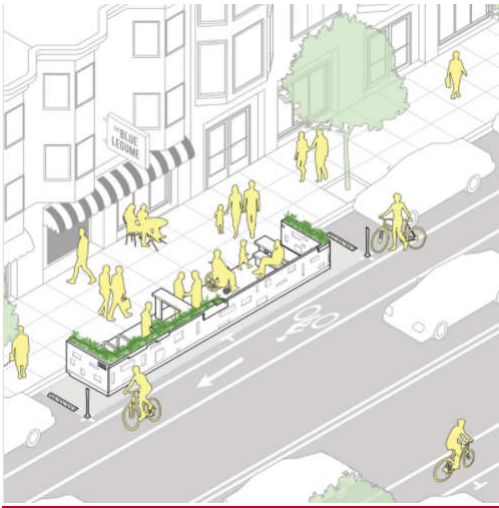
Main Street from 8<sup>th</sup> Street to 10<sup>th</sup> Street



Main Street from 10<sup>th</sup> Street to 11<sup>th</sup> Street



## EXHIBIT 2 – Possible Options





# **Private Property Outdoor Dining and Retail ~~in Private~~ Parking Lots Program**



The following temporary program is designed to support local restaurants/bars and retail subject to COVID-19 minimum spacing requirements. The purpose of the program is to temporarily allow the use of up to half of a private parking lot or other areas on private property, such as patios or decks, for outdoor seating or retail use ~~in an on-site parking lot adjacent to a business.~~ Simply placing furniture on an existing patio or deck is not subject to compliance with this program, however, tents or other shade structures placed on a patio or deck require compliance with this program unless approved through a Site Plan and Design Review.

This program is temporary. Outdoor dining and retail areas constructed in compliance with these provisions may be assembled from July 16, 2020 – November 30, 2020 and again from March 15, 2021-November 30, 2021. Temporary facilities that submitted a permit by November 30, 2020 were allowed to continue use, from December 1, 2020 to March 14, 2021. The minimum parking requirements as well as other applicable land use standards are suspended and replaced with the requirements within this policy.

## **DESIGN STANDARDS**

### **1. SIZE**

Up to 50% of the parking spaces in a parking lot on the same property as a restaurant/bar or retail business may be converted to outdoor dining/retail space. Within shopping centers, where a lot serves more than one business, the 50% limit applies to the shopping center parking lot as a whole.

### **2. DESIGN**

- a. To protect the outdoor dining or retail area from parking maneuvers, substantial planters, weighted bollards, or other structures that can withstand light vehicular impact must be installed between vehicular areas and the expanded outdoor space. Cones or Type II barricades are not acceptable. A physical barrier is not required for outdoor seating/retail areas which are separated from parking lots or auto travel lanes by a raised curb, bollards, landscaping, or other continuous existing physical barrier.
- b. ~~No existing~~ Minimum required landscaping ~~may~~ shall not be removed.



c. Required pedestrian walkways shall be maintained.

~~e.d.~~ An unlimited number of temporary tents, umbrellas, or and other shade structures are allowed within the expanded outdoor area with documentation demonstrating they are secured to the ground or otherwise protected from movement. The structures may be any size.

~~d.e.~~ No use of the ADA stall(s) or adjacent striping is allowed.

~~e.f.~~ No change to the vehicular ingress/egress of the site is allowed.

~~f.g.~~ The following minimum clearance must be maintained within the parking lot:  
8 feet above sidewalks/pedestrian accessways  
No cords, structures, sails, coverings, or similar may cover or extend across a space for vehicle maneuvering or parking.

~~g.h.~~ Any single lighting source more than 40 watts shall be shielded. Excessive lighting may be deemed a nuisance.

~~h.i.~~ If seating is provided, a minimum of one accessible (ADA) seat shall be provided per parklet.

**3. MATERIALS**

- a. The outdoor dining area shall be designed for easy removal.
- b. No installation of gravel, sand, or other surface materials is allowed.
- c. No chain link, pallets, or construction fencing is allowed.

**4. OTHER STANDARDS**

- a. Approval from the property owner is required.
- b. Approval from the Building Department and Clackamas County Fire District #1 is required.
- c. Applications must be submitted to the Planning Division.
- d. A fee of \$25 each year will be charged for participation in this program.

**5. PERMIT SUBMITTAL REQUIREMENTS**

An application for the Private Property Outdoor Dining and Retail in Private Parking Lots Program is required and must be approved before installation. Once construction is complete, an inspection is required to verify compliance with the approved application

- ✓ Application Form
- ✓ Site Plan drawing or sketch including:
  - Footprint of the proposed outdoor dining/retail area
  - Building footprints and entrances
  - Existing parking stalls
  - Existing driveways



- Proposed vehicle circulation diagram
- Location of barricades around outdoor dining/retail area

If an owner wishes to continue use of the outdoor dining or retail area after the closure of this program, the owner shall be responsible for obtaining proper approvals as well as compliance with all applicable standards in the Oregon City Municipal Code.





# 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:** 02/17/2021

### **SUBJECT:**

Resolution No. 21-01, Designating Certain Areas of the City Public Sidewalk to be Used for the Display and Sales of Goods and Merchandise

### **STAFF RECOMMENDATION:**

Approve Resolution No. 21-01 authorizing the display and sale of goods and merchandise in certain areas of the City.

### **EXECUTIVE SUMMARY:**

By request of the City Commission in December 2020, Resolution No. 21-01 is proposed to authorize display and sale of goods and merchandise in the downtown and along 7<sup>th</sup> Street using either a temporary obstruction in the right of way (ROW) permit or renewable right-of-way permit.

### **BACKGROUND:**

In October 2019, the City received a letter from the Oregon City Chamber of Commerce requesting a reduction in the renewable right-of-way permit fee. In December 2019, the City Commission heard a presentation from Public Works describing the sidewalk seating program outlining the internal policy that implemented Oregon City Municipal Code 12.04.120 for obstructions in the ROW. The City Commission directed staff to pursue code changes around active use of the sidewalk and while in the process pursuing code changes COVID -19 happened.

Through a variety of City Commission discussions related to Oregon City's efforts at COVID – 19 relief, outdoor restaurant seating, and more active retail use of the sidewalks to help Oregon City's businesses to endure, a variety of initiatives have advanced.

Resolution 21-01 is in response to the City Commission direction that staff propose a resolution allowing sidewalk sales in designated areas. The resolution is proposed to allow sidewalk seating in designated areas within downtown area and along 7<sup>th</sup> Street



when either a renewable right-of-way permit or temporary obstruction permit is obtained. These areas were identified as the streets with sidewalks and most likely to have businesses which would be interested in designating their frontage for use to display and sell goods and merchandise. The areas also generally include sidewalks that have capacity to accommodate an obstruction and still allow for a 48-inch wide pedestrian zone.

Renewable right-of-way permits will be issued for any business desiring sidewalk sales to last longer than 60 days. A temporary obstruction permit will be issued for any business desiring sidewalk sales to last 60 days or less.

Also before the City Commission is Resolution 21-03 Adopting the Sidewalk Obstruction Standard Operating Policy, and Resolution 21-05 Modifying the Public Works Engineering Fee Schedule.

**OPTIONS:**

1. Approve Resolution No. 21-01.
2. Approve Resolution No. 21-01 with specific modifications.
3. Deny Resolution No. 21-01 and provide staff with direction.



