



CITY OF OREGON CITY

CITY COMMISSION REGULAR MEETING - REVISED AGENDA

Virtual Meeting

Wednesday, February 17, 2021 at 7:00 PM

6:15 PM - CITY COMMISSION VIRTUAL EXECUTIVE SESSION:

The City Commission Executive Session will be held virtually via Zoom beginning at 6:30 PM. Please contact the City Recorder's Office recorderteam@orcify.org.

- i. Pursuant to ORS 192.660(2)(e): To conduct deliberations with persons designated by the governing body to negotiate real property transactions.

7:00 PM - VIRTUAL MEETING OF THE CITY COMMISSION

The City Commission meeting will be held virtually via Zoom, please contact the City Recorder to register for telephonic participation, recorderteam@orcify.org.

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@orcify.org.*
- *Phone call (Monday – Friday, 8 am – 5 pm) to 503-496-1505, all messages will be relayed and/or register to provide over-the-phone testimony.*
- *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.](#) Transportation Advisory Committee Annual Report

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.](#) Resolution No. 21-11, Extending the State of Emergency Declaration in Oregon City due to the COVID-19 Pandemic
- [7b.](#) Personal Services Agreement with Bureau Veritas Technical Assessments LLC for Parks Deferred Maintenance Assessment & Capital Improvement Plan
- [7c.](#) Deed of Dedication for Mountain View Jara, LLC (Mountain View Apartments) - Molalla Avenue Streetscape Project (CI 18-004)
- [7d.](#) OLCC: Liquor License Application – Full On-Premises and Off-Premises, applying as Not Yours, LLC (dba Trails End Saloon), 1320 Main Street, Oregon City
- [7e.](#) Minutes of the December 2, 2020 Regular Meeting
- [7f.](#) Minutes of the December 8, 2020 Joint Work Session with the Parks and Recreation Advisory Committee
- [7g.](#) Minutes of the December 8, 2020 Special Meeting
- [7h.](#) Minutes of the December 8, 2020 Work Session
- [7i.](#) Minutes of the February 3, 2021 Regular Meeting

8. PUBLIC HEARINGS

- [8a.](#) 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)

9. GENERAL BUSINESS

- [9a.](#) Second Reading of Ordinance No. 20-1005, Emergency Annexation of 0.9 Acres at 19242 Beaver Creek Road (File No. GLUA-20-00017: AN-20-00001)
- [9b.](#) Resolution No. 21-10, Initiating the Process to Vacate a Section of Public Right-of-Way Adjacent to 1625 Washington Street
- [9c.](#) Clackamas County Vehicle Registration Fee

10. COMMUNICATIONS

City Manager

Commissioners

Mayor

11. ADJOURNMENT

PUBLIC COMMENT GUIDELINES

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

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

ADA NOTICE

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

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

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



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, P.E.

Agenda Date: 02/17/2021

SUBJECT:

Transportation Advisory Committee Annual Report

STAFF RECOMMENDATION:

Presentation regarding 2020 Transportation Advisory Committee accomplishments. For information only, no recommendation.

EXECUTIVE SUMMARY:

The Transportation Advisory Committee has created and is presenting a 2020 Annual Report of accomplishments as they relate to the goals established by the committee.

BACKGROUND:

The Transportation Advisory Committee (TAC) reviews the City Commission goals and establishes TAC goals that relate to transportation and enhance and augment the goals of the City Commission.



TO: City Commission of Oregon City
FROM: Transportation Advisory Committee
DATE: January 2021
SUBJECT: Transportation Advisory Committee Annual Report - 2020

2020 TAC Membership:

Member	Membership Term	Chair Term	Vice Chair Term
John K. Anderson	January 2018 to December 2020		
Ray Atkinson	January 2019 to December 2021		
Cedomir Jesic	January 2020 to December 2022		January to December
Bob La Salle	January 2020 to December 2022		
Henry Mackenroth	January 2019 to December 2021	January to December	
Ben Simmons	April 2019 to December 2020		
Vance Tong	March 2018 to December 2020		
Tim Wuest	April 2019 to December 2021		

2020 Meeting Dates:

January 21, February 18, March 17 (Cancelled-COVID), April 21 (Cancelled-COVID), May 19 (Cancelled-COVID), Jun 16, July 21, August 18, September 15 (Cancelled due to Wildfires), October 20, and November 17 (7 meetings).

2020 Accomplishments:

- TAC members made recommendations to Mayor Dan Holladay to re-appoint two members to the Committee for positions to be filled for a term of January 2019 to December 2022.
- Were given an update from Capt. Davis and Sgt. Young on the findings from the radar devices that were placed on Holcomb Blvd. in December of 2019.
- Received a presentation from Christina Robertson-Gardiner about the bike infrastructure in the Beavercreek Rd. Concept Plan.
- Were given a presentation from Josh Wheeler, Assistant City Engineer, on the Transportation Growth Management Plan Grant and were asked to sign a letter of support. The Committee moved to support the Transportation Growth Management Plan Grant and the Chair, Henry Mackenroth, signed the letter of support.

- Received a presentation from Brian Van Smoorenberg, Senior Project Engineer, on the Holcomb Blvd. Safe Routes to School Grant and were asked to sign a letter of support. The Committee moved to support the Holcomb Blvd. Safe Routes to School Grant and the Chair, Henry Mackenroth, signed the letter of support.
- Were asked by Pete Walter, Senior Planner, for a representative and an alternate representative to serve on the OC 2040 Project Advisory Team. Bob LaSalle was appointed the main representative and Ben Simmons was appointed as an alternate Representative.
- Received a presentation from an Oregon City Citizen, Carla Owings, about speeding and parking concerns on Glen Oak Rd.
- Were given presentations from Kristina Babcock, Clackamas County Transit Coordinator, about the Oregon City Connector Shuttle.
- Were given a presentation from Laura Terway, Community Development Director, about the City Tree Removal Policy.
- Were given a presentation from Laura Terway about the Transportation Impact Analysis Amendments.
- Ray Atkinson is a member of the Transportation Demand Management Implementation Working Group, representing the TAC.
- Received presentations/updates and participated in discussions on:
 - o All Roads Transportation Safety Grant (ARTS), Transportation System Management and Operations (TSMO), Regional Flexible Funds Allocation (RFFA), Statewide Transportation Improvement Fund (STIF), and Safe Routes to School (SRTS)
 - o PGE project on Meyers Rd.
 - o Info about speed studies
 - o Metro T2020 Measure
 - o I-5 and I-205 tolling
 - o Molalla Ave. and Pearl St. Intersection Safety
 - o Oregon State Senate Bill 998
 - o Bike and Pedestrian Improvements on 99E
 - o Speed limit change on Molalla Ave. from 35 mph to 30 mph
 - o Public Works Operations Facility on Fir St.
 - o Transit Update
 - o ODOT Tolling
 - o COVID19 Transportation Impacts
 - o Metro Get Moving 2020
 - o Meyers Rd. Extension
 - o Trimet bus route changes
 - o ODOT's Oregon City/West Linn Bike/Ped Bridge Concept
 - o Clackamas Community College Shuttle Service and Access Plan
- Other general types of issues dealt with include:
 - o Speed complaints
 - o Parking complaints
 - o Crosswalk requests
 - o Neighborhood traffic

2020 TAC Goals:

- The TAC moved to make the following subjects priority topics of discussion and analysis for 2020:
 - o Remain involved in member participation at National Night Out, with an emphasis on promoting safety as it relates to transportation.
 - o Provide annual review of the Oregon City Neighborhood Traffic Fact Sheet and engage public in utilizing this document and information contained herein to facilitate traffic safety.
 - o Member participation as needed on Community Advisory Committee(s) with work related to Oregon City transportation, with an emphasis on Safe Routes to School.
- Remain involved in larger developments relating to transportation by tracking projects and providing comments regarding these projects, e.g.:
 - o Meyers Road Project
 - o Molalla Avenue Streetscape Project
 - o Oregon City Connector Shuttle
- Openly listen to citizen requests regarding transportation concerns.

2020 City Commission Goals as they relate to the TAC:

City Commission goals can be enhanced and augmented by the Transportation Advisory Committee as follows:

1. Cultivate an Environment for Successful Economic Development.

- A. Remain apprised and provide support for various grants the City is applying for that relate to transportation development.

2. Address Critical Facility Needs.

Remain informed on the status of the following critical facility needs as they relate to transportation:

- A. **Public Works Operation Complex Development**

3. Enhance the livability of the Community.

- A. **Safe Routes to School**
Remain informed and involved in discussion regarding Safe Routes to School.
- B. Listen to the citizens of Oregon City about their transportation related concerns and work with the City to address the concerns and try to establish solutions.

4. Pursue Opportunities to Increase Transparency and Encourage Citizen Participation.

A. National Night Out

Participate in National Night Out and promote safety as it relates to transportation, with an emphasis on bike and pedestrian safety.

5. Maintain Fiscal Health and Long-Term Stability.

A. Alternate Funding for Transportation Safety

Look into alternate forms of funding traffic safety improvements throughout the City.



CITY OF OREGON CITY

Staff Report

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

To: City Commission
From: City Manager Tony Konkol

Agenda Date: 2/17/2021

SUBJECT:

Resolution No. 21-11, Extending the State of Emergency Declaration in Oregon City due to the COVID-19 Pandemic

STAFF RECOMMENDATION:

Staff recommends approval of Resolution No. 21-11, which will extend the State of Emergency Declaration to May 20, 2021 due to the COVID-19 Pandemic.

EXECUTIVE SUMMARY:

The rapidly changing COVID-19 event continues to impact the Oregon City community and daily operations of the City. Clackamas County is currently in the “extreme spread” designation of a four-phase designation system from the State. Oregon City staff is recommending extending the State of Emergency to May 20, 2021 so that staff can continue to work with federal, state and local agencies in a coordinated effort to reduce the spread of the COVID-19 virus in our community and throughout the region. As of February 5, 2021, there have been 12,701 confirmed cases of COVID-19 in Clackamas County and 162 deaths.

BACKGROUND:

The rapidly changing COVID-19 event continues to impact the Oregon City community and daily operations of the City. Clackamas County is currently in the “extreme spread” designation of a four-phase designation system from the State. In response to the pandemic, a limited number of City facilities are partially open while staff continues to work both in the office and remotely.

Oregon City staff is recommending extending the State of Emergency so that staff can continue to work with federal, state and local agencies in a coordinated effort to reduce the spread of the COVID-19 virus in our community and throughout the region. As of February 5, 2021, there have been 12,701 confirmed cases of COVID-19 in Clackamas County and 162 deaths. This is not a “public health emergency” declaration. This

declaration enables the City to streamline resources, staffing and establish emergency policies and procedures to respond to the pandemic.

Staff prepared this resolution with an end date of May 20, 2021, so the Commission can review the emergency declaration at the May 19, 2021 City Commission meeting and choose to extend the declaration again or leave the end-date in place.

OPTIONS:

1. Approve the extension of the State of Emergency to May 20, 2021
2. Deny and do not extend the State of Emergency

RESOLUTION NO. 21-11

A RESOLUTION EXTENDING THE EMERGENCY DECLARATION IN THE CITY OF OREGON CITY

WHEREAS, the outbreak of Coronavirus, also known as COVID-19, threatens the loss of life, human suffering, financial loss, and other harms in the City of Oregon City; and

WHEREAS, the federal government, state of Oregon and Clackamas County have each declared a state of emergency relating to COVID-19 in their respective jurisdictions and since extended these declarations; and

WHEREAS, the City of Oregon has been taking steps to help mitigate and avoid some of the most drastic consequences of COVID-19 through actions that result in the slowing of transmission of the coronavirus in Oregon in order to protect the most vulnerable Oregonians, and to protect the state's health care system capacity; as well as other results; and

WHEREAS, Clackamas County is currently in the "extreme spread" designation from the State of Oregon; and

WHEREAS, on Friday, March 27, 2020, the City Commission adopted Resolution No. 20-08, declaring an emergency for the City with an end date of May 7, 2020; and

WHEREAS, the City Commission has since adopted the following extensions to the emergency declaration:

- On Wednesday, May 6, 2020, adopted Resolution No. 20-13, extending the emergency declaration with an end date of June 18, 2020
- On June 17, 2020, adopted Resolution No. 20-21, extending the emergency declaration with an end date of August 6th, 2020
- On August 5, 2020, adopted Resolution No. 20-24, extending the emergency declaration with an end date of October 8, 2020
- On October 7, 2020, adopted Resolution No. 20-31, extending the emergency declaration with an end date of December 17, 2020
- On December 16, 2020, adopted Resolution No. 20-41, extending the emergency declaration with an end date of February 18, 2021; and

WHEREAS, the situation leading to the declaration of an emergency will extend for a longer period of time and an extension is needed.

NOW, THEREFORE, OREGON CITY RESOLVES AS FOLLOWS:

Section 1. The emergency declared by the Oregon City Commission on March 27, 2020, is hereby extended until May 20, 2021, in order to allow the City to adequately address the situations caused by the Coronavirus (COVID-19).

Section 2. The emergency declaration issued by the Oregon City Commission on March 27, 2020, Resolution No. 20-08, is otherwise unchanged and remains in full force and effect through the end of the extended emergency period.

Section 3. This declaration is effective on February 17, 2021 and shall remain in effect until May 20, 2021 unless superseded sooner.

Approved and adopted at a regular meeting of the City Commission held on the 17th day of February 2021.

ROCKY SMITH,
Commission President

Attested to this 17th day of February 2021:

Approved as to legal sufficiency:

Kattie Riggs, City Recorder

City Attorney



CITY OF OREGON CITY

Staff Report

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

To: City Commission
From: Parks & Recreation Director Kendall Reid

Agenda Date: 02/17/2021

SUBJECT:

Personal Services Agreement with Bureau Veritas Technical Assessments LLC for Parks Deferred Maintenance Assessment & Capital Improvement Plan

STAFF RECOMMENDATION:

Authorize the City Manager to execute the Personal Services Agreement (PSA) in the amount of \$74,950.50 with Bureau Veritas Technical Assessments LLC for a deferred maintenance assessment and capital improvement plan for all municipal facilities including government buildings, parks and recreation facilities, police station, and parking lots.

EXECUTIVE SUMMARY:

The Parks & Recreation Department received 2 proposals for the development of a deferred maintenance assessment and capital improvement plan for Oregon City Parks and city-wide facilities and is recommending awarding the contract to Bureau Veritas Technical Assessments LLC.

BACKGROUND:

The City of Oregon City Parks & Recreation Department received approval to move forward in the process of hiring a consultant to do a deferred maintenance assessment and capital Improvement plan for our Oregon City Parks and facilities.

A Request for Proposals (RFP) was issued on January 8th for firms to submit proposals and the submitted proposals were received on January 29, 2021. The Parks & Recreation Department selected Bureau Veritas Technical Assessments LLC to help us develop a plan to address the need for immediate repairs, preventative maintenance, deferred project backlog, and capital replacement. This plan will allow us to be proactive regarding facility maintenance, significantly reduce the need for reactive repairs, avoid deferred repairs, and provide a roadmap for corrective recommendations to help us reduce our maintenance backlog.

OPTIONS:

1. Authorize the City Manager to execute the Personal Services Agreement (PSA) in the amount of \$74,950.50 with Bureau Veritas Technical Assessments LLC.
2. Approve the PSA with conditions.
3. Deny the contract to Bureau Veritas Technical Assessments LLC and provide staff direction

BUDGET IMPACT:

Amount: \$74,950.50

FY(s): 2019-2021

Funding Source(s): Professional Services

**CITY OF OREGON CITY
PERSONAL SERVICES AGREEMENT**

DEFERRED MAINTENANCE ASSESSMENT & CAPITAL IMPROVEMENT PLAN

This PERSONAL SERVICES AGREEMENT ("Agreement") is entered into between the CITY OF OREGON CITY ("City") and **Bureau Veritas Technical Assessments LLC** ("Consultant").

RECITALS

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

The parties agree as follows:

AGREEMENT

1. Term. The term of this Agreement shall be from the date the contract is fully executed until **May 31, 2021**, unless sooner terminated pursuant to provisions set forth below. However, such expiration shall not extinguish or prejudice City's right to enforce this Agreement with respect to (i) breach of any warranty; or (ii) any default or defect in Consultant's performance that has not been cured.
2. Compensation. City agrees to pay Consultant on a time-and-materials basis for the services required. Total compensation, including reimbursement for expenses incurred, shall not exceed **Seventy-four thousand nine hundred fifty and 50/100 dollars (\$74,950.50)**.
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: Kendall Reid

To Consultant:

**Bureau Veritas Technical
 Assessments LLC
 900 North Thunderbird Way,
 Portland, OR 97227
 Attention: Peter Economou**

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 February 2021.

CITY OF OREGON CITY

Bureau Veritas Technical
 Assessments LLC

By: _____
 Kendall Reid
 Title: Parks & Recreation Director

DATED: _____, 2021.

By: _____
 Peter Economou
 Title: Associate Vice President

DATED: _____, 2021.

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

DATED: _____, 2021.

ORIGINAL CITY COMMISSION APPROVAL (IF
 APPLICABLE):

DATE: _____

APPROVED AS TO LEGAL SUFFICIENCY:

By: _____
 City Attorney



**BUREAU
VERITAS**

CITY OF OREGON CITY

DEFERRED MAINTENANCE ASSESSMENT &
CAPITAL IMPROVEMENT PLAN FOR OREGON CITY PARKS
& CITY-WIDE FACILITIES

January 25, 2021



1. Introductory Letter..... 1

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6. Project Approach (includes proposed fee)..... 15

7. Proposed Schedule..... 15



January 25, 2021

Denise Conrad, Assistant Parks and Recreation Director
City of Oregon City
625 Center Street
Oregon City, OR 97045

RE: Request for Proposals to Provide Professional Services for Deferred Maintenance Assessment & Capital Improvement Plan for Oregon City Parks & City-wide Facilities

Dear Ms. Conrad:

Bureau Veritas Technical Assessments LLC ("BVTA" or "Bureau Veritas") is pleased to provide the City of Oregon City with the enclosed proposal in response to the RFP for Deferred Maintenance Assessment & Capital Improvement Plan for Oregon City Parks & City-wide Facilities. Bureau Veritas is a leading architectural, engineering, and environmental consulting firm specializing in park amenity and facility assessments for municipalities, park service departments, and other institutional clients around the country.

Highly Qualified Team | Our team includes more than 700 professionals nationwide, including registered architects, licensed engineers, sustainability professionals, energy auditors, and ADA specialists. We have qualified in-house personnel to support this project.

Oregon Experience | BVTA has more than 30 years of experience working with City, County and State Government entities. We are licensed in the State of Oregon and are familiar with all Oregon codes and regulations. Our recent similar experience has included projects for the following clients:

- City of Beaverton, OR
- City of Salem, OR
- City of Hillsboro, OR
- City of Pendleton, OR
- City of Milwaukie, OR
- City of McMinnville, OR
- Washington County, OR
- Gus J. Solomon Courthouse, Portland, OR

Parks Experience | Some of our recent similar parks and rec experience has included projects for the following clients:

- City of El Segundo
- City of Montebello Parks and Recreation
- City of Corona Parks and Recreation
- City of Redwood Parks District
- City of Orange Park District
- Ambrose Park and Recreation District
- Hayward Area Recreation and Parks District
- National Park Service

BVTA certifies non-discrimination in employment practices and identify resident status as defined in ORS 279A.120(1). We will comply with the provisions of Oregon Revised Statutes and the Oregon City Municipal Code. The following pages detail our history, similar project experience, our key personnel, and our approach to your unique project. We appreciate the opportunity to present our qualifications for this project and look forward to working with City of Oregon City. I am available at 800.733.0660, ext. 2716 or Peter.Economou@bvna.com to further discuss our qualifications.

Sincerely,

Peter Economou, MBA; Associate Vice President

2. FIRM CAPABILITIES

OVERALL CAPABILITIES

Bureau Veritas Technical Assessments LLC ("Bureau Veritas" or "BVTA") is a professional service consulting firm providing comprehensive architectural, engineering, energy, and environmental solutions. Our team includes over 700 building professionals nationwide, including Registered Architects, Professional Engineers, Certified Energy Managers, Environmental Professionals, Building Systems Consultants, and Code Compliance Experts.

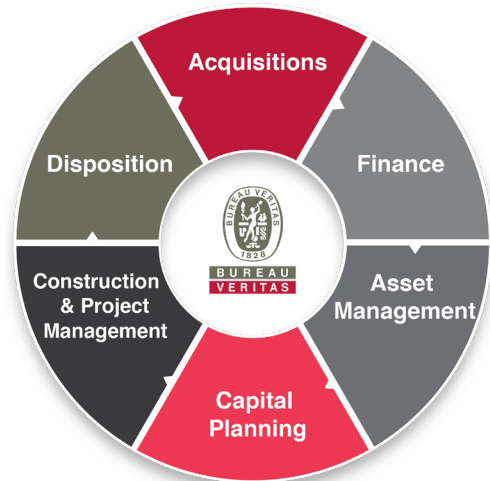
Annually, Bureau Veritas conducts thousands of assessments for Government, Affordable Housing, Private, Industrial, K-12 Education, and Higher Education Clients. Having successfully completed assessments of more than a billion square feet of building space, Bureau Veritas has developed a proven and efficient methodology for the performance of field assessments, and data collection.

Bureau Veritas' recommendations are based on knowledge of property conditions, life-cycle analysis, regulations, and client objectives. The firm's core of architectural, engineering, construction, environmental, and seismic expertise forms the foundation on which the company teams with clients to create and implement facility management solutions. Our solutions include implementation of web-based portfolio management platforms, to traditional property assessments required for due diligence.

ASSET MANAGEMENT SERVICES

- Facility Condition Assessments
- Capital Planning Reports
- ADA Accessibility Compliance
- Equipment and Asset Inventory
- Space Analysis Studies
- Barcoding, QR Coding, and Tagging
- CMMS Consulting
- Preventive Maintenance Plans
- Energy Audits and Modeling
- Construction Monitoring
- Project Management
- Plan and Document Review

What We Do



Company Information

Name of Company: Bureau Veritas Technical Assessments LLC

Year Founded: Parent 1828; Division 1986

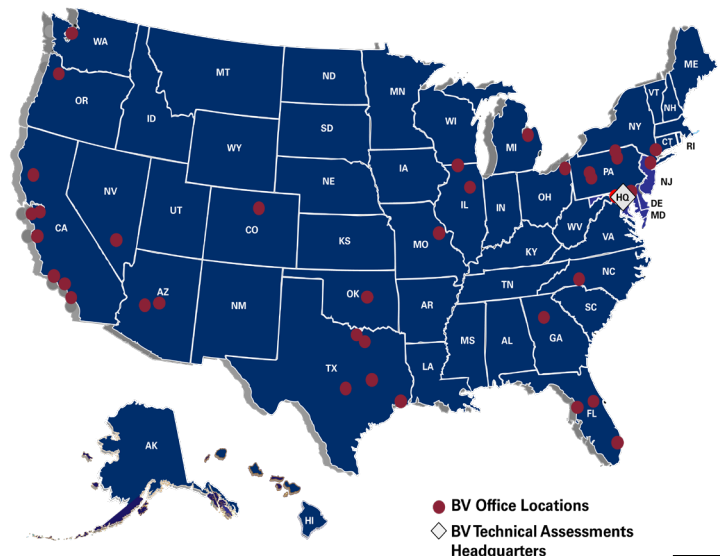
Local Address: 900 North Thunderbird Way, Portland, OR 97227

Primary Contact: **Peter Economou, MBA**
Associate Vice President

Telephone: **(800) 733-0660, ext. 2716**

Email: **peter.economou@bvna.com**

Website: **bvna.com**



**BUREAU
VERITAS**

3. PROJECT TEAM

Bureau Veritas' Team includes Professional Engineers with an average of over 20 years of relevant experience. These professionals develop and write the assessment report and coordinate logistics and document collection for each assessment. Bureau Veritas also has an internal information technology group that supports the development of field data collection programs and client database applications.

Peter Economou, MBA | Project Executive

Mr. Economou will oversee all contractual aspects of the project and be available to meet with the City for the duration of the project on an as-needed basis. He will have primary responsibility for defining the scope of engagement, and will meet regularly with BVTA's Program Manager and Assessment Team to assure that the City's needs are being met, and that the project is adequately staffed, running smoothly, and on schedule.



Matt Anderson, RA | Program Manager

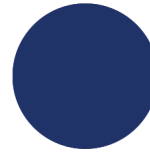
The City will have a primary point of contact in Mr. Anderson throughout the duration of the project. Mr. Anderson will be responsible for the overall team performance and delivery of the overall project. He will work with the Assessment Team and the City to assure project success. He will conference with the City on an agreed-upon basis, and will be responsible for delivering assessment results, and for working with City Staff to develop the implementation plan based on the results. Matt will be able to respond to the City's needs in a timely manner and ensure the successful planning of the communities parks.



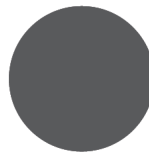
Peter Economou
PROJECT EXECUTIVE

Jim Cave, RA | Quality Assurance Manager

Mr. Cave will oversee the project, assuring technical, process, and content quality. He will have direct management responsibility for all technical personnel, which will allow for quick and effective implementation of quality assurance measures both at inception and throughout the duration of the project. He will interview staff and lead the onsite with direct contact with the City representatives. Jim lives within 2 hours of Oregon City.



Matthew Anderson, RA
PROGRAM MANAGER



Jim Cave, RA
QUALITY ASSURANCE
MANAGER

ASSESSMENT TEAM

The Assessment Team is comprised of professional engineers having direct experience in conducting Parks and Facility Condition Assessments. They will observe and describe building systems and components, identify physical deficiencies, and formulate recommendations to remedy the deficiencies.

RESUMES

Resumes for the key team members are included on the following pages. Due to limited pages, we can provide the assessment team resumes if requested.

ASSESSMENT TEAM



PETER ECONOMOU, MBA

PROJECT EXECUTIVE

Mr. Economou has 4 years of experience in client coordination of assessment, architectural-engineering, energy consulting, and construction phase services. He has been involved with projects of similar scope to the proposed project. As Project Executive, Mr. Economou is responsible for overseeing all contractual aspects of the project and will be available to meet with the client for the duration of the project on an as-needed basis.

PROJECT EXPERIENCE:

YEARS OF EXPERIENCE: 4

Washington County Housing, OR

Physical Needs Assessment and Energy Audit

City of Corona Parks, CA

Parks and Facility Condition Assessment & Inventory

City of Montebello Park Facilities, CA

Parks and Facility Condition Assessment & Inventory

Housing Authority of Spokane, WA

Physical Needs Assessment and Energy Audit

Redwood Housing Partners, WA

Physical Needs Assessment and Energy Audit

Tacoma Housing Authority, WA

Physical Needs Assessment and Energy Audit

Marin County, CA

Physical Needs Assessment

City of Kenmore, CA

Facility Condition Assessment

City of San Marino, CA

Facility Condition Assessment

County of Sutter, CA

Facility Condition Assessment



Education

Master of Business Administration, Pepperdine University

Bachelor of Science, Communication, Chapman University



MATTHEW ANDERSON, RA PROGRAM MANAGER

Item 7b.

PROJECT EXPERIENCE:

City of Hillsboro, OR

Facility Condition Assessment

City of McMinnville, OR

Facility Condition Assessment

City of Ellensburg, WA

Facility Condition Assessment

Hayward Area Recreation and Parks, CA

Facility Condition Assessment, ADA
Assessment, Energy Audit

Ambrose Parks District, CA

Facility Condition Assessment and ADA
Assessments

YEARS OF EXPERIENCE: 30+



Education

Bachelor of Architecture, California
Polytechnic University

Registration

Registered Architect | CA | C15753



JIM CAVE, RA QUALITY ASSURANCE MANAGER

PROJECT EXPERIENCE:

City of Hillsboro, OR

Facility Condition Assessment

City of Kenmore, WA

North Shore Parks Facility Condition
Assessment

Lane Council of Governments, OR

Facility Condition Assessment and
Inventory

State of Utah, UT

Facility Condition Assessment

Homes for Good, OR

Capital Needs Assessment

YEARS OF EXPERIENCE: 30+



Education

BS, Architectural Studies, Washington State University
BArch, Architecture, Washington State University

Registration

Registered Architect | WA | 7051

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CITY OF HILLSBORO

FACILITY CONDITION ASSESSMENTS – FACILITIES AND PARKS AND RECREATION

LOCATION

Hillsboro, OR

SIZE

539,997 SF;
7 Facilities



Bureau Veritas Technical Assessments LLC (BVTA) performed Facility Condition Assessments for over 500,000 SF of facilities for the City of Hillsboro. The facilities included an aquatic park/recreation center, fire stations, civic center, a library and administration building.

The assessment included thorough examination and lifecycle assessment of the buildings, property, and major systems including plumbing, mechanical, electrical, roofing, seismic risk, general code compliance, and ADA compliance.

BVTA completed a comprehensive reserve schedule to help in the budgeting and replacement of assets as needed over the next 20 years. The project prioritized capital improvement projects, repairs, replacements, and maintenance.

REFERENCE

Nico Geerling, City of Hillsboro
1890 NE Griffin Oaks Street; Hillsboro, OR 97124
(503) 615-3441; e:Nico.Geerling@hillsboro-oregon.gov

BVTA was formerly known as EMG.

CITY OF CORONA

PARKS AND RECREATION FACILITIES AND AMENITIES INVENTORY

LOCATION

Corona, CA

SIZE

44 Parks and
Facilities

101,900 SF
367 Acres



Bureau Veritas Technical Assessments LLC (BVTA) was awarded a contract for citywide Parks and Essential Facilities Condition Assessment (FCA) and ADA Review in order to provide the City with guidance on how to best operate, maintain, and upgrade the facilities in the short- and long-term.

Our park & facility assessment services include life cycle analysis, equipment/asset inventory, and preventive maintenance plans. It also includes a comprehensive assessment/inventory of all park amenities including playgrounds, restrooms, sport courts and, ball fields. The data collected will be migrated to the City's CMMS platform and used to formulate a capital plan.

BVTA conducted site evaluations and documented the condition of existing facilities and parks amenities, perform non-destructive investigations of building, structural, architectural, ADA access, fire/life safety, MEP, energy, environmental, and roofing systems. BVTA provided cost estimates to repair or replace building systems and generate a Facilities Condition Index (FCI) benchmark for each park site and/or building.

The City also required an ADA Self-Evaluation for all facilities. BVTA inspected the sites and provided a list of prioritized barrier improvements with an order of magnitude cost estimates. Part of our deliverable was a the population of our database platform, AssetCALC.

REFERENCE

Tracy Martin, City of Corona
400 S. Vicentia Avenue; Corona, CA 92882
(951) 817-5880; e:tracy.martin@coronaca.gov

CITY OF MCMINNVILLE, OR

FACILITY CONDITION ASSESSMENT



LOCATION -McMinnville, OR
SIZE - 57 Facilities

Bureau Veritas Technical Assessments LLC (BVTA) was awarded two contracts with the City of McMinnville and the McMinnville Water & Light District to perform Facility Condition Assessments, Equipment Inventory, Preventive Maintenance Plans, and Tier 1 Structural Assessments.

The City buildings included essential facilities, administrative buildings, parking structures, libraries, airport hangars, police and fire departments, and recreational assets.

In addition to delivering a life cycle analysis and capital plan for the City, we prepared inventory and preventive maintenance plans that were prepared for data upload to their CMMS.

REFERENCE

Mike Bisset, City of McMinnville
231 NE Fifth Street; McMinnville, OR 97128
(503) 434-7312; e:Mike.Bisset@mcminnvilleoregon.gov

CITY OF MONTEBELLO PARKS & RECREATION

FACILITY CONDITION ASSESSMENT AND AMENITY INVENTORY



LOCATION - Montebello, CA
SIZE - 11 Parks; 20+ Facilities

Bureau Veritas Technical Assessments LLC (BVTA) teamed with Landscape Architect firm, KTUA, to develop a long range parks & facilities master plan for the City of Montebello. BVTA provided all park site and facility condition assessments for a land area of approximately 8.3 square miles. The work covered 11 parks and more than 20 park and city essential facilities.

The City of Montebello wanted a comprehensive Park Facilities Master Plan that culminated in the development of a clear set of goals, policies, and objectives. The master plan will be used by City staff, the Culture and Recreation Commission, and the City Council for development, re-development, expansion and enhancement of the City's parks system, open spaces, trails, and recreational facilities, programs, and services for the next 20 years.

REFERENCE

David Sosnowski, Dir. of Parks and Recreation
400 South Taylor Avenue; Montebello, CA 90640
(323) 887-4588; e:dsosnowski@cityofmontebello.com

CITY OF KENMORE / NORTH SHORE PARKS AND RECREATION SERVICE AREA

FACILITY CONDITION ASSESSMENT



LOCATION - Kenmore & Bothell, WA
SIZE - 5 Facilities; 48,766 SF

BV performed a Property Condition Assessment (PCA) of the Northshore Senior Center, Adult Day Center, and the connecting sky bridge. The assessment and report addressed the physical condition of the buildings, its mechanical systems, identified areas/components that required repair and/or replacement, and included cost estimates for remedying the identified deficiencies.

The PCA exceeded the standard requirements defined by ASTM Standard E2018-15

REFERENCE

Rob Karlinsey, City Manager
18120 68th Ave NE; Kenmore, WA 98028
(425) 984-6170; e:rkarlinsey@kenmorewa.gov

5. PROJECT UNDERSTANDING

Bureau Veritas (BV) understands that the Parks and Facilities Assessment for the City of Oregon City (“Client”) will:

- Include a comprehensive assessment of all park sites, buildings, building systems, and infrastructure.
- The Assessments will follow the ASTM E2018-15 Standard Guide for Property Condition Assessments as applicable.
- Determine the present condition and estimated life expectancy of various building systems and components.
- Identify and document present condition of all physical assets including park grounds, amenities, facilities, and infrastructure.
- Recommend corrections for all deficiencies and provide cost estimates for corrections.
- Prioritize and categorize deficient conditions, associated corrective actions, and information concerning building systems and deficiency categories.
- Establish anticipated renewal and replacement costs for the various amenities, systems and components.
- Result in strategic plan for capital repairs, lifecycle component replacement, and building modernization.
- Calculate the Current Replacement Value (CRV) and Facility Condition Index (FCI) for each facility.
- Collect Equipment Inventory data for Client parks and facilities.

Property Information – The City has requested the above-mentioned services for:

- Thirty (30) parks including ball fields, restrooms, playground equipment, and all other amenities, totaling ~120 acres
- Twelve (12) facilities including City Hall, Library, and Public Works Operations Center, totaling ~300,000 sqft

We understand that a key factor to performing Site Condition Assessments is the evaluation of physical needs and accurate forecasting for capital repair and replacement budgets. Pre-emptive measures to manage maintenance budgets and programs are essential in ensuring the elimination of potential issues, which can range from deferred maintenance, or premature replacement of building systems that can prove costly.