## RESOLUTION NO. 21-01

### A RESOLUTION DESIGNATING CERTAIN AREAS OF OREGON CITY PUBLIC SIDEWALK TO BE USED FOR THE DISPLAY AND SALES OF GOODS AND MERCHANDISE

**WHEREAS**, Oregon City Municipal Code 12.04.130.A. makes it unlawful to use the public sidewalks for the purpose of packing, unpacking or storage of goods or merchandise or for the display of goods or merchandise for sale; and

**WHEREAS**, Oregon City Municipal Code 12.04.130.B. allows the City Commission to designate certain areas of the City to permit the display and sales of goods or merchandise on the public sidewalks under such conditions as may be provided on a regular basis; and

**WHEREAS**, Oregon City Municipal Code (OCMC) 12.04.130.B requires a business in a designated area to obtain a Renewable Right-of-Way Permit; and

**WHEREAS**, the City Commission desires to designate certain areas of the City to permit the display and sales of goods or merchandise on the public sidewalks under such conditions as may be provided on a regular basis.

#### NOW, THEREFORE, OREGON CITY RESOLVES AS FOLLOWS:

**Section 1.** That the City Commission designates certain areas of the City to permit the display and sales of goods or merchandise on the public sidewalks under such conditions as may be provided on a regular basis as listed in Exhibit A.

**Section 2.** That the City Commission, by this Resolution, empowers the City Engineer to issue Renewable Right-of-Way or Temporary Obstruction permits for any business in locations listed in Exhibit A to permit the display and sales of goods or merchandise on the public sidewalks with conditions meeting ADA accessibility and sight obstruction codes as described in OCMC 10.32.

**Section 3.** That the City Commission may revoke this Resolution at any time it deems in the best interest of the public to do so.

**Section 4.** The effective date shall be the date this resolution is adopted, signed, and approved.

Approved and adopted at a regular meeting of the City Commission held on the 3rd day of March 2021.

\_\_\_\_\_  
ROCKY SMITH, City Commission President

Attested to this 3rd day of March 2021:

Approved as to legal sufficiency:

\_\_\_\_\_  
Kattie Riggs, City Recorder

\_\_\_\_\_  
City Attorney



## EXHIBIT A

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**The following areas are designated by the City Commission through Resolution 21-01 for the use of the public sidewalk to permit the display and sale of goods and merchandise:**

Main Street: 99E (McLoughlin Blvd.) to 16<sup>th</sup> Street  
6<sup>th</sup> Street: 99E (McLoughlin Blvd.) to Railroad Avenue  
7<sup>th</sup> Street: 99E (McLoughlin Blvd.) to Railroad Avenue  
8<sup>th</sup> Street: 99E (McLoughlin Blvd.) to Railroad Avenue  
9<sup>th</sup> Street: 99E (McLoughlin Blvd.) to Railroad Avenue  
10<sup>th</sup> Street: 99E (McLoughlin Blvd.) to Main Street  
7<sup>th</sup> Street: Center Street to Jackson Street





# 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:** 02/17/2021

### **SUBJECT:**

Resolution No. 21-03, Adopting the Sidewalk Obstructions Standard Operating Policy

### **STAFF RECOMMENDATION:**

Approve Resolution No. 21-03 adopting the standard operating policy for Sidewalk Obstructions.

### **EXECUTIVE SUMMARY:**

To implement Oregon City Municipal Code 12.04.120, staff has been using an internal policy to permit temporary and permanent obstructions. By request of the City Commission in December 2019, staff is requesting the policy be adopted by City Commission for continued use and implementation of municipal code.

### **BACKGROUND:**

In December 2019, the City Commission heard a presentation from Public Works describing the sidewalk seating program based on an internal policy that implemented Oregon City Municipal Code 12.04.120 for obstructions. The program had been implemented earlier that year on an honor system basis. Five businesses complied. City Commission directed staff in December 2019 to propose City Code revisions that would more explicitly define obstructions like sidewalk seating which were temporary in nature but were intended to be used year round. The City Commission also requested a policy be adopted by resolution rather than remain an internal staff guidance document.

Due to the COVID-19 pandemic, the schedule to provide revisions to the Code and adoption of the policy was delayed. Instead, the COVID-19 relief program was implemented to address parklets and seating in the right of way.

City Code revisions to chapter 12.04 dealing with obstructions in the right of way was approved by the City Commission on February 3, 2021.



Resolution 21-03 is a response to the request by City Commission in December 2019 and is now proposed as the applicable Municipal Code has been adopted.

The policy referenced by Resolution 21-03 is called the “Sidewalk Obstructions – Standard Operating Policy”. The document provides the policy and procedure on how to implement City Code 12.04.120 concerning obstructions.

Also before the City Commission is Resolution 21-01 Designating area for Sidewalk Sales, and Resolution 21-05 Modifying the Public Works Engineering Fee Schedule.

**OPTIONS:**

1. Approve Resolution No. 21-03.
2. Approve Resolution No. 21-03 with specific modifications.
3. Deny Resolution No. 21-03 and provide staff with direction.



## RESOLUTION NO. 21-03

### A RESOLUTION ADOPTING THE SIDEWALK OBSTRUCTIONS STANDARD OPERATING POLICY

**WHEREAS**, Oregon City Municipal Code 12.04.120.A. makes it unlawful for any person to place, put or maintain any obstruction, other than a temporary obstruction, as defined in subsection B of this section, in any public street or alley in the city, without obtaining approval for a right-of-way permit from the City Commission by passage of a resolution; and

**WHEREAS**, Oregon City Municipal Code 12.04.120.B. defines a temporary obstruction as an object placed in a public street, road, or alley for a period of not more than sixty consecutive days; and

**WHEREAS**, Oregon City Municipal Code 12.04.120.B. states a "temporary obstruction" includes, but is not limited to, moving containers and debris dumpsters; and

**WHEREAS**, Oregon City Municipal Code 12.04.120.B.7 provides two types of "temporary obstructions" including short-term and long-term; and

**WHEREAS**, the Public Works Department currently implements Oregon City Municipal Code by permitting permanent and temporary obstructions.

### NOW, THEREFORE, OREGON CITY RESOLVES AS FOLLOWS:

**Section 1.** That the City Commission, by this Resolution, adopts the standard operating policy for Sidewalk Obstructions attached as Exhibit A.

**Section 2.** That the City Commission may revoke this Resolution at any time it deems in the best interest of the public to do so.

**Section 3.** The effective date shall be the date this resolution is adopted, signed, and approved.

Approved and adopted at a regular meeting of the City Commission held on the 3rd day of March 2021.

\_\_\_\_\_  
ROCKY SMITH, City Commission President

Attested to this 3rd day of March 2021:

Approved as to legal sufficiency:

\_\_\_\_\_  
Kattie Riggs, City Recorder

\_\_\_\_\_  
City Attorney





## OREGON CITY PUBLIC WORKS POLICIES & PROCEDURES

**City Code and Public Works Standards References:** OCMC 15.28 – Signs, OCMC 12.08 Public and Street Trees, OCMC 12.04.120 Obstructions, OCMC 12.04.130 Obstructions – Sidewalk Sales, OCMC 10.32 Sight Distance, Department of Justice 2010 ADA Standards for Accessible Design (Chapter 4)

**Subject:** *Sidewalk Obstructions* - Standard Operating Policy (SOP)

**Effective Date:** 03/03/2021

**Prepared By:** Josh Wheeler, P.E.

**Approved:** DW, City Commission

### Purpose

Establishes a policy that provides design guidelines and processes for permitting various types of obstructions in the right-of-way. The right-of-way includes the traveled way and furnishing zone of the transportation system which may include the roadway, parking spaces, bicycle lanes, sidewalks, and landscape areas. While the goal is to keep the right-of-way free and clear for the traveling public and for beautification of the lot frontage, there are times where it is necessary to place obstructions within the right of way for moving purposes, business purposes, construction purposes, or development constraints. This policy provides direction for implementing Oregon City Municipal Code (OCMC) and a permitting process to document any obstructions.

### General Information

OCMC 12.04.120 provides the requirements for permitting obstructions within the right-of-way. Obstructions are categorized as either 'permanent' or 'temporary'.