BV’s Project Approach has been developed to address your specific requirements. BV has demonstrated experience in the assessment of various types of park amenities and facilities representative to your portfolio and understands the special implementation, sensitivities, management, and communication associated with each.

Data Gathering and Interview

Our project plan details three distinct phases of the project. During each phase, we will require coordination and support from parks facility management.

Data Gathering Phase – During this phase, we will need the support of staff who can provide us access to drawings and records. The following is a typical list of exhibits requested records.

- Inspection Reports (sewer, boiler, chiller, etc)
- Building Systems Maintenance Records
- Owner Elected Repair list (if available)
- Original Building Plans (can be viewed on-site)
- Current Park Maps
- Capital Expenditure Schedules (prior or planned)
- Fire Protection / Life Safety Plans
- Rehabilitation Budget and Scope (draft or final)
- Certificates of Occupancy / Facility License
- Prior Assessments
- Site Plan / Floor Plans
- Park Amenity Lists
- Accessibility Transition Plans / Studies
- CMMS / IWMS / GIS Data Set

In addition to the drawings and records, we will supply a pre-survey questionnaire for each facility or site. Our expectation is that someone with knowledge of maintenance and operations of the facility will complete this survey and be prepared to discuss it with us while on-site

Site Phase – During the site phase, we will need support in the form of escorts while in the facilities to help us access mechanical areas, to discuss with us any known issues in the facility, and to answer other technical questions. The City can provide escorts for the Park sites but is not necessary if access is not limited.

Report Review Stage – During the reports review stage – we will provide a complete deliverable for each park or building.

6. PROJECT APPROACH

Prior to assessments beginning, BV will conduct a Kickoff session to review requirements and to consolidate exhibits such as drawings and prior completed reports.

During the term of the project, BV will conduct regular Progress Meetings to maintain open communication with the entire project team and Client. In these meetings, BV will lead with an agenda that includes a focus on work plan, schedule, and project needs. This will permit the opportunity to proactively address challenges encountered, so that course adjustments may be made. Each meeting

conclude with task assignments, schedules, and goals to be met. BV will provide Client with a written status report that tracks and monitors the progress of the assessments against the schedule submitted.

BV has allocated the following meetings:

- Kick Off Meeting
- Pilot Review Meeting (teleconference)
- Outreach
 - Up to 3 progress meetings with City staff
 - Up to 2 PRAC meetings
 - Up to 2 City Commission meetings
- Final Findings Presentation (teleconference)

Any additional in-person meetings will be on a time and expense basis.

PILOT PROGRAM

To begin the work BV proposes a Pilot Program where we will perform an assessment of a single park and prepare a written Draft Report for review. A meeting will be held with Client staff to review the draft report before assessing the remaining parks and facilities included in the scope of work. The assessment team will visit the park to evaluate the general condition of the buildings and site improvements, review available construction documents in order to become familiar with, and be able to comment on the in-place construction systems, life safety, mechanical, electrical and plumbing systems, and the general built environment.

FIELD ASSESSMENTS

The assessment team will conduct a walk-through survey of the City facilities and park sites to observe park amenities, facility systems and components. The team will identify physical deficiencies, and formulate recommendations to remedy the physical deficiencies.

- As a part of the walk-through survey, the assessment team will survey 100% of each park and facility. BV will survey the exterior and grounds, including the building exterior, roofs, sidewalk/pavement, and recreational/other areas as applicable.
- The assessment team will interview the park and building maintenance staff about the subject property's historical repairs and replacements and their costs, level of preventive maintenance exercised, pending repairs and improvements, and frequency of repairs and replacements.
- The assessment team will develop opinions based on their site assessment, interviews with Client's building maintenance staff, and interviews with relevant maintenance contractors, municipal authorities, and experience gained on similar properties previously evaluated. The assessment team may also question

others who are knowledgeable of the subject property, physical condition and operation or knowledgeable of similar systems to gain comparative information to use in evaluation of the subject property.

- The assessment team will review documents and information provided by Client's maintenance staff that could also aid the knowledge of the subject property's physical improvements, extent and type of use, and/or assist in identifying material discrepancies between reported information and observed conditions.

The facility condition assessment will focus on the following facility and site systems and components:

Site + Infrastructure

- Topography: Observe the general topography and note any unusual or problematic features or conditions observed or reported.
- Paving, Curbing, and Parking: Identify the material types of paving and curbing systems at the subject property.
- Pathways and Internal Roads: Identify the material types and condition of internal roads, pedestrian pathways, and site lighting.
- Flatwork: Identify the material flatwork at the subject property (sidewalks, plazas, patios, etc.).
- Landscaping and Appurtenances: Identify the material landscaping features, material types of landscaping (fences, retaining walls, etc.), and site appurtenances (irrigation systems, fountains, lighting, signage, ponds, etc.).
- Utilities: Identify the type of the material utilities provided to the property (water, electricity, natural gas, etc.). We will assess condition, physical deficiencies, life cycle repair, and replacement issues.

Trailheads

- Identify the length, width, material structure and condition of each trail-head within each park facility.
- Check for compliance against National Recreation and Park Association (NRPA) standards including facility size, orientation, and density.

Ball Field + Playfield + Tennis/Basketball Courts

- Identify the orientation, size, use, material structure, and condition of each ball field / playfield / tennis or basketball court within each park facility.
- Check for compliance against National Recreation and Park Association (NRPA) standards including facility size, orientation, and density.
- Identify the playing surface, presence of drainage / irrigation systems, and lighting. Observe the general

conditions and note any physical deficiencies identified or any unusual items or conditions observed.

Playground Areas

- Identify the, size, and material structure of all playground equipment at each park facility.
- Observe the general conditions and note any physical deficiencies identified or any unusual items or conditions observed.

Swim Facilities

- Observe the general conditions and note any physical deficiencies identified or any unusual items or conditions observed. This would include the swimming pool and any structures/facilities associated with the swim amenity.
- Observations will include visual inspection of the pumps, water treatment or filtration systems, and heating equipment.

PARK FACILITIES AND BUILDING SCOPE

Structural Frame + Building Envelope

- Identify the material elements of the structural frame and exterior walls, including the foundation system, floor framing system, roof framing system, facade or curtain-wall system, glazing system, exterior sealant, doors, commercial overhead doors, sliders, windows, and stairways, etc.
- Observe the general conditions and note any physical deficiencies identified or any unusual items or conditions observed. Observations may be subject to grade, and rooftop vantage points.
- Visual inspection of observable areas for cracking and moisture infiltration as well as areas of apparent foundation settlement and displacement.
- In the event more information or exploratory testing is required, in order to provide remedial measures, the report may include recommendation for additional investigative testing (Tier 1 or Tier 2).

Wall Evaluation

- Photograph elevations and details both from internal and external vantage points, as well as from adjacent structures where possible.
- Observe representative operable and fixed panels on all facades, operating a representative sample of units to assess hardware, and to visually inspect exterior conditions and the condition of waterproofing seals.
- Assess curtain wall condition to determine water infiltration, damage, caulk degradation, metal panel degradation, stone degradation and anchoring, and other related curtain wall issues.

Roofing (Non-Invasive Visual)

- Identify the material roof systems including reported age, slope, drainage, etc. Also identify any unusual roofing conditions or rooftop equipment.
- Observe the general conditions of the roof system such as membranes, attachment methods, flashings, counter flashings, pitch pans, gravel stops, parapets, miscellaneous appurtenances, insulation, etc.
- Observe for evidence of material repairs, significant ponding, or evidence of material roof leaks. Note if a roof warranty is in effect. Note any physical deficiencies identified or any unusual items observed or reported.
- Identify the material rooftop equipment or accessories including antennas, lightning protection, HVAC equipment, solar equipment, etc. Include any material problems reported.
- BV understands that the Client will provide OSHA compliant ladders or scaffolding (depending on roof type) so that the Project Manager may safely access roof areas. If requested, BV can provide a quote for ladder access as needed. Observations will be limited to readily accessible areas.

Plumbing

- Identify the material plumbing systems at the subject property including domestic water supply, sanitary sewer, or any special or unusual plumbing systems (such as water features, fuel systems, gas systems, etc.).
- Identify the type and condition of restroom fixtures, drinking fountains and/or other miscellaneous plumbing equipment.
- Observe the general conditions and note any physical deficiencies identified or any unusual items or conditions observed. Include any reported material system inadequacies.

Heating

- Identify the material heat generating systems at the subject property.
- Observe the general conditions, identify the reported age of the equipment, note past material component replacements/ upgrades, note the apparent level of maintenance, and identify if a maintenance contract is in place. If heating equipment is not operational at the time of the walk-through survey, provide an opinion of the condition to the extent reasonably possible.
- Identify and observe any special or unusual heating systems or equipment present (such as fireplaces, solar heat, etc.) and note any reported material problems or inadequacies.

Air-Conditioning + Ventilation

- Identify the material air-conditioning and ventilation systems at the subject property. Include material equipment such as cooling towers, chillers (include type of refrigerant used), package units, split systems, air handlers, thermal storage equipment, etc.
- Identify the material distribution systems (supply and return, make-up air, exhaust, etc.) at the subject property.
- Observe the general conditions, identify the reported age of the equipment, note past material component upgrades/ replacements, note the apparent level of maintenance, and identify if a maintenance contract is in place (and the name of the contractor). If air-conditioning and ventilation systems are not operational at the time of the walk-through survey, provide an opinion of the condition to the extent reasonably possible.
- Observe the general conditions and note any physical deficiencies identified or any unusual items or conditions observed. Additionally, include any material reported system inadequacies or operating deficiencies.
- Identify and observe any special or unusual air-conditioning and ventilation systems or equipment (cold storage systems, special computer cooling equipment, etc.) and note any material reported problems or system inadequacies.

Electrical

- Identify the electrical service provided and distribution system at the subject property. Include material switchgear disconnects, circuit breakers, transformers, meters, emergency generators, general lighting systems, and other such equipment or systems.
- Observe general electrical items such as distribution panels, type of wiring, energy management systems, emergency power, lightning protection, etc.
- Observe the general conditions and note any physical deficiencies identified or any unusual items or conditions observed. Also note the presence of any special or unusual electrical equipment, systems, or devices at the subject property, and include reported material problems or system inadequacies.

Life Safety + Fire Protection

- Identify the material life safety/fire protection systems at the subject property, including sprinklers and stand pipes (wet or dry), fire hydrants, fire alarm systems, water storage, smoke detectors, fire extinguishers, emergency lighting, stairwell pressurization, smoke evacuation, etc.
- Observe the general conditions and note any material physical deficiencies identified or any unusual items or conditions observed or reported including any reported system inadequacies.

Elevators + Vertical Transportation

- Identify the vertical transportation systems at the subject property. Include the equipment manufacturer, equipment type, location, number, capacity, etc.
- Observe elevator cabs, finishes, call and communication equipment, etc.
- Identify the company that provides elevator/ escalator maintenance at the subject property. Observe the general conditions and note any physical deficiencies identified or any unusual items or conditions observed or reported including any reported material system inadequacies.
- *Out of Scope Issues: Performing any calculations, examination of operating system components such as cables, controller, motors, etc. Entering elevator/ escalator pits or shafts.*

Interior Elements

- Identify offices, special use areas and building standard finishes, including flooring, ceilings, walls, etc. Furnishings and fixed components will be reviewed and included in the cost estimate tables for replacements. Additionally, BV will identify material building amenities or special features.
- Observe the general conditions and note any physical deficiencies identified or any unusual items or conditions observed or reported.

Food Service Spaces and Equipment

- Assess all Food Service equipment and spaces including kitchen, cafeteria, and dining and serving areas. Food service equipment (fixed equipment) will be evaluated for adherence to life/ safety code and ventilation requirements as well for condition and capital replacement.

Limited Accessibility Compliance

- Provide a general statement of the subject building's likely compliance to the Americans with Disabilities Act to help identify whether Client may be exposed to issues and whether there is the need for further review.
- BV has included separate scope for full Title II ADA survey of the 6 buildings designated by the RFP.

Suspected Fungal Growth

- BV will perform a limited assessment of accessible areas for suspected fungal growth.
- If we discover the presence of mold, conditions conducive to mold growth, and/or evidence of moisture. elevated relative humidity, water intrusion, and mildew-like odors, affected areas will be photographed and recommendations for any additional moisture intrusion studies will be made.

Environmental Features

- BV will review environmental features of the property, to include appearance, cleanliness, acoustics, ventilation, and humidity.

Lead-based Paint

- A review of existing testing data and other documentation regarding lead-based paint that is available onsite is included in the cost of the Facilities Condition Assessment. BV will evaluate physical condition and will develop cost estimates for remediation of paint necessitated by pending renovations.
- BV has the capability to provide a licensed lead-based paint inspector to conduct testing using an x-ray fluorescence analyzer at the Project as an additional service. The instrument is completely non-destructive and yields instantaneous results.

Asbestos

- A review of existing testing data and other documentation regarding asbestos that is available onsite is included in the cost of the Facilities Condition Assessment. BV will evaluate physical condition and will develop cost estimates for remediation of asbestos likely to be disturbed by renovations.
- If asbestos testing is requested, BV will provide a licensed asbestos inspector to collect samples of suspect asbestos-containing materials at the Project as an additional service. Scope of this sampling will be determined after review of existing data, costs will be based on daily rate plus the cost of analysis.

Energy Conservation Analysis

- As part of the analysis of all evaluated systems mentioned above, BV will consider energy conservation savings when making repair or replace recommendations and include these projects in the project prioritization.
- BV can provide as additional services an Energy Audit (ASHRAE Level I, II, or III) or Benchmarking (EnergyStar) services.

Ranking and Classification

Based upon our observations, research and judgment, along with consulting commonly accepted empirical Expected Useful Life (EUL) tables; BV will render our opinion as to when a park amenity, facility system or component will most probably necessitate replacement.

Accurate historical replacement records provided by the parks manager are typically the best source for this data. Exposure to the weather elements, initial system quality and installation, extent of use, the quality and amount of preventive maintenance exercised are all factors that impact the effective age of a amenity or component. As a result, a system or component may have an effective age

that is greater or less than its actual age. The Re Item 7b. Useful Life (RUL) of a component or system equals the EUL less its effective age.

BV can rate the condition of each park and facility with this or another Client-specified five-point scale:

- 5 **Excellent** - No visible defects, new or near new condition, may still be under warranty if applicable
- 4 **Good** - Good condition, but no longer new, may be slightly defective or deteriorated, but is overall functional
- 3 **Adequate** - Moderately deteriorated or defective, but has not exceeded useful life
- 2 **Marginal** - Defective or deteriorated in need of replacement; exceeded useful life
- 1 **Poor** - Critically damaged or in need of immediate repair; well past useful life

BV can also include alternative categories to rank and weight priorities as required by the Client, such as functional deficiencies, aesthetics, time-based urgencies, and other mission critical factors.

The analysis will include all cost observations be ranked by Priority Classes. The five classes below are typical but can be altered to meet your specifications and needs:

Priority 1: Currently Critical (Immediate): Requiring immediate action including a cited safety hazard and areas of accelerated deterioration, returning a building component to normal operation.

Priority 2: Potentially Critical (Year 1): Requiring action in the next year including components experiencing intermittent operations, potential life safety issues, and rapid deterioration, returning a building component to normal operation.

Priority 3: Necessary – Not Yet Critical (Years 2-3): Requiring appropriate attention to preclude predictable deterioration, potential downtime, additional damage, and higher costs to remediation if deferred further.

Priority 4: Recommended (Years 4-10, 15, 20): Representing a sensible improvement to the existing conditions (not required for the most basic function of the facility; however, will improve overall usability and/or reduce long-term maintenance costs).

Priority 5: Does Not Meet Current Code but “Grandfathered”: No Action required at this time but should substantial work be undertaken correction would be required.

Cost Estimating

BV's cost estimating database is comprised of RS Means data and further customized with proprietary cost tables developed by BV, based on historical and localized actual costs. Each report will include a Capital Needs Analysis including an estimated cost for each system or component repair or replacement anticipated during the evaluation term. The report will provide options for repair of the deficiency, and the capital needs analysis will be presented as an Excel-based cost table that includes a summary of the description of each component, the age and estimated remaining useful life, the anticipated year of repair or replacement, quantity, unit cost and total cost for the repair of each line item.

Asset and Equipment Inventory

During the assessment, each field team will be responsible for collection and storing the building inventory and condition assessment data in an electronic format that is readily transferable to a standardized CMMS/IWMS system. BV will collect information on the major pieces of facility equipment. Specifically, the data collection will focus on the following building components:

HVAC (level of detail for which Preventive Maintenance would be performed)

- Heating System
 - Identify boilers, furnaces, unit heaters and major labeled equipment.
- Ventilation System
 - Identify the major labeled equipment; exhaust hoods, fans.
- Air Conditioning System
 - Identify the material air-conditioning components, including cooling towers, compressors, chillers, package units, roof top units, split systems and major labeled equipment. Excluded are window units, terminal units, VAV boxes, and thermostatic controls

Electrical

- Major panels only-for identification to track maintenance.
- Transformers
- Switchgear

Equipment

- Building Automation System

Plumbing

- Pumps external to HVAC systems
- Domestic Hot Water heaters over 80 gallons
- Other major labeled equipment

Commercial Kitchen - major equipment (above approximately \$2000 value)

- Walk-in freezer and refrigerator equipment
- Ovens, stoves, broilers, grills

- Reach-in refrigerators and freezers
- Dishwashers
- Fryers

Life Safety/Security

- High Level (system level) only-for identification to track maintenance
 - Alarm Panels
 - Emergency generators
 - Exhaust hood fire suppression

Vertical Transportation

Where appropriate, the following data will be collected for each component:

- Location by building, floor, room
- Manufacturer
- Model
- Serial Number

Report Deliverables

BV will provide a report for each facility/vertical asset as well as a single "roll-up report" for all of the park sites. The roll-up report will include sub-sections for each park site that includes detailed condition/cost data for that site. Each facility report is organized by building system and will include digital photos of major systems and components and of all deficiencies identified. Reports will include current and anticipated repairs and deficiencies, recommended repair and component life-cycle replacements, and applicable options for repair or maintenance of building components.

The Capital Needs analysis will include a cost database sorted by building system and ranked by priority for repair. The format of the database will allow for reporting by building, by system, or by priority for repair, and a year-by-year analysis of capital needs.

Facility Condition Index or Park Condition Index (as applicable)

A Facility Condition Index will be calculated for each building/site. This index will be a function of required repairs compared to building replacement costs. The Facility Condition Index will be generated from the data collection/capital planning database and will be updated as components age or are replaced.

Capital Plan

Reports will reflect a 5-10-or 20 year capital plan based on BV's 20-year building system evaluation. The analysis will include a cost table sorted by building and system and ranked by priority for repair. Tables will allow for the customization of reporting and a year-by-year capital needs analysis. The report will include:

- A 5-10-or 20 year Capital Plan with an Executive Summary with graphic presentation of results to provide a quick

user-friendly summary of the property's observed condition and estimated costs assigned by category. These estimated costs shall be cross-referenced to report sections where an elaboration of cost issues will be presented.

- Components observed that are exhibiting deferred maintenance issues and estimates for immediate and capital repair costs based on observed conditions, available maintenance history and industry-standard useful life estimates. If applicable, this analysis will include the review of any available documents pertaining to capital improvements completed within the last five-year periods, or currently under contract. BV shall also inquire about available maintenance records and procedures and interview current available on-site maintenance staff.
- Recommended schedule for replacement or repairs (schedule of priorities).
- Digital photographs for the buildings including photos of deficiencies.
- General description of the property and improvements and comment generally on observed conditions.
- Critical repairs and life safety issues separately from repairs anticipated over the term of the analysis.
- Facility Condition Index (FCI) number for the building.

BV will submit draft reports electronically via PDF format and once approved and finalized, a program summary report is provided to include a roll-up of all prioritized capital needs across all facilities. BV can deliver bound hard copy final reports (per the contract requirements) and provide flash drives loaded with the completed reports. All electronic copies of the report will include all text, deficiency tables, digital photos, and supporting documentation and report appendices.

Assessment Software: AssetCALC™

BV will utilize AssetCALC™ as its platform for all data collected on this project. AssetCALC™ is a cloud platform developed, licensed, maintained, and supported solely by BV for our clients. The use of this software is at your option and there are no licensing fees for this software for one (1) year.

AssetCALC™ is a web-based SQL database platform that enables users to:

- query, edit, and analyze their facility condition data
- plan immediate and short-term repairs
- budget capital expenditures throughout the life-cycle of a building or an entire portfolio

The system unites BV's experienced field data collection methods with advanced planning and reporting tools, construction cost libraries, location mapping (GIS) features, digital photo management, and document storage.

Data Development

- AssetCALC™ includes a configurable facility hierarchy and asset data architecture- this will include all of your assets grouped based on site location, asset group, and function.
- Data can be exported to an Excel, XML, or an ODBC database format compatible for upload into your CMMS, EAM, IWMS, or work-order systems.

FEATURES INCLUDE:

- Facility Condition Assessment access:
 - Component/system descriptions
 - Locations
 - Conditions and EUL/RUL
 - Repair and replace recommendations
 - Digital photos
 - Search and Sorting Functionality
- Search and Sorting Functionality
- Prioritization of maintenance projects
- UniFormat II Cost Database
- Project Budgets and Capital Plans
- Unlimited concurrent user licensing
- Secure IT platform and back-ups
- Client is the owner of data collected and residing in the database
- Online User Training and Documentation

Reporting

AssetCALC™ includes more than a dozen standard options for data summaries and reports:

- Facility Condition Index (FCI) Calculation Reporting
- Rank and Prioritize Capital Improvement Projects
- Deferred Maintenance Backlog
- Facility Queries (by building, priority, system, or dollar deficiency amount)
- Capital Budget Planning
- Year-by-Year Capital Needs Analysis
- 5, 10, or 20-Year Replacement Reserve Reports
- Custom 3rd party form automation available

Screen shots

Actual screen shots of BV's AssetCALC™ Database and a live demo are available upon request.

Integration with CMMS/IWMS/MaintainX

BV will be delivering to the City a live asset management plan that can be maintained and kept up-to-date by staff. BV will provide training to staff on maintaining the on-going monitoring program to track facilities, work performed, re-prioritization of maintenance projects, and how to update this information in the database. The data from the FCA can be exported to Excel or ODBC database for data migration to your MaintainX systems.

PROPOSED FEE**BREAKDOWN**

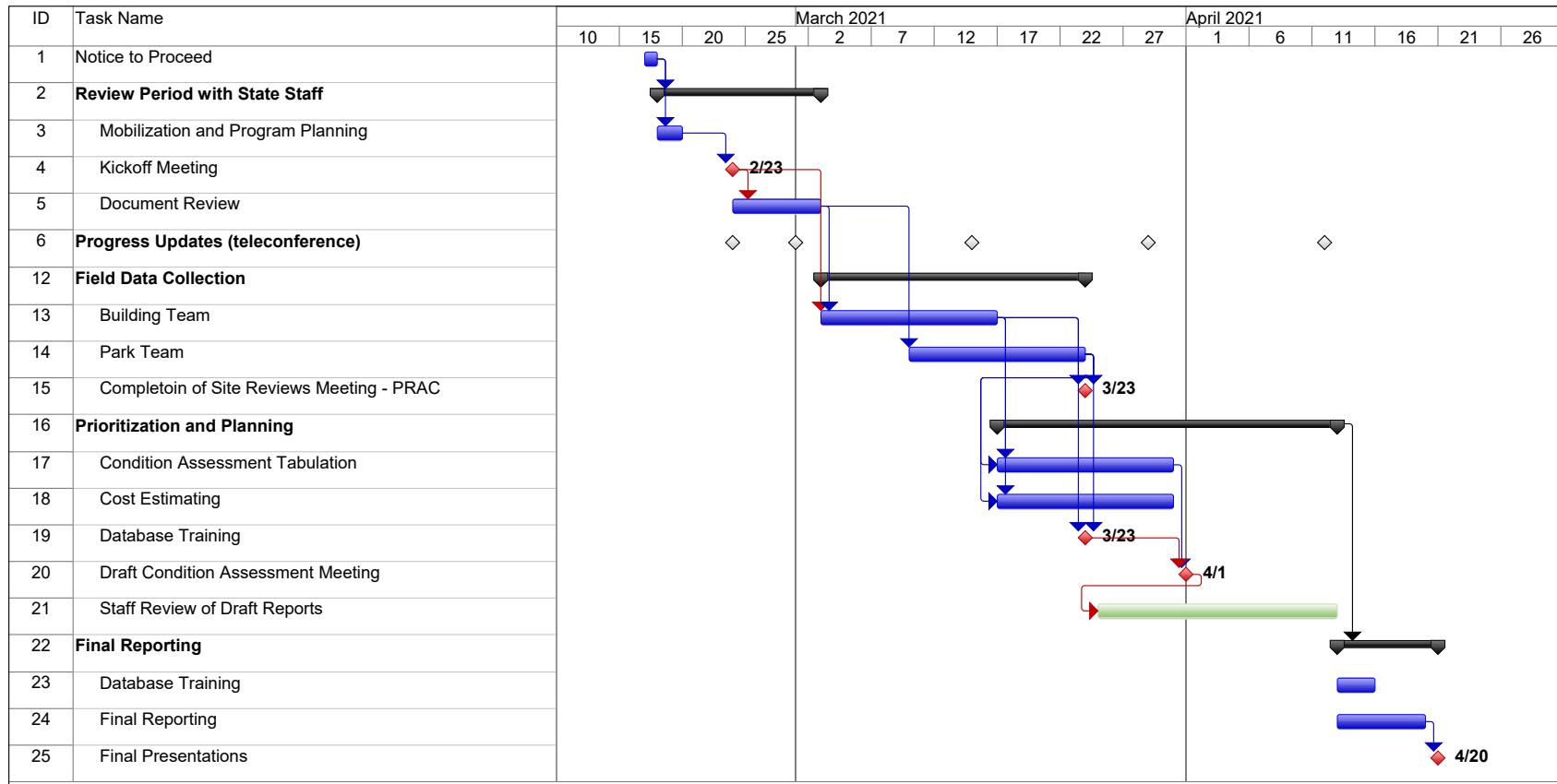
	Hours	Lump Sum Fee (\$)
Project Prep/Kick-Off	22	\$2,810.00
Assessments/Report Writing (Facilities)	220	\$27,413.75
Assessments/Report Writing (Parks)	220	\$27,413.75
Report Review	80	\$9,070.00
Meetings (onsite/virtual)	46	\$5,890.00
Report Delivery/Data Upload	16	\$2,353.00
Total	604	\$74,950.50

HOURLY RATES

Team Role	Hourly Rate (\$)
Project Executive	\$175.00
Program Manager	\$135.00
Assessment Team PE/RA	\$115.00
Quality Control Manager	\$125.00
Technical Report Reviewer	\$105.00
Administrative	\$60.00

7. PROPOSED SCHEDULE

Bureau Veritas Technical Assessments LLC is committed to meeting and exceeding the preliminary schedule provided. The staff we have included are available immediately and will be 100% dedicated to this project thru completion. We are prepared to schedule a kickoff meeting withing 5 days from notice to proceed, and mobilize our field inspectors within 10 days from the kickoff. This proposed schedule is open to discussion and negotiation between BVTA and the City.



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

Item 7b.

1. Contractor Identification. Contractor shall furnish to City its taxpayer identification number, as designated by the Internal Revenue Service, or Contractor'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 Contractor within thirty (30) days after receipt of Contractor's itemized statement. Amounts disputed by City may be withheld pending settlement.

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

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

3. Independent Contractor Status.

(a) Contractor 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) Contractor 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. Contractor 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. Contractor provides services for two or more persons within a 12 month period or routinely engages in advertising, solicitation or other marketing efforts. Contractor makes a significant investment in the business by purchasing tools or equipment, premises or licenses, certificates or specialized training and

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

(c) Contractor 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). Contractor shall furnish the tools or equipment necessary for the contracted labor or services. Contractor agrees and certifies that:

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

(e) Contractor agrees and certifies that it is licensed to do business in the State of Oregon and that, if Contractor 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 Contractor, delivered by certified mail, email, or in person.

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

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

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

5. No Third-Party Beneficiaries. City and

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

Item 7b.

Contractor 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) Contractor shall:

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

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

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

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

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

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

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

(d) Contractor and subcontractors, 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. SubContractors and Assignment.

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

8. Access to Records. City shall have access to all books, documents, papers and records of Contractor 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 Contractor 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 Contractor that is or could be protected by federal copyright, patent, or trademark laws, or state trade secret laws, Contractor 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 Contractor 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. Contractor shall not publish, republish, display or otherwise use any work or Work Products resulting from this Agreement without the prior written agreement of City.

10. Compliance With Applicable Law.

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

Page 2 of 5

EXHIBIT B

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STANDARD CONDITIONS TO OREGON CITY PERSONAL SERVICES AGREEMENT

Item 7b.

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

(b) Workers' Compensation Coverage. Contractor certifies that Contractor has qualified for workers' compensation as required by the State of Oregon. Contractor 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 Contractors of Contractor shall maintain such insurance.

(c) Comprehensive, General, and Automobile Insurance. Contractor shall maintain comprehensive general and automobile liability insurance for protection of Contractor 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, Contractor's operation, each in an amount not less than \$2,000,000 combined, single-limit, per-occurrence/annual aggregate. Such insurance shall name City as an additional insured, with the stipulation that this insurance, as to the interest of City, shall not be invalidated by any act or neglect or breach of this Agreement by Contractor.

14. Legal Expenses. In the event legal action is brought by City or Contractor 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.

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

Item 7b.

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

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

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

21. Nonwaiver. The failure of City to insist upon or enforce strict performance by Contractor 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. Contractor 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. Contractor 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 Contractor. Copies as requested shall

be provided free of cost to City.

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

24. Arbitration.

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

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

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

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

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

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

Item 7b.

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

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

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



CITY OF OREGON CITY

Staff Report

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

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

Agenda Date: 2/17/2021

SUBJECT:

Deed of Dedication for Mountain View Jara, LLC (Mountain View Apartments) - Molalla Avenue Streetscape Project (CI 18-004)

STAFF RECOMMENDATION:

Staff recommends that the City Commission move to accept the attached Right-of-Way Dedication, Permanent Slope and Public Utility Easements, Temporary Construction and Access Easements, and Settlement Agreement for the Mountain View Jara, LLC (Mountain View Apartments), also known as Tax Map 32E05C Lot #0400 and Lot #0403, and authorize the Mayor and City Recorder to execute them.

EXECUTIVE SUMMARY:

Staff is seeking City Commission approval of the Right-of-Way Dedication, Permanent Slope and Public Utility Easements, Temporary Construction and Access Easements, and Settlement Agreement allowing the construction of the utilities along Molalla Avenue and the traffic signal on the northwest side of Clairmont Way.

BACKGROUND:

Molalla Avenue from Beavercreek Road to Oregon Highway 213 in Oregon City is a key corridor for motorists, transit users, pedestrians, and bicyclists. The corridor connects Oregon City's Downtown and Regional Center with Clackamas Community College and the Clackamas County Red Soils Campus and connects residential areas on the west side to commercial areas on the north and east sides.

With some of the highest population and employment densities in Oregon City adjacent to the Molalla Avenue corridor, this project will consist of constructing roadway improvements mostly on the west side of Molalla Avenue to make the corridor safer for people biking, walking, and taking transit. The project will also include critical new and replacement waterlines within the corridor to minimize future impacts to the roadway.

Molalla Avenue Streetscape Project (CI 18-004)

Biking, Walking, and Transit Improvements:

- New pavement on Molalla Avenue.
- New 10-foot-wide sidewalks on the west side of Molalla Avenue.
- New streetscape amenities such as trash receptacles, benches and upgraded TriMet bus stop amenities including relocating some stops to more convenient and safer locations.
- Addition of a continuous bike lane to fill in the areas where there are gaps on the east and west sides of Molalla Avenue.
- Relocation of utility poles that currently impact safe use of the sidewalk.
- Driveway sizing and locations will be designed to maximize safety for people biking and walking, creating safer crossings.

Streetscape and Utility Improvements:

- New decorative streetlights and trees along the entire west side of the corridor.
- Installation of a new 18" transmission waterline along the entire corridor and a new 8" distribution waterline at the north end of the project area to replace an aging distribution line.

The City's engineering consultant, DOWL, LLC, has completed design of the Molalla Avenue Streetscape Project improvements and finalized the property acquisition needs. The property rights acquired from the Mountain View Jara, LLC (Mountain View Apartments), located as described in Exhibit A and shown on acquisition map as Exhibit B for both parcels 32E05C Lot #0400 and Lot #0403, includes 831 square feet (SF) of Right-of-Way Dedication, 4,246 square feet (SF) of Permanent Slope and Public Utility Easements, and 1,263 square feet (SF) of Temporary Construction and Access Easement. During design of the project, it was identified that this additional area was needed for the new traffic signal and the public utilities.

The City Commission adopted Resolution No. 19-14 in June 2019, authorizing acquisition of property and property interests through Eminent Domain when deemed necessary to accomplish public purposes. Between September 2019 and March 2020, the City's right-of-way agent made a good faith effort to negotiate and acquire the necessary right-of-way and easements. The parties were not able to come to an agreement on the value of the property being acquired.

On April 22, 2020, the City filed Complaint Proceedings in Eminent Domain in the Circuit Court of Clackamas County. Subsequently, on April 23, 2020, the City deposited with the Clerk of the Court the required advance deposit and filed Motion for Entry of Order of Immediate Possession. The court granted immediate possession of the property which allowed the project to continue moving forward on schedule.

The City's attorney and the attorney for the defendant continued to work to identify a settlement agreement and were able to come to an agreement on the value of the property being acquired. The following summarizes the Settlement Agreement and

compensation for Right-of-Way, Permanent Slope and Public Utility Easement, and Temporary Construction and Access Easement:

Right-of-Way	\$ 7,361.50
Permanent Slope and Utility Easement	\$18,908.50
Temporary Construction & Access Easement	<u>\$ 5,130.00</u>

Total Compensation for Right-of-Way and Easements	
Fair Market Value (Rounded)	\$31,400.00

OPTIONS:

1. Approval of Right-of-Way Dedication, Easements, and Settlement Agreement. This option will ensure that the traffic signal at Clairmont Way will be constructed and located within an easement and allow for project improvements in this area to be constructed.
2. Disapproval of Right-of-Way Dedication, Easements, and Settlement Agreement. This option will not allow the construction of the signal improvements at Clairmont Way and would prevent the project improvements in this area from being constructed.