Temporary obstructions are those that are not permanently anchored and are easily moveable upon request including, but not limited to, moving pods, construction debris dumpsters, sidewalk seating, parklets, etc.

Awnings are considered a temporary obstruction; however, they fall under an existing policy that allows the structures to be used in the right of way as long as they are easily removed from the wall in the case of emergency repair within the right of way. Awnings are not part of this policy.

Permanent obstructions are those that are permanently anchored to the ground including, but not limited to, retaining walls, fences, signage, decks, porches, buildings, etc.



Signage is regulated under OCMC 15.28 and relates to sandwich board signs, building wall signs, building wall protruding signs, and post type signs all of which may impact the right-of-way.

All requests for obstructions shall be kept at a minimum. Obstructions are only granted if following Oregon City Municipal Code, the processes, and procedures of this policy, and providing the necessary fees and documents as required. All obstructions must meet the primary criteria of providing a public benefit.

## **Permit Types**

### *Temporary Obstructions (0-60 days)*

Temporary obstructions are those that are not permanently anchored and can be easily moved including, but not limited to, moving pods, debris dumpsters, planters, seating, A-frame (sandwich board) type signs, displays, etc. and are only intended to be used for up to 60 days. A property may be required to obtain a temporary obstruction permit to manage a construction project, especially in areas with zero or minimal lot line setbacks. These types of obstructions are issued a Right of Way permit using the Temporary Obstruction in ROW Permit fee. Temporary Obstruction permits shall not be renewed on a regular basis. A permittee may request an extension of a permit, paying an additional fee, if the reason for the request is reasonable and a timeline is set. A temporary permit shall not be renewed more than once. A temporary obstruction permit may cross over calendar years. For example, a permit issued December 1, 2021 may expire January 31, 2022.

### *Long Term Temporary Obstructions (61-365 days)*

Long Term Temporary obstructions are those that are not permanently anchored and can be easily moved including, but not limited to, moving pods, debris dumpsters, planters, seating, A-frame (sandwich board) type signs, displays, etc. and are intended to be used for over 61 days up to a full year. These types of obstructions are issued a Right of Way permit using the Renewable ROW Permit fee. Long Term Temporary Renewable Right of Way Permits are only valid within a calendar year and do not cross over calendar years. For example, a permit issued on January 15, 2021 may be valid up to December 31, 2021, but a permit issued July 1, 2021 is also only valid up to December 31, 2021. The fee is not adjusted if the use time is reduced.



### *Permanent Obstructions\**

Permanent obstructions require approval from the City Commission. Permanent obstructions are revocable by the City at any time and require the property owner/applicant to record an agreement indemnifying the City for any issues caused by the obstruction. They are permanently anchored to the ground including, but not limited to, retaining walls, fences, signage, decks, porches, buildings, etc. These types of obstructions are issued a Right of Way permit using the Permanent Obstruction in ROW Permit fee.

\*While permanent obstructions are not very likely to obstruct a sidewalk, there may be conflicts on a rare occasion such as a building appendage, wall, or porch stair that could be an unavoidable construction due to space constraints.

### **Policy**

All obstructions follow the standards operating procedure listed within this document.

#### *Temporary Obstructions (Short Term - 60 days or less)*

An over-the-counter permit can be obtained for a temporary obstruction in the right of way. Temporary obstructions are defined as those obstructions that will last for no more than 60 calendar days.

Temporary obstructions are administered by staff and do not require approval from the City Commission. The permit requires the property owner/applicant to provide a site plan and sign an indemnification agreement. The indemnification expires upon expiration of the permit.

#### *Long Term Temporary Obstructions (61 days to 365 days)*

A permit can be obtained for a long-term temporary obstruction in the right of way. Long term temporary obstructions are defined as those obstructions that will remain for 61-365 calendar days.

In the case of temporary obstructions which are amenities to a business such as seating or planters, or displayed goods and merchandise, the permit type is an annual permit which is renewable each year similar to a business license for the right to use the public sidewalk or right of way for the benefit of the business or property. That permit requires the property owner/applicant to provide a site plan and sign an indemnification agreement which expires upon expiration of the permit. A new indemnification agreement is executed annually with the renewal of the permit if one is renewed. Insurance is also required in the amount of 1Million/2Million for all items besides parklets each year.

### *Sidewalk Sales*

Sidewalk sales (display and sale of goods and merchandise) are a type of temporary obstruction that is only allowed in areas designated by the City Commission. They may be



classified as short term temporary or long-term temporary depending on the desire of the business.

If the sale is desired for 60 days or less, a short-term temporary permit shall be obtained. Indemnity Agreements are required to be executed and expires upon expiration of the permit.

If the sale is desired to remain for 61 days or more, a renewable right of way permit is required. Renewable right of way permits require annual renewal, indemnification agreements and insurance in the amount of 1Million/2Million. These expire at expiration of the permit.

Sidewalk sales and displays shall follow the standard permitting procedure, but they shall include these additional requirements:

1. All displays and sales shall only be provided during business hours.
2. All displays and sales shall be removed from the right of way at the end of the regular business day, unless approved as a special event when multiple days are anticipated, and after-hours monitoring is provided.
3. All displays and sales shall only be provided in locations adopted by Resolution by the City Commission.
4. All use areas shall be kept neat and orderly.

### *Parklets*

Parklets are a type of long-term temporary obstruction that is only allowed in areas designated by the City Commission. An over-the-counter permit can be obtained for a long-term temporary obstruction in the right of way. Long term temporary obstructions are defined as those obstructions that will remain for 61-365 calendar days.

While a parklet sits within a parking space, it uses the sidewalk for pedestrian connection and may in some cases include the sidewalk for part of the seating; therefore, it is discussed in this policy.

Renewable right of way permits require annual renewal, a site plan, indemnification agreements, and insurance in the amount of 3Million/4Million. These expire at expiration of the permit each year.

### *Permanent Obstructions\**

A permit is required for any permanent obstruction in the right of way; therefore, a permit is required for any permanent obstruction in any portion of a sidewalk within the public right of way.

\*While permanent obstructions are not very likely to obstruct a sidewalk, there may be conflicts on a rare occasion such as a building appendage, wall, or porch stair that could be an unavoidable construction due to space constraints.



## **Procedure**

### *Process for obtaining an obstruction permit:*

1. Make a request to Public Works – Engineering Division
  - i. Staff will determine if the obstruction prevents all other users (vehicles, bicycles, pedestrians) from using the right of way or if the applicant has provided an alternate route for those users.
2. Applicant makes an application by providing:
  - i. Right of Way Application
  - ii. Site Plan
  - iii. Indemnity Agreement (This agreement expires with the termination of the permit AND the obstruction being removed.)
  - iv. Proper Insurance (when required)
3. Applicant pays the following fees:
  - i. Application and Plan Review Fee
  - ii. Inspection Fee
4. Permitting
  - i. City staff reviews the application and site plan.
  - ii. City staff ensures Indemnity Agreement and proper Insurance is provided.
  - iii. City staff provides permit with a specific expiration date based on the applicant's needs and collects fee.
  - iv. City staff provide conditions to each permit.
  - v. City staff closes permit with a final inspection showing the right of way has been cleared from all obstructions caused by the permit.

### *Possible Conditions of Permits:*

- A. Contact Inspector for installation approval.
- B. Maintain ADA Standards.
- C. Maintain Standards as designated by Oregon Health Authority.
- D. Maintain Standards as designated by Clackamas Fire District No. 1.

### *Permit Expiration and Renewal*

- A. City staff advertise program to businesses within the 7<sup>th</sup> and downtown area annually by January 31.
- B. City staff issues application as they come in.
- C. City staff visits downtown area by March 15 of each year to see who is using right of way and compare that to who has a permit.
- D. City staff provides 2<sup>nd</sup> reminders to those businesses using the right of way.
- E. If permit is not obtained after 2<sup>nd</sup> reminder, code enforcement case begins.
- F. City staff re-inspects right of way July 15 of each year to see who is additionally using right of way and compare that to who has a permit and seeks code enforcement if permit is not obtained.



## **Fees**

Fee associated with obstruction permits shall follow the most recently adopted Engineering Fee Schedule. Obstructions are either issued as a Temporary Obstruction in ROW Permit, Permanent Obstruction in ROW Permit, or Renewable ROW Permit.

The Temporary Obstruction in ROW Permit are for those items remaining 60 days or less.

Permanent Obstructions are anticipated to remain for the life of the obstruction, but also require a Revocable clause allowing the City to have the obstruction removed at any time if it is in the public interest.

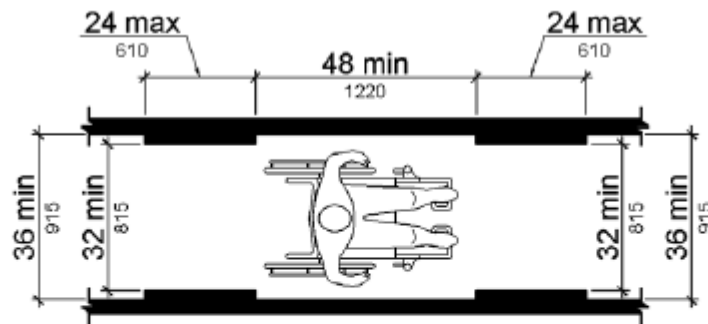
Renewable ROW Permits are for temporary obstructions anticipated to remain 61 to 365 days.

## **Design Guideline**

### *Americans with Disabilities Act Guidelines (ADA)*

The current applicable standard for design of accessible routes is called 2010 Standards for Title II and III Facilities: 2004 ADAAG issued by the United States Department of Justice. This policy will assume that current ADA standards will be followed upon any new update to the existing Federal Standard. The standard for accessible routes in the public way is found in Chapter 4 of the 2010 Standards.

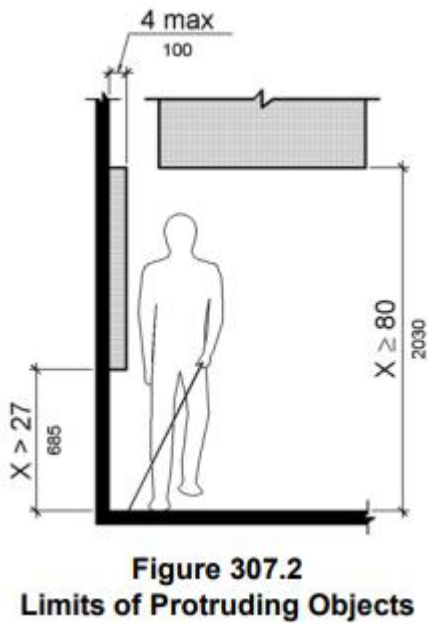
The clear width required by ADA is 36 inches minimum (ADAAG 403.5.1)



**Figure 403.5.1 Clear Width of an Accessible Route**

The City of Oregon City, as part of this policy, uses a design standard of 48 inches (4 feet) for a clear width when sidewalk obstructions, whether permanent or temporary, exist or are allowed by permit. The clear width must be available at all times for all potential users.





4 ft. minimum pedestrian way.

Protruding objects for awnings, signage and other appurtenances shall follow the ADAAG requirements in Figure 307.2.

### **Miscellaneous**

#### *Crosswalks and accessible ramps*

In no way shall any obstruction prevent the use of any proper user of the right of way from using the crosswalks, accessible ramps, or other features needed for the joint use of this space.

#### *Planters*

Planters are only required to be permitted if deemed to be an obstruction by the City Engineer. Most planters sitting adjacent to a bench or along a wall face do not require permitting per OCMC 12.04.

#### *Special Event Permits*

Special event permits are issued separate from the obstruction program following a separate permit fee established by the Engineering Fee Schedule. Special Events are intended to be a onetime event that may last multiple hours or days in a row such as street fairs or block parties.

#### *Enforcement*

Enforcement is completed by a complaint basis and through engineering inspection in March and July of each year but can occur through a spot inspection or upon a report of noncompliance. Generally, the indemnification agreement places the liability on the applicant.





## 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:** 03/03/2021

#### **SUBJECT:**

Resolution No. 21-05, Modifying the Public Works Engineering Fee Schedule, and Amending Resolution No. 20-36

#### **STAFF RECOMMENDATION:**

Approve Resolution 21-05 modifying the Engineering Fee Schedule

#### **EXECUTIVE SUMMARY:**

The engineering fee schedule is being updated to reduce the renewable right-of-way permit fee from \$170 to \$85.

#### **BACKGROUND:**

The engineering fee schedule is required to be adopted by resolution whenever a fee is added, removed, or changed beyond the annual adjustments relating to annual inflation.

The engineering fee schedule was last adopted in 2020 with Resolution No. 20-36. The engineering fee schedule includes one proposed change:

Reduction of the Renewable Right-of-Way Permit fee from \$170.00 to \$85.00

Based on a review of area rates for similar permits (see Exhibit C), Public Works has proposed this rate be reduced to \$85.00 yet continue the practice of raising the fee annually based on consumer price index as all fees follow this practice. A fee of \$85.00 is in the same range of cost that was found on average within the Metro region.

The purpose of making this fee an annual fee is to identify who is using the sidewalk and right-of-way on an annual basis, ensure proper insurance is provided, ensure additional indemnity is agreed to, and provide a format to remind the applicants of the requirements to keep our public sidewalks accessible and safe to all users.



Through a variety of City Commission discussions related to Oregon City's efforts at COVID – 19 Relief, outdoor restaurant seating, and more active retail use of the sidewalks to help Oregon City's businesses to endure, the City Commission directed staff to issue no cost permits for temporary use of the ROW for sidewalk seating and display of sales and goods and merchandise (Resolution 20-22; July 15, 2020). This no charge permit is our current practice and in accordance with Resolution 20-22 will remain the practice through November 30, 2021.

Based on recent permitting, there are 26 permits issued throughout downtown and 7<sup>th</sup> Street. We anticipate that this is the average expected number of permits for this program on an annual basis. From the interested parties for parklets, that number may rise to 30. At \$85.00, this would produce a permit revenue of \$2,550 annually.

**OPTIONS:**

1. Adopt Resolution 21-05 as stated.
2. Adopt Resolution 21-05 amending the proposed fee.
3. Deny Resolution 21-05.



## RESOLUTION NO. 21-05

### A RESOLUTION MODIFYING THE PUBLIC WORKS ENGINEERING FEE SCHEDULE AND AMENDING RESOLUTION NO. 20-36

**WHEREAS**, the City of Oregon City adopted Resolution No. 20-36 establishing a schedule of permit fees for Public Works Engineering which included all engineering fees previously adopted by resolutions, and established a consistent method to adjust these fees on an annual basis to account for inflation; and

**WHEREAS**, the City of Oregon City has adopted Resolution No. 20-36 and other resolutions establishing fees that are necessary to defray the Public Works Engineering Division's actual operational costs; and

**WHEREAS**, the City of Oregon City desires to modify the Public Works Engineering Fee schedule, Exhibit A, which includes all engineering fees previously adopted by resolutions; proposes one fee change as described in Exhibit B, Fee Explanation; and continues to include an annual adjustment to adjust these fees to account for inflation; and

**WHEREAS**, the City of Oregon City, City Commission resolves that the City should recover to the extent practicable, the actual cost of providing Public Works Engineering Services to facilitate the issuing of permits for construction of various public and private infrastructure per the City of Oregon City standards.