BUDGET IMPACT:

Amount: \$31,400.00
 FY(s): 2020/2021
 Funding Source: Transportation Fund

SETTLEMENT AGREEMENT

The City of Oregon City v MOUNTAIN VIEW JARA, LLC, an Oregon limited liability company; and FANNIE MAE; State of Oregon, Clackamas County Circuit Court, Case No. 20CV15950

I. RECITALS

Whereas, the City of Oregon City (“**City**”) initiated a condemnation action against Defendants Mountain View JARA, LLC (“**Mountain View**”) and Fannie Mae in the Circuit Court of Clackamas County, State of Oregon.

At times, the City, Mountain View, and Fannie Mae are referred to collectively herein as the “**Parties**.”

Whereas, the City condemned the following three Parcels of property herein referred to as the “**Parcels**”:

For Tax Lot 00403

1. Parcel 1 for a Permanent Slope and Public Utility Easement, containing 1,652 square feet, more or less (“**Slope/Public Utility Easement 1**”) (A copy of the proposed Permanent Slope and Public Utility Easement granting the City rights to Slope/Public Utility Easement 1 is attached as **Exhibit 1** and the document is referred to as “**Permanent Easement 1**”);
2. Parcel 2 for a Temporary Nonexclusive Construction Easement for 3 years, containing 599 square feet, more or less (“**TCE Parcel 1**”) (A copy of the proposed Temporary Construction & Access Easement granting the City rights to TCE Parcel 1 is attached as **Exhibit 2** and the document is referred to as “**TCE 1 / TCE 2**”); and
3. Parcel 3 for a Temporary Nonexclusive Construction Easement for 3 years for 463 Square feet, more or less (“**TCE Parcel 2**”) (A copy of the proposed Temporary Construction & Access Easement granting the City rights to TCE Parcel 2 is attached as **Exhibit 2** and the document is referred to as “**TCE 1 / TCE 2**” as described above for TCE Parcel 1).

For Tax Lot 00400

1. Parcel 1 for a Right of Way Dedication, containing 831 square feet, more of less (“**Release Parcel**”) (A copy of the Deed of Dedication conveying the Release Parcel to the City is attached as **Exhibit 3** and the document is referred to as “**Deed of Dedication**”); and
2. Parcel 2 for a Permanent Slope and Public Utility Easement, containing 2,594 square feet, more of less (“**Slope/Public Utility Easement 2**”) (A copy of the proposed Permanent Slope and Public Utility Easement granting the City rights to Slope/Public Utility Easement 2 is attached as **Exhibit 4** and the document is referred to as “**Permanent Easement 2**”); and
3. Parcel 3 for a Temporary Nonexclusive Construction Easement for 3 years for 201 square feet, more or less (“**TCE Parcel 3**”) (A copy of the proposed

SETTLEMENT AGREEMENT

Page 1 of 3

Temporary Construction & Access Easement granting the City rights to TCE Parcel 3 is attached as **Exhibit 5** and the document is referred to as **“TCE 3”**).

Whereas, Exhibits 1 through 5, comprised of Permanent Easement 1 (Exhibit 1), TCE 1 / TCE2 (Exhibit 2), Deed of Dedication (Exhibit 3), Permanent Easement 2 (Exhibit 4), and TCE 3 (Exhibit 5) are collectively referred to as the **“Condemnation Documents”**.

Whereas, the City alleged just compensation for the Parcels to be \$26,400.00.

Whereas, the City deposited \$26,400.00 into court and took immediate possession of the Parcels on May 21, 2020.

II. AGREEMENT

Whereas, the Parties have settled the above-entitled case and to finalize the settlement agree to the following:

1. The City, Mountain View, and Fannie Mae agreed on the amount of just compensation for resolution of this acquisition to be a sum total of \$31,400.00 (**“Condemnation Proceeds”**).
2. The City will withdraw the \$26,400.00 from court.
3. Mountain View must execute the Condemnation Documents and deliver the originals to the City in recordable form within seven (7) days of this agreement being fully executed.
4. Fannie Mae, as evidenced by being a signatory to this agreement, consents to Mountain View executing the Condemnation Documents.
5. The City is acquiring this property pursuant to its condemnation authority and condemned the interests of Fannie Mae in the Release Parcel. In consideration of the just compensation agreed upon herein, Fannie Mae releases all interest in the Release Parcel only upon payment of the Condemnation Proceeds.
6. Fannie Mae holds a trust deed and is entitled to apply the Condemnation Proceeds to the amount Mountain View has borrowed. Fannie Mae and Mountain View will prepare and execute any documents needed to acknowledge the pay down of the trust deed.
7. Fannie Mae is entitled to the Condemnation Proceeds, which City shall deliver to Fannie Mae within seven (7) days of receipt of the fully executed Condemnation Documents.
 - a. City shall send the Condemnation Proceeds to Fannie Mae c/o ORIX Real Estate Capital, LLC dba Lument Capital, 1717 Main Street, 9th Attention: Cassandra Woodson.
8. This document may executed in parts by the Parties.

9. Upon the finalizing of the terms of this settlement agreement, the City will dismiss the pending litigation with prejudice.

DATED this 19 day of January 2021.

FOSTER GARVEY PC

By  Cynthia M. Fraser, OSB #872243
 E-mail: cynthia.fraser@foster.com
 121 SW Morrison Street, 11th Floor
 Portland, OR 97204
 Telephone: (503) 228-3939

Of Attorneys for City of Oregon City

DATED this ___ day of January 2021.

MOUNTAIN VIEW JARA, LLC, an Oregon
 limited liability company

By Marko A. Susnjara, Manager

DATED this ___ day of January 2021.

FANNIE MAE, a corporation duly organized under the Federal National Mortgage Association Charter Act, as amended, 12 U.S.C. Section 1716 et seq. and duly organized and existing under the laws of the United States

By: ORIX Real Estate Capital, LLC, a Delaware limited liability company dba Lument Capital, its attorney-in-fact, pursuant to a Power of Attorney dated July 15, 2020

By: _____

Print Name: _____

Title: _____

SETTLEMENT AGREEMENT

Page 3 of 3

9. Upon the finalizing of the terms of this settlement agreement, the City will dismiss the pending litigation with prejudice.

DATED this ___ day of January 2021.

FOSTER GARVEY PC

By

Cynthia M. Fraser, OSB #872243
E-mail: cynthia.fraser@foster.com
121 SW Morrison Street, 11th Floor
Portland, OR 97204
Telephone: (503) 228-3939

Of Attorneys for City of Oregon City

DATED this ___ day of January 2021.

MOUNTAIN VIEW JARA, LLC, an Oregon
limited liability company

By

Marko A. Susnjara, Manager

DATED this 2nd day of February 2021.

FANNIE MAE, a corporation duly organized under the Federal National Mortgage Association Charter Act, as amended, 12 U.S.C. Section 1716 et seq. and duly organized and existing under the laws of the United States

By: ORIX Real Estate Capital, LLC, a Delaware limited liability company dba Lument Capital, its attorney-in-fact, pursuant to a Power of Attorney dated July 15, 2020

By: 

Print Name: Patricia McHugh

Title: Director

9. Upon the finalizing of the terms of this settlement agreement, the City will dismiss the pending litigation with prejudice.

DATED this ___ day of January 2021.

FOSTER GARVEY PC

By _____

Cynthia M. Fraser, OSB #872243
E-mail: cynthia.fraser@foster.com
121 SW Morrison Street, 11th Floor
Portland, OR 97204
Telephone: (503) 228-3939

Of Attorneys for City of Oregon City

DATED this 11 day of January 2021.

MOUNTAIN VIEW JARA, LLC, an Oregon
limited liability company

By _____

Marko A. Susnjara
Marko A. Susnjara, Manager

DATED this ___ day of January 2021.

FANNIE MAE, a corporation duly organized under the Federal National Mortgage Association Charter Act, as amended, 12 U.S.C. Section 1716 et seq. and duly organized and existing under the laws of the United States

By: ORIX Real Estate Capital, LLC, a Delaware limited liability company dba Lument Capital, its attorney-in-fact, pursuant to a Power of Attorney dated July 15, 2020

By: _____

Print Name: MARKO A. SUSNJARA

Title: MANAGER

SETTLEMENT AGREEMENT

Page 3 of 3

AFTER RECORDING RETURN TO:

City of Oregon City, City Recorder
P.O. Box 3040
Oregon City, Oregon 97045-0304

Project No.: CI 18-002

Tax Map & Lot: 32E05C000400

Streets: 1820 Molalla Avenue

GRANTOR: Mountain View Jara LLC

DEED OF DEDICATION

KNOW ALL BY THESE PRESENTS, THAT Mountain View Jara LLC, an Oregon limited liability company, hereinafter called "**Grantor**", does hereby grant unto the City of Oregon City, hereinafter called the "**City**", its successors in interest and assigns, all the following real property in the County of Clackamas, State of Oregon, to be used and held by the City for street, road, right-of-way, and public utility purposes, bounded and described as follows, to wit:

Parcel 1 – Right-of-Way Dedication

A parcel of land lying in the Southwest one-quarter of Section 5 and the Samuel N. Vance Donation Land Claim (DLC) No. 51 in Township 3 South, Range 2 East of the Willamette Meridian, Clackamas county, Oregon and being a portion of that property conveyed to Mountain View Jara LLC, an Oregon limited liability company in that Special Warranty Deed, recorded March 21, 2012 as Document No. 2012-016620, Clackamas County Deed Records; said parcel being that portion of said property included in a strip of land variable in width and lying on the westerly side of the centerline of Molalla Avenue, which centerline of is described as follows:

The center line of said road is described as follows:

Beginning at center line Station 38+67.42, said station bears North 76°42'53" West 5,355.98 feet from the one-quarter corner common to Sections 4 and 9, Township 3 South, Range 2 East, Willamette Meridian; thence South 30°16'52" East 272.51 feet to a point of curvature (Station a 70011+72.51); thence along the arc of a 572.96 foot radius curve to the left, through a central angle of 49°48'36", an arc distance of 498.10 feet (the long chord of which bears South 55°11'10" East 482.57 feet) to a point of tangency (Station a 70016+70.61), said point bears South 43°25'20" West 3,831.55 feet from the one-quarter corner common to said Sections 4 and 9.

The width in feet of said strip of land is as follows:

<u>Station</u>	<u>to</u>	<u>Station</u>	<u>Width on Westerly Side of Center Line</u>
52+62.02		53+10.44	30.00 in a straight line to 67.58
53+10.44		53+17.78	67.58 in a straight line to 96.21
53+17.78		53+30.00	96.21 in a straight line to 93.08

Bearings are based on the Oregon Coordinate Reference System – Portland Zone, NAO 83 (2011) epoch 2010.00.

This parcel of land contains 831 square feet, more or less, outside the existing right of way.

See also attached **Exhibit A** Legal Description and **Exhibit B** Drawing for Legal Description.

TO HAVE AND TO HOLD, the above described and granted premises unto the said CITY, its successors in interest and assigns forever.

The true consideration of this conveyance is \$7,361.50 (SEVEN THOUSAND THREE HUNDRED SIXTY ONE DOLLARS AND FIFTY CENTS), the receipt of which is hereby acknowledged by GRANTOR.

And the GRANTOR above named hereby covenants to and with the CITY, and the CITY's successors in interest and assigns that GRANTOR is lawfully seized in fee simple of the above named premises, free from all encumbrances (no exceptions), and that GRANTOR and their heirs and personal representatives shall warrant and forever defend the said premises against the lawful claims and demands of all persons claiming by, through, or under the GRANTOR.

In construing this deed and where the text so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

IN WITNESS WHEREOF, the GRANTOR has executed this instrument this 22 day of

January, 20 21. The person(s) whose name(s) is/are subscribed to the within instrument acknowledge that he/she/they executed the instrument in his/her/their legally authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

[Signature Page(s) Follow]

GRANTOR: Mountain View Jara LLC, an Oregon limited liability company

Marko A. Susnjara
Signature

Marko A. Susnjara, Manager
Signer's printed name Title (if applicable)

STATE OF OREGON)
County of Clackamas)

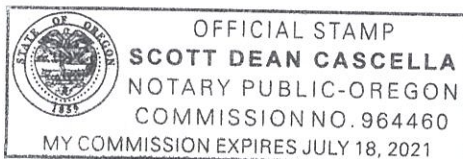
This record was acknowledged before me on (month & day) 22 January, 2021

by Marko A. Susnjara, as Manager
Signer's printed name Title (write "N/A" if not applicable)

of Mountain View Jara LLC, an Oregon limited liability company

Stamp notary seal:

WITNESS my hand and official seal.



Scott Dean Cascella
Signature of Notary Public
My commission expires: July 18 2021

Accepted on behalf of the City of Oregon City on the condition that the deed of dedication conveyed is free and clear from taxes, liens and encumbrances.

By: Rocky Smith, Jr., Commission President

Attest: Kattie Riggs, City Recorder

EXHIBIT A- Page 1 of 2

File 05170010 002

Jim Colton, PLS OBEC- 5/13/2019

Molalla Avenue Phase 3:
Beavercreek Road to OR 213
City of Oregon City
May 13, 2019

Tax Map 32E05C
Tax Lot 00400

Parcel 1 - Right-of-Way Dedication

A parcel of land lying in the Southwest one-quarter of Section 5 and the Samuel N. Vance Donation Land Claim (DLC) No. 51 in Township 3 South, Range 2 East of the Willamette Meridian, Clackamas County, Oregon and being a portion of that property conveyed to Mountain View Jara LLC, an Oregon limited liability company in that Special Warranty Deed, recorded March 21, 2012 as Document No. 2012-016620, Clackamas County Deed Records; said parcel being that portion of said property included in a strip of land variable in width and lying on the westerly side of the centerline of Molalla Avenue, which centerline of is described as follows:

The center line of said road is described as follows:

Beginning at center line Station 38+67.42, said station bears North 76°42'53" West 5,355.98 feet from the one-quarter corner common to Sections 4 and 9, Township 3 South, Range 2 East, Willamette Meridian; thence South 30°16'52" East 4,056.28 feet (Station 79+23.71 = Station a 70009+00.00 ahead); thence South 30°16'52" East 272.51 feet to a point of curvature (Station a 70011+72.51); thence along the arc of a 572.96 foot radius curve to the left, through a central angle of 49°48'36", an arc distance of 498.10 feet (the long chord of which bears South 55°11'10" East 482.57 feet) to a point of tangency (Station a 70016+70.61), said point bears South 43°25'20" West 3,831.55 feet from the one-quarter corner common to said Sections 4 and 9.

The width in feet of said strip of land is as follows:

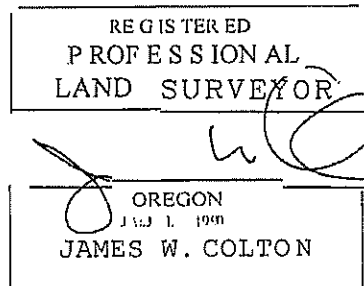
Station	to	Station	Width on Westerly Side of Center Line
52+62.02		53+10.44	30.00 in a straight line to 67.58
53+10.44		53+17.78	67.58 in a straight line to 96.21
53+17.78		53+30.00	96.21 in a straight line to 93.08

Bearings are based on the Oregon Coordinate Reference System - Portland Zone, NAO 83 (2011) epoch 2010.00.

This parcel of land contains 831 square feet, more or less, outside the existing right of way.

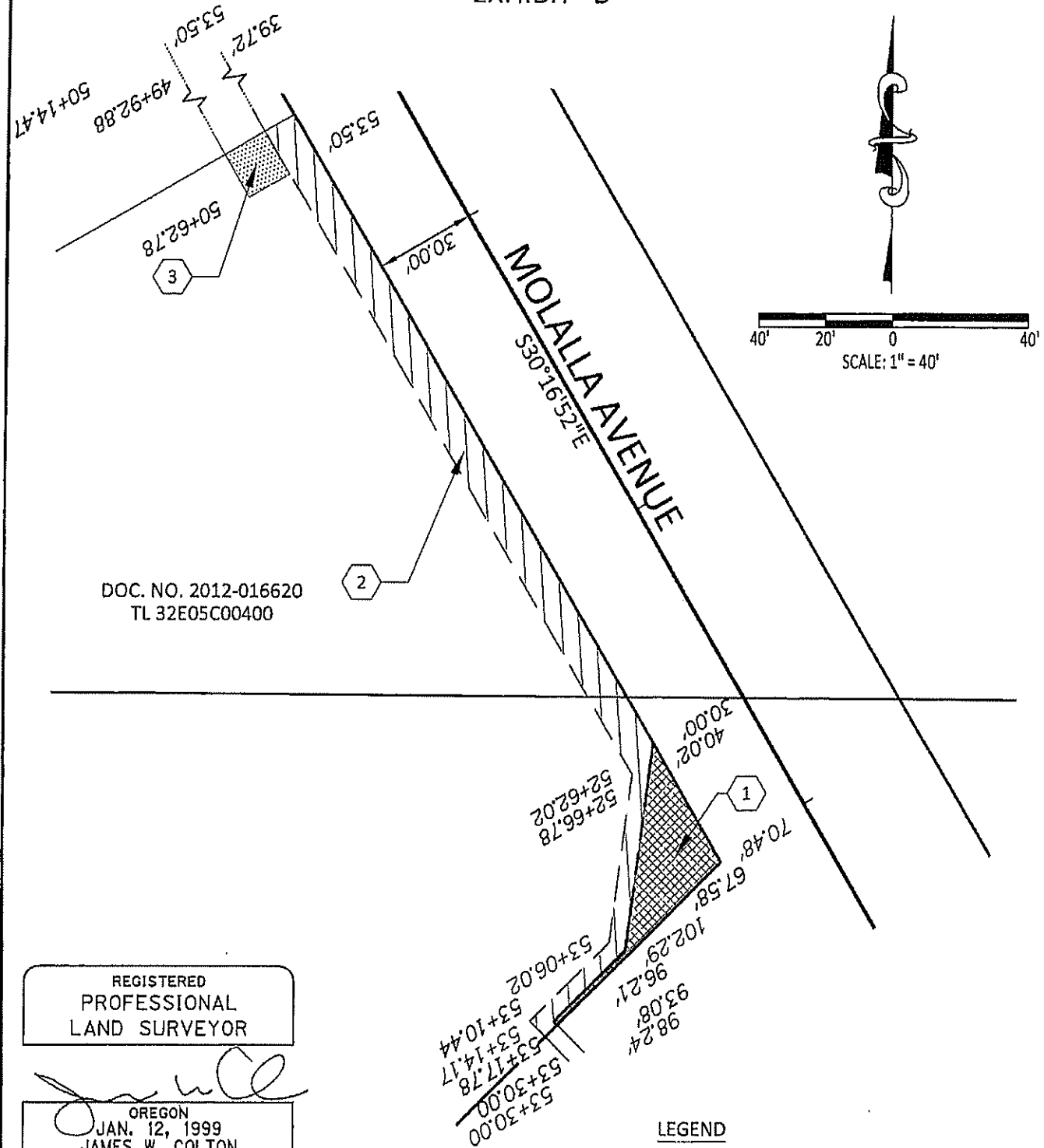
EXHIBIT A- Page 2 of 2

File 05170010 002
Jim Colton, PLS OBEC- 5/13/2019



RENEWS: DEC. 31, 2019
SIGNED: 5/13/2019

EXHIBIT "B"



REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JAN. 12, 1999
JAMES W. COLTON
58756

RENEW: DEC. 31, 2019
SIGNED: *[Signature]*

LEGEND

- RIGHT OF WAY DEDICATION
① 831 SQ. FT. ±
- PERMANENT SLOPE & PUBLIC UTILITY
EASEMENT
② 2,594 SQ. FT. ±
- TEMPORARY CONSTRUCTION EASEMENT
③ 201 SQ. FT. ±

MOLALLA AVENUE PHASE 3
BEAVERCREEK ROAD TO OR 213

FILE NO: 002	SUBMITTAL DATE: MAY 13, 2019
TAX LOT: 00400	ADDRESS: 1840 MOLALLA AVENUE
TAX MAP: 32E05C	OREGON CITY, OR 97045

5AFTER RECORDING RETURN TO:

City of Oregon City, City Recorder
P.O. Box 3040
Oregon City, Oregon 97045-0304

Project No.: CI 18-001

Tax Map & Lot: 32E05C000403

GRANTOR: Mountain View Jara LLC

CITY OF OREGON CITY, OREGON SLOPE AND PUBLIC UTILITY(S) EASEMENT

KNOW ALL BY THESE PRESENTS, THAT Mountain View Jara LLC, an Oregon limited liability company, hereinafter called "**Grantor**", does hereby grant unto the City of Oregon City, hereinafter called the "**City**", and its successors in interest and assigns, a permanent easement, including the permanent right to construct, reconstruct, operate, and maintain utilities and slopes within the easement, described as follows:

Parcel 1 – Permanent Slope and Public Utility Easement

A parcel of land lying in the Southwest one-quarter of Section 5 and the Samuel N. Vance Donation Land Claim (DLC) No. 51 in Township 3 South, Range 2 East of the Willamette Meridian, Clackamas County, Oregon, and being a portion of that property conveyed to Mountain View Jara, LLC, an Oregon limited liability company in that Special Warranty Deed, recorded March 21, 2012 as Document No. 2012-016620, Clackamas County Deed Records; said parcel being that portion of said property included in a strip of land variable in width and lying on the westerly side of the centerline of Molalla Avenue, which centerline of is described as follows:

The center line of said connection road is described as follows:

Beginning at center line Station 38+67.42, said station bears North 76°42'53" West 5,355.98 feet from the one-quarter corner common to Sections 4 and 9, Township 3 South, Range 2 East, Willamette Meridian; thence South 30°16'52" East 4,056.28 feet (Station 79+23.71 = Station a 70009+00.00 ahead); thence South 30°16'52" East 272.51 feet to a point of curvature (Station a 70011+72.51); thence along the arc of a 572.96 foot radius curve to the left, through a central angle of 49°48'36", an arc distance of 498.10 feet (the long chord of which bears South 55°11'10" East 482.57 feet) to a point of tangency (Station a 70016+70.61), said point bears South 43°25'20" West 3,831.55 feet from the one-quarter corner common to said Sections 4 and 9.

The width in feet of said strip of land is as follows:

<u>Station</u>	<u>to</u>	<u>Station</u>	<u>Width on Westerly Side of Center Line</u>
47+90.00		49+92.88	42.10 in a straight line to 39.72
49+92.88		52+66.78	39.72 in a straight line to 40.02

Bearings are based on the Oregon Coordinate Reference System – Portland Zone, NAO 83 (2011) epoch 2010.00.

This parcel of land contains 1,652 square feet, more or less, outside the existing right of way.

See also attached **Exhibit A** Legal Description, and **Exhibit B** Drawing for Legal Description.

TO HAVE AND TO HOLD, the above described easement unto the CITY, its successors in interest and assigns forever.

GRANTOR reserves the right to use the surface of the land for walkways, plantings, parking, and related uses. Such uses undertaken by the GRANTOR shall not be inconsistent or interfere with the use of the subject easement area by the CITY. No building or utility shall be placed upon, under, or within the property subject to the foregoing easement during the term thereof, however, without the written permission of the CITY.

Upon completion of the construction, the CITY shall restore the surface of the property to its original condition and shall indemnify and hold the GRANTOR harmless against all loss, cost, or damage arising out of the exercise of the rights granted herein.

The true consideration of this conveyance is for other value given, \$11,943.50 (ELEVEN THOUSAND NINE HUNDRED FORTY THREE DOLLARS AND FIFTY CENTS) the receipt of which is hereby acknowledged by GRANTOR.

And the GRANTOR above named hereby covenants to and with the CITY, and CITY's successors in interest and assigns that GRANTOR is lawfully seized in fee simple of the above granted premises, free from all encumbrances (no exceptions), and that GRANTOR and their heirs and personal representatives shall warrant and forever defend the said premises and every part thereof to the CITY, its successors in interest and assigns against the lawful claims and demands of all persons claiming by, through or under the GRANTOR.

In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

IN WITNESS WHEREOF, the Permittee has executed this instrument this 22 day of January, 2021. The person whose name is subscribed to the within instrument acknowledge that he executed the instrument in his legally authorized capacity, and that by his signature on the instrument, the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

[Signature Page(s) Follow]

GRANTOR: Mountain View Jara LLC, an Oregon limited liability company

Marko A. Susnjara
Signature

Marko A. Susnjara, Manager
Signer's printed name Title (if applicable)

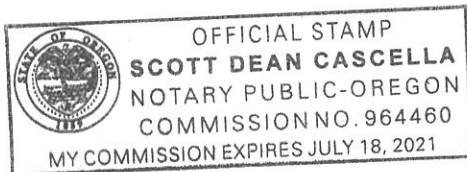
STATE OF OREGON)
County of Clackamas)

This record was acknowledged before me on (month & day) 22 January, 2021

by Marko A. Susnjara, as Manager
Signer's printed name Title (write "N/A" if not applicable)

of Mountain View Jara LLC, an Oregon limited liability company

Stamp notary seal:



WITNESS my hand and official seal.

Scott Dean
Signature of Notary Public
My commission expires: July 18, 2021

Accepted on behalf of the City of Oregon City on the condition that the easement granted is free and clear from any taxes, liens, and encumbrances.

By: Rocky Smith, Jr., Commission President

Attest: Kattie Riggs, City Recorder

Page 3

City of Oregon City – PUBLIC UTILITY EASEMENT

EXHIBIT A- Page 1 of 2

File 05170010 001
Jim Colton, PLS OBEC - 5/13/2019Molalla Avenue Phase 3:
Beavercreek Road to OR 213
City of Oregon City
May 13, 2019Tax Map 32E05C
Tax Lot 00403**Parcel 1 - Permanent Slope and Public Utility Easement**

A parcel of land lying in the Southwest one-quarter of Section 5 and the Samuel N. Vance Donation Land Claim (DLC) No. 51 in Township 3 South, Range 2 East of the Willamette Meridian, Clackamas County, Oregon and being a portion of that property conveyed to Mountain View Jara LLC, an Oregon limited liability company in that Special Warranty Deed, recorded March 21, 2012 as Document No. 2012-016620, Clackamas County Deed Records; said parcel being that portion of said property included in a strip of land variable in width and lying on the westerly side of the centerline of Molalla Avenue, which centerline of is described as follows:

The center line of said connection road is described as follows:

Beginning at center line Station 38+67.42, said station bears North 76°42'53" West 5,355.98 feet from the one-quarter corner common to Sections 4 and 9, Township 3 South, Range 2 East, Willamette Meridian; thence South 30°16'52" East 4,056.28 feet (Station 79+23.71 = Station a 70009+00.00 ahead); thence South 30°16'52" East 272.51 feet to a point of curvature (Station a 70011+72.51); thence along the arc of a 572.96 foot radius curve to the left, through a central angle of 49°48'36", an arc distance of 498.10 feet (the long chord of which bears South 55°11'10" East 482.57 feet) to a point of tangency (Station a 70016+70.61), said point bears South 43°25'20" West 3,831.55 feet from the one-quarter corner common to said Sections 4 and 9.

The width in feet of said strip of land is as follows:

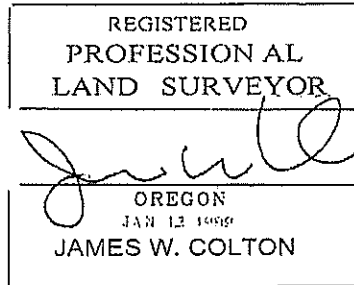
Station	to	Station	Width on Westerly Side of Center Line
47+90.00		49+92.88	42.10 in a straight line to 39.72
49+92.88		52+66.78	39.72 in a straight line to 40.02

Bearings are based on the Oregon Coordinate Reference System - Portland Zone, NAO 83 (2011) epoch 2010.00.

This parcel of land contains 1,652 square feet, more or less, outside the existing right of way.

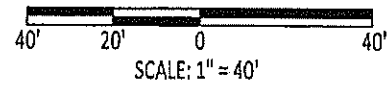
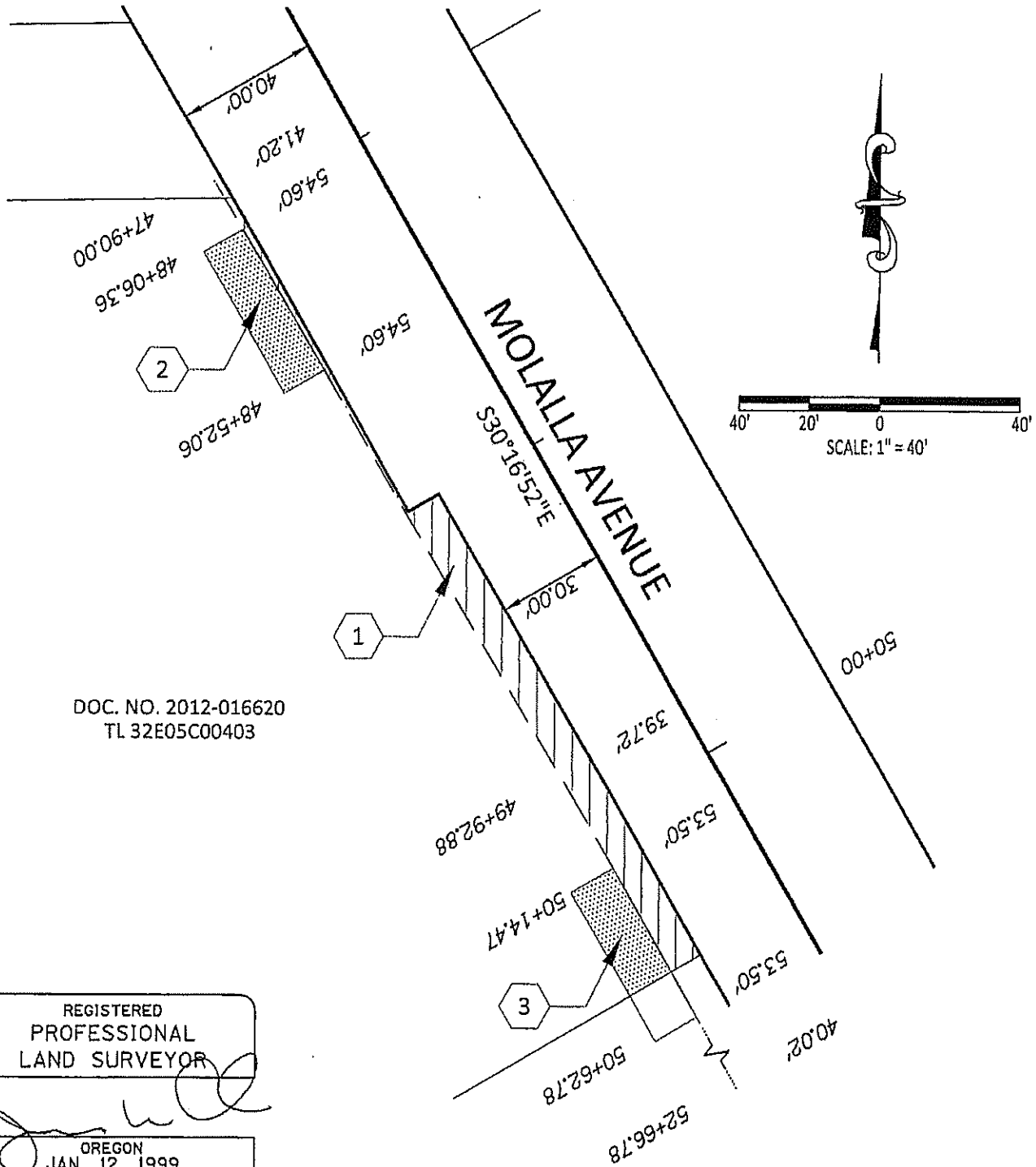
EXHIBIT A- Page 2 of 2

File 05170010 001
Jim Colton, PLS OBEC - 5/13/2019



RENEWS: DEC. 31, 2019
SIGNED: 5/13/2019

EXHIBIT "B"



DOC. NO. 2012-016620
TL 32E05C00403

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JAN. 12, 1999
JAMES W. COLTON
58756

RENEWES: DEC. 31, 2019
SIGNED: *[Signature]*

LEGEND

- PERMANENT SLOPE & PUBLIC UTILITY EASEMENT
1,652 SQ. FT. ±
- TEMPORARY CONSTRUCTION EASEMENT
599 SQ. FT. ±
- TEMPORARY CONSTRUCTION EASEMENT
463 SQ. FT. ±

MOLALLA AVENUE PHASE 3
BEAVERCREEK ROAD TO OR 213

FILE NO: 001	SUBMITTAL DATE: MAY 13, 2019
TAX LOT: 00403	ADDRESS: 1820 MOLALLA AVENUE
TAX MAP: 32E05C	OREGON CITY, OR 97045

SAFTER RECORDING RETURN TO:

City of Oregon City, City Recorder
P.O. Box 3040
Oregon City, Oregon 97045-0304

Project No.: CI 18-002

Tax Map & Lot: 32E05C000400

GRANTOR: Mountain View Jara LLC

CITY OF OREGON CITY, OREGON SLOPE AND PUBLIC UTILITY(S) EASEMENT

KNOW ALL BY THESE PRESENTS, THAT Mountain View Jara LLC, an Oregon limited liability company, hereinafter called "Grantor", does hereby grant unto the City of Oregon City, hereinafter called the "City", and its successors in interest and assigns, a permanent easement, including the permanent right to construct, reconstruct, operate, and maintain utilities and slopes within the easement, described as follows:

Parcel 2 – Permanent Slope and Public Utility Easement

A parcel of land lying in the Southwest one-quarter of Section 5 and the Samuel N. Vance Donation Land Claim (DLC) No. 51 in Township 3 South, Range 2 East of the Willamette Meridian, Clackamas County, Oregon and being a portion of that property conveyed to Mountain View Jara LLC, an Oregon limited liability company in that Special Warranty Deed, recorded March 21, 2012 as Document No. 2012-016620, Clackamas County Deed Records; said parcel being that portion of said property included in a strip of land variable in width and lying on the westerly side of the centerline of Molalla Avenue, which centerline of is described in Parcel 1.

The width in feet of said strip of land is as follows:

Station	to	Station	Width on Westerly Side of Center Line
49+92.88		52+66.78	39.72 in a straight line to 40.02
52+66.78		53+06.02	40.02 in a straight line to 70.48
53+06.02		53+14.17	70.48 in a straight line to 102.29
53+14.17		53+30.00	102.29 in a straight line to 98.24

EXCEPT therefrom that portion lying within the above described Parcel 1 – Right-of-Way Dedication.

This parcel of land contains 2,594 square feet, more or less, outside the existing right of way.

See also attached Exhibit A Legal Description and Exhibit B Drawing for Legal Description.

TO HAVE AND TO HOLD, the above described easement unto the CITY, its successors in interest and assigns forever.

GRANTOR reserves the right to use the surface of the land for walkways, plantings, parking, and related uses. Such uses undertaken by the GRANTOR shall not be inconsistent or interfere with the use of the subject easement area by the CITY. No building or utility shall be placed upon, under, or within the property subject to the foregoing easement during the term thereof, however, without the written permission of the CITY.