#### NOW, THEREFORE, OREGON CITY RESOLVES AS FOLLOWS:

**Section 1.** The City hereby adopts Exhibit A, Public Works Engineering Fee schedule, to become effective March 4, 2021, with the reduction of the renewable right of way permit fee as described in Exhibit B, Fee Explanation.

**Section 2.** The Public Works Engineering Fee Schedule, Exhibit A, shall continue to be adjusted annually to account for inflation on January 1st. The adjustment to account for inflation shall be based on changes in the CPI-W for the Pacific Division of the West Region.

Approved and adopted at a regular meeting of the City Commission held on the 3rd day of March 2021.

\_\_\_\_\_  
ROCKY SMITH, JR.  
Commission President

Attested to this 3<sup>rd</sup> day of March 2021:

Approved as to legal sufficiency:

\_\_\_\_\_  
Kattie Riggs, City Recorder

\_\_\_\_\_  
City Attorney





# City of Oregon City

## Public Works

### Engineering Fee Schedule

March 4, 2021

Item 9d.

| Fee/Engineering Service/Permit Type                                                         | Fee Description                                                                                                                                              | Rate     | Fee   |
|---------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|-------|
| <b>Erosion &amp; Sediment Control SFR Permit</b> (Application, Plan Review, Inspection)     | Regular                                                                                                                                                      | Flat     | \$274 |
|                                                                                             | Reduced w/ Certification                                                                                                                                     | Flat     | \$210 |
|                                                                                             | Re-inspection for failed inspection                                                                                                                          | Flat     | \$85  |
| <b>Erosion &amp; Sediment Control Non-SFR Permit</b> (Application, Plan Review, Inspection) | Regular (1 acre or less)                                                                                                                                     | Flat     | \$726 |
|                                                                                             | Reduced w/ Certification (1 acre or less)                                                                                                                    | Flat     | \$402 |
|                                                                                             | PLUS, each additional acre or fraction thereof                                                                                                               | Per Unit | \$129 |
|                                                                                             | Re-inspection for failed inspection                                                                                                                          | Flat     | \$85  |
| <b>Engineering Services for Building Permits</b>                                            | Engineering Site Plan Review for Building Permit                                                                                                             | Flat     | \$85  |
|                                                                                             | Inspection for Public Sidewalk and Driveway Approach for single family subdivision lot Building Permit                                                       | Flat     | \$170 |
| <b>Public Utility Service Permit</b>                                                        | Application for Public Water Service Line, Sanitary Sewer or Stormwater Service Laterals                                                                     | Flat     | \$54  |
|                                                                                             | Plan Review                                                                                                                                                  | Flat     | \$116 |
|                                                                                             | Utility Inspection                                                                                                                                           | Flat     | \$170 |
|                                                                                             | Pavement Cut & Restoration Inspection                                                                                                                        | Flat     | \$28  |
|                                                                                             | Utility Permit Sidewalk Repair Inspection                                                                                                                    | Flat     | \$28  |
|                                                                                             | Utility Permit Driveway Approach Repair Inspection                                                                                                           | Flat     | \$28  |
|                                                                                             | Utility Re-Inspection                                                                                                                                        | Flat     | \$85  |
|                                                                                             | Sanitary Sewer Service Lateral Launch Video Inspection by City per Customer request                                                                          | Flat     | \$238 |
|                                                                                             | Sanitary Sewer Service Tap Video Inspection at Public Main Line Connection                                                                                   | Flat     | \$238 |
| <b>Public Street Driveway Approach Permit</b>                                               | Application                                                                                                                                                  | Flat     | \$54  |
|                                                                                             | Plan Review                                                                                                                                                  | Flat     | \$116 |
|                                                                                             | Inspection                                                                                                                                                   | Flat     | \$170 |
|                                                                                             | Re-Inspection                                                                                                                                                | Flat     | \$85  |
| <b>Public Street Sidewalk Permit</b>                                                        | Application and Plan Review                                                                                                                                  | Flat     | \$54  |
|                                                                                             | Inspection                                                                                                                                                   | Flat     | \$116 |
|                                                                                             | Re-Inspection                                                                                                                                                | Flat     | \$85  |
| <b>Public Street Sidewalk Group Permit</b>                                                  | Application (one contractor for multiple sidewalk panel replacements along one block of street frontage, block length shall be a maximum length of 500 feet) | Flat     | \$54  |
|                                                                                             | Plan Review                                                                                                                                                  | Flat     | \$116 |
|                                                                                             | Inspection                                                                                                                                                   | Flat     | \$170 |
|                                                                                             | Re-Inspection                                                                                                                                                | Flat     | \$85  |



| Fee/Engineering Service/Permit Type                                                                     | Fee Description                                                                                                                                                                                             | Rate                     | Item 9d.                          |
|---------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|-----------------------------------|
|                                                                                                         |                                                                                                                                                                                                             |                          |                                   |
| <b>Grading Permit</b> (Filling, Grading, Excavating, including temporary material stockpile)            | Application, Plan Review and Site Monitoring (*Engineer's Cost Estimate when applicable)                                                                                                                    | Flat Fee Plus Percentage | \$296 plus 2.5% of cost estimate* |
| <b>Public Improvements Development Engineering Services</b> (Street, Water, Sanitary Sewer, Stormwater) | 5% of Engineer's Final Cost Estimate (2.5% Technical Plan Review Fee for First through Third Technical Plan Reviews plus 2.5% Inspection Fee)                                                               | Percentage               | 5% of cost estimate               |
|                                                                                                         | Additional Technical Plan Review Fee for every plan review beyond the third Technical Plan Review. 0.5% added to 2.5% Technical Plan Review Fee for each additional Plan Review after the Third Plan Review | Percentage               | 0.5% of cost estimate             |
| <b>Geotechnical Review</b>                                                                              | City Peer Review of Geotechnical Documents (Reports, Plans, Other)                                                                                                                                          | Actual Cost              | Actual Peer Review cost           |
| <b>Stormwater Management Peer Review</b>                                                                | City Peer Review of Engineered Method to Calculate Size of Stormwater Management Facilities                                                                                                                 | Actual Cost              | Actual Peer Review cost           |
| <b>Temporary Obstruction in ROW Permit</b>                                                              | Application and Plan Review                                                                                                                                                                                 | Flat                     | \$28                              |
|                                                                                                         | Inspection                                                                                                                                                                                                  | Flat                     | \$28                              |
| <b>Long Term Obstruction in ROW with Revocable ROW Permit</b>                                           | Application                                                                                                                                                                                                 | Flat                     | \$54                              |
|                                                                                                         | Plan Review                                                                                                                                                                                                 | Flat                     | \$116                             |
|                                                                                                         | City Resolution and Document Process                                                                                                                                                                        | Flat                     | \$227                             |
|                                                                                                         | Revocable ROW Permit                                                                                                                                                                                        | Flat                     | \$170                             |
| <b>City Resolution and Document Processing</b>                                                          | City Resolution and Document Processing                                                                                                                                                                     | Flat                     | \$227                             |
| <b>Document Processing and Recording Fee</b>                                                            | Record one document at one time                                                                                                                                                                             | Flat                     | \$309                             |
|                                                                                                         | record each additional document at same time with first document                                                                                                                                            | Flat                     | \$175                             |
| <b>Plat Review</b>                                                                                      | Partition                                                                                                                                                                                                   | Flat                     | \$585                             |
|                                                                                                         | Subdivision                                                                                                                                                                                                 | Flat                     | \$819                             |
|                                                                                                         | Planned Development                                                                                                                                                                                         | Flat                     | \$2,125                           |
| <b>Vacation of Public Rights-of-Way or Public Easements</b>                                             | Public Right-of-Way                                                                                                                                                                                         | Flat                     | \$1,129                           |
|                                                                                                         | Public Easement                                                                                                                                                                                             | Flat                     | \$666                             |
| <b>Special Event ROW Permit</b>                                                                         | Application and Review                                                                                                                                                                                      | Flat                     | \$170                             |
|                                                                                                         | ROW Inspection for use of ROW during Special Event                                                                                                                                                          | Flat                     | \$170                             |
| <b>Renewable ROW Permit (outdoor seating, monitoring wells, other)</b>                                  | Application, Review and Inspection                                                                                                                                                                          | Flat                     | \$85                              |
| <b>ROW Permit General - Minor</b><br>work outside of travel ways and no vehicular traffic control       | Application, Review and Inspection                                                                                                                                                                          | Flat                     | \$170                             |
| <b>ROW Permit General - Moderate</b><br>work within travel ways and not requiring Technical Plan Review | Application and Plan Review                                                                                                                                                                                 | Flat                     | \$170                             |
|                                                                                                         | Inspection                                                                                                                                                                                                  | Flat                     | \$170                             |
| <b>ROW Permit General - Major</b><br>work in ROW requiring technical plan review                        | Application, Technical Plan Review and ROW Inspection is Flat Fee plus 2.5% of Engineer's Final Cost Estimate                                                                                               | Flat Fee Plus Percentage | \$296 plus 2.5% of cost estimate  |
| <b>Small Cell Facility - Minor Installation</b> (on Existing Third Party Utility Structure)             | Application, Review and Inspection                                                                                                                                                                          | Flat                     | \$784                             |