Upon completion of the construction, the CITY shall restore the surface of the property to its original condition and shall indemnify and hold the GRANTOR harmless against all loss, cost, or damage arising out of the exercise of the rights granted herein.

The true consideration of this conveyance is for other value given, \$6,965 (SIX THOUSAND NINE HUNDRED SIXTY FIVE DOLLARS) the receipt of which is hereby acknowledged by GRANTOR.

And the GRANTOR above named hereby covenants to and with the CITY, and CITY's successors in interest and assigns that GRANTOR is lawfully seized in fee simple of the above granted premises, free from all encumbrances (no exceptions), and that GRANTOR and their heirs and personal representatives shall warrant and forever defend the said premises and every part thereof to the CITY, its successors in interest and assigns against the lawful claims and demands of all persons claiming by, through or under the GRANTOR.

In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

IN WITNESS WHEREOF, the Permittee has executed this instrument this 22 day of January, 2021. The person whose name is subscribed to the within instrument acknowledge that he executed the instrument in his legally authorized capacity, and that by his signature on the instrument, the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

[Signature Page(s) Follow]

GRANTOR: Mountain View Jara LLC, an Oregon limited liability company

Marko A. Susnjara
Signature

Marko A. Susnjara, Manager

Signer's printed name

Title (if applicable)

STATE OF OREGON)

County of Clackamas)

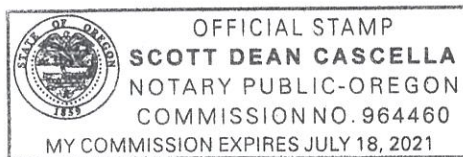
This record was acknowledged before me on (month & day) 22 January, 2021

by Marko A. Susnjara, as Manager
Signer's printed name Title (write "N/A" if not applicable)

of Mountain View Jara LLC, an Oregon limited liability company

Stamp notary seal:

WITNESS my hand and official seal.



Scott Dean Cascella
Signature of Notary Public
My commission expires: July 18, 2021

Accepted on behalf of the City of Oregon City on the condition that the easement granted is free and clear from any taxes, liens, and encumbrances.

By: Rocky Smith, Jr., Commission President

Attest: Kattie Riggs, City Recorder

Page 3

City of Oregon City – PUBLIC UTILITY EASEMENT

EXHIBIT A- Page 1 of 1

File 05170010 002

Jim Colton, PLS OBEC- 5/13/2019

Molalla Avenue Phase 3:
Beavercreek Road to OR 213
City of Oregon City
May 13, 2019

Tax Map 32E05C
Tax Lot 00400

Parcel 2 - Permanent Slope and Public Utility Easement

A parcel of land lying in the Southwest one-quarter of Section 5 and the Samuel N. Vance Donation Land Claim (DLC) No. 51 in Township 3 South, Range 2 East of the Willamette Meridian, Clackamas County, Oregon and being a portion of that property conveyed to Mountain View Jara LLC, an Oregon limited liability company in that Special Warranty Deed, recorded March 21, 2012 as Document No. 2012-016620, Clackamas County Deed Records; said parcel being that portion of said property included in a strip of land variable in width and lying on the westerly side of the centerline of Molalla Avenue, which centerline of is described in Parcel 1.

The width in feet of said strip of land is as follows:

Station	to	Station	Width on Westerly Side of Center Line
49+92.88		52+66.78	39.72 in a straight line to 40.02
52+66.78		53+06.02	40.02 in a straight line to 70.48
53+06.02		53+14.17	70.48 in a straight line to 102.29
53+14.17		53+30.00	102.29 in a straight line to 98.24

EXCEPT therefrom that portion lying within the above described Parcel 1 - Right-of-Way Dedication.

This parcel of land contains 2,594 square feet, more or less, outside the existing right of way.

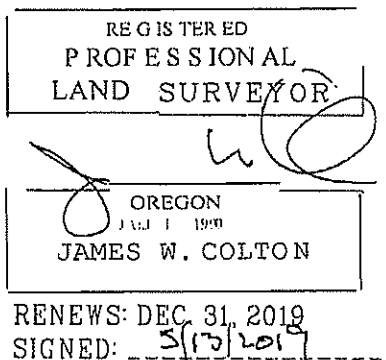
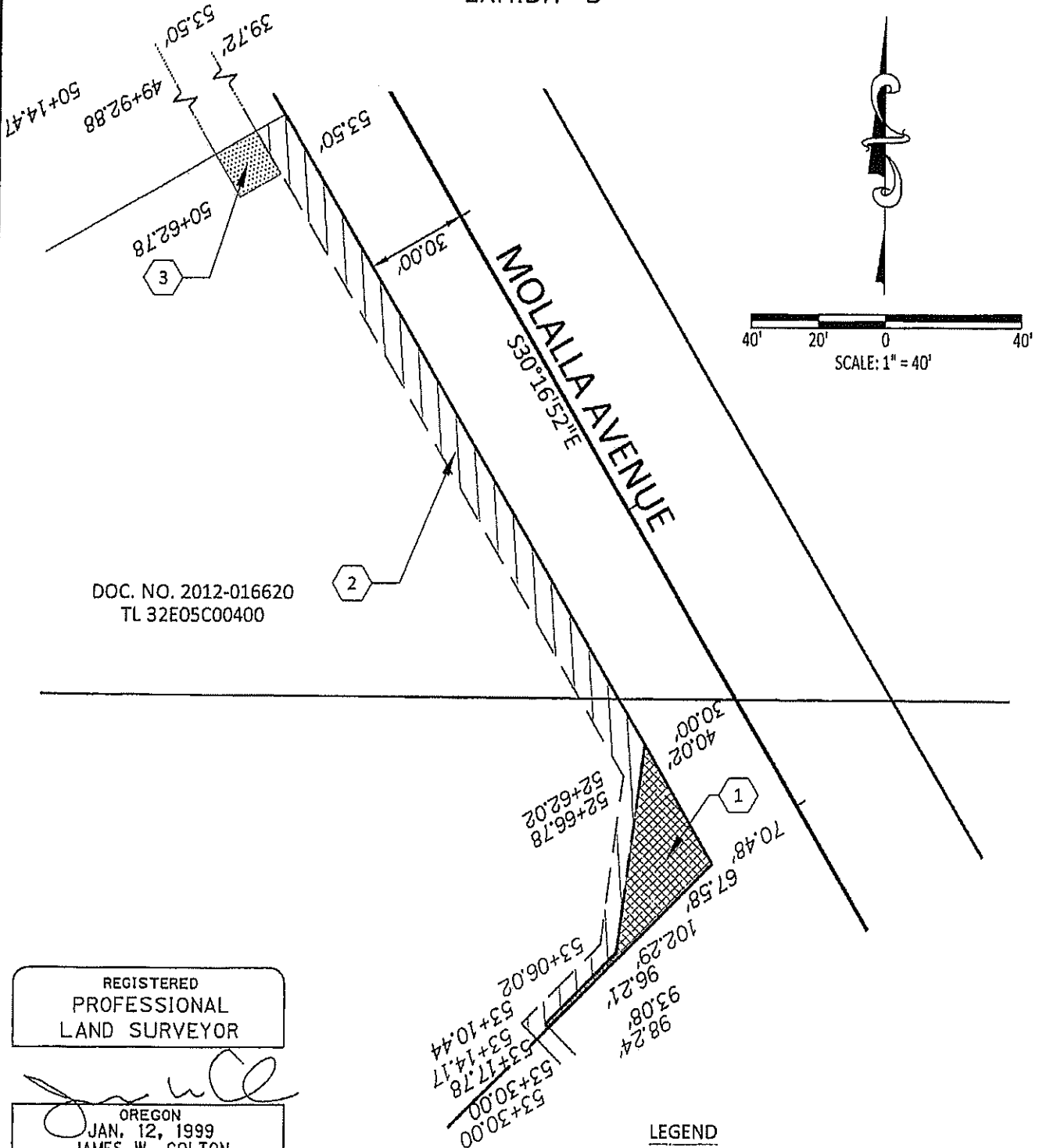


EXHIBIT "B"



REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JAN. 12, 1999
JAMES W. COLTON
58756

RENEW: DEC. 31, 2018
SIGNED: *[Signature]*

MOLALLA AVENUE PHASE 3
BEAVERCREEK ROAD TO OR 213

FILE NO: 002	SUBMITTAL DATE: MAY 13, 2019
TAX LOT: 00400	ADDRESS: 1840 MOLALLA AVENUE
TAX MAP: 32E05C	OREGON CITY, OR 97045

LEGEND

- RIGHT OF WAY DEDICATION
1 831 SQ. FT. ±
- PERMANENT SLOPE & PUBLIC UTILITY EASEMENT
2 2,594 SQ. FT. ±
- TEMPORARY CONSTRUCTION EASEMENT
3 201 SQ. FT. ±

AFTER RECORDING RETURN TO:

City of Oregon City, City Recorder
P.O. Box 3040
Oregon City, Oregon 97045-0304

Project No.: CI 18-002

Tax Map & Lot: 32E05C000400

GRANTOR: Mountain View Jara LLC

TEMPORARY CONSTRUCTION & ACCESS EASEMENT

This TEMPORARY CONSTRUCTION and ACCESS EASEMENT is entered into this 22 day of January, 2021, by and between, property owner Mountain View Jara LLC, an Oregon limited liability company (hereafter referred to as "Grantor") and the City of Oregon City, a Municipal Corporation of the State of Oregon (hereafter referred to as "Grantee").

RECITALS

1. Grantor is the owner of certain real property located in the City of Oregon City, Clackamas County, Oregon, legally described as follows:

Parcel 3- Temporary Construction Easement (3 Years or duration of Project, whichever is sooner)

A parcel of land lying in the Southwest one-quarter of Section 5 and the Samuel N. Vance Donation Land Claim (DLC) No. 51 in Township 3 South, Range 2 East of the Willamette Meridian, Clackamas county, Oregon and being a portion of that property conveyed to Mountain View Jara LLC, an Oregon limited liability company in that Special Warranty Deed, recorded March 21, 2012 as Document No. 2012-016620, Clackamas County Deed records; said parcel being that portion of said property included in a strip of land 53.50 feet in width and lying between lines at right angles to Stations 50+14.47 and 50+62.78 lying on the westerly side of the centerline of Molalla Avenue, which centerline of is described in Parcel 1.

EXCEPT therefrom that portion lying within the above described Parcel 2 – Permanent Slope and Public Utility Easement.

EXCEPT therefrom that portion lying within Parcel 1 of that Special Warranty Deed, recorded March 21, 2012 as Document No. 2012-016620, Clackamas County Deed Records.

This parcel of land contains 201 square feet, more or less, outside the existing right of way.

See also attached **Exhibit A** Legal Description and **Exhibit B** Drawing for Legal Description (hereafter referred to as "Easement Area(s)").

2. Grantor desires to grant to Grantee, for good and valuable consideration a temporary, non-exclusive easement over, under, and across the Easement Area(s), together with the right to go upon said Easement Area(s) for the purpose of driveway reconstruction as part of the Molalla Avenue Streetscape Project.
3. This TEMPORARY CONSTRUCTION and ACCESS EASEMENT is intended to allow the City of Oregon City, or its assigns to undertake the driveway reconstruction and all other activities that the Grantee deems necessary and appurtenant to the above noted activities in conjunction with the Molalla Avenue Streetscape Project.

AGREEMENT

NOW THEREFORE, for good and valuable consideration, the receipt and adequacy of which are hereby acknowledged by each of the parties, it is agreed as follows:

1. **Grant of Easement.** Grantor hereby grants to Grantee a non-exclusive temporary easement over, under, and across the Easement Area(s), together with the right to go upon said Easement Area(s) for the purpose of driveway reconstruction.
2. **Term of Easement.** This TEMPORARY CONSTRUCTION and ACCESS EASEMENT shall be temporary and shall terminate when both the City of Oregon City and property owner has approved the completion of the Molalla Avenue Streetscape project.
3. **Hold Harmless Clause.** Grantee shall have the right to conduct temporary construction and maintenance activities within the Easement Area(s), so long as such activities do not unreasonably interfere with the use of the adjoining lands by the Grantor. Upon completion of any work by Grantee in the Easement Area(s), Grantee shall restore the area to its prior condition, at Grantee's sole cost and expense. Grantee shall indemnify Grantor and hold it harmless from any and all claims, actions, damages, liability and expense in connection with damage to person or property arising from any occurrence in or at the Easement Area(s) related to the use by Grantee, its agents, employees, invitees, or licensees, of the Easement Area(s); or occasioned wholly or in part by any act or omission for which Grantee, its agents, contractors, employees, servants, lessees, concessionaires or invitees are legally liable.

The true consideration for this conveyance is \$1,877 (ONE THOUSAND EIGHT HUNDRED SEVENTY SEVEN DOLLARS), the receipt of which is hereby acknowledged by GRANTOR.

[Signature Page(s) Follow]

GRANTOR: Mountain View Jara LLC, an Oregon limited liability company

Marko A. Susnjara
Signature

Marko A. Susnjara, Manager
Signer's printed name Title (if applicable)

STATE OF OREGON)
County of Clackamas)

This record was acknowledged before me on (month & day) 22 January, 2021

by Marko A. Susnjara, as Manager
Signer's printed name Title (write "N/A" if not applicable)

of Mountain View Jara LLC, an Oregon limited liability company

Stamp notary seal:

WITNESS my hand and official seal.



Scott Dean Cascella
Signature of Notary Public
My commission expires: July 18, 2021

Accepted on behalf of the City of Oregon City:

By: Rocky Smith, Jr., Commission President

Attest: Kattie Riggs, City Recorder

EXHIBIT A- Page 1 of 3

File 05170010 002

Jim Colton, PLS OBEC- 5/13/2019

Molalla Avenue Phase 3:
Beavercreek Road to OR 213
City of Oregon City
May 13, 2019

Tax Map 32E05C
Tax Lot 00400

Parcel 3 - Temporary Construction Easement (3 Years or duration of Project, whichever is sooner)

A parcel of land lying in the Southwest one-quarter of Section 5 and the Samuel N. Vance Donation Land Claim (DLC) No. 51 in Township 3 South, Range 2 East of the Willamette Meridian, Clackamas County, Oregon and being a portion of that property conveyed to Mountain View Jara LLC, an Oregon limited liability company in that Special Warranty Deed, recorded March 21, 2012 as Document No. 2012-016620, Clackamas County Deed records; said parcel being that portion of said property included in a strip of land 53.50 feet in width and lying between lines at right angles to Stations 50+14.47 and 50+62.78 lying on the westerly side of the centerline of Molalla Avenue, which centerline of is described in Parcel 1.

EXCEPT therefrom that portion lying within the above described Parcel 2 - Permanent Slope and Public Utility Easement.

EXCEPT therefrom that portion lying within Parcel 1 of that Special Warranty Deed, recorded March 21, 2012 as Document No. 2012-016620, Clackamas County Deed Records.

This parcel of land contains 201 square feet, more or less, outside the existing right of way.

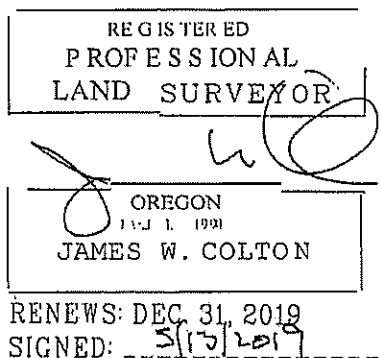
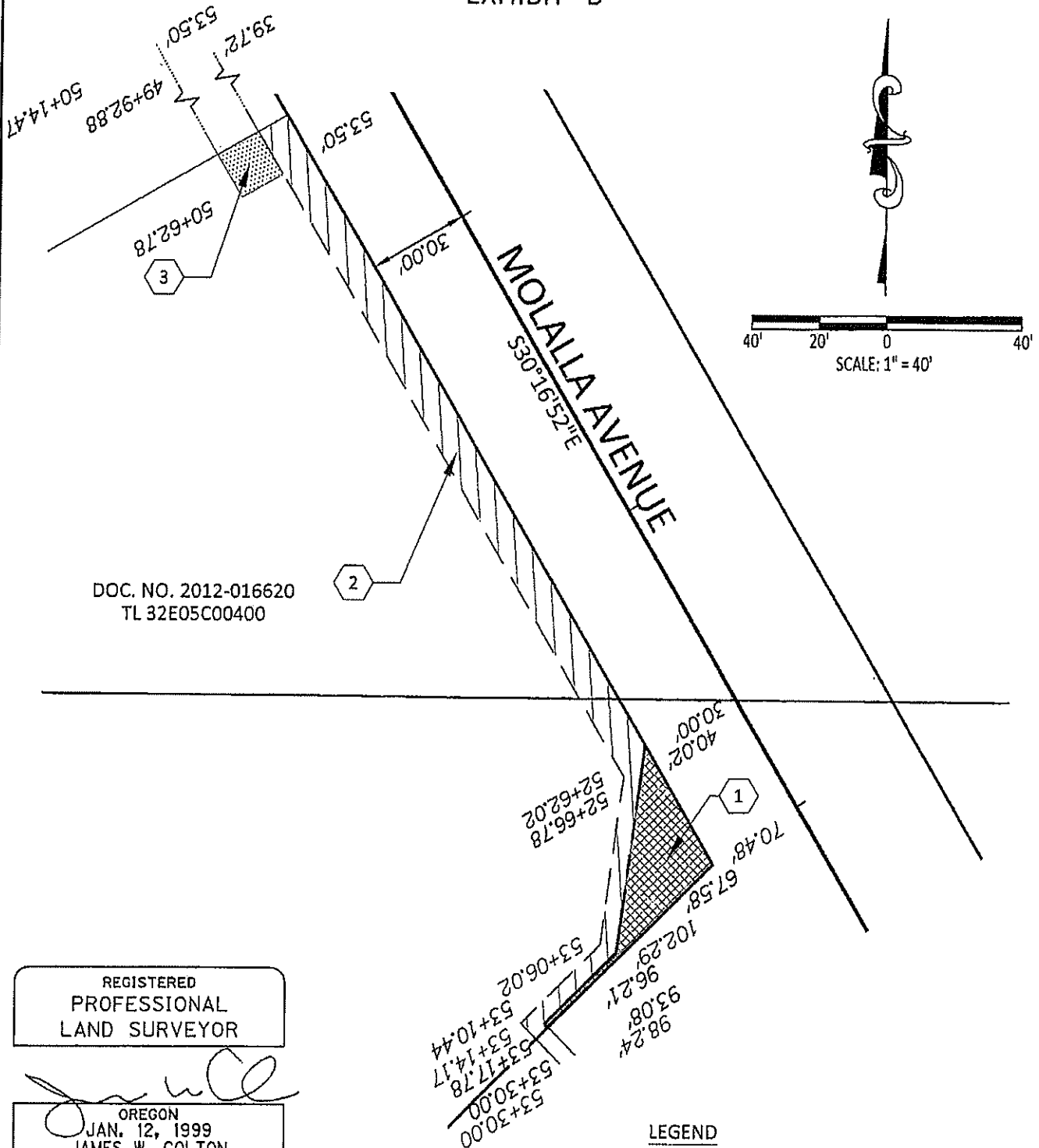


EXHIBIT "B"



DOC. NO. 2012-016620
TL 32E05C00400

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JAN. 12, 1999
JAMES W. COLTON
*58756

RENEWES: DEC. 31, 2019
SIGNED: *[Signature]*

MOLALLA AVENUE PHASE 3
BEAVERCREEK ROAD TO OR 213

FILE NO: 002	SUBMITTAL DATE: MAY 13, 2019
TAX LOT: 00400	ADDRESS: 1840 MOLALLA AVENUE
TAX MAP: 32E05C	OREGON CITY, OR 97045

LEGEND

- RIGHT OF WAY DEDICATION
- 831 SQ. FT. ±
- PERMANENT SLOPE & PUBLIC UTILITY EASEMENT
- 2,594 SQ. FT. ±
- TEMPORARY CONSTRUCTION EASEMENT
- 201 SQ. FT. ±

AFTER RECORDING RETURN TO:

City of Oregon City, City Recorder
P.O. Box 3040
Oregon City, Oregon 97045-0304

Project No.: CI 18-001

Tax Map & Lot: 32E05C000403

GRANTOR: Mountain View Jara LLC

TEMPORARY CONSTRUCTION & ACCESS EASEMENT

This TEMPORARY CONSTRUCTION and ACCESS EASEMENT is entered into this 22 day of January, 2021, by and between, property owner Mountain View Jara LLC, an Oregon limited liability company (hereafter referred to as "Grantor") and the City of Oregon City, a Municipal Corporation of the State of Oregon (hereafter referred to as "Grantee").

RECITALS

- Grantor is the owner of certain real property located in the City of Oregon City, Clackamas County, Oregon, legally described as follows:

Parcel 2 – Temporary Construction Easement (3 Years or duration of Project, whichever is sooner)

A parcel of land lying in the Southwest one-quarter of Section 5 and the Samuel N. Vance Donation Land Claim (DLC) No. 51 in Township 3 South, Range 2 East of the Willamette Meridian, Clackamas County, Oregon and being a portion of that property conveyed to Mountain View Jara LLC, an Oregon limited liability company in that Special Warranty Deed, recorded March 12, 2012 as Document No. 2012-016620, Clackamas County Deed Records; said parcel being that portion of said property included in a strip of land 54.60 feet in width and lying between lines at right angles to Stations 48+06.36 and 48+52.06 lying on the westerly side of the centerline of Molalla Avenue, which centerline of is described in Parcel 1.

EXCEPT therefrom that portion lying within the above described Parcel 1 – Permanent Slope and Public Utility Easement.

This parcel of land contains 599 square feet, more or less, outside the existing right of way.

Parcel 3 - Temporary Construction Easement (3 Years or duration of Project, whichever is sooner).

A parcel of land lying in the Southwest one-quarter of Section 5 and the Samuel N. Vance Donation Land Claim (DLC) No. 51 in Township 3 South, Range 2 East of the Willamette Meridian, Clackamas County, Oregon and

being a portion of that property conveyed to Mountain View Jara LLC, an Oregon limited liability company in that Special Warranty Deed, recorded March 21, 2012 as Document No. 2012-016620, Clackamas County Deed Records; said parcel being that portion of said property included in a strip of land 53.50 feet in width and lying between lines at right angles to Stations 50+14.47 and 50+62.78 lying on the westerly side of the centerline of Molalla Avenue, which centerline of is described in Parcel 1.

EXCEPT therefrom that portion lying within the above described Parcel 1 – Permanent Slope and Public Utility Easement.

ALSO EXCEPT therefrom that portion lying within Parcel 2 of that Special Warranty Deed, recorded March 21, 2012 as Document No. 2012-016620, Clackamas County Deed Records.

This parcel of land contains 463 square feet, more or less, outside the existing right of way.

See also attached Exhibit A Legal Description, and Exhibit B Drawing for Legal Description (hereafter referred to as "Easement Area(s)").

2. Grantor desires to grant to Grantee, for good and valuable consideration a temporary, non-exclusive easement over, under, and across the Easement Area(s), together with the right to go upon said Easement Area(s) for the purpose of driveway reconstruction as part of the Molalla Avenue Streetscape Project.
3. This TEMPORARY CONSTRUCTION and ACCESS EASEMENT is intended to allow the City of Oregon City, or its assigns to undertake the driveway reconstruction and all other activities that the Grantee deems necessary and appurtenant to the above noted activities in conjunction with the Molalla Avenue Streetscape Project.

AGREEMENT

NOW THEREFORE, for good and valuable consideration, the receipt and adequacy of which are hereby acknowledged by each of the parties, it is agreed as follows:

1. **Grant of Easement.** Grantor hereby grants to Grantee a non-exclusive temporary easement over, under, and across the Easement Area(s), together with the right to go upon said Easement Area(s) for the purpose of driveway reconstruction.
2. **Term of Easement.** This TEMPORARY CONSTRUCTION and ACCESS EASEMENT shall be temporary and shall terminate when both the City of Oregon City and property owner has approved the completion of the Molalla Avenue Streetscape project.

3. **Hold Harmless Clause.** Grantee shall have the right to conduct temporary construction and maintenance activities within the Easement Area(s), so long as such activities do not unreasonably interfere with the use of the adjoining lands by the Grantor. Upon completion of any work by Grantee in the Easement Area(s), Grantee shall restore the area to its prior condition, at Grantee's sole cost and expense. Grantee shall indemnify Grantor and hold it harmless from any and all claims, actions, damages, liability and expense in connection with damage to person or property arising from any occurrence in or at the Easement Area(s) related to the use by Grantee, its agents, employees, invitees, or licensees, of the Easement Area(s); or occasioned wholly or in part by any act or omission for which Grantee, its agents, contractors, employees, servants, lessees, concessionaires or invitees are legally liable.

The true consideration for this conveyance is \$3,253 (THREE THOUSAND TWO HUNDRED FIFTY THREE DOLLARS) the receipt of which is hereby acknowledged by GRANTOR.

[Signature Page(s) Follow]

GRANTOR: Mountain View Jara LLC, an Oregon limited liability company

Marko A. Susnjara
Signature

Marko A. Susnjara, Manager
Signer's printed name Title (if applicable)

STATE OF OREGON)
County of Clackamas)

This record was acknowledged before me on (month & day) 22 January, 20 21

by Marko A. Susnjara, as Manager
Signer's printed name Title (write "N/A" if not applicable)

of Mountain View Jara LLC, an Oregon limited liability company

Stamp notary seal:

WITNESS my hand and official seal.



Scott Dean Cascella
Signature of Notary Public
My commission expires: July 18 2021

Accepted on behalf of the City of Oregon City:

By: Rocky Smith, Jr., Commission President

Attest: Kattie Riggs, City Recorder

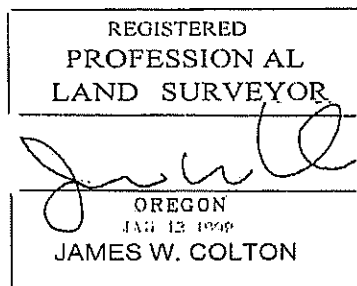
EXHIBIT A- Page 1 of 1

File 05170010 001
Jim Colton, PLS OBEC - 5/13/2019Molalla Avenue Phase 3:
Beavercreek Road to OR 213
City of Oregon City
May 13, 2019Tax Map 32E05C
Tax Lot 00403**Parcel 2 - Temporary Construction Easement (3 Years or duration of Project, whichever is sooner)**

A parcel of land lying in the Southwest one-quarter of Section 5 and the Samuel N. Vance Donation Land Claim (DLC) No. 51 in Township 3 South, Range 2 East of the Willamette Meridian, Clackamas County, Oregon and being a portion of that property conveyed to Mountain View Jara LLC, an Oregon limited liability company in that Special Warranty Deed, recorded March 21, 2012 as Document No. 2012-016620, Clackamas County Deed Records; said parcel being that portion of said property included in a strip of land 54.60 feet in width and lying between lines at right angles to Stations 48+06.36 and 48+52.06 lying on the westerly side of the centerline of Molalla Avenue, which centerline of is described in Parcel 1.

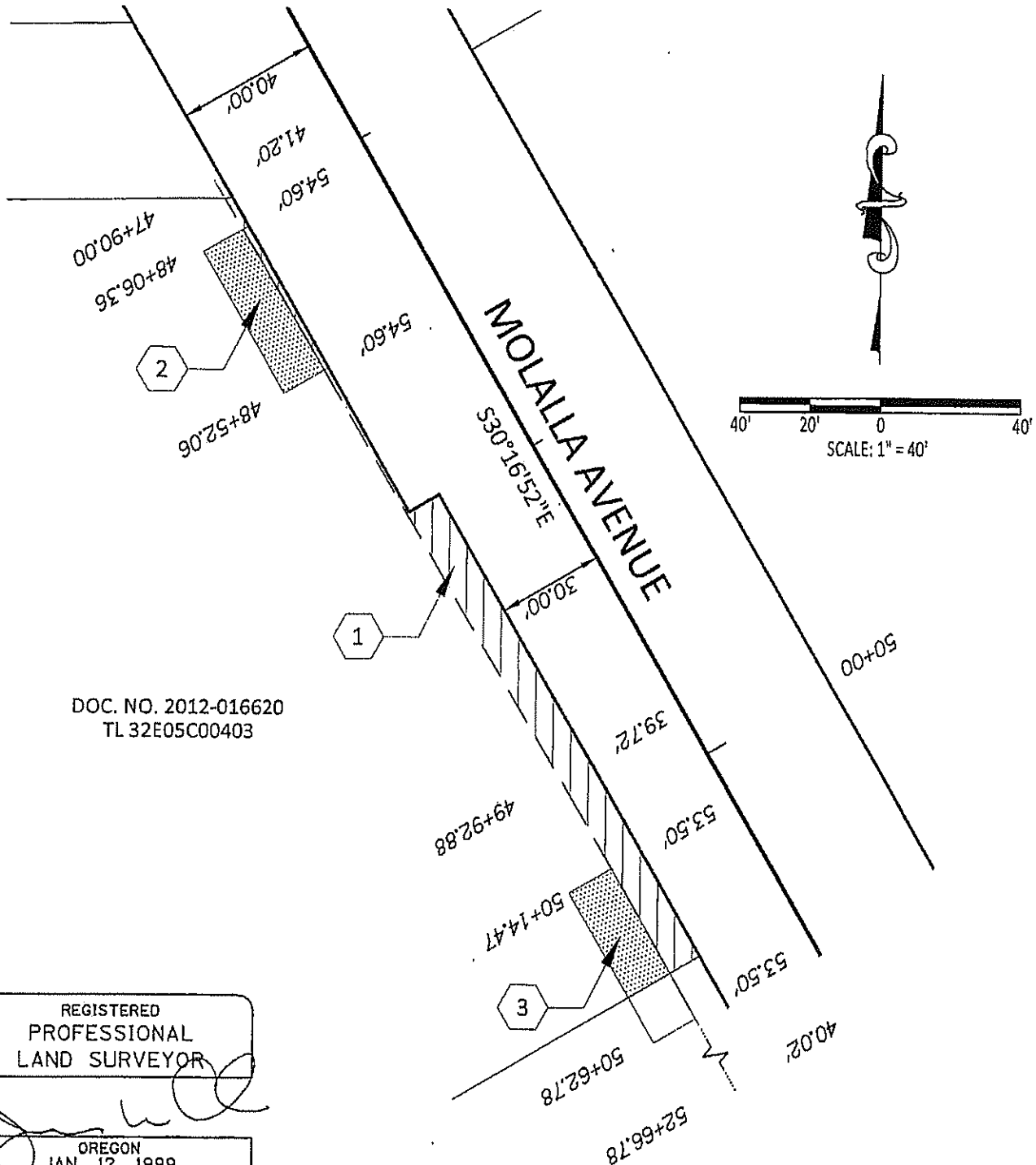
EXCEPT therefrom that portion lying within the above described Parcel 1 - Permanent Slope and Public Utility Easement.

This parcel of land contains 599 square feet, more or less, outside the existing right of way.



RENEWES: DEC. 31, 2019
SIGNED: 5/13/2019

EXHIBIT "B"



DOC. NO. 2012-016620
TL 32E05C00403

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JAN. 12, 1999
JAMES W. COLTON
58756

RENEWES: DEC. 31, 2019
SIGNED: 5/13/2019

MOLALLA AVENUE PHASE 3
BEAVERCREEK ROAD TO OR 213

FILE NO: 001	SUBMITTAL DATE: MAY 13, 2019
TAX LOT: 00403	ADDRESS: 1820 MOLALLA AVENUE
TAX MAP: 32E05C	OREGON CITY, OR 97045

LEGEND

- PERMANENT SLOPE & PUBLIC UTILITY EASEMENT
1,652 SQ. FT. ±
- TEMPORARY CONSTRUCTION EASEMENT
599 SQ. FT. ±
- TEMPORARY CONSTRUCTION EASEMENT
463 SQ. FT. ±

EXHIBIT 2
Page 6 of 8

EXHIBIT A- Page 1 of 1

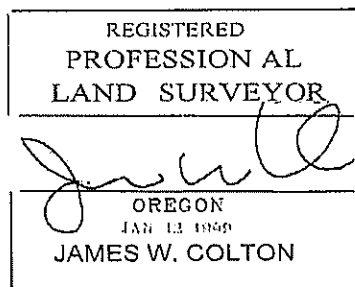
File 05170010 001
Jim Colton, PLS OBEC - 5/13/2019Molalla Avenue Phase 3:
Beavercreek Road to OR 213
City of Oregon City
May 13, 2019Tax Map 32E05C
Tax Lot 00403**Parcel 3 - Temporary Construction Easement (3 Years or duration of Project,
whichever is sooner)**

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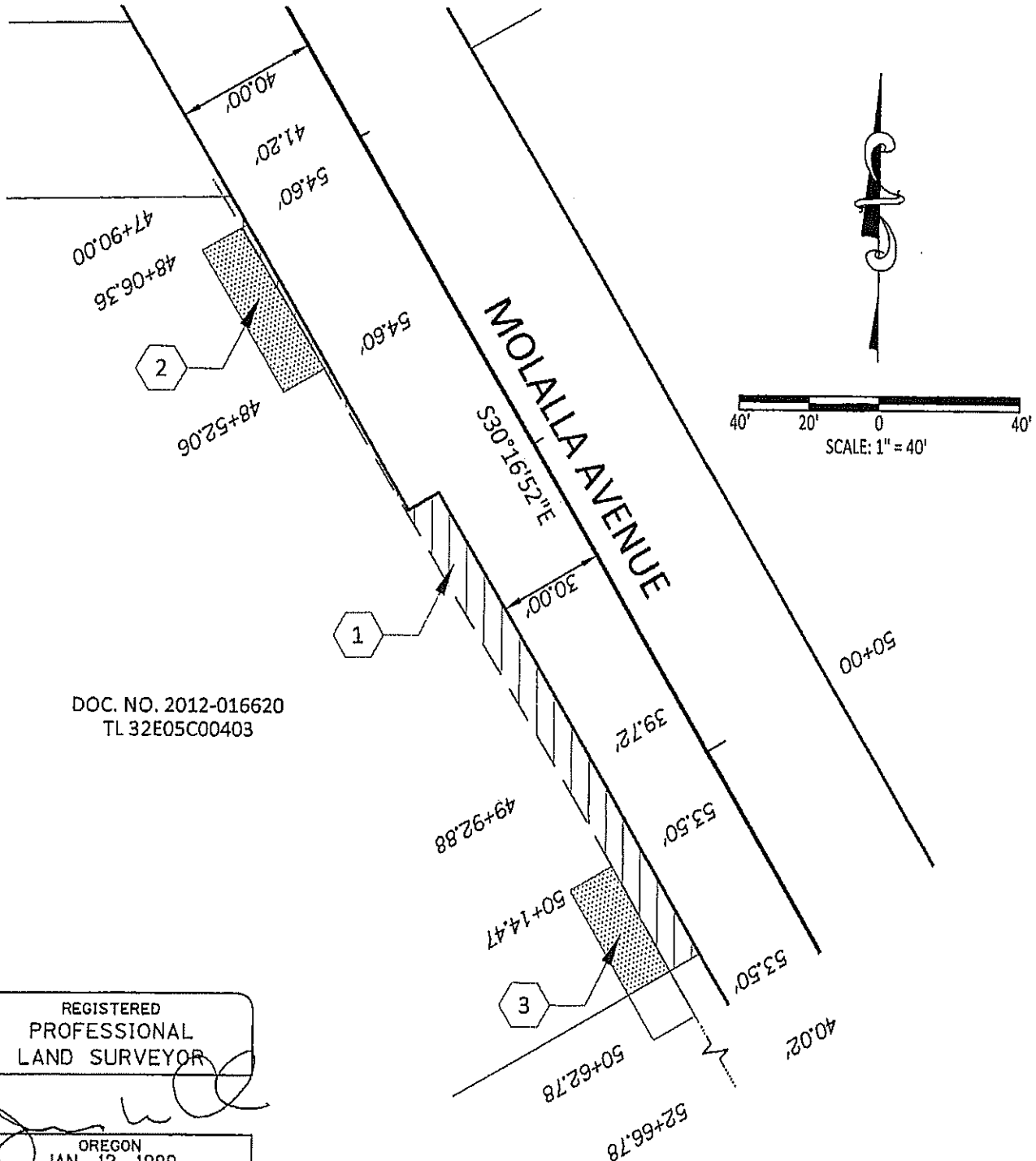
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SIGNED: 5/13/2019

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BEAVERCREEK ROAD TO OR 213

FILE NO: 001	SUBMITTAL DATE: MAY 13, 2019
TAX LOT: 00403	ADDRESS: 1820 MOLALLA AVENUE
TAX MAP: 32E05C	OREGON CITY, OR 97045

EXHIBIT 2
Page 8 of 8

EXHIBIT A- Page 1 of 1

File 05170010 001

Jim Colton, PLS OBEC - 5/13/2019

Molalla Avenue Phase 3:
Beavercreek Road to OR 213
City of Oregon City
May 13, 2019

Tax Map 32E05C
Tax Lot 00403

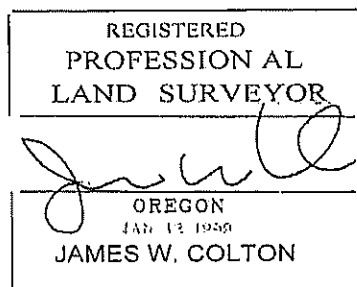
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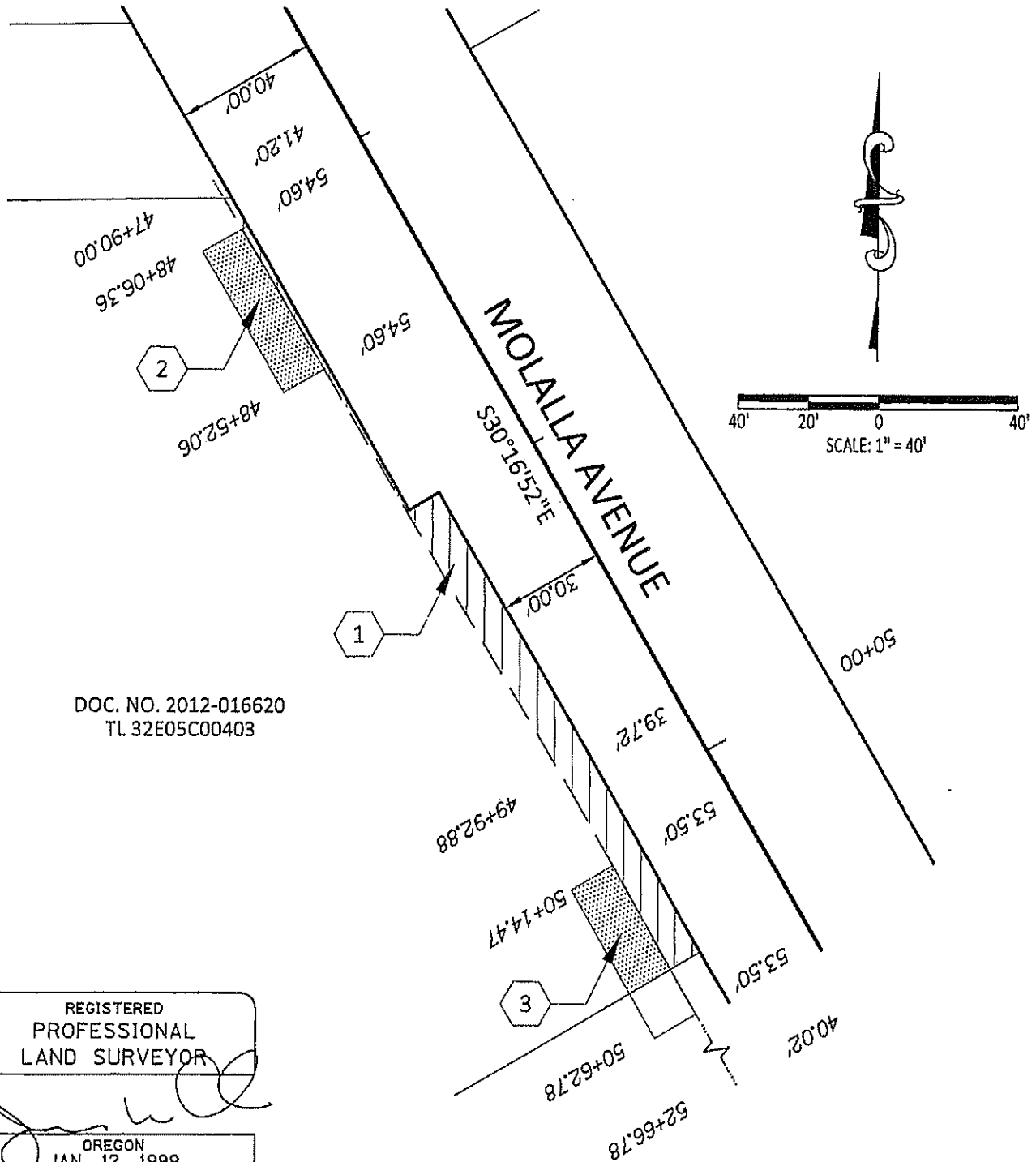
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RENEWS: DEC. 31, 2019

SIGNED: 5/13/2019

EXHIBIT "B"



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MOLALLA AVENUE PHASE 3
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- TEMPORARY CONSTRUCTION EASEMENT
599 SQ. FT. ±
- TEMPORARY CONSTRUCTION EASEMENT
463 SQ. FT. ±



CITY OF OREGON CITY

Staff Report

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

To: City Commission
From: Chief of Police Jim Band

Agenda Date: 02/17/2021

SUBJECT:

OLCC: Liquor License Application – Full On-Premises and Off-Premises, applying as Not Yours, LLC (dba Trails End Saloon), 1320 Main Street, Oregon City

STAFF RECOMMENDATION:

Staff recommends the City Commission approve OLCC Application for Not Yours, LLC (dba Trails End Saloon), 1320 Main Street, Oregon City

EXECUTIVE SUMMARY:

The attached application is for an OLCC Full On- and Off-Premises license for Not Yours, LLC (dba Trails End Saloon)

BACKGROUND:

The Oregon City Police Department conducted background checks on Julie Olson and Jenny Olson-Anderson. They are eligible to hold a liquor license. This is a change in ownership. All applicants must obtain an Oregon City business license before submitting their application for an OLCC liquor license. The Oregon City business license application process includes routing of the application for review through various City departments.

OPTIONS:

1. Approve the OLCC Application for Trails End Saloon
2. Deny the OLCC Application for Trails End Saloon



OREGON LIQUOR CONTROL COMMISSION

LIQUOR LICENSE APPLICATION

PRINT FORM

RESET FORM

1. Application. **Do not include** any OLCC fees with your application packet (the license fee will be collected at a later time). Application is being made for:

License Applied For:	CITY AND COUNTY USE ONLY
☐ Brewery 1 st Location	Date application received and/or date stamp:
Brewery Additional location (2 nd) ☐ (3 rd) ☐	
☐ Brewery-Public House (BPH) 1 st location	Name of City or County:
BPH Additional location (2 nd) ☐ (3 rd) ☐	
☐ Distillery	Recommends this license be:
☒ Full On-Premises, Commercial	
☐ Full On-Premises, Caterer	☐ Granted ☐ Denied
☐ Full On-Premises, Passenger Carrier	By: _____
☐ Full On-Premises, Other Public Location	Date: _____
☐ Full On-Premises, For Profit Private Club	OLCC USE ONLY
☐ Full On-Premises, Nonprofit Private Club	
☐ Grower Sales Privilege (GSP) 1 st location	Date application received: <u>1/4/21</u>
GSP Additional location (2 nd) ☐ (3 rd) ☐	Date application accepted: <u>1/4/21</u>
☐ Limited On-Premises	License Action(s):
☒ Off-Premises	
☐ Warehouse	
☐ Wholesale Malt Beverage & Wine	
☐ Winery 1 st Location	C/O; A/PRIV
Winery Additional location (2 nd) ☐ (3 rd) ☐ (4 th) ☐ (5 th) ☐	

2. Identify the applicant(s) applying for the license(s). **ENTITY** (example: corporation or LLC) or **INDIVIDUAL(S)**¹ applying for the license(s):

Julie M. Olson

App #1: NAME OF ENTITY OR INDIVIDUAL APPLICANT

Jenny L. Olson-Arderfer

App #2: NAME OF ENTITY OR INDIVIDUAL APPLICANT

Not Yours LLC

App #3: NAME OF ENTITY OR INDIVIDUAL APPLICANT

App #4: NAME OF ENTITY OR INDIVIDUAL APPLICANT

3. Trade Name of the Business (Name Customers Will See)		
<u>Trails End Saloon</u>		
4. Business Address (Number and Street Address of the Location that will have the liquor license)		
<u>1320 Main St</u>		
City	County	Zip Code
<u>Oregon City</u>	<u>Clackamas</u>	<u>97045</u>

¹ Read the instructions on page 1 carefully. If an entity is applying for the license, list the name of the entity as an applicant. If an individual is applying as a sole proprietor (no entity), list the individual as an applicant.



CITY OF OREGON CITY

CITY COMMISSION REGULAR MEETING

DRAFT MINUTES

City Hall Chambers, 625 Center Street, Oregon City
Wednesday, December 02, 2020 at 7:00 PM

EXECUTIVE SESSION OF THE CITY COMMISSION

Executive session was held immediately following the regular meeting of the City Commission.

- a. *Pursuant to ORS 192.660(2)(i): To review and evaluate the employment-related performance of the chief executive officer of any public body, a public officer, employee or staff member who does not request an open hearing.*
- b. *Pursuant to ORS 192.660(2)(f): To consider information or records that are exempt by law from public inspection.*

7:00 PM - REGULAR MEETING OF THE CITY COMMISSION

1. Convene Meeting and Roll Call

Commission President Rachel Lyles Smith called the meeting to order at 7:35 PM.

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

Staffers: 13 - City Manager Tony Konkol, City Attorney Bill Kabeiseman, City Recorder Kattie Riggs, Community Development Director Laura Terway, Public Works Director John Lewis, Parks & Recreation Director Kendall Reid, Interim Finance Director Ryan Bredehoeft, Human Resource Director Patrick Foiles, Police Chief Jim Band, Library Director Greg Williams, Economic Development Manager James Graham, Assistant Planner Kelly Reid and Assistant to the City Manager Lisa Oreskovich

2. Flag Salute

3. Ceremonies, Proclamations, and Presentations

3a. Commission Appointments

Commissioner Lyles Smith outlined changes to the appointments of the Commissioners serving on various local boards and committees due to the vacancy of the Mayor position.

4. Citizen Comments

There were no citizen comments.

5. Adoption of the Agenda

Commissioner McGriff requested item 8h. be pulled from the consent agenda. Item 8h. was moved to General Business after 7b. The revised agenda was approved.

6. Public Hearings

6a. Ordinance No. 20-1011, Establishing a Temporary 30 MPH Speed Limit on the New Meyers Road Extension (High School Avenue to Highway 213) and Declaring an Emergency

John Lewis, Public Works Director, provided background on the need for the Commission to establish a temporary 30-MPH speed limit on the new Meyers Road extension because Oregon Department of Transportation (ODOT) has a backlog of speed limits to evaluate.

Bill Kabeiseman, City Attorney, indicated that because of the emergency status, he was encouraging the Commission to approve the first and second reading of the Ordinance at this meeting, which is not typical.

Commissioner McGriff asked Mr. Lewis about the planning of Meyers Road and voiced citizen concerns regarding speed and the lack of medians to slow vehicle speeds. Mr. Lewis outlined the development and explained that speed studies were in the works with ODOT. There are options to retain the 30-MPH speed limit if ODOT recommends a higher speed.

Motion made by Commissioner Smith, seconded by Commissioner McGriff, to approve the first reading of Ordinance No. 20-1011, Establishing a Temporary 30-MPH Speed Limit on the New Meyers Road Extension (High School Avenue to Highway 213) and Declaring an Emergency. The motion passed by the following vote:

Aye: 4 - Commissioner Denyse McGriff, Commissioner Frank O'Donnell, Commissioner Rocky Smith, and Commissioner Rachel Lyles Smith

Motion made by Commissioner Smith, seconded by Commissioner McGriff, to approve the second reading and final adoption of Ordinance No. 20-1011, Establishing a Temporary 30 MPH Speed Limit on the New Meyers Road Extension (High School Avenue to Highway 213) and Declaring an Emergency. The motion passed by the following vote:

Aye: 4 - Commissioner Denyse McGriff, Commissioner Frank O'Donnell, Commissioner Rocky Smith, Commissioner Rachel Lyles Smith

6b. Conservation Easement at 3-2E-09C, Tax Lot 200 (Along Meyers Road)

Laura Terway, Community Development Director, presented that Advantis Credit Union is currently developing a property in the Caufield neighborhood along the new Meyers Road extension for their new corporate headquarters. The 12- acre property on which they are building includes a portion of a large wetland that is mostly located on the neighboring school district property. Advantis Credit Union drafted a conservation easement for the benefit of the City on the wetland area and the 50-foot buffer surrounding wetland area. The easement, which covers 8,568 square feet of the property, protects the natural resource from future development, ensuring that the area remains vegetated and undisturbed.

Commissioner McGriff asked how the easement would be protected and City Planner Kelly Reid responded that the construction would be far enough away from the easement and to not effect the vegetation. Representatives of Advantis, Soo Anderson and Jennifer Bragar, indicated that the easement area would be identified and fencing or protections would be put in place upon construction completion.

Motion made by Commissioner McGriff, seconded by Commissioner Smith, to approve the Conservation Easement at 3-2E-09C, Tax Lot 200 (Along Meyers Road). The motion passed by the following vote:

City Commission Regular Meeting – Minutes

December 02, 2020

Aye: 4 - Commissioner Denyse McGriff, Commissioner Frank O'Donnell, Commissioner Rocky Smith, and Commissioner Rachel Lyles Smith

7. General Business

7a. Update on Temporary Shower Trailer at Milner Veterinary Hospital

Tony Konkol, City Manager, introduced Brandi Johnson with LoveOne, who provided an update on the usage of the shower facilities at the Milner Veterinary Hospital site. Ms. Johnson provided statistics of the services provided to users, additional services and the increased communications with the Barclay Hills neighborhood through social media.

Commissioner Lyles Smith asked why LoveOne was scheduled to provide the next update at the May 19, 2021 Commission meeting and Mr. Konkol indicated that was an arbitrary date chosen earlier because of the current COVID situation.

Commissioners McGriff, Smith and O'Donnell were pleased with LoveOne's update report and the May 19th check-in date.

Brian Shaw, resident of Oregon City, expressed his support for Brandi Johnson and LoveOne's efforts in Oregon City.

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

Ms. Terway presented an overview of the Resolution. She described that consultants use the Guidelines for Transportation Analyses (Guidelines) to complete proper Traffic Impact Study (TIS) documents and Transportation Impact Letters (TIL) to address impacts created by new development. The Guidelines identifies the items which transportation engineers need to analyze to demonstrate that development would minimize traffic impacts. The results of the analysis demonstrate how much impact a development would have on the transportation system. The results of the analyses are then reviewed against the criteria in the Oregon City Municipal Code in order to determine if any improvements, such as turn lanes or traffic signals, would be needed due to the increase in traffic. Ms. Terway requested a continuance of the Resolution until January 6, 2021.

The Commissioners discussed the technical qualifications of City staff as well as consultants hired by the City to review the Guidelines. The Commission's consensus was that those representing the City have credentials on par with the applicant.

Commissioner O'Donnell asked questions about how phased developments are incorporated into the traffic analysis. John Replinger, the City's Technical Transportation Engineering Consultant, explained the extent of the traffic depends on scale of the development which includes each phase and the total impact implicates the Transportation System Plan.

Commissioner McGriff provided general comments/suggestions on the language and the content used in the Guidelines.

Motion made by Commissioner McGriff, seconded by Commissioner Smith, to continue Resolution No. 20-37, Update to the Guidelines for Transportation Impact Analyses to the January 6, 2021 City Commission meeting. The motion passed by the following vote:

Aye: 4 - Commissioner Denyse McGriff, Commissioner Frank O'Donnell, Commissioner Rocky Smith, and Commissioner Rachel Lyles Smith

8. Consent Agenda

City Commission Regular Meeting – Minutes

December 02, 2020

Commissioner McGriff requested item 8h. be pulled from the consent agenda. Item 8h. was moved to General Business after 7b.

Motion made by Commissioner McGriff, seconded by Commissioner Smith, to approve items 8a. – 8g, and 8i – 8p. of the Consent Agenda. The motion passed by the following vote:

Aye: 4 - Commissioner Denyse McGriff, Commissioner Frank O'Donnell, Commissioner Rocky Smith, and Commissioner Rachel Lyles Smith

8a. Resolution No. 20-38, Authorizing the Nomination of the Oregon City Traffic Signal Upgrades Project for the 2020 All Roads Transportation Safety Grant Program

8b. Resolution No. 20-39, Certifying the Election Results for the November 3, 2020 General Election

8c. Award of Contract with Landis & Landis Construction, LLC. for the Construction of the Gaffney Lane Street Widening Project

8d. Amendment No. 2 to the Personal Services Agreement with Wallis Engineering, PLLC for Consulting Inspection Services of the Gaffney Lane Street Widening Project

8e. Personal Services Agreement with Century West Engineering for the Sanitary Sewer I/I Rehabilitation – Rivercrest Basin Project (CI 20-010)

8f. Personal Services Agreement with Wallis Engineering for the Park Place Urbanization Study Project (PS 20-027)

8g. Personal Services Agreement with 3J Consulting, Inc. for the 2021 Waterline Replacement Project (CI 20-013)

8h. Revocable Permanent Right-of-Way Obstruction Permit for Property Located at 122 Terrace Avenue (Tax Lot 22E 31DD 01502) (Moved from the Consent Agenda)

The Commissioners and John Lewis, Public Works Director, discussed the use of the property that is in the right-of-way. The applicant, Susan Enright, indicated there had been no indication on their title documents that the area in question was in the right-of-way. Commissioner O'Donnell asked the applicant if they had plans for any permanent structures in the area, like a garden shed. Ms. Enright indicated that there were no plans for permanent structures and would maintain it as a yard with grass.

Motion made by Commissioner McGriff, seconded by Commissioner Smith, to approve the Revocable Permanent Right-of-Way Obstruction Permit for Property Located at 122 Terrace Avenue (Tax Lot 22E 31DD 01502). The motion passed by the following vote:

Aye: 4 - Commissioner Denyse McGriff, Commissioner Frank O'Donnell, Commissioner Rocky Smith, and Commissioner Rachel Lyles Smith

8i. Public Improvement Contract with Taurus Power and Controls, Inc. for the

City Commission Regular Meeting – Minutes**December 02, 2020**

Hunter Avenue Booster Pump Station Electrical and Control Upgrades (CI 20-012)

8j. Public Works Street Division Replacement Vehicle

8k. OLCC: Liquor License Application – Off-Premises, Applying as an LLC, Ingrid's Scandinavian Food LLC, 209 7th Street

8l. OLCC: Liquor License Application – Off-Premises, Applying as an LLC, Garcia Co. LLC (dba Bistro Cubano), 709 Main Street

8m. OLCC: Liquor License Application – Commercial Full On-Premises and Off-Premises, applying as an LLC, Oregon City Grill LLC, 515 Main Street, Oregon City

8n. Minutes of the September 2, 2020 Regular Meeting

8o. Minutes of the September 16, 2020 Regular Meeting

8p. Minutes of the October 7, 2020 Regular Meeting

9. Communications**City Manager**

There was no City Manager's report.

Commissioners

Commissioner McGriff indicated the League of Oregon Cities was meeting on December 3, 2020 to adopt the Diversity, Equity and Inclusion language into their system.

Commissioner Smith appreciated the work City staff had completed to decorate the downtown for the holidays.

Mayor

There was no Mayor's report.

10. ADJOURNMENT

Commission President Lyles Smith adjourned the meeting at 9:02 PM.

Respectfully submitted,

Kattie Riggs, City Recorder



CITY OF OREGON CITY

CITY COMMISSION JOINT WORK SESSION WITH THE PARK & RECREATION ADVISORY COMMITTEE

DRAFT MINUTES

Commission Chambers, 625 Center Street, Oregon City
Tuesday, December 08, 2020 at 7:30 PM

7:30 PM – CITY COMMISSION JOINT WORK SESSION WITH THE PARKS & RECREATION ADVISORY COMMITTEE

Convene Joint Work Session and Roll Call/Introductions

Commission President Rachel Lyles Smith called the meeting to order at 7:55 PM.

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

PRAC: 7 - Troy Bolinger, Karin Morey, Derick Cogle, Jeffrey Sargent, Andy Crump, Shawn Dachtler and Brent Haverkamp

ABSENT: 1 - Doug Neeley

STAFFERS: 11 - City Manager Tony Konkol, Assistant City Attorney Carrie Richter, City Recorder Kattie Riggs, Community Development Director Laura Terway, Public Works Director John Lewis, Parks & Recreation Director Kendall Reid, Interim Finance Director Ryan Bredehoeft, Human Resource Director Patrick Foiles, Police Chief Jim Band and Library Director Greg Williams, Aquatic and Recreation Manager Rochelle Anderholm-Parsch

Discussion Items

1. Oregon City Parks and Recreation Cost Recovery Training & Beneficiary of Service Exercise

Rochelle Anderholm-Parsch, Aquatic and Recreation Manager, provided an overview and began with some background information. An objective listed in the 2008 Parks Master Plan was to create a department cost recovery philosophy and policy. Subsequently, Oregon City Parks and Recreation staff contracted with Amilia Consulting USA to help in a department-wide cost recovery analysis, and methodology creation. Jamie Sabbach, the founder and CEO of '110% Inc. Amilia Consulting, USA provided a webinar and education session to staff in order to supply information and context regarding the cost recovery work. She then explained the work the Oregon City Parks and Recreation Department was doing in consultation with 110% Inc.

Ms. Sabbach fielded clarifying questions from the Commissioners and the Parks & Recreation Advisory Committee (PRAC) members on cost recovery and inclusion of patrons that have access issues and may not be able to afford to pay for services.

The Commissioners and PRAC members participated in a ranking exercise of thirteen service categories.

The next steps would be compiling the results of the ranking exercise and the design of the beneficiary of service model draft.

Communications

Mr. Reid thanked all the participants and looked forward to implementing recommendations that came out of the process.

Adjournment

Commission President Rachel Lyles Smith adjourned the meeting at 9:26 PM.

Respectfully submitted,

Kattie Riggs, City Recorder



CITY OF OREGON CITY

CITY COMMISSION SPECIAL MEETING

DRAFT MINUTES

City Hall Chambers, 625 Center Street, Oregon City
Wednesday, December 08, 2020 at 6:00 PM

6:00 PM - SPECIAL MEETING OF THE CITY COMMISSION

1. CONVENE MEETING AND ROLL CALL

Commission President Rachel Lyles 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: 10 - City Manager Tony Konkol, Assistant City Attorney Carrie Richter, City Recorder Kattie Riggs, Community Development Director Laura Terway, Public Works Director John Lewis, Parks & Recreation Director Kendall Reid, Interim Finance Director Ryan Bredehoeft, Human Resource Director Patrick Foiles, Police Chief Jim Band and Library Director Greg Williams.

2. GENERAL BUSINESS

2a. Resolution No. 20-40, Recognizing the Rules for Mayoral Appointments

Tony Konkol, City Manager, outlined the issue requiring this resolution. The Mayor of Oregon City was recalled in an election held on November 10, 2020 and the abstract of the vote was delivered by the Clackamas County Clerk to the City Elections Officer at 4:43 pm on November 30, 2020. On November 30, 2020, at 12:47 pm, the Mayor of Oregon City appointed several members to various boards and commissions, many of which were not vacant and whose terms did not end until after the Mayor's recall takes effect. The City Commission interprets the provision regarding mayoral appointment power to be exercisable only to fill existing vacancies or positions that become open during the term of the Mayor. A Mayor cannot reach into the future and appoint persons to fulfill offices that do not become vacant when the Mayor would no longer have the power to fill the position.

Commissioner McGriff asked if the resolution would address the issue if the Mayor had made appointments prior to the November 30 deadline and Mr. Konkol indicated that technically, there was one appointment that was open that the Mayor could have made the appointment but the other positions were in the future, so the Mayor could not have made those appointments.

Commissioner Lyles Smith outlined the interim process for appointments to boards and committees starting in January 2021.

Motion made by Commissioner Frank O'Donnell, seconded by Commissioner Denyse McGriff, to approve Resolution No. 20-40, Recognizing the Rules for Mayoral Appointments. The motion passed by the following vote:

Aye: 4 - Commissioner Denyse McGriff, Commissioner Frank O'Donnell, Commissioner Rocky Smith, Commissioner Rachel Lyle Smith

3. ADJOURNMENT

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Commission President Lyles Smith adjourned the meeting at 6:14 PM.

Respectfully submitted,

Kattie Riggs, City Recorder



CITY OF OREGON CITY

CITY COMMISSION WORK SESSION

DRAFT MINUTES

Commission Chambers, 625 Center Street, Oregon City
Tuesday, December 08, 2020 at 6:15 PM

6:15 PM – CITY COMMISSION WORK SESSION

Convene Work Session and Roll Call

Commission President Rachel Lyles Smith called the meeting to order at 6:20 PM.

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

Staffers: 11 - City Manager Tony Konkol, Assistant City Attorney Carrie Richter, City Recorder Kattie Riggs, Community Development Director Laura Terway, Public Works Director John Lewis, Parks & Recreation Director Kendall Reid, Interim Finance Director Ryan Bredehoeft, Human Resource Director Patrick Foiles, Police Chief Jim Band, Library Director Greg Williams, and Community Communication Coordinator Kristin Brown.

Future Agenda Items

1. List of Future Work Session Agenda Items

Tony Konkol, City Manager, provided a brief overview of the future agenda items tentatively slated for the remainder of December, January and February Work Sessions.

Discussion Items

2. Research of Potential Responses to Senate Bill 1573 (Limiting Voter Approval of Annexation)

Carrie Richter, Assistant City Attorney, provided a follow-up to the Commission regarding Senate Bill (SB) 1573. During the October 14, 2020 Commission meeting, the Commission had discussion regarding the outcome of the City of Corvallis v. State of Oregon case, in which the City of Corvallis relied on provisions in its City Charter to challenge a state law that prevented sending proposed annexations to a vote. As part of that briefing, the Commission asked for a follow-up memorandum addressing the future challenges to SB 1573, home rule authority by virtue of its 1844 incorporation date and amending the criteria for annexation.

Ms. Richter outlined her discussions with the League of Oregon Cities and the City of Portland on challenging SB 1573 and the limitations of home rule authority. The City may amend the Charter or the land use regulations applicable to annexation that remain notwithstanding SB 1573. The amendments may address concerns of those that may have voted to oppose annexation, such as more details about how public infrastructure would be financed. The Oregon City Municipal Code (OCMC) 14.04.040 sets out a series of "factors" that must be "considered" in order to approve an annexation request.

Commissioner Lyles Smith asked about clear and objective standards and Ms. Richter indicated they do not apply to the annexation process. Commissioner Lyles Smith felt the annexation policy/process should be amended so developers are not impeded.

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Commissioner McGriff asked why the City does not have a copy of the 1895 Charter. City Recorder Kattie Riggs indicated the City does have possession of the Charter but had not located it in archives yet. Commissioner McGriff was concerned the City did not have the capacity to process annexation requests in the future.

Commissioner O'Donnell agreed with Commissioner McGriff and felt the State continues to make inroads to limit home rule and supports amending the annexation policy, based on what other cities have done with their annexation processes.

Commissioner Smith agreed with the previous comments but felt the City needed to address issues around critical services, parks, traffic and police that had prevented citizens from voting for annexations previously.

Commissioner O'Donnell asked Ms. Richter if the City could take the position of not doing annexations due to the inability to provide critical services. Ms. Richter did not feel the City could impose a moratorium on annexations. The City had large discretion on the criteria for annexation.

Laura Terway, Community Development Director, indicated there were no large annexation requests in the queue. Ms. Terway had concerns on the timeline of revising annexation policy based on current projects that are underway. Commissioner O'Donnell would like to see Ms. Richter take on an initial revision of the annexation policy.

John Lewis, Public Works Director, expressed concerns regarding water services in relation to the annexation process.

Commissioner Lyles Smith did not feel it to be appropriate for Ms. Richter to take on revision of the annexation policy.

The Commissioners had discussion on a next step and there was consensus for Mr. Konkol, Ms. Terway and Ms. Richter to look at how a draft revision document might be completed and look at how that may be prioritized with existing projects.

3. Infiltration and Inflow (I/I) Abatement Program Municipal Code Amendments

Mr. Lewis provided an overview explaining that the City's Sanitary Sewer Master Plan (SSMP) was adopted in November 2014. During the years of 2015-2019, a moratorium on land development, building and sewer permit approvals in certain areas within the City were in effect due to lack of sanitary sewer system capacity. As of September 2019, all sanitary sewer moratorium projects had been completed. No moratoriums existed at this time within the City. The next step to address known deficiencies in the sanitary collection system would be pursuing the Infiltration and Inflow (I/I) Abatement Program. The SSMP calls for an I/I Program to reduce surface and subsurface water that is entering the sanitary system. I/I typically occurs through holes, cracks, joint failures, and faulty connections in pipes or manholes because of age or disturbance. I/I is a problem because clean water is being conveyed to the wastewater treatment plant, and the additional flow can raise rates unnecessarily for customers. One of the next steps to proceed further with the program would be amendments to the Municipal Code, which Mr. Lewis presented.

Commissioner Smith asked if the Code changes were coordinated or influenced by Clackamas Water Environment Services (WES) and Mr. Lewis indicated the changes are intended to be more progressive than what WES may require. Commissioner Smith was concerned that WES would initiate a grant process as part of the SSMP.

Commissioners McGriff and Lyles Smith had several suggestions to the proposed Code changes.

Commissioner O'Donnell agreed with Commissioner Smith's comments and felt the City should benefit financially if the I/I issues were resolved.

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Commissioner Lyles Smith asked about language in the Code regarding sewer service disrepair and Mr. Lewis indicated Public Works would work with the property owner to ensure a repair was done.

City Manager's Report

There was no City Manager's report.

Commission Committee Reports

There were no City Commissioner reports.

Adjournment

Commission President Rachel Lyles Smith adjourned the meeting at 7:45 PM.

Respectfully submitted,

Kattie Riggs, City Recorder



CITY OF OREGON CITY

CITY COMMISSION REGULAR MEETING - REVISED

DRAFT MINUTES

Virtual Meeting

Wednesday, February 03, 2021 at 7:00 PM

EXECUTIVE SESSION OF THE CITY COMMISSION

An Executive Session of the City Commission will be held virtually, immediately following the regular meeting.

- a. *PURSUANT TO ORS 192.660(2)(h): To consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.*

7:00 PM MEETING OF THE CITY COMMISSION

1. CONVENE MEETING AND ROLL CALL

Commission President Rocky Smith called the meeting to order at 7:02 PM.

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

Staffers: 11 - 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, and Project Engineer Patty Nelson.

2. FLAG SALUTE

3. CEREMONIES, PROCLAMATIONS, AND PRESENTATIONS

Commission President Smith commented there had been prior discussion on moving the consent agenda to the front of the meeting but was unclear as to what was decided. Commissioner McGriff indicated from her notes that the Commission had discussed but no decision had been reached.

3a. New Historic Review Board and Planning Commission Members Oath of Office

Commission President Smith conducted the oath of office to the two new Planning Commission members Daphne Wuest and Lisa Novak and the three new Historic Review Board members Carrie Crook, Paul Edgar and Sabrina Ferry.

3b. Mayoral Appointments to City Boards and Commissions

Commission President Smith announced the appointment of Elizabeth Zinter to the Library Board and Delta Anderson to the OC2040 Plan Advisory Team (PAT). The process for appointments to the outstanding openings on various boards and committees was discussed. There was consensus to conduct interviews with the Commission and provide review/input on those interviews for appointment

prior to the new Mayor taking office in April. Commission President Smith reviewed the current vacancies on boards and committees.

3c. Historic Review Board Annual Update

Laura Terway, Community Development Director, introduced the 2021 Chair of the Historic Review Board, Grant Blythe, to provide the annual update.

Grant Blythe, Chair of the Historic Review Board (HRB), provided an update to the Commission regarding the work of the Board over the last year which included five land use reviews for construction, two applications for alterations to historic properties and two public projects. There was one demolition application in Canemah, provided design advise for two potential projects and there were no appeals. There were three grant preservation awards and they reviewed HRB polices for murals on historic buildings.

Commissioner McGriff asked what the Historic Review Board might need from the City Commission or staff over the coming year. Mr. Blythe commented they would like to revisit the design guidelines and development practices. They would also like Commissioner support and input on use of updated materials on renovations. Commissioner Lyles Smith commented she would like to see the Commission be more supportive on discretionary issues and the decision-making process.

4. CITIZEN COMMENTS

Pavel Probasco, resident of Oregon City, commented on two residents of his condominium complex that have a high number of cats that are creating a health issue for residents. Mr. Probasco had contacted City Code Enforcement, but the issue was not resolved. He feels there needs to be a City Ordinance that would address an issue such as this.