| Fee/Engineering Service/Permit Type                                                                                                                                    | Fee Description                                                                                                                                                                                             | Rate                                                                                           | Item 9d.                                                     |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------|--------------------------------------------------------------|
| <b>Small Cell Facility - Major Installation</b> (on City Utility Structure or Proposed New Structure) (requires Techncial Plan Review)                                 | Application, Technical Plan Review and Inspection - Flat Fee plus actual cost over Flat Fee plus 15% Administrative Fee                                                                                     | Flat Fee plus Actual Cost over Flat Fee plus Administra-tive Cost Percentage                   | \$784 plus actual cost over Flat Fee plus Administrative Fee |
| <b>ROW Licensee Major Installation -</b> Fiber, Cable, Natural Gas, Electric, Telecommunications (does not include Small Cell Facility) requires Technical Plan Review | 5% of Engineer's Final Cost Estimate (2.5% Technical Plan Review Fee for First through Third Technical Plan Reviews plus 2.5% Inspection Fee)                                                               | Percentage                                                                                     | 5% of cost estimate                                          |
|                                                                                                                                                                        | Additional Technical Plan Review Fee for every plan review beyond the third Technical Plan Review. 0.5% added to 2.5% Technical Plan Review Fee for each additional Plan Review after the Third Plan Review | Percentage                                                                                     | 0.5% of cost estimate                                        |
| <b>Film Permit</b>                                                                                                                                                     | ROW Inspection for use of ROW during filming                                                                                                                                                                | Flat                                                                                           | \$170                                                        |
|                                                                                                                                                                        | Usage fee for using City facilities' sanitary sewer during filming                                                                                                                                          | Flat                                                                                           | \$37                                                         |
|                                                                                                                                                                        | Usage fee for using City facilities' water during filming                                                                                                                                                   | Flat                                                                                           | \$37                                                         |
| <b>Annual Permit for Banners in Right-of-Way (ROW)</b>                                                                                                                 | (Note: Fees adopted through Resolution 15.31)                                                                                                                                                               | One Flat Fee applies prior to June 30 <sup>th</sup> / One Flat Fee after June 30 <sup>th</sup> | \$195 prior to June 30th / \$98 after June 30th              |
| <b>Street Light Pole Banner Installation/Removal Permit in ROW</b>                                                                                                     | Fees for application, review, installation and removal of street light pole banners (Note: Fees adopted through Resolution 15.31)                                                                           | Flat Rate per street light pole banner                                                         | \$23                                                         |
| <b>Cross Street Banner Installation/Removal Permit in ROW (ODOT Hwy 99E Pedestrian Bridge)</b>                                                                         | Fees for application, review, installation and removal of cross street banner at ODOT Hwy 99E pedestrian bridge (Note: Fees adopted through Resolution 15.31)                                               | Flat                                                                                           | \$74                                                         |
| Approved requests for after-hours or weekend City staff inspections shall be billed based on staff cost.                                                               |                                                                                                                                                                                                             |                                                                                                |                                                              |





## **Exhibit B**

### **Fee Explanation for Public Works Engineering Fees Resolution No. 21-05**

The following provides a brief explanation of proposed changes to the Public Works Engineering Fees.

Currently, the Public Works Engineering Development Services Group provides a renewable right-of-way permit for temporary long-term obstructions such as sidewalk seating on an annual basis at a cost of \$170.00.

Based on a request to review these fees in December 2019, providing a revised municipal code section 12.04, and analyzing the fees that other cities within the area charge, the Public Works Department proposed we reduce the fee from \$170.00 to \$85.00 starting March 4, 2021.

**These fees shall be adjusted annually for inflation on January 1 as stated in past resolutions and rounded to the nearest dollar.**





## EXHIBIT C

### Comparison of Code and Fees for Metro Cities with Respect to Sidewalk Obstructions

| <u>City</u>  | <u>City Code?</u>     | <u>Permit Fee</u>                                  |
|--------------|-----------------------|----------------------------------------------------|
| Oregon City  | 12.04                 | \$167 (Renewable Right of Way)                     |
| West Linn    | CDC Chapter 53 and 42 | \$100 (Sidewalk Use)-updated soon                  |
| Gladstone    | Does not exist        | Does not exist                                     |
| Lake Oswego  | Article 42.19         | Self Policing, Fee repealed 3/2018                 |
| Wilsonville  | Does not exist        | Does not exist (no main streets)                   |
| Tigard       | 10.32.200, 15.16      | \$100 (Encroachments)                              |
| Tualatin     | Not Allowed           | Not Allowed                                        |
| Happy Valley | 10.16, 12.04          | \$150 (up to 90 days)                              |
| Milwaukie    | 19.504, 12.14         | \$50 (Minor Encroachment)                          |
| Gresham      | 8.65.030,6.35.040     | \$123 (Encroachment)                               |
| Beaverton    | Does not exist        | Does not exist                                     |
| Hillsboro    | 5.36, 8.08,8.12       | \$50 (one time), \$25 renewal<br>(sidewalk vendor) |

***Note: All information has been verified with each community in late 2019/early 2020.***



**RESOLUTION NO. 20-22****A RESOLUTION TO ALLOW TEMPORARY PARKLETS IN THE RIGHT-OF-WAY AND TEMPORARY OUTDOOR DINING AND RETAIL IN PRIVATE PARKING LOTS**

**WHEREAS**, the State of Oregon has placed restrictions on the use of commercial spaces due to the pandemic known as COVID-19; and

**WHEREAS**, providing an opportunity for businesses to expand their operations outdoors, either in the public right-of-way or private parking lots, will generate greater pedestrian activity, help increase business patronage and overall interest in the area, and off-set some of the losses resulting from the spacing minimums required to reduce the spread of COVID-19; and

**WHEREAS**, temporary parklets are public spaces located in the public right-of-way that provide increased restaurant or bar seating capacity; and

**WHEREAS**, temporary outdoor dining and retail activities located in private parking lots will also provide additional seating or retail display space for local restaurants, bars, and retail businesses; and

**WHEREAS**, to be successful, parklets and outdoor dining and retail on private parking lots must adequately address infrastructure and parking impacts, be tied to a specific location, be safe for the public to use, be easily maintained by the permittee, be for a limited and certain term, and be capable of easy and fast installation and removal; and

**WHEREAS**, Oregon City Municipal Code ("OCMC") Section 12.04.120 identifies requirements for temporary obstructions in the right-of-way, OCMC Section 12.04.130 sets forth the requirements for sidewalk sales and OCMC Titles 15.28, 16 and 17 includes planning standards such as minimum and maximum off-street parking requirements; and

**WHEREAS**, the Engineering Fee schedule establishes a fee for temporary obstructions and the Planning Fee schedule would ordinarily apply where changes to off-street parking areas are proposed.

**NOW, THEREFORE, OREGON CITY RESOLVES AS FOLLOWS:**

**Section 1.** The City hereby adopts Exhibit A, The Oregon City COVID-19 Recovery Assistance Program (the "Program"), which authorizes parklets and the use of private parking lots to accommodate outdoor dining and retail on a limited basis within the MUD zone extending along 7<sup>th</sup> Street between Singer Hill Road and Jackson Street.

**Section 2.** All engineering and planning fees that otherwise would apply to a request to expand a business into the right-of-way or onto an established private parking lot consistent with the Program terms shall be waived and instead, shall be subject to a fee of \$25 per business for each application type.

**Section 3.** All applicable engineering standards set forth in OCMC 12.04.120 and 12.04.130 for all temporary obstructions relating to restaurant, bar seating and retail sales within the public right-of-way that otherwise complies with the Program shall be waived for the period of July 16, 2020 to November 30, 2021.

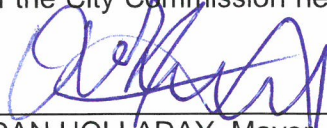


**Section 4.** All applicable land use planning standards set forth in in OCMC Titles 15.28, 16 and 17 for development on private property necessary to accommodate temporary outdoor dining and retail in private parking lots that otherwise complies with the Program shall be waived for the period of July 16, 2020 to November 30, 2021.

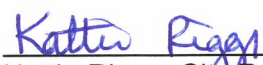
**Section 5.** Authorizations granted pursuant to this resolution are temporary and may occur only from July 16, 2020 to November 30, 2020 and again from March 15, 2021 to November 30, 2021, although the City Commission may make changes to the Program during the Winter of 2020 - 2021 that may affect participating businesses.

**Section 6.** This resolution shall take effect immediately upon its adoption by the City Commission.

Approved and adopted at a regular meeting of the City Commission held on the 15<sup>th</sup> day of July 2020.

  
\_\_\_\_\_  
DAN HOLLADAY, Mayor

Attested to this 15<sup>th</sup> day of July 2020:

  
\_\_\_\_\_  
Kattie Riggs, City Recorder

Approved as to legal sufficiency:

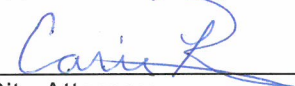
  
\_\_\_\_\_  
City Attorney

Exhibit A: Oregon City COVID-19 Recovery Assistance Program



## Oregon City COVID-19 Recovery Assistance Program

Due to the COVID-19 pandemic, the City of Oregon City supports alternative ways to help increase patronage of local businesses effected by physical distancing requirements. This program includes temporarily allowing the following with restrictions:

- **Parklet Pilot Program:** Restaurants in certain locations downtown and along 7<sup>th</sup> Street to temporarily use adjacent on-street parking for outdoor temporary use as an extension of dining; and
- **Outdoor Dining and Retail in Private Parking Lots Program:** Retail and Restaurants throughout the City to use up to half their parking lot for additional retail and/or dining.

Both programs are temporary from July 16, 2020 – November 30, 2020 and again from March 15, 2021-November 30, 2021. The City Commission will review the programs after November 30, 2020 but before March 15, 2021 to determine if any changes to the standards below are needed.

### Parklet Pilot Program

Restaurants in the Mixed Use Downtown District and along 7<sup>th</sup> Street (Singer Hill Road to Jackson Street) may construct a parklet in adjacent on-street parking areas to allow expanded outdoor dining.

These expanded seating areas called “parklets” will allow restaurants throughout the business community to temporarily increase seating capacity and safely serve more customers, while maintaining social distancing, by locating chairs and tables along sidewalks, in on-street parking areas.





## **ELIGIBILITY OF BUSINESSES**

Eating and drinking establishments within the Mixed Use Downtown (MUD) District and within a block of 7th Street (from Singer Hill Road to Jackson Street).

## **PARKLET LOCATIONS**

The parklet program limits the number of allowed parklets per block as necessary to accommodate for ADA accessibility for pedestrians, protect accessible parking and no-parking areas such as loading zones.

### **1. Location**

A parklet must be located within an existing on-street parking stall abutting or partially abutting the business utilizing the parklet. Only one parklet utilizing one stall is allowed per business, per frontage. Businesses may work together to create a parklet using two or more on-street parking stalls if the businesses are adjacent to each other. In addition, any business may allow customers of other nearby business to utilize the parklet.

### **2. Approval**

A parklet shall only be located in designated on-street parking areas that have been approved by the City of Oregon City after careful review and authorization via a Parklet Permit. The property owner, any additional building tenants, along with all other businesses located adjacent to and immediately abutting within the same block of the parklet must provide written consent supporting the request.

### **3. Posted Speed Limit**

A parklet may be established along roadways where the posted speed limit is 25 mph or less.

### **4. Parking Zones**

Parklets are prohibited in accessible parking spaces and the accessible aisle adjacent to the accessible spaces and no parking zones. See Exhibit 1 for locations that are prohibited from parklet use in downtown; areas marked in red.

## **TERM OF USE**

Parklets are to be temporary in construction. They may be assembled March 15 through November 30. Permits will be for this period only, pending review and approval. This means parklets must not be installed before March 15 and must be completely removed on or before November 30 of each year.



## GENERAL GUIDELINES

- Public parklets must be located adjacent to the applicant's business.
- If all accessibility and design requirements are met, installation of a parklet platform is not required, provided that existing pavement is not damaged or otherwise altered.
- Design for easy removal. The parklet will sit on top of the existing street surface. Because parklets may sit on top of critical infrastructure and utilities such as gas lines, sewer and water mains, etc., they need to be designed for easy removal in case of an emergency.
- No additional signage is allowed within or on the parklet other than those required by law.
- Maintenance and litter removal are the responsibility of the applicant/owner. Failure to maintain the parklet may result in the revocation of the permit.
- No audio systems or other sound amplification devices are permitted for incorporation in the design of any parklet and shall not be used on any parklet.
- No smoking or vaping is permitted within a parklet at any time.
- If applicable, the applicant is responsible for obtaining separate Oregon Liquor Control Commission (OLCC) permits.
- If applicable, the applicant is responsible for following food safety guidelines regulated by the Oregon Health Authority.

## MAINTENANCE OF THE PARKLET

The parklet will be owned and maintained by the applicant. The applicant is responsible for all costs associated with the design development, construction, installation, maintenance, and removal of the parklet. Approval of an application obligates the applicant to keep the parklet free of debris, grime, and graffiti, and to keep all plants in good health.

The permit requires that the facility is swept daily and debris is removed from under (if applicable) and around the parklet a minimum of once a week. A maintenance plan and agreement are required to ensure compliance.

## PARKLET DESIGN STANDARDS

The following design standards ensure that all parklets are safe, accessible, attractive, and functional.

### 1. BASE AND DECKING

If proposed, parklet decking must be designed such that the parklet has a vertical lip of no more than ¼-inch as it connects to the curb and may not have more than a ½ inch gap from the curb. The cross slope from the curb to the street must not exceed 2%. This means that



most parklets will likely have an elevated base decking. The submitted design must demonstrate that the deck is compliant with ADA accessibility requirements including at least one ADA-compliant access point for each parking space used.

The parklet platform may not be attached to or damage the street and must be easily assembled and disassembled. Any damage to the street is the responsibility of the applicant.

The parklet platform must be designed to allow for curblin stormwater drainage and include a minimum twelve (12") inch gutter bar. The parklet platform must be designed to not allow debris to collect underneath the deck.