Mike Mitchell, resident of Oregon City, commented on a recent neighborhood appeal of a Planning Commission decision due to participants not being aware of the fee. Mr. Mitchell suggested language be added to the public hearing script that includes the appeal fee information. Mr. Mitchell asked an open-ended question to the Commission; can the Citizen Involvement Committee (CIC) or neighborhood association make a no-cost appeal.

Dorothy Dahlsrud, resident of Oregon City, commented on some local rare tree stands that she felt should receive heritage tree designation.

William Gifford, resident of Oregon City, commented on the upcoming May 2021 election and brought attention to several positions that are open on the Oregon City School District's Board and the Clackamas Fire District's Board, which does not have Oregon City representation.

5. ADOPTION OF THE AGENDA

The Commission agreed to move item 4. Citizen Comments up after item 3b. on the agenda. They also moved the Consent Agenda up to before item 3c. The agenda was adopted as amended.

6. PUBLIC HEARINGS

6a. First Reading of Ordinance No. 21-1005, An Emergency Annexation of 0.9 Acres at 19242 Beaver Creek Road, File No. GLUA-20-00017; AN-20-00001

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

Christina Robertson-Gardiner, Senior Planner, provided the overview regarding the emergency annexation. Planning GLUA-20-00017: AN-20-00001 involved a request for an emergency annexation of a 0.9 -acre property into the City limits of Oregon City in order to receive City services. The property is required to annex as a result of a septic system failure and has already connected to the City sewer system. No re-zoning of the property is proposed at this time.

Commissioner McGriff asked Ms. Robertson-Gardiner clarification as to what the applicant was presently doing regarding the situation and she indicated that they have already connected to the City sewer. Commissioner O'Donnell asked about connection costs if the applicant is located over 300 feet from the City sewer and Ms. Robertson-Gardiner indicated the applicant would bear the connection costs.

Motion made by Commissioner McGriff, seconded by Commissioner Lyles Smith, approving the first reading of Ordinance No. 21-1005, An Emergency Annexation of 0.9 Acres at 19242 Beaver Creek Road, File No. GLUA-20-00017; AN-20-00001. The motion carried with the following vote:

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

7. GENERAL BUSINESS

7a. Second Reading of Ordinance No. 21-1001, Amendments to the Water Master Plan (GLUA 20-00033; LEG-19-00002)

The City would like to amend its Water Master Plan to reflect revised modeling and system analysis, which would result in an updated list of capital projects. The current Water Master Plan was adopted in 2012, providing a 20-year plan to expand and upgrade the water system as necessary to accommodate planned growth. On January 21, 2021, the City Commission voted to approve the first reading of Ordinance No. 21-1001. Approving the Amendment to the Water Master Plan will increase the Capital Improvement Plan (CIP) list. Updates to the Water Rates or System Development Charges will occur at the City Commission's direction through a separate process; however, both are contingent on the adoption of a new Capital Improvement list.

Motion made by Commissioner Lyles Smith, seconded by Commissioner McGriff, approving the second reading and final adoption of Ordinance No. 21-1001, Amendments to the Water Master Plan (GLUA 20-00033; LEG-19-00002). The motion carried with the following vote:

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

7b. Second 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)

Staff has proposed Code revisions to 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 would each be considered independently for adoption through separate Ordinances at multiple City Commission meetings. This would 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 are provided in the staff report for Legislative File: GLUA 20:00033, LEG 20-00001 allowing the public to fully participate in the hearings process. At the January 6, 2021 City Commission Hearing, the City Commission requested additional edits to the proposed redlines and requested staff to return with a first reading of the Ordinance and

amended packet on January 20, 2021. At the January 20, 2021 City Commission Hearing, the City Commission voted to approve the first reading of the Ordinance with an additional redline change to 13.08.159 - Reduced rates and financial assistance to reference "residential customer" rather and owner-occupied.

Motion made by Commissioner McGriff, seconded by Commissioner Lyles Smith, approving the second reading and final adoption of Ordinance No. 21-1003, Amending the Oregon City Municipal Code; Titles 12, 13, and 17 and files GLUA 20-33, LEG 20-01 Public Works Code Amendments Package No. 1 and continuing the public hearing to a date certain of April 7, 2021. The motion carried with the following vote:

Yea: 4 - Commissioner Denyse McGriff, Commissioner Frank O'Donnell, Commissioner Rachel Lyles Smith, Commissioner Rocky Smith.

7c. Resolution No. 21-09, Adoption of the Fifth Amendment to the City Commission Rules of Procedure

Kattie Riggs, City Recorder, introduced the topic. The City Charter Chapter IV, Section 14 provides that the City Commission adopt rules of the governing of its members and proceedings. The Commission established Rules of Procedure in 2011 and each year reviews them along with Commission Policies to see if any edits are needed. The City Commission discussed the Rules of Procedure and made edits at the January 12, 2021 Work Session. There were several minor edits being proposed including changing the specified facility location and address of meetings to a more generic location of Commission Chambers or where designated on the posted agenda. The Commission agreed to re-order the agenda so that presentations was a stand-alone section on the agenda after Citizen Comments and the Consent Agenda would be reviewed and voted on at the beginning of meetings instead of the end. There were deletion of words and clarification of sections.

The Commissioners and Mr. Konkol had clarifying discussion on moving the Consent Agenda to the front of Commission Meeting Agenda and whether the Boards and Commissions Orientation Manual was applicable to the City Commission. Also discussed were verbiage changes. There was agreement to bring the Boards and Commission Orientation Manual back to the Commission for review and approval.

Motion made by Commissioner O'Donnell, seconded by Commissioner Lyles Smith, to approve Resolution No. 21-09, Adopting the fifth amendment to the City Commission Rules of Procedure. The motion carried with the following vote:

Yea: 3 - Commissioner Frank O'Donnell, Commissioner Rachel Lyles Smith, Commissioner Rocky Smith.

Abstaining: 1 - Commissioner Denyse McGriff

8. CONSENT AGENDA

Motion made by Commissioner McGriff, seconded by Commissioner Lyles Smith, to approve the Consent Agenda including items 8a - 8e. The motion carried with the following vote:

Yea: 4 – Commissioner Denyse McGriff, Commissioner Frank O'Donnell, Commissioner Lyles Smith, Commissioner Rocky Smith.

- 8a. Amended Minutes of the September 9, 2020 City Commission Special Meeting
- 8b. Minutes of the November 10, 2020 Work Session
- 8c. Minutes of the November 18, 2020 Regular Meeting

8d. Minutes of the November 18, 2020 Work Session

8e. Minutes of the December 16, 2020 Regular Meeting

9. COMMUNICATIONS

City Manager

There was no City Manager's report.

Commissioners

Commissioner McGriff provided an update on the Oregon City - West Linn Pedestrian Bridge Concept Project. Thanked staff and the Commission for their work at the City Commission Retreat.

Commissioner Lyles Smith provide an update on Clackamas County Coordinating Committee (C4) including that they received a presentation on the Oregon City - West Linn Pedestrian Bridge Concept. Also, the Holcomb Boulevard Speed Study and subsequently ODOT lowering the speed limit.

Mayor

There was no Mayor's report.

10. ADJOURNMENT

Commission President Smith adjourned the meeting at 8:27 PM.

Respectfully submitted,

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:** 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.



February 9, 2021

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.¹ 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

¹ 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
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.

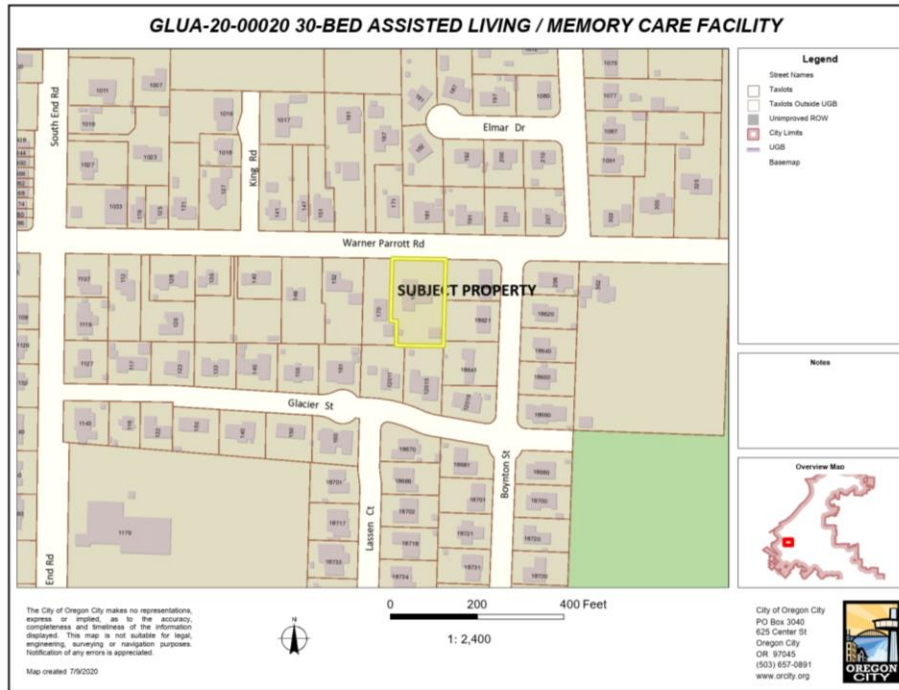


Figure 1. Vicinity Map



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

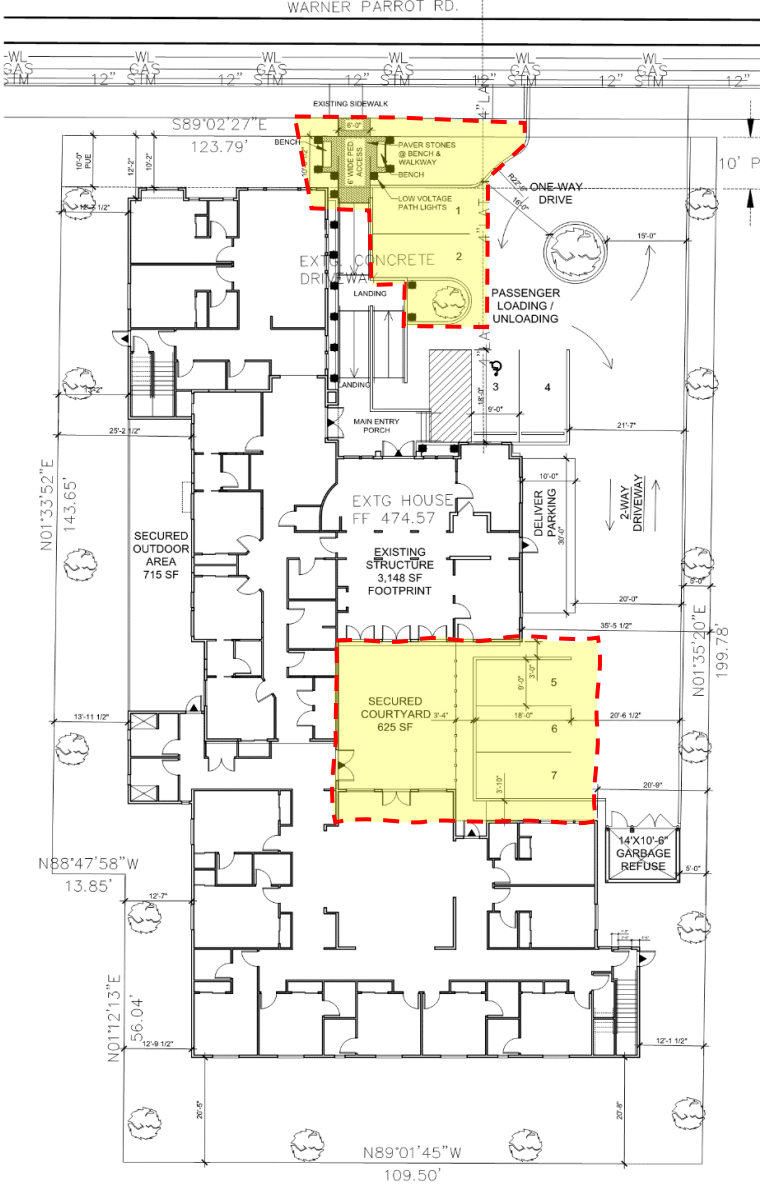
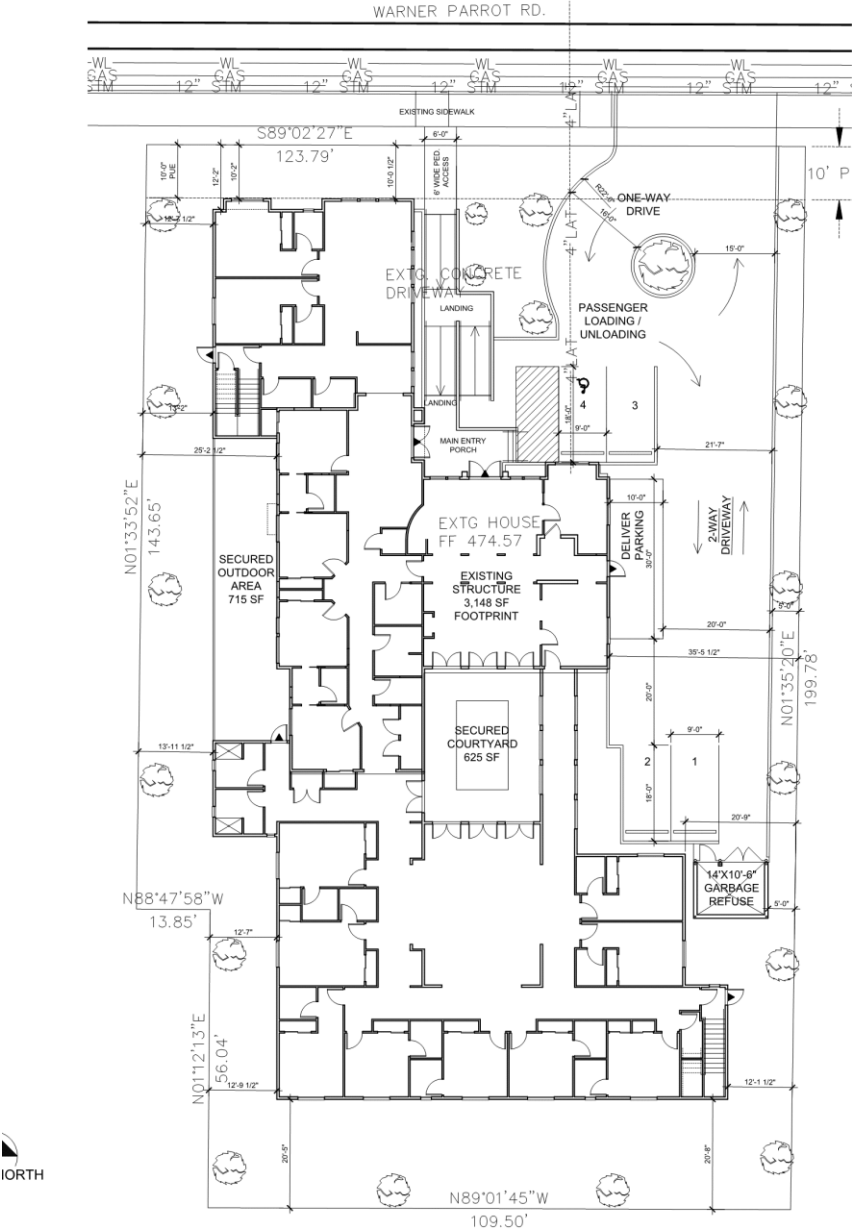
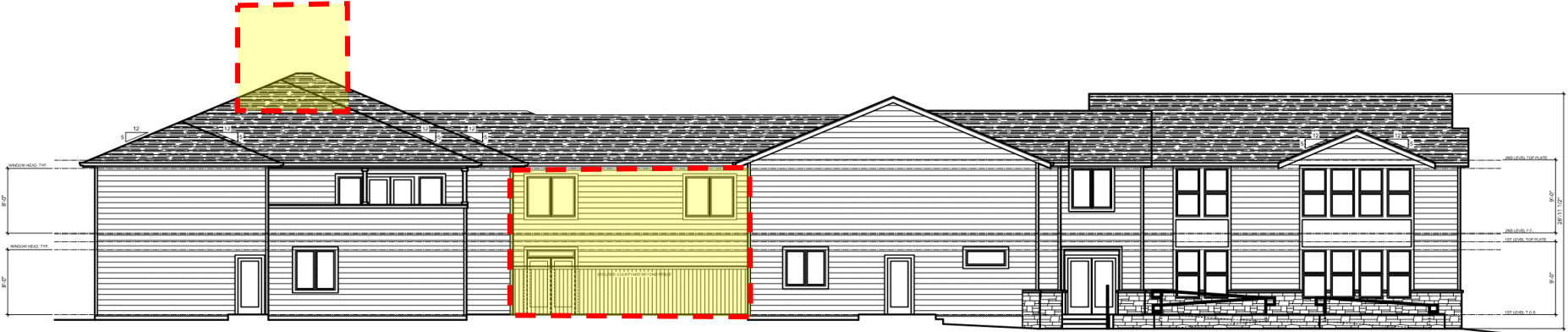


Figure 6. Original (top) vs. Revised (bottom) Left (East) Side Elevation – Not to Scale



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



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



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

Figure 8. Original (top) vs. Revised (bottom) Front / North Elevation



A FRONT ELEVATION (NORTH)
A2.0 SCALE: 3/16" = 1'-0"

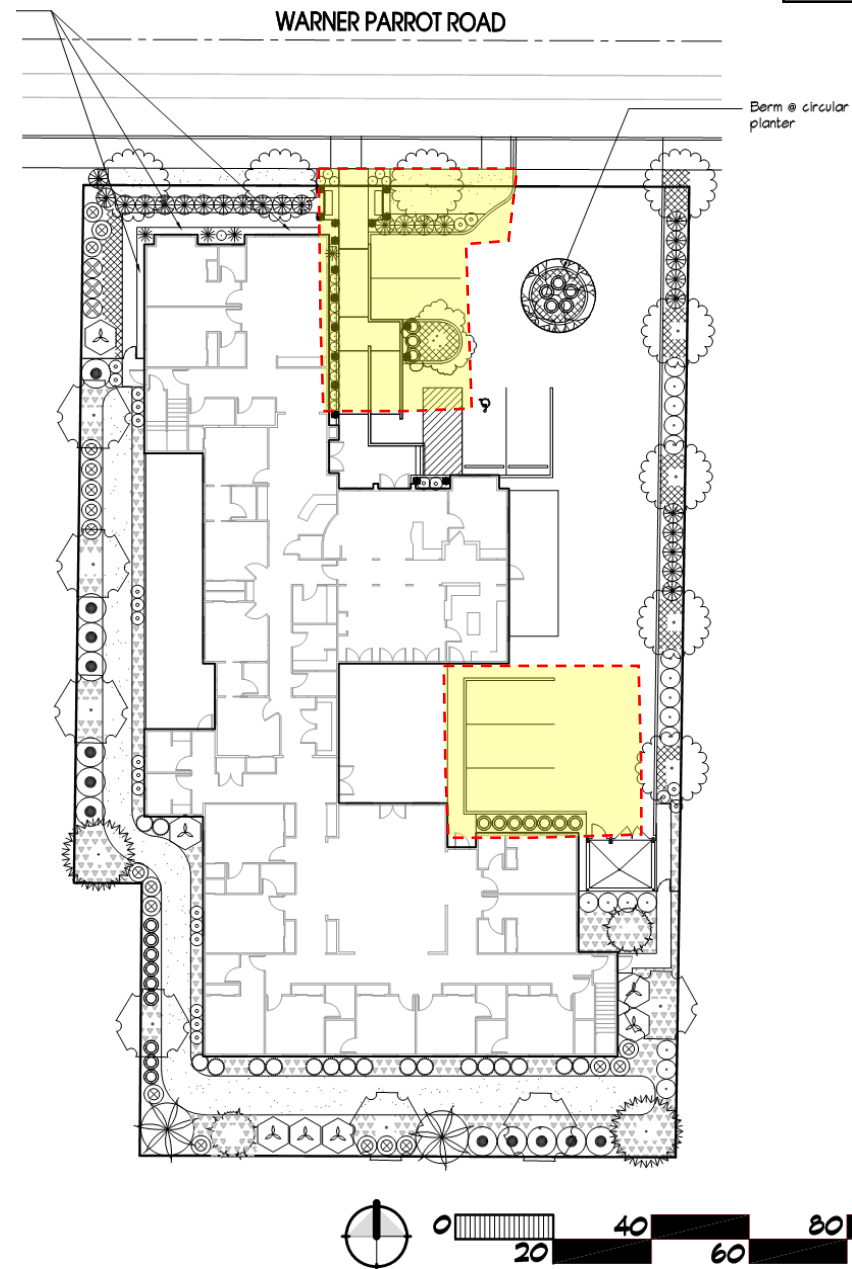
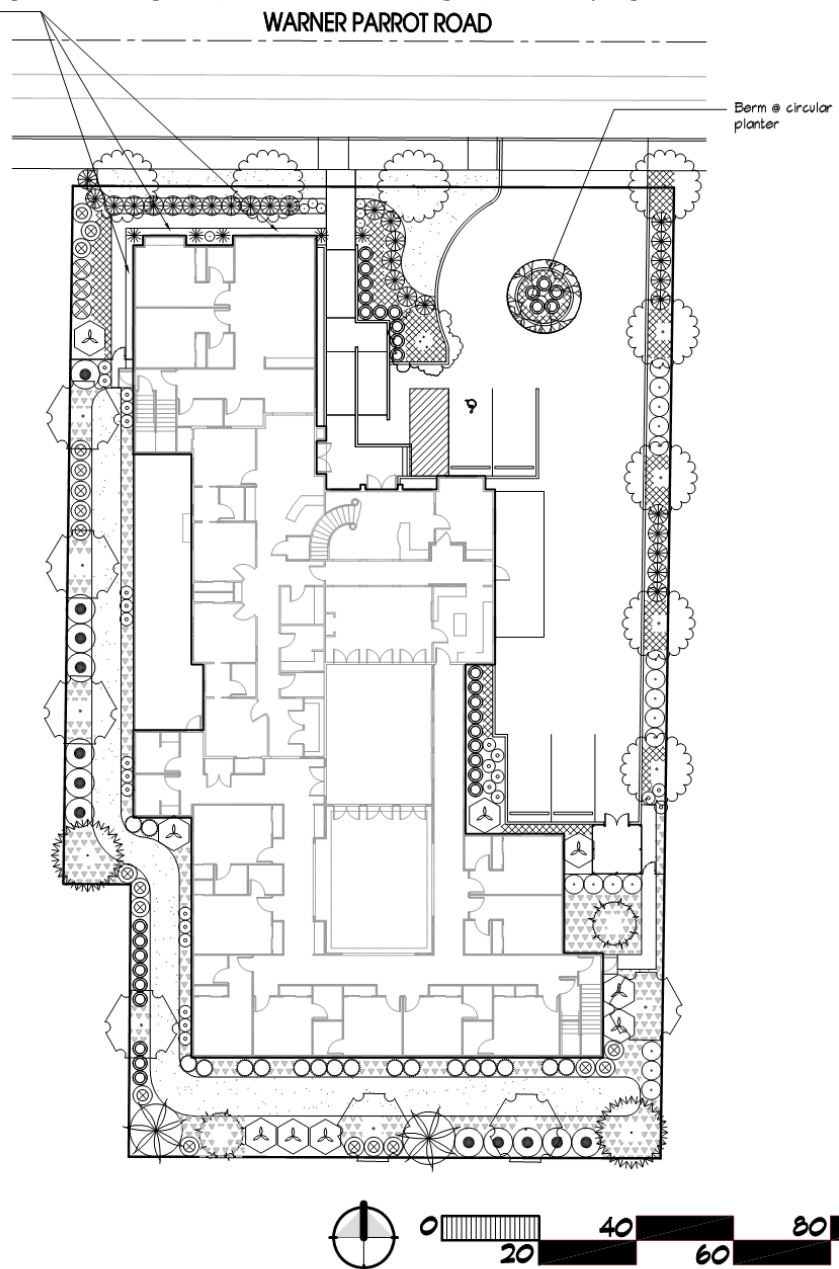


A FRONT ELEVATION (NORTH)
A2.0 SCALE: 3/16" = 1'-0"

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 12 feet	Two-Way 20 feet	40 feet

Driveway widths shall match the width of the driveway approach where the driveway meets sidewalk or property line but may be widened onsite (for example between the property line and the entrance to a garage). Groups of more than four parking spaces shall be so located and served by driveways so that their use will not require backing movements or other maneuvering within a street right-of-way other than an alley.

Finding: Complies 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;

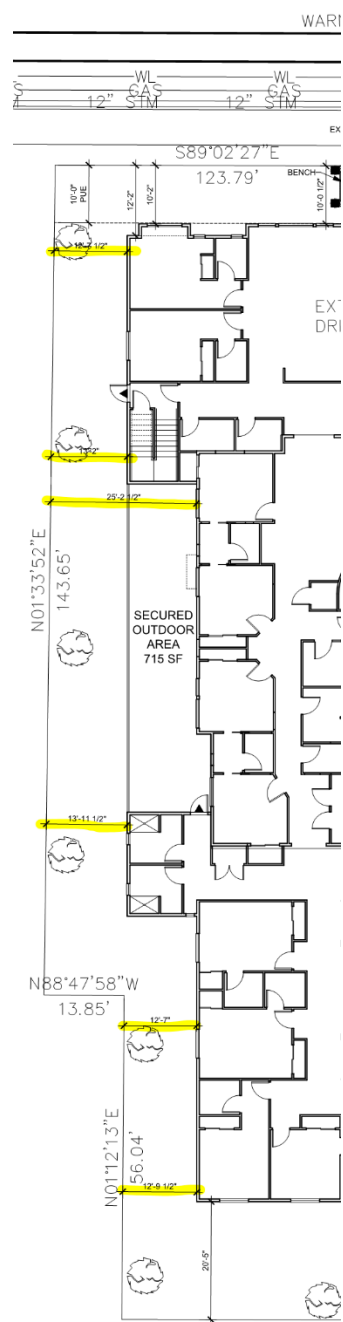
Finding: Complies with conditions. The applicant proposed to expand the existing residential home into a 30-bed residential care facility for elderly / memory care, which requires Conditional Use approval pursuant to OCMC 17.56. Conditions of approval have been added to assure compliance with the applicable 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

Standard	R-10
<i>Minimum lot size¹</i>	<i>10,000 sq. ft.</i>
Finding: Complies as proposed. 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>
Finding: Complies as proposed. 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>
Finding: Complies as proposed. 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>
Finding: Complies as proposed. 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 15 ft. - Porch</i>
Finding: Complies as proposed. 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>
Finding: Complies as proposed. 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').	



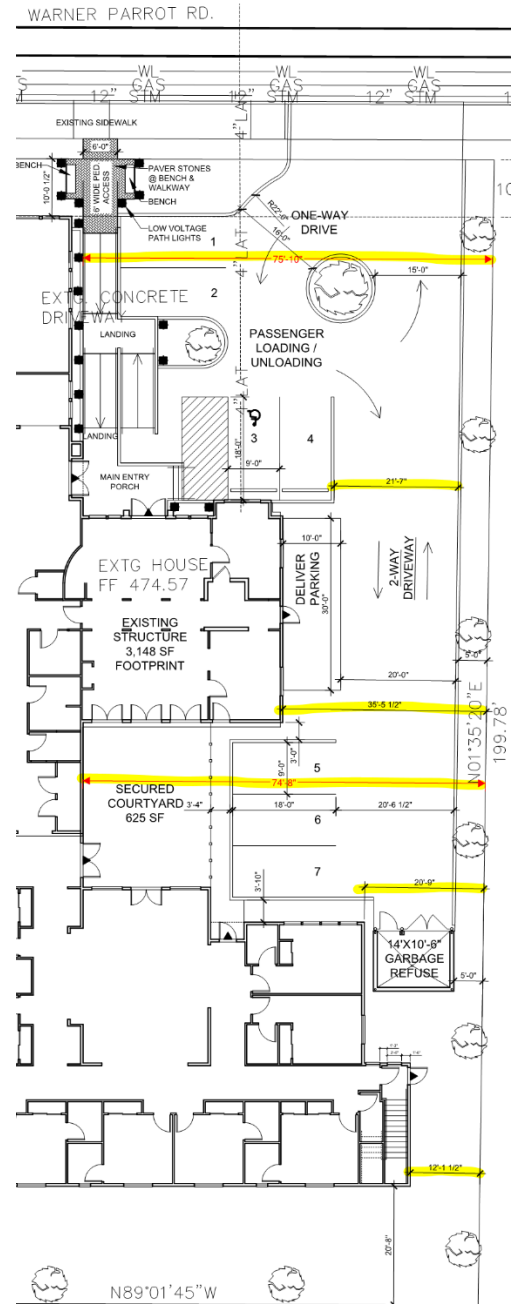
Right side setbacks (east) from front to rear:

- 12' 7 1/2"
- 13' 2"
- 25' 2 1/2"
- 13' 11 1/2"
- 12' 7"
- 12' 9 1/2"

Left side setbacks (west) from front to rear:

- 75'-10"
- 35'-5 1/2"
- 74'-8"
- 13' 11 1/2"
- 12'-1 1/2"

The smallest setback proposed is 12' - 1 1/2".



Minimum corner side yard setback

10 ft.

Finding: Not applicable. The lot is not located on a corner.

Minimum rear yard setback

20 ft, except
15 ft - Porch
10 ft - ADU

Finding: Complies as proposed. Smallest setback proposed: 20'-5".	
<i>Garage setback</i>	<i>20 ft. from ROW, except 5 ft. Alley</i>
Finding: Not applicable. 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

Standard	R-10	R-8	R-6
<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.*

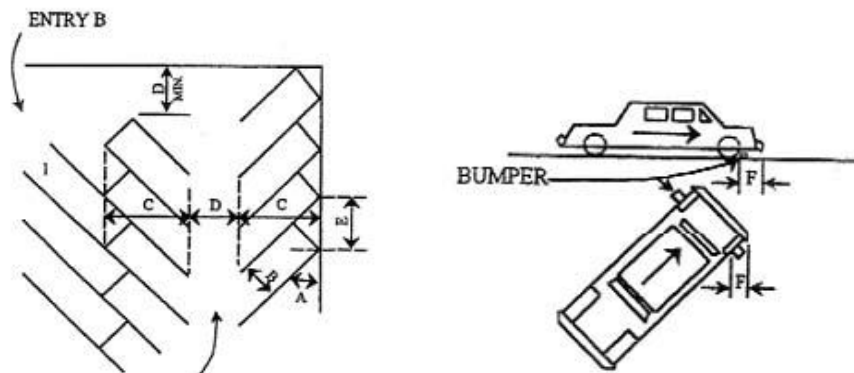
1. Requirements for parking developed at varying angles are according to the table included in this section. A parking space shall not be less than seven feet in height when within a building or structure, and shall have access by an all-weather surface to a street or alley. Parking stalls in compliance 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 Parking Angle		B Stall Width	C Stall to Curb	D Aisle Width	E Curb Length	F Overhang
0 degrees		8.5	9.0	12	20	0
30 degrees	Standard Compact	9' 8'	17.3' 14.9'	11' 11'	18' 16'	
45 degrees	Standard Compact	8.5 8.5	19.8' 17.0'	13' 13'	12.7' 11.3'	1.4
60 degrees	Standard Compact	9' 8'	21' 17.9'	18' 16'	10.4' 9.2'	1.7
90 degrees	Standard Compact	9' 8'	19.0' 16.0'	24' 22'	9' 8'	1.5

All dimensions are to the nearest tenth of a foot.



Finding: Complies with condition. The 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.¹

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.

¹ 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.

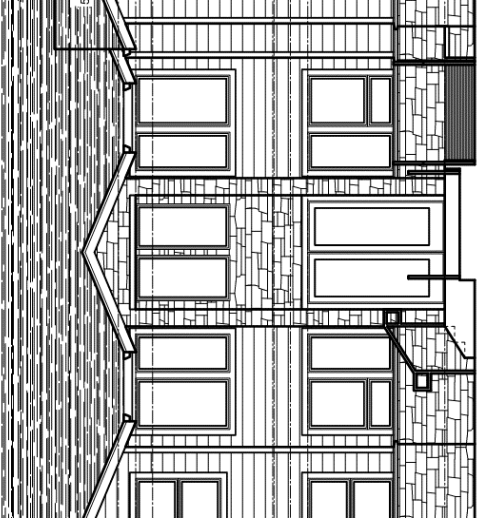
Finding: Complies with condition. The property frontage is approximately 123.79 feet wide, so the standard requires that sixty percent (74 feet) of the property frontage be occupied by building within five feet of the property line. The existing house on the property is setback approximately 63 feet 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.



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.

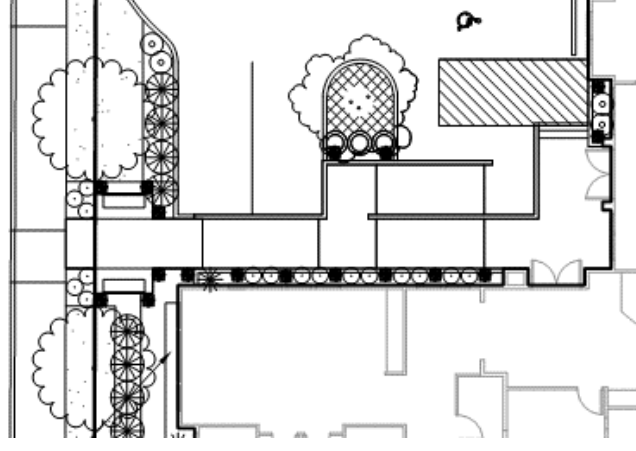
Finding: Complies as proposed. The applicant has designed the front facade to be the most architecturally significant. The entrance of the building has a roof over the recessed main entrance door. This is the existing entrance of the building that is being used for the expanded building as well. The 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 façade and a minimum width of thirty percent of the length of the façade; or*
- 2. A minimum depth of four percent of the length of the façade and a minimum width of twenty percent of the length of the façade.*

Finding: Not applicable. The street facing façade is 96' 8 1/2" in length, less than 120 feet, and is therefore not required to comply with this standard.

1. All front and side facades shall provide a design element or architectural feature that add interest and detail such that there are no blank walls of thirty feet in length or more, measured horizontally. Features that can meet this requirement include:

- a. Change in building material or texture;
- b. Window or door;
- c. Balcony; or
- d. Pillar or post

Finding: Complies as proposed. The proposed street facing façade has several features that meet this standard, including:

1. Changes in building materials through the use of stone elements, smooth paneling, and lap siding, with window trim around all windows.
2. Windows and doors.
3. Second story balcony with pillar (left side).

Additionally, the proposed front façade includes a variety of gable and hip roof projections, and vertical articulations at the intervals less than 30' in length from left to right as shown on elevations drawings



1. Street facing facades shall include additional design features. For every thirty feet of façade length, three of the following elements are required:

- a. Decorative materials on more than ten percent of the total wall area (e.g., brick or stonework, shingles, wainscoting, ornamentation, and similar features);
- b. Decorative cornice and/or roof line (e.g., for flat roofs);
- c. Roof gable;
- d. Recessed entry;
- e. Covered canopy entry;
- f. Cupola or tower;
- g. Dormer;
- h. Balcony;
- i. Pillars or posts;
- j. Repeating pattern of building materials;
- k. A change in plane of at least two feet in width and six inches in depth;
- l. Bay or oriel window; or
- m. An alternative feature providing visual relief and detail as approved by the Community Development Director

Finding: Complies as proposed. The proposed street facing façade exceeds the minimum number of design elements as follows (left to right):

- 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

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	https://www.orcity.org/bc-pc/planning-commission-5	https://youtu.be/oHxYnthrYxU
10.26.2020	https://www.orcity.org/bc-pc/planning-commission-8	https://youtu.be/wLrmAK5oqf4
11/9/2020	https://www.orcity.org/bc-pc/planning-commission-9	https://youtu.be/R44H7dw5S5c
11/23/2020	https://www.orcity.org/bc-pc/planning-commission-revised	https://youtu.be/lllupm0P9JA
12/14/2020	https://www.orcity.org/bc-pc/planning-commission-10	https://youtu.be/DpmeMCZ1yUI
1/11/2021	https://www.orcity.org/bc-pc/planning-commission-11	https://youtu.be/oTBfW1Toi2c

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

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, appearing to read 'Victoria Meinig', with a long, sweeping flourish extending to the right.

Victoria Meinig, CEO
Oregon City Chamber of Commerce

Cc: Petronella Donovan

Pete Walter

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

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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

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

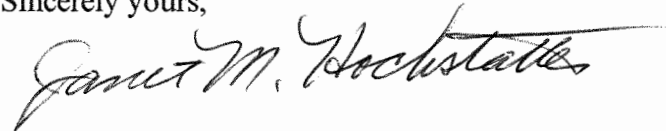
To Whom It may Concern:

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

Pete Walter

From: John Kies <jkies1@gmail.com>
Sent: Friday, November 20, 2020 10:08 AM
To: Pete Walter
Subject: 182 Warner Parrot Rd-project

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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: 66-0020-00070







Pete Walter

From: Becky Turner <turnerbecky@comcast.net>
Sent: Sunday, November 8, 2020 12:52 PM
To: Pete Walter
Subject: Memory care situation

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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

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

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.

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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

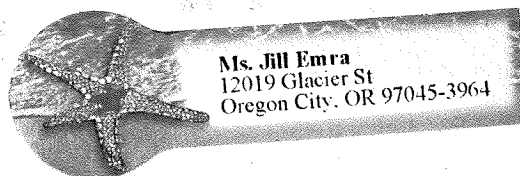
Note: approximately 12 feet of my property abuts the south east corner of the proposal. Additionally, the height of said proposed building will affect the vegetation, sunlight and air flow in the immediate area and neighborhood.

July 29th
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



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
 919 N.E. 19th Ave
 Suite 155
 Portland, Or. 97232
 Office: 503-265-8461
 Direct: 503-679-2493
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

919 N.E. 19th Ave

Suite 155

Portland, Or. 97232

Office: 503-265-8461

Direct: 503-679-2493

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>
Sent: Monday, October 12, 2020 3:25 PM
To: Pete Walter <pwalter@orcity.org>
Cc: Petronella Donovan <petra@donovaninvestments.com>; Daniel Donovan <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

From: Pete Walter <pwalter@orcity.org>
Sent: Monday, October 12, 2020 3:20:24 PM
To: Edward Radulescu <eddie@eprdesign.com>
Cc: Petronella Donovan <petra@donovaninvestments.com>; Daniel Donovan <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>
Sent: Monday, October 12, 2020 2:33 PM
To: Pete Walter <pwalter@orcity.org>
Cc: Petronella Donovan <petra@donovaninvestments.com>; Daniel Donovan <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



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eddie@eprdesign.com

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From: Pete Walter <pwalter@orccity.org>

Date: Monday, October 12, 2020 at 12:48 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

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

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>

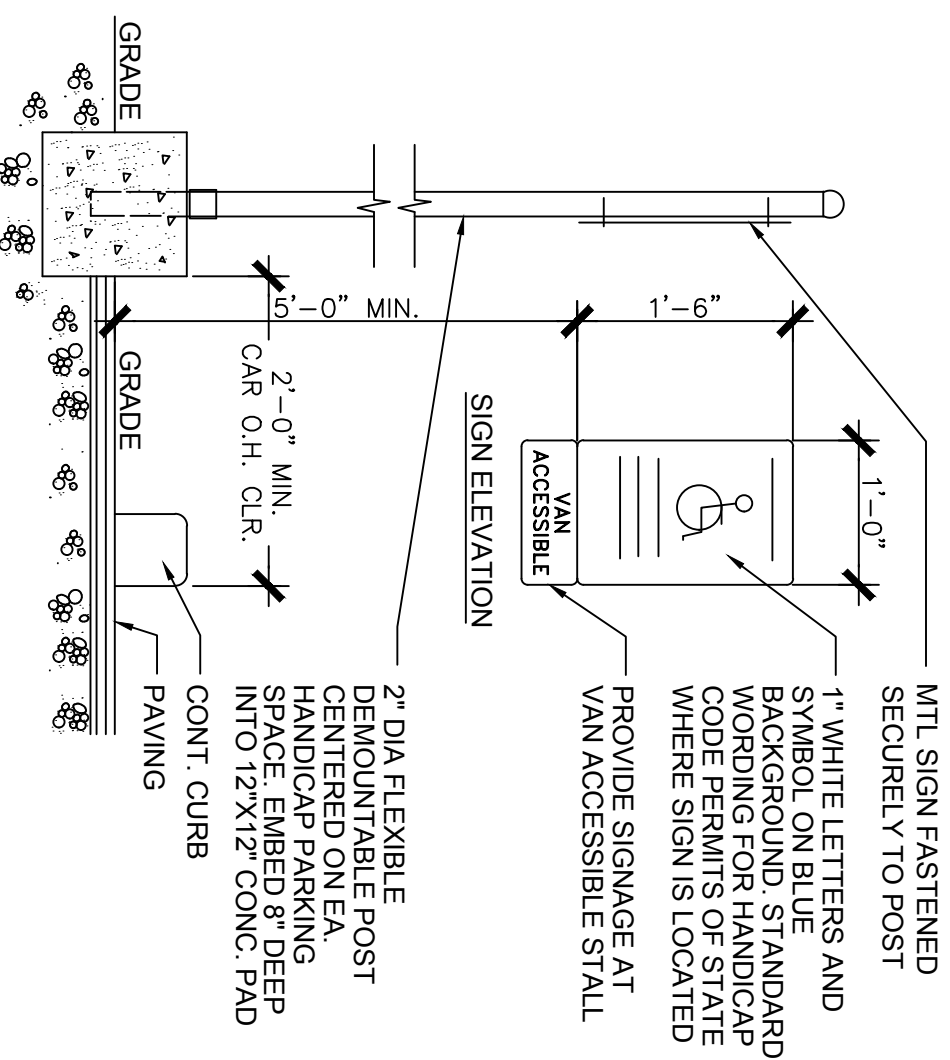
Sent: Monday, October 12, 2020 12:26 PM

To: Pete Walter <pwalter@orccity.org>

Cc: Petronella Donovan <petra@donovaninvestments.com>; Daniel Donovan <daniel13donovan@gmail.com>

Subject: Re: 182 Warner Parrot Rd Revised Drawings

IN LIEU OF PAINTED STRIPES
USE CONTRASTING
PAVEMENT COLOR, BRICK
PAVERS, OR OTHER VISUALLY
CONTRASTING MATERIAL TO
DIFFERENTIATE BETWEEN
DRIVE ISLES & CLEAR LOADING
AREA



2 ACCESSIBILITY SIGNAGE

SCALE: 3/4"=1'-0"

SITE DETAILS:

SITE ADDRESS:	182 WARNER PARKETT RD 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 CONDITIONAL USE REVIEW
TOTAL SITE AREA:	23,932 S.F.
SITE DENSITY PROPOSED:	30 RESIDENT BEDS
BUILDING COVERAGE	38.3% (8,172 S.F.)
PAVED SURFACES	25.8% (6,110 S.F.)
PROPOSED LANDSCAPED AREA:	8,487 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
PROPOSED BUILDING HEIGHT:	10' FRONT
TOTAL PARKING SPACES:	APPROX. 29'
TOTAL BICYCLE PARKING:	7 W/ (1) VAN ACCESSIBLE SPACE ON SITE
FIRE DISTRICT:	1 DELIVERY LOADING / UNLOADING SPACE
GARAGE:	4 ON-STREET PARKING SPACES
WATER DISTRICT:	12 TOTAL SPACES (8 REAR/DRIVEN)
SEWER DISTRICT:	2 SPACES
WES	CLACKAMAS FIRE
	OREGON CITY
	CLACKAMAS

GENERAL SITE PLAN NOTES:

SITE FURNISHINGS SUCH AS FENCES, & ANY OTHER FURNISHINGS SHALL BE CONSTRUCTED BY 20% SUSTAINABLE HARVESTED MATERIALS. SUCH AS CONCRETE STEWARDSHIP COUNCIL (FSC) CERTIFIED WOOD & RECYCLED MATERIALS. THE 20% SUSTAINABLE HARVESTED MATERIALS 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 GRUNDINGS FOR BASE MATERIALS OR BLAST FURNACE SLAB ADDITIVES OR ASPHALT W/ GLASS FOR HARD SCOPE 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. STORMWATER MANAGEMENT, ETC.

PROVIDE A LEVEL, CEMENT CONCRETE PAD, MIN. 4" THICK @ GROUND LEVEL. PROVIDE A 1% SLOPE TO THE NEAREST DRAINAGE DITCH OR WATER RUNOFF TO PREVENT STANDING WATER TO DRAIN @ GARAGE ENCLOSURE.

THE VEHICLE 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 PERMETER 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 MANUEVERABILITY IN DEPOSITING SOLID WASTE OR RECYCLABLE MATERIALS.

PROVIDE A "NO PARKING" SIGN THAT SHALL BE PAINTED TO ON THE PAVEMENT IN FRONT OF THE GARAGE AREA TO PROVIDE SAFE & UNOBSTRUCTED ACCESS FOR SERVING CONTAINERS.

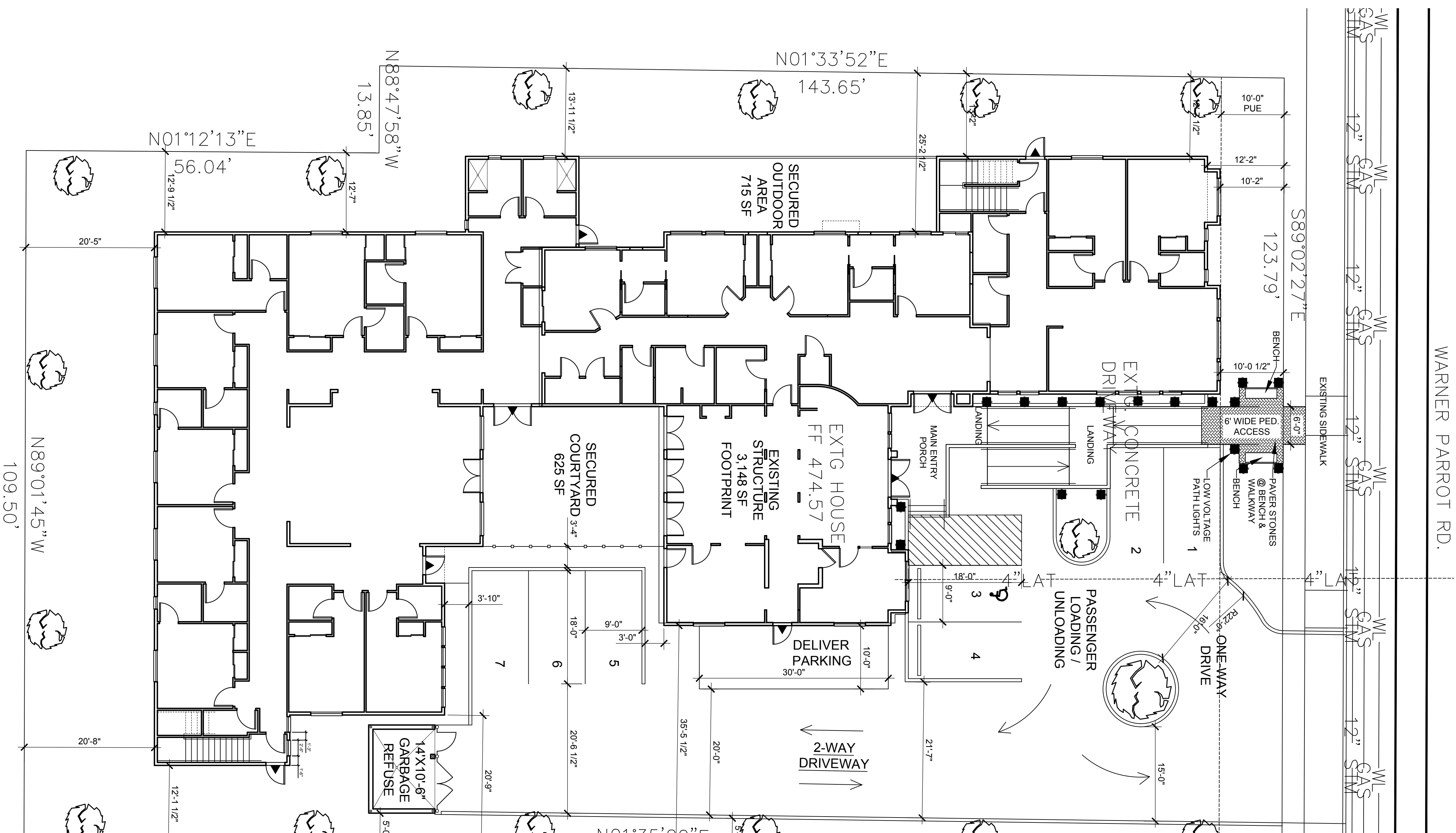
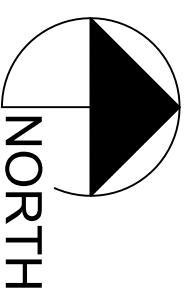
GARAGE & RECYCLING ENCLOSURE GATES SHALL SWING FREE OF OBSTRUCTIONS & HAVE RESTRAINTS IN THE OPEN & CLOSED POSITIONS. THE GATE SWING SHOULD OPEN TO A MIN. OF 120 DEGREES.

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.

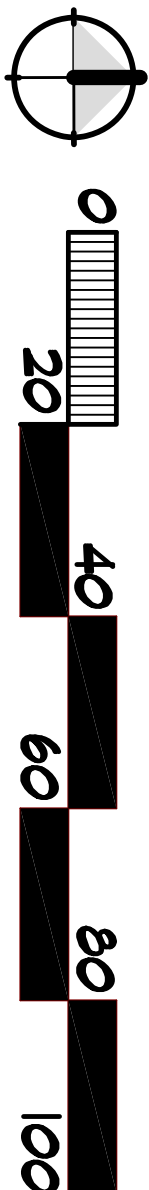
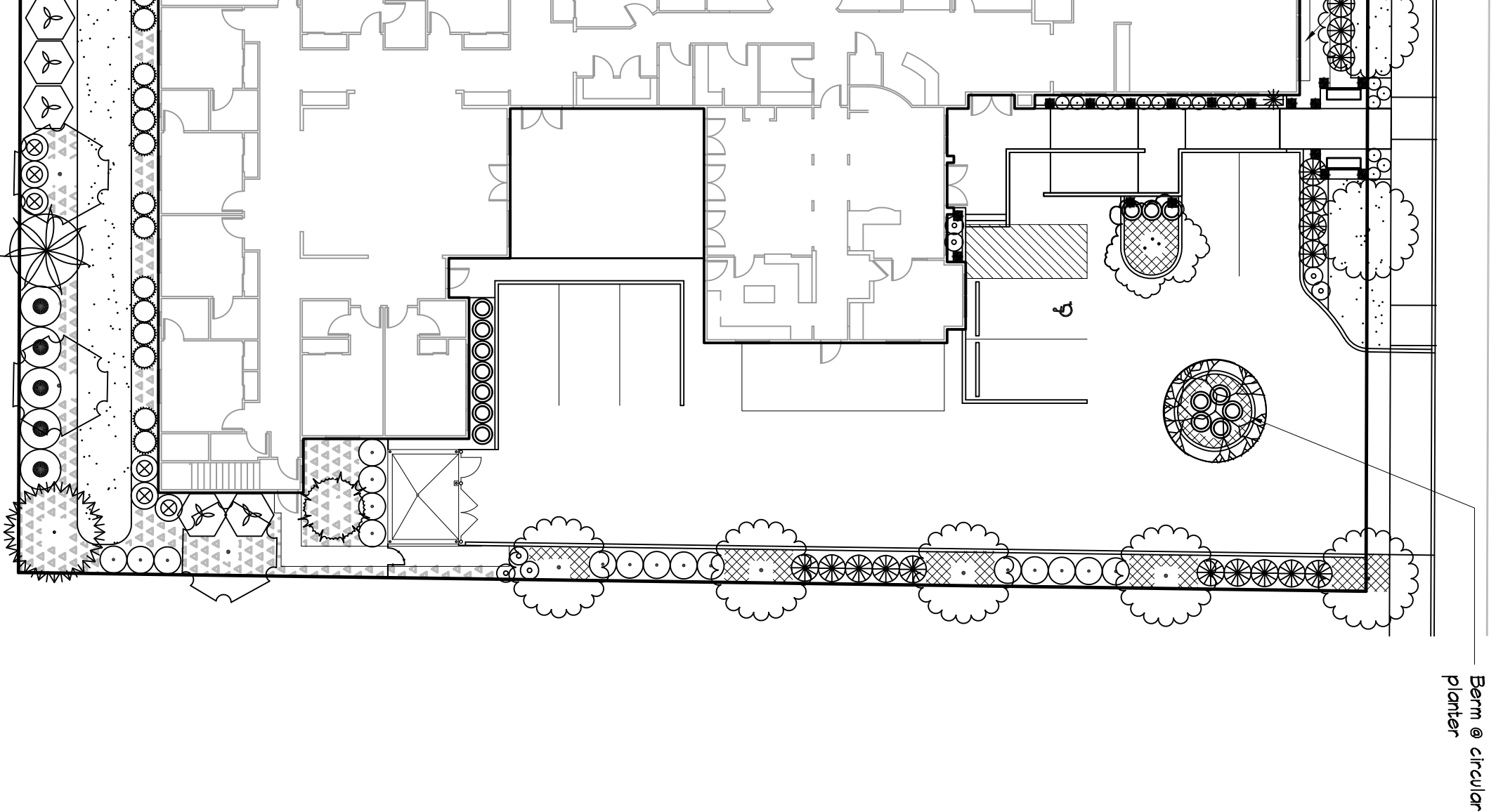
OWNER TO FURNISH ALL BUILDING FURNITURE SHOWN ON EXITS AND ALL RESTROOM WALKWAYS, BUILDING ENTRANCES AND STAIRS, AND OUTDOOR SEATING AND LIGHTING PROVIDING A MIN. OF 57000 CANDLE ILLUMINATION, TYPE

A PROPOSED SITE PLAN

A0.1 SCALE: 3/32"=1'-0"

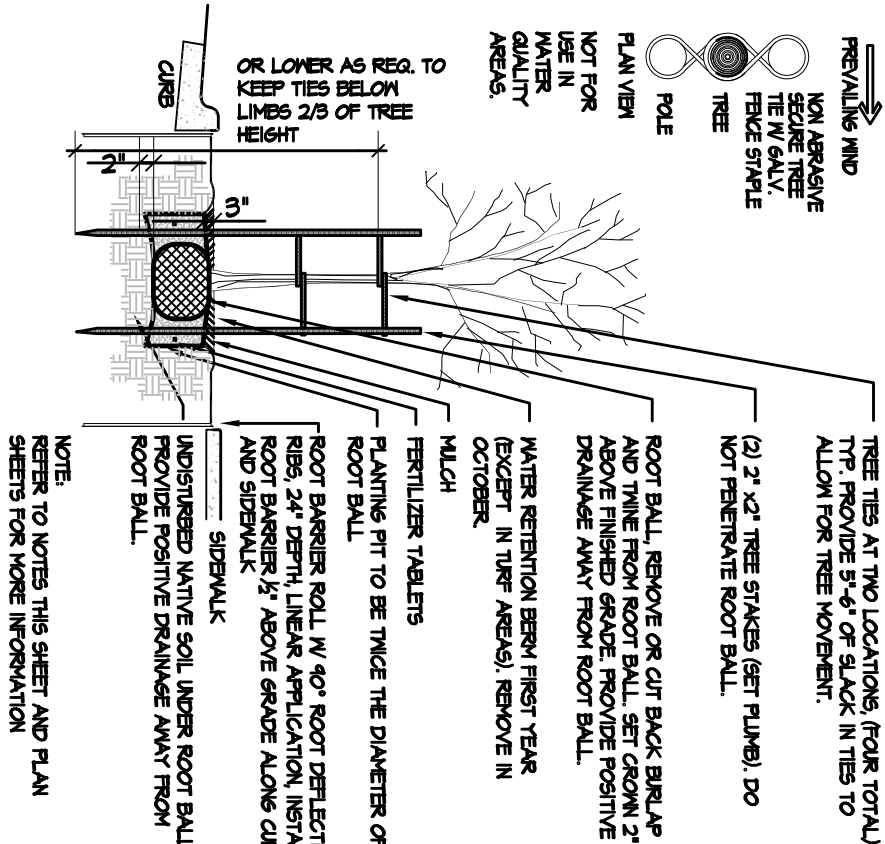


WARNER PARROT ROAD

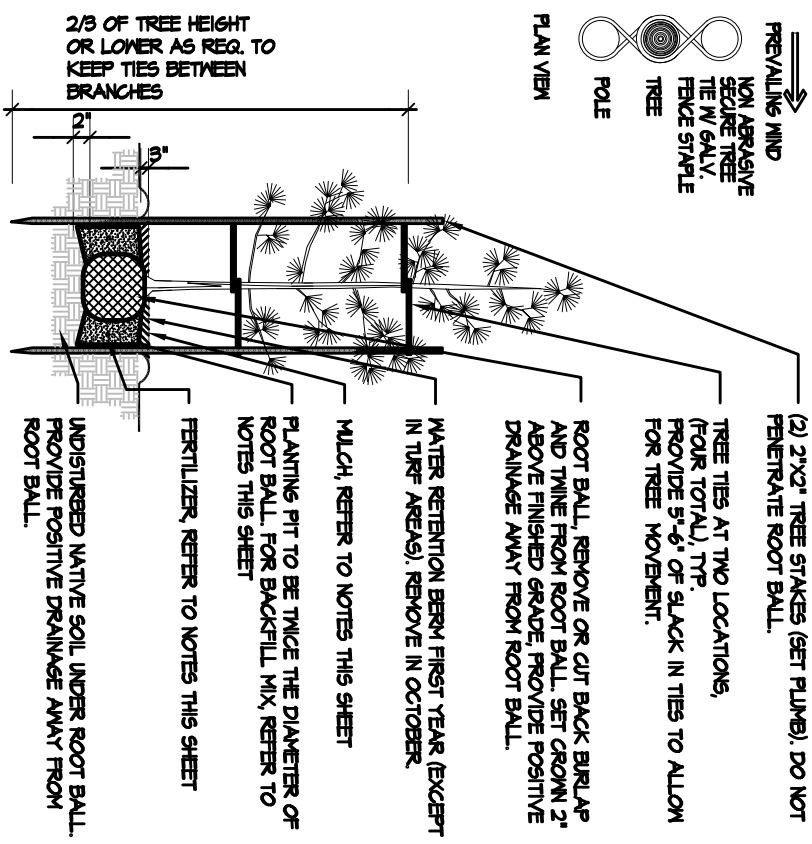


PLANTING NOTES

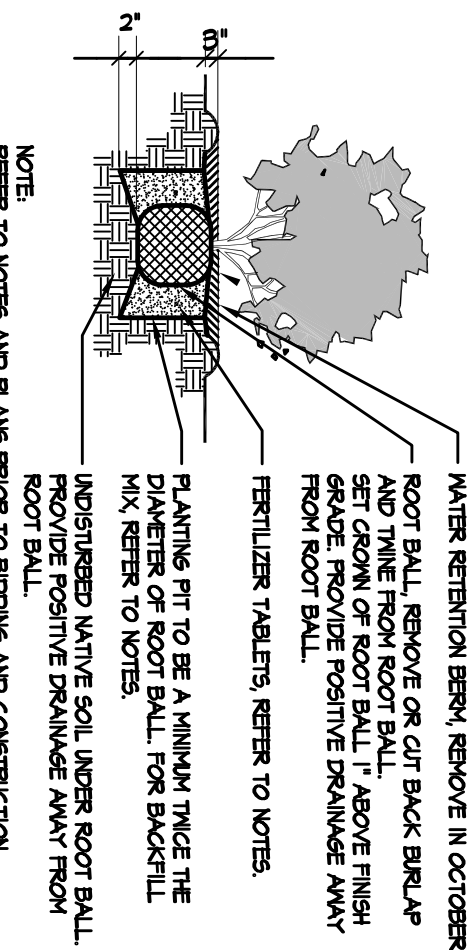
- THE CONTRACTOR SHALL ENSURE THAT ALL EXCAVATED PLANTING PITS HAVE POSITIVE DRAINAGE. PLANT PITS FULLY FLOODED WITH WATER SHALL DRAIN WITHIN (12) HOURS OF FILLING.
- FINISH GRADE SHALL BE SET TO ALLOW POSITIVE DRAINAGE.
- ROTOFILL 2" OF COMPOST INTO ALL PLANTED AREAS.
- INCORPORATE PEAT INTO THE ROOT ZONE OF RHODODENDRON, AZALEAS AND OTHER ACID LOVING PLANTS.
- INCORPORATE 10-20-20 FERTILIZER INTO THE ROOT ZONE OF ALL NEW PLANTINGS.
- ROUNSTAR 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. CROWN LAWN AREAS AND GRADE TO PROVIDE POSITIVE DRAINAGE.
- ROLL LAWN AREA TO INSURE PROPER COMPACTION TO MINIMIZE SETTLING.
- AMEND SOIL IN LAWN AREAS WITH 80 LBS. OF DOLOMITE LINE 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. MANUFACTURERS 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 W/ 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 INSPECT, KEED 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.



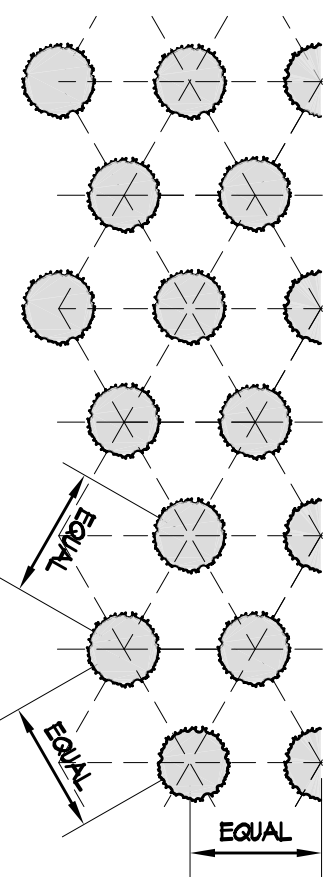
A Tree planting detail SECTION / PLAN VIEW Not to Scale



B Tree planting detail: Evergreen under 8' Height Not to Scale SECTION / PLAN VIEW



C Shrub planting detail SECTION Not to Scale



D Ground cover planting detail Not to Scale PLAN VIEW

PLANT LEGEND

SYMBOL	BOTANICAL / COMMON NAME
TREES	
	ACER GRISEUM PAPERBARK MAPLE
	CERCIS CANADENSIS EASTERN REDBUD
	LAGERSTROEMIA INDICA X FAURIEI 'ZINI' ZINI CRABE MYRTLE
	MAGNOLIA GRANDIFLORA 'LITTLE GEM' LITTLE GEM SOUTHERN MAGNOLIA
	PINUS FLEXILIS 'VANDERHOFF PYRAMID' BLUE PYRAMIDAL PINE
	PICEA PUNGENS 'FASTIGIATA' COLIMNAR BLUE COLORADO SPRUCE
SHRUBS	
	ABELIA X GRANDIFLORA 'KALEIDOSCOPE' KALEIDOSCOPE ABELIA
	CAMELLIA X 'WINTER SNOWMAN' WINTER'S SNOWMAN ICE ANGELS CAMELLIA
	CORNUS COCCINEA 'ROYAL PURPLE' ROYAL PURPLE SMOKE TREE
	ELEAGNUS X MARTINII 'ASCOT RAINBOW' ASCOT RAINBOW SPRIG
	ILEX CRENATA 'SKY PENCIL' AKI PENCIL JAPANESE HOLLY
	ILEX BLABRA 'COMPACTA' COMPACT INKBERRY HOLLY
	MISCANTHUS SINENSIS 'MORNING LIGHT' MORNING LIGHT MAIDEN GRASS
	NANDINA DOMESTICA 'MOON BAY' MOON BAY HEAVENLY BAMBOO
	OSMANTHUS HETEROPHYLLUS 'GOSHIKI' GOSHIKI FALSE HOLLY
	PENISETUM ALOPECUROIDES 'HAWELN' HAWELN FOUNTAIN GRASS
	RHODODENDRON X NYMPHA 'PICOBELLO' PICOBELLO WHITE RHODODENDRON
	SPIREA JAPONICA 'GOLDFLAME' GOLD FLAME SPIREA
GROUND COVER	
	COTONEASTER DAMMERI BEARBERRY COTONEASTER
	LIRIODENDRON MUSCARI 'BIG BLUE' BIG BLUE LILY TURF
	TURF (SEED OR SOD), PER OWNER

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.



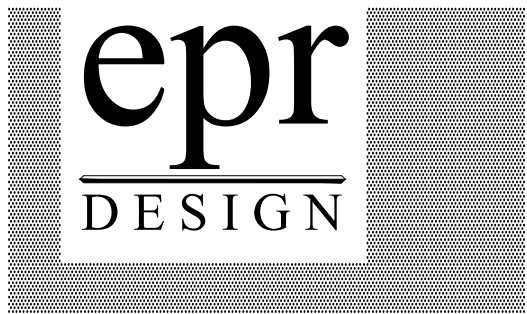
A FRONT ELEVATION (NORTH)
A2.0 SCALE: 3/16" = 1'-0"



B REAR ELEVATION (SOUTH)
A2.0 SCALE: 3/16" = 1'-0"



515 NW Saltzman Rd., No. 722
Portland, Oregon 97229
503-710-8551
503-297-0409
nwarchitecture@gmail.com



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WARNER PARROTT RD.
182 Warner Parrott Rd.
Oregon City, Oregon 97045
25 Bed RCF + Memory Care

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herein are copyrighted under
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LLC. & NW ARCHITECTURE &
DESIGN, P.C.

PERMIT SET



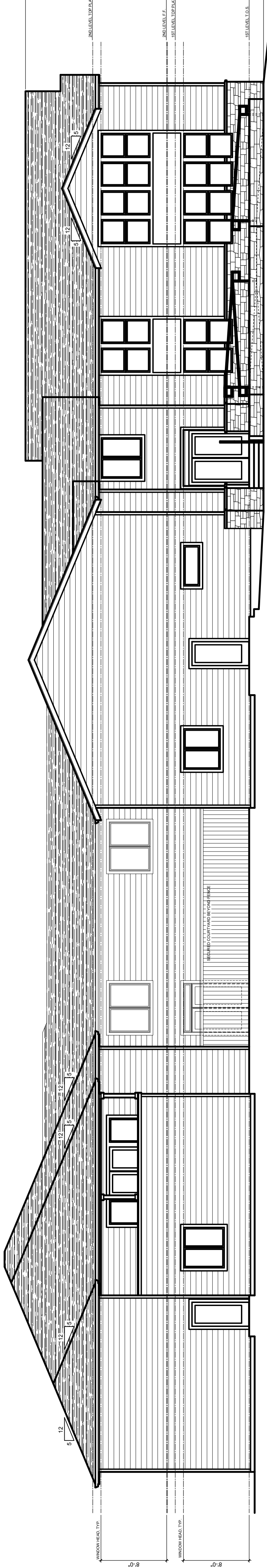
PROPOSED
BUILDING
ELEVATIONS
REVISED:

DATED: 10/7/2020

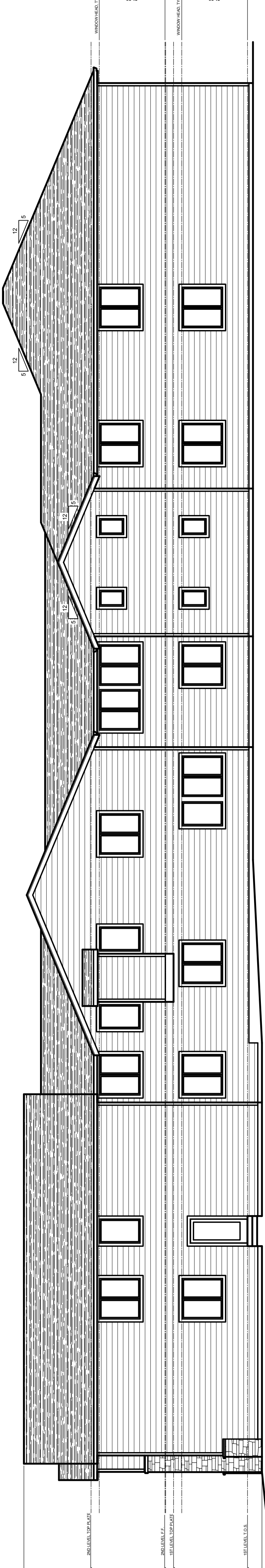
DRAWN BY:

SHEET:

A2.0



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



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



from design concept to architectural reality

515 NW Saltzman Rd., No. 722
Portland, Oregon 97229
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EXPIRES: 12-31-19

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 GROUND LEVEL FLOOR PLAN

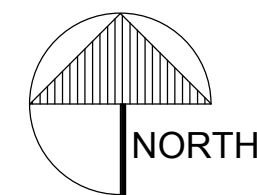
REVISED:

DATED: 10/7/2020

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: 9,128 SF
(3,142 SF EXIST. + 5,986 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.