## **2. PARKLET FOOTPRINT**

A buffer is required in the locations in which the parklet abuts adjacent on-street parking stalls. For parallel parking there must be a twenty-four (24") inch setback on either end of the parklet, adjacent to parallel parking, and to the roadway. Wheel stops may be used but are not required.

For diagonal and perpendicular spaces, the edge of the parklet must be set back eighteen (18") inches from the adjacent parking space on either side. This setback space must be included within the parklet space, and not be taken from the adjacent space.

For multiple businesses adjacent to each other that want to assemble a parklet, adjoining stalls are allowed without a buffer.

## **3. BUFFER**

Parklet design must include a physical continuous physical barrier along the street able to withstand impact while maintaining clear visual sightlines to the street.

To protect a parklet located on a parallel parking space from parking maneuvers, substantial planters, weighted bollards, or other structures that can withstand light vehicular impact, must be installed on either end of the parklet and at the street edge. Cones or Type II barricades are not acceptable. Parklets occupying diagonal parking spaces are not required to have such substantial edge materials, except for the side and corners at the street edge. Additional traffic safety items may be added to the final design by City staff.

Barriers and fencing may not extend into the street side setback zone or bolted into the street. If portable fencing is used, each section must be connected together. If cable is used for the barrier, spacing between cables cannot exceed 6-inches.

A reflective delineator post must be placed at the outer corners of the parking space/parklet, 6-inches from the wheel stops. Delineator posts must be 36-inches tall, cylindrical, white, flexible, and must include reflective striping.



#### **4. VERTICAL ELEMENTS**

Vertical elements, such as planters and umbrellas over tabletops, should be included so that the facility is visible to vehicles. Umbrellas or sails cannot be placed within 20 feet of a stop sign and must be contained within the parklet.

Applicants with overhead canopies, sails, or similar must demonstrate that the structures have the ability to withstand wind loads equal to the standards which apply on private property. Covers comprised of more substantial materials such as wood or metal are not allowed.

Applicants proposing a cover must demonstrate that visual obstruction to adjacent businesses, both to storefronts and identifying signage, is minimized.

#### **6. MATERIALS**

The use of high quality, durable materials capable of withstanding prolonged use is required. Examples include wood and metal. Membrane/pop-up structures or chain link are not allowed.

Surface materials: loose particles, such as sand or loose stone, are not permitted on the parklet. A non-slip surface is required.

#### **7. SEATING**

Everyone should be able to travel adjacent sidewalks and enjoy parklets. Furniture must be able to accommodate a minimum of one accessible space per parklet. To accommodate for social distancing measures currently in place, tables, including their seating, and circulation areas must be a minimum of 6 feet from one another.

#### **8. LIGHTING**

Lighting that extends across the sidewalk must be a minimum of 8 feet above the sidewalk. Any single lighting source more than 40 watts shall be shielded.



#### **9. HEATING APPLIANCES**

Portable outdoor gas-fired heating appliances (such as propane heaters) shall be approved by Clackamas Fire District #1.



## **APPLICATION**

An application for a Parklet Permit is required and must be approved before installation of the parklet. Once the parklet is constructed, an inspection is required to verify compliance with the approved application. Applications will be accepted on a rolling basis. A parklet applicant must comply with the applicable standards and agree to the terms of the Indemnity and Release Agreement required as part of the application including Liability Insurance covering Permittee's activity described in the Release.

## **PARKLET PERMIT FEE**

During the initial pilot program, a \$25 parklet fee will be required per year, but the sidewalk fee will be waived.

## **LIABILITY INSURANCE**

A parklet applicant must maintain general liability insurance in the amount no less than \$2 million per occurrence/\$4 million aggregate throughout the term of the parklet permit, in accordance with the Indemnity and Release Agreement obligations and City of Oregon City standards.

## **SITE PLAN**

A design document is required at the time of application submittal. A complete set of proposal drawings is required in order to be considered for approval. This site plan/design will help staff understand how your parklet would fit within the street. The site plan does not need to be drawn by a design professional, it can be done by hand or computer, and shows the exact location of the parklet, the area around the parklet, the proposed layout and dimensions, and where parklet amenities (e.g., seating and landscape features) would be placed. Staff will determine if your selected site is appropriate for a parklet and how the parklet would integrate into the neighborhood context.



## EXHIBIT 1



Main Street from 6<sup>th</sup> Street to Hwy 99E



Main Street from 6<sup>th</sup> Street to 8t Street





Main Street from 8<sup>th</sup> Street to 10<sup>th</sup> Street



Main Street from 10<sup>th</sup> Street to 11<sup>th</sup> Street



# Outdoor Dining and Retail in Private Parking Lots Program

The following temporary program is designed to support local restaurants/bars and retail subject to COVID-19 minimum spacing requirements. The purpose of the program is to temporarily allow the use of up to half of a private parking lot for outdoor seating or retail use in an on-site parking lot adjacent to a business.



This program is temporary. Outdoor dining and retail areas constructed in compliance with these provisions may be assembled from July 16, 2020 – November 30, 2020 and again from March 15, 2021-November 30, 2021. The minimum parking requirements as well as other applicable land use standards are suspended and replaced with the requirements within this policy.

## DESIGN STANDARDS

### 1. SIZE

Up to 50% of the parking spaces in a parking lot on the same property as a restaurant/bar or retail business may be converted to outdoor dining/retail space. Within shopping centers, where a lot serves more than one business, the 50% limit applies to the shopping center parking lot as a whole.

### 2. DESIGN

- a. To protect the outdoor dining or retail area from parking maneuvers, substantial planters, weighted bollards, or other structures that can withstand light vehicular impact must be installed between vehicular areas and the expanded outdoor space. Cones or Type II barricades are not acceptable.
- b. No existing landscaping may be removed.
- c. An unlimited number of temporary tents, umbrellas, or and other shade structures are allowed within the expanded outdoor area with documentation demonstrating they are secured to the ground or otherwise protected from movement. The structures may be any size.
- d. No use of the ADA stall(s) or adjacent striping is allowed.
- e. No change to the vehicular ingress/egress of the site is allowed.
- f. The following minimum clearance must be maintained within the parking lot: 8 feet above sidewalks/pedestrian accessways



No cords, structures, sails, coverings, or similar may cover or extend across a space for vehicle maneuvering or parking.

- g. Any single lighting source more than 40 watts shall be shielded. Excessive lighting may be deemed a nuisance.
- h. Up to two ancillary signs (up to 6 square feet each) are allowed in addition to the signage allowed in OCMC 15.28.
- i. If seating is provided, a minimum of one accessible (ADA) seat shall be provided per parklet.

### **3. MATERIALS**

- a. The outdoor dining area shall be designed for easy removal.
- b. No installation of gravel, sand, or other surface materials is allowed.
- c. No chain link is allowed.

### **4. OTHER STANDARDS**

- a. Approval from the property owner is required.
- b. Approval from the Building Department and Clackamas County Fire District #1 is required.
- c. Applications must be submitted to the Planning Division.
- d. A fee of \$25 each year will be charged for participation in this program.

### **5. PERMIT SUBMITTAL REQUIREMENTS**

An application for the Outdoor Dining and Retail in Private Parking Lots Program is required and must be approved before installation. Once construction is complete, an inspection is required to verify compliance with the approved application

- ✓ Application Form
- ✓ Site Plan drawing or sketch including:
  - Footprint of the proposed outdoor dining/retail area
  - Building footprints and entrances
  - Existing parking stalls
  - Existing driveways
  - Proposed vehicle circulation diagram
  - Location of barricades around outdoor dining/retail area

If an owner wishes to continue use of the outdoor dining or retail area after the closure of this program, the owner shall be responsible for obtaining proper approvals as well as compliance with all applicable standards in the Oregon City Municipal Code.