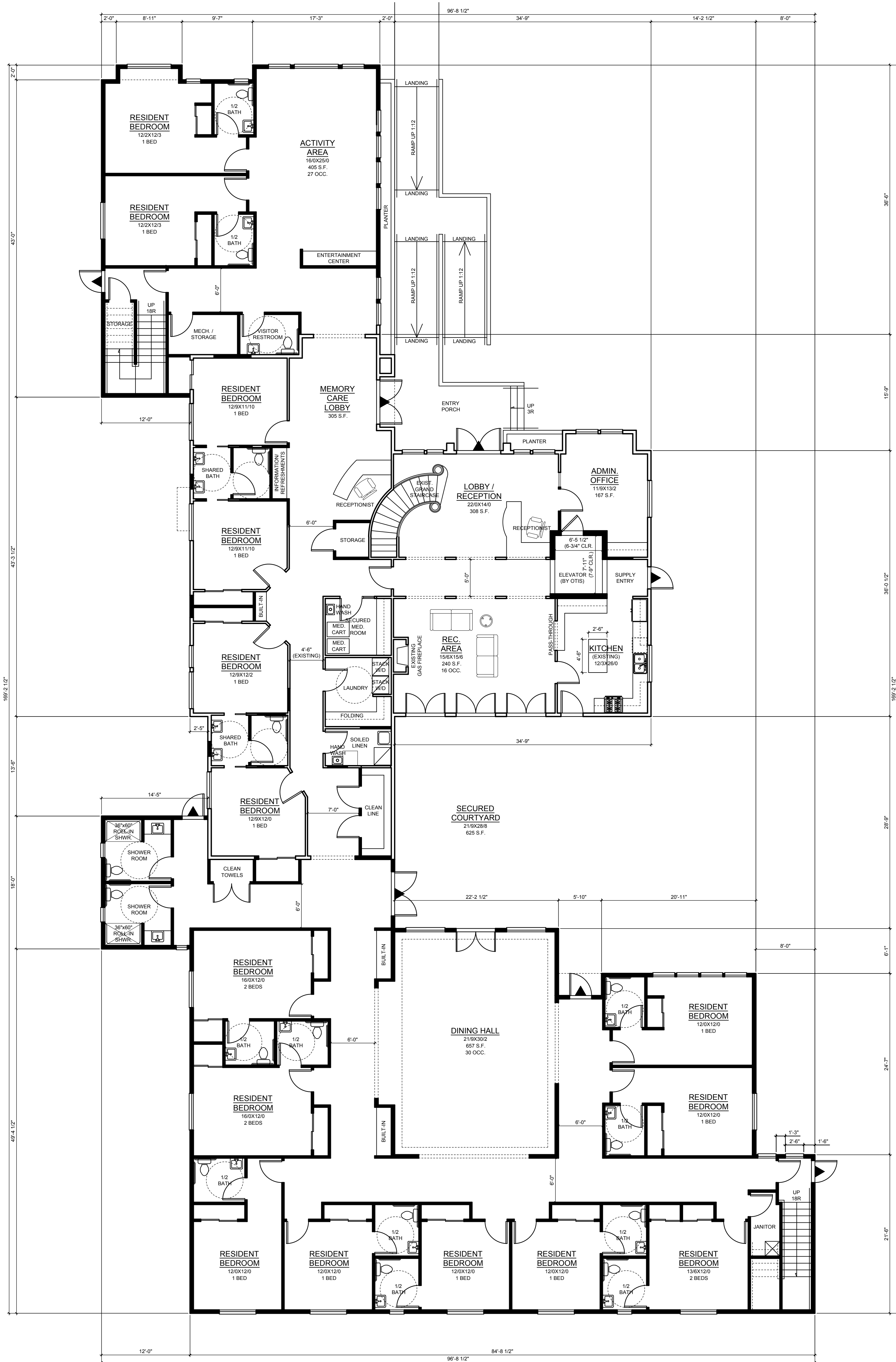
SEE ELEVATION DRAWINGS FOR WINDOW & EXTERIOR DOOR HEAD HEIGHTS.

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.



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 11th 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 17th. 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.

PUBLIC RECORDS LAW DISCLOSURE: This e-mail is subject to the State Retention Schedule and may be made available to the public.

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 14th. Thanks

Regards,
 Edward Radulescu, B. Arch



www.eprdesign.com

919 N.E. 19th Ave

Suite 155

Portland, Or. 97232

Office: 503-265-8461

Direct: 503-679-2493

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!

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, Dec 8, 2020 at 9:48 AM Pete Walter <pwalter@orcify.org> wrote:

From: Laura Terway <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 14th, 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 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

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.



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 | webmaps.orcitem 8a.org | www.rediscoverthefalls.com

Think **GREEN** before you print.

This e-mail is subject to the State Retention Schedule and may be made available to the public.

COVID-19 (Coronavirus) Information

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

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,
 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](#))

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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

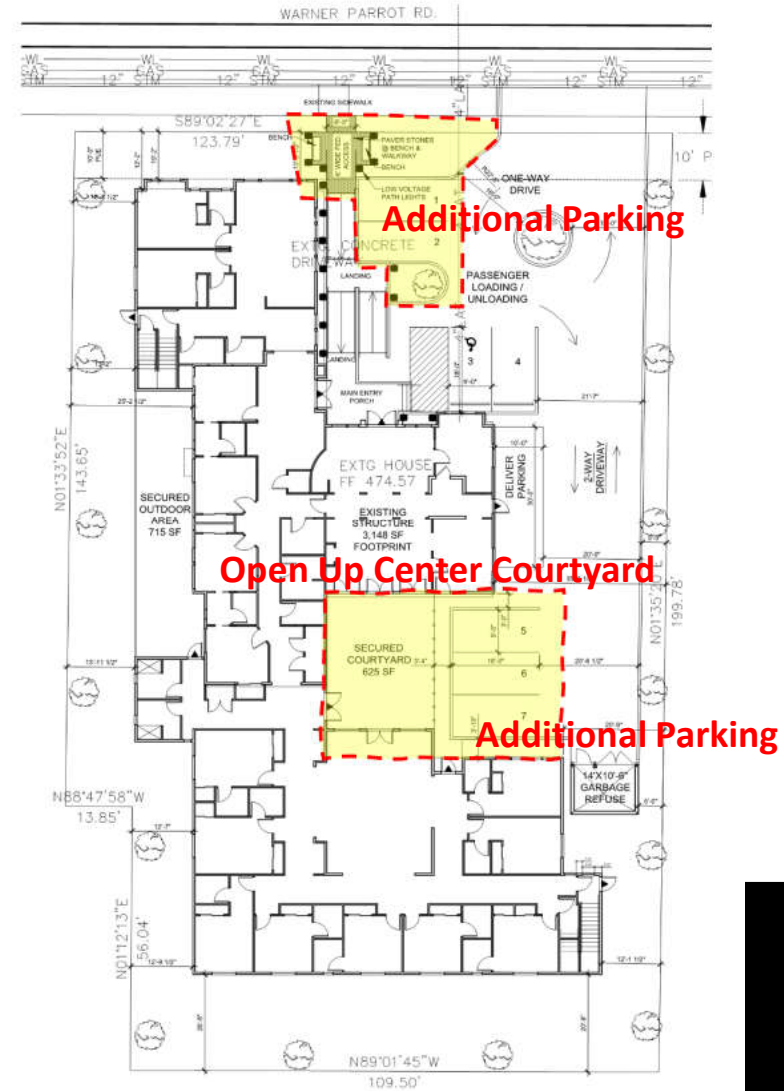
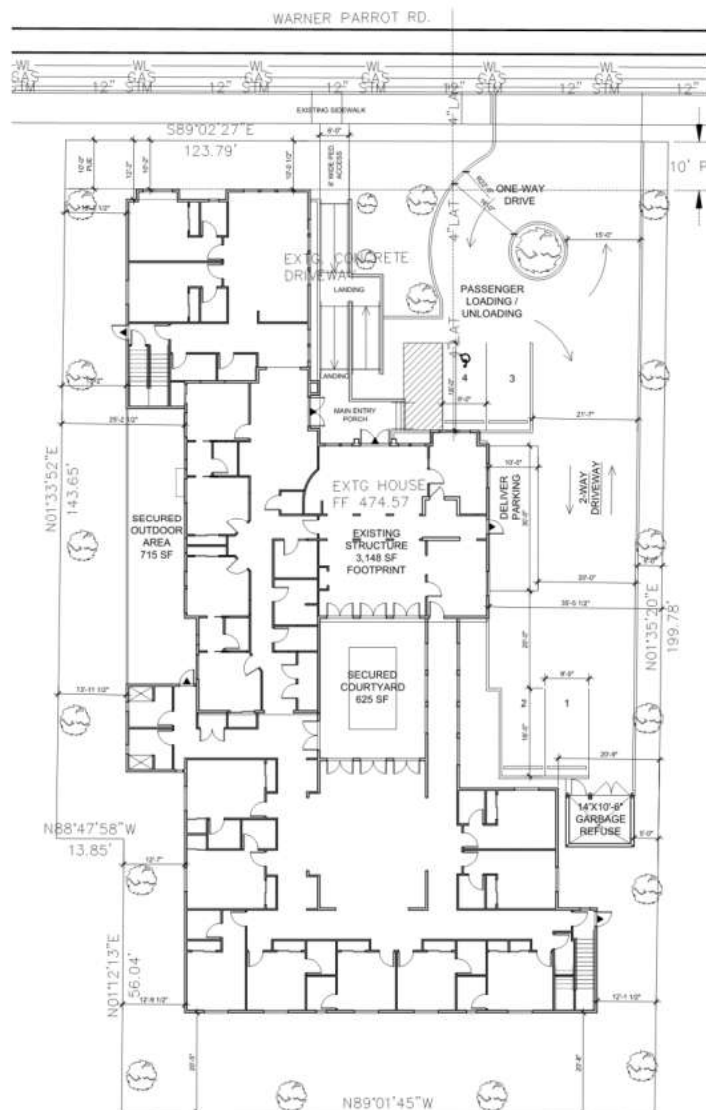


Figure 8. Original (top) vs. Revised (bottom) Front / North Elevation



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"



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

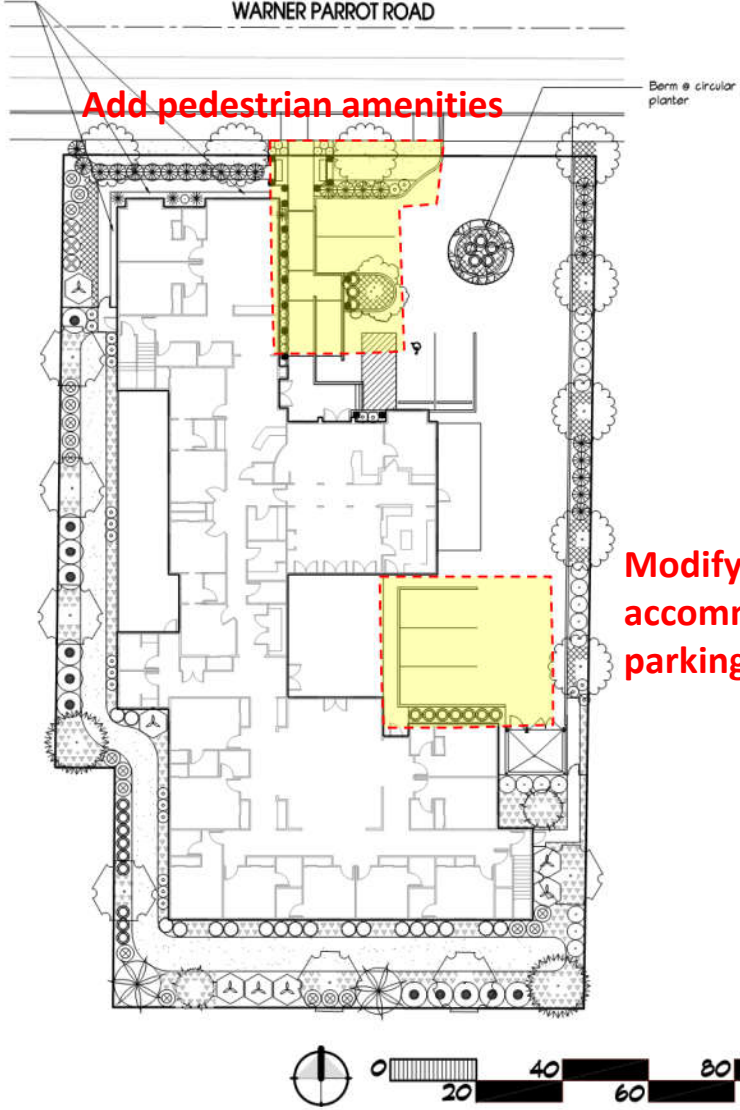
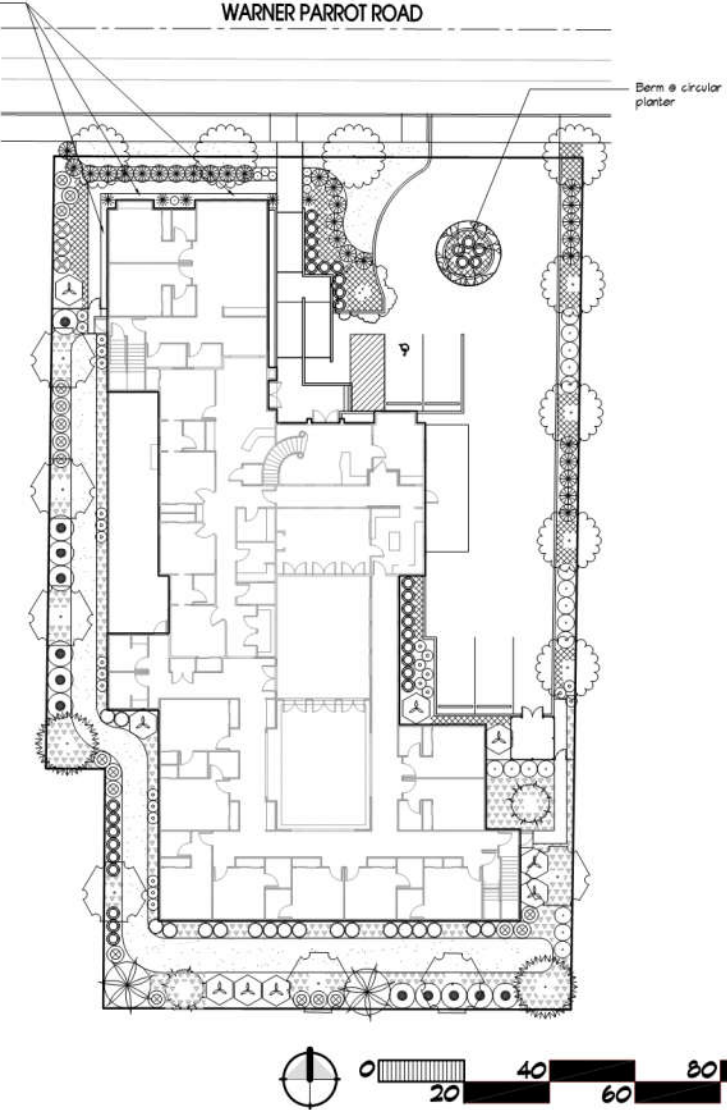


D
A2.1 RIGHT SIDE ELEVATION (WEST)
SCALE: 1/8" = 1'-0"



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

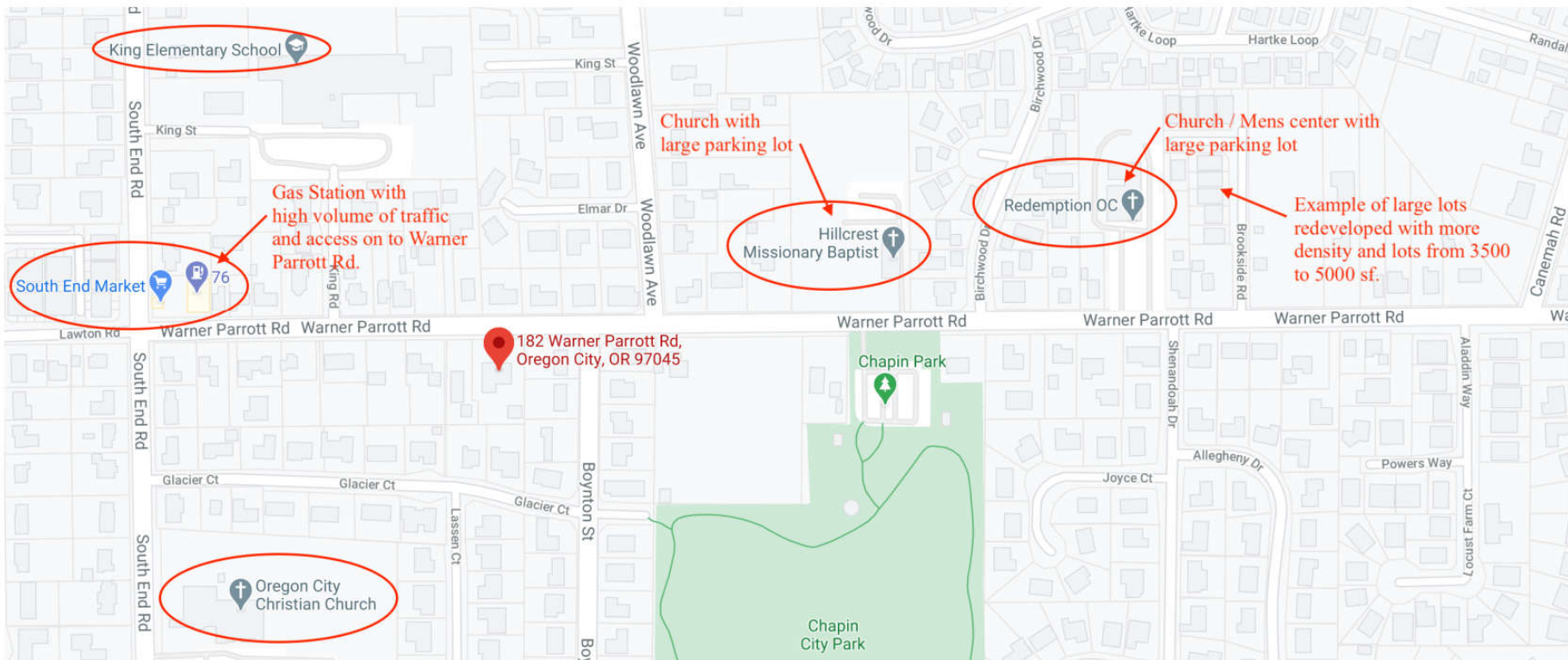
Solar Shading Analysis – Applicant submittal

- 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

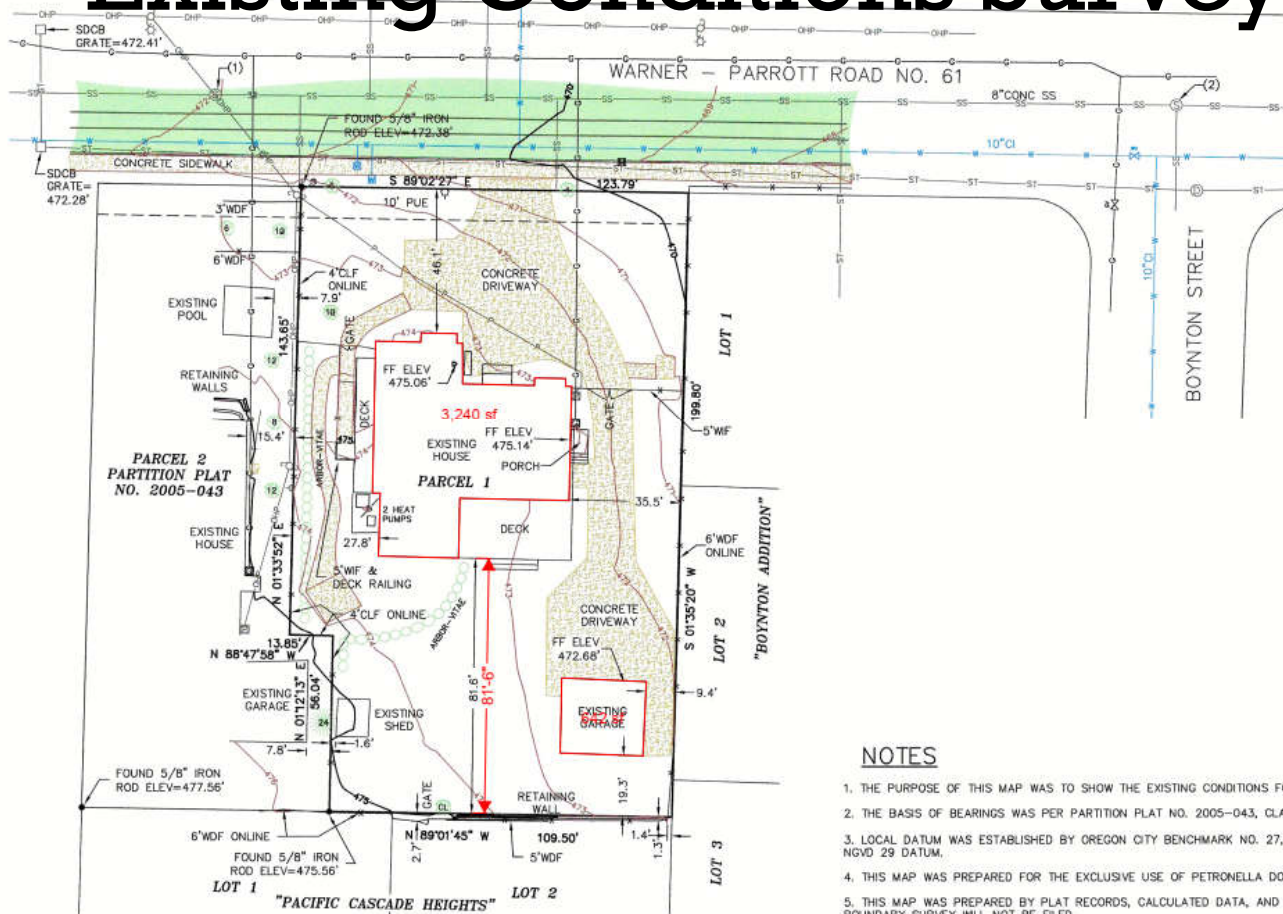


GLUA-20-00020 / CU-20-00002 / SP-20-00043

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

- THE PURPOSE OF THIS MAP WAS TO SHOW THE EXISTING CONDITIONS FOR 182 WARNER-PARROTT ROAD.
- THE BASIS OF BEARINGS WAS PER PARTITION PLAT NO. 2005-043, CLACKAMAS COUNTY RECORDS.
- LOCAL DATUM WAS ESTABLISHED BY OREGON CITY BENCHMARK NO. 27, FOUND A BRASS DISK, ELEVATION=459.664' NGVD 29 DATUM.
- THIS MAP WAS PREPARED FOR THE EXCLUSIVE USE OF PETRONELLA DONOVAN.
- THIS MAP WAS PREPARED BY PLAT RECORDS, CALCULATED DATA, AND FIELD MEASUREMENTS. A RECORDED BOUNDARY SURVEY WILL NOT BE FILED.
- 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

- 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

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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. 4 on-street available	17.52	Complies	Vehicles may park on street
Building Height	24' feet	35' permitted	Complies	
10-foot setback	Site plans, Architectural Plans, 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 / Massing / Height is incompatible with adjacent structures	Site plans, Architectural Plans, narrative	<i>17.04 – Dimensional standards</i> <i>17.62.055 – Design Standards</i>	Complies	Design compatibility is a subjective standard Dimensional standards are not
Shade / Sunlight	Applicant provided shade analysis per Lake Oswego code	No standard	N/A Meets LO code	PC may require as a condition of approval
Vehicles Blocking Sight Distance	Sight Distance Analysis in TAL	10.32 / AASHTO	Complies	Reasonable to allow temporarily parked vehicles to park in the 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> 9.12.023 <i>ROW and Public Utility Construction Engineering Standards</i>	Monitored during construction	7 AM – 10 PM M-F 9 AM - 10 PM Sat 9 AM – 8 PM Sun 7 am – 6pm M-F 9 am – 6 pm Sat 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> <i>17.56.010.(A).(4)</i>	Complies, with conditions	Applicant should address in more detail
Loss of privacy / due to height / 2 nd 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

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

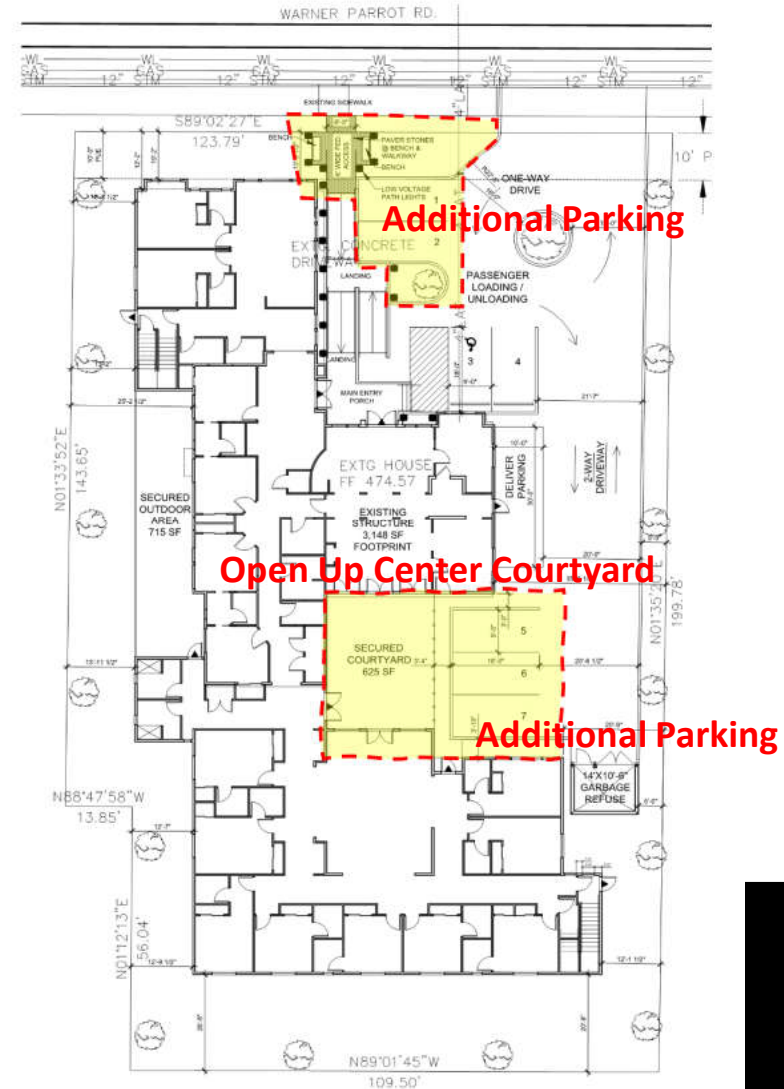
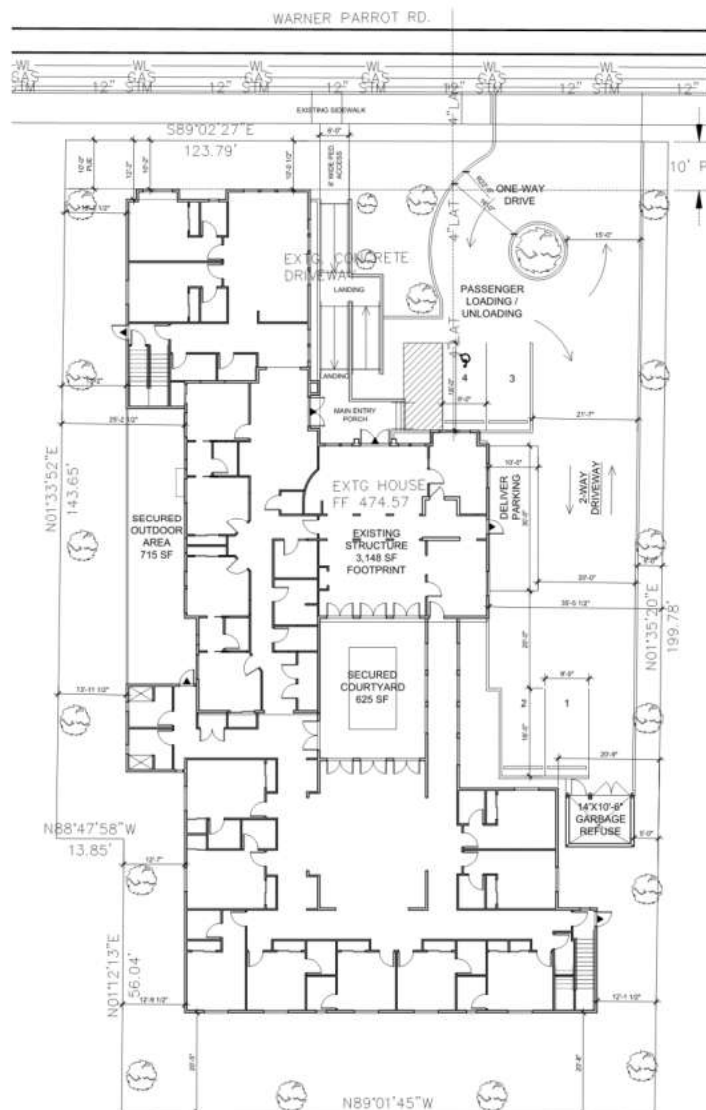


Figure 8. Original (top) vs. Revised (bottom) Front / North Elevation



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"



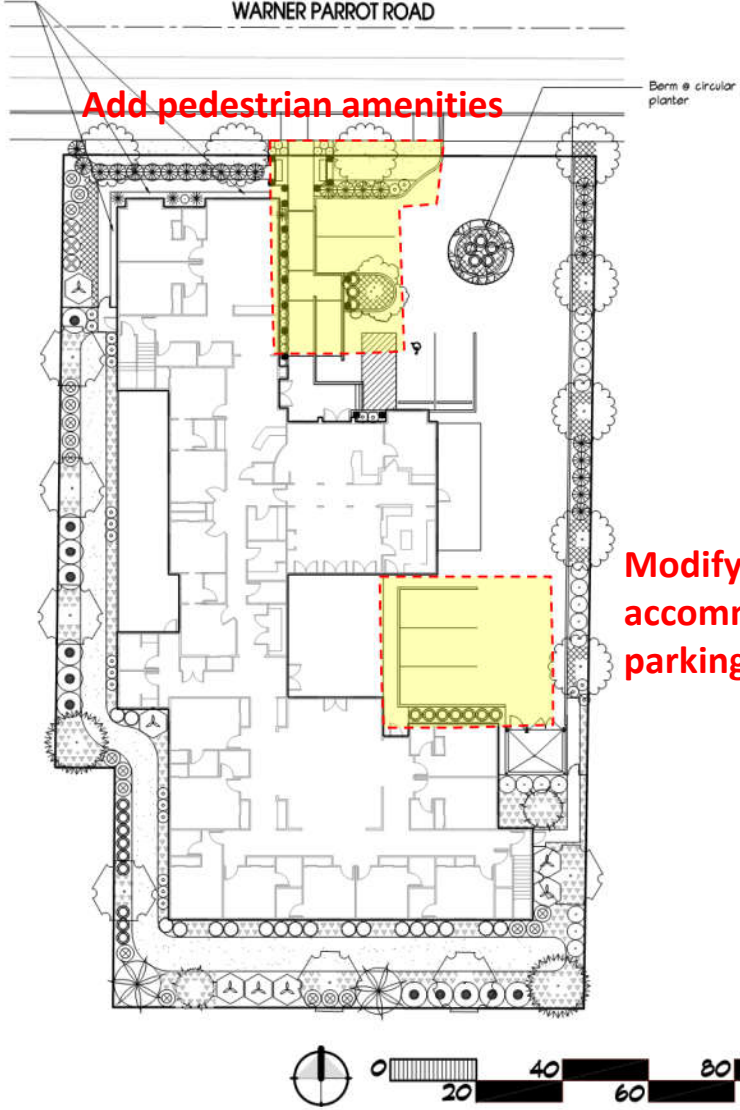
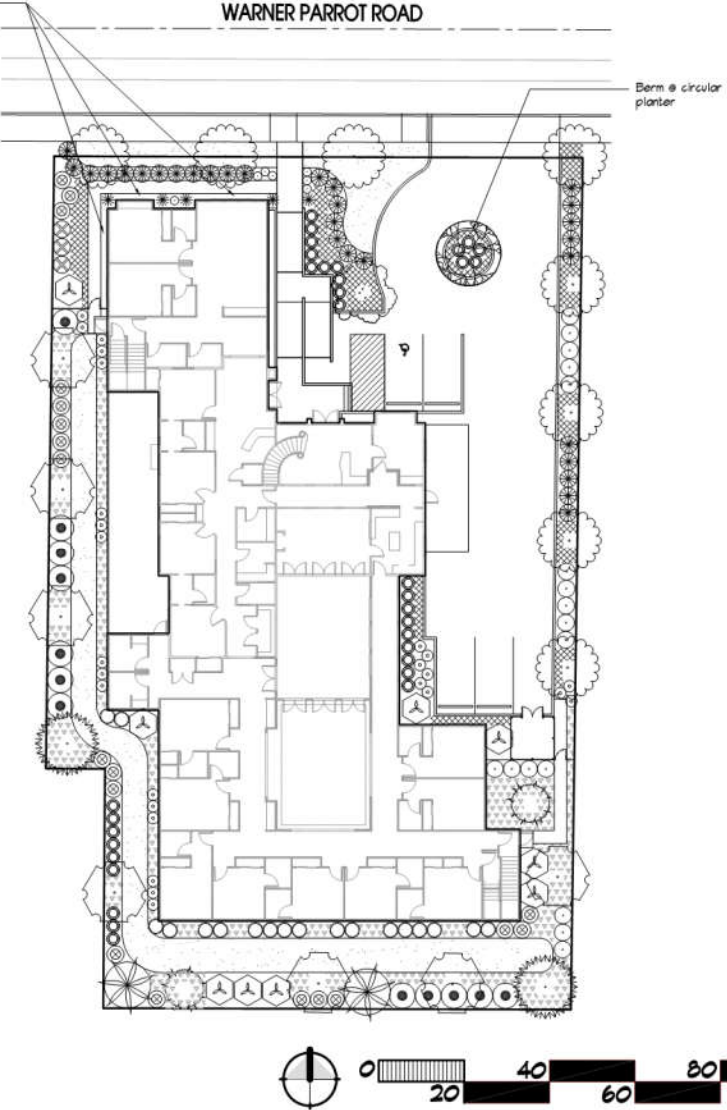
D
A2.1 RIGHT SIDE ELEVATION (WEST)
SCALE: 1/8" = 1'-0"



Remove roof peak



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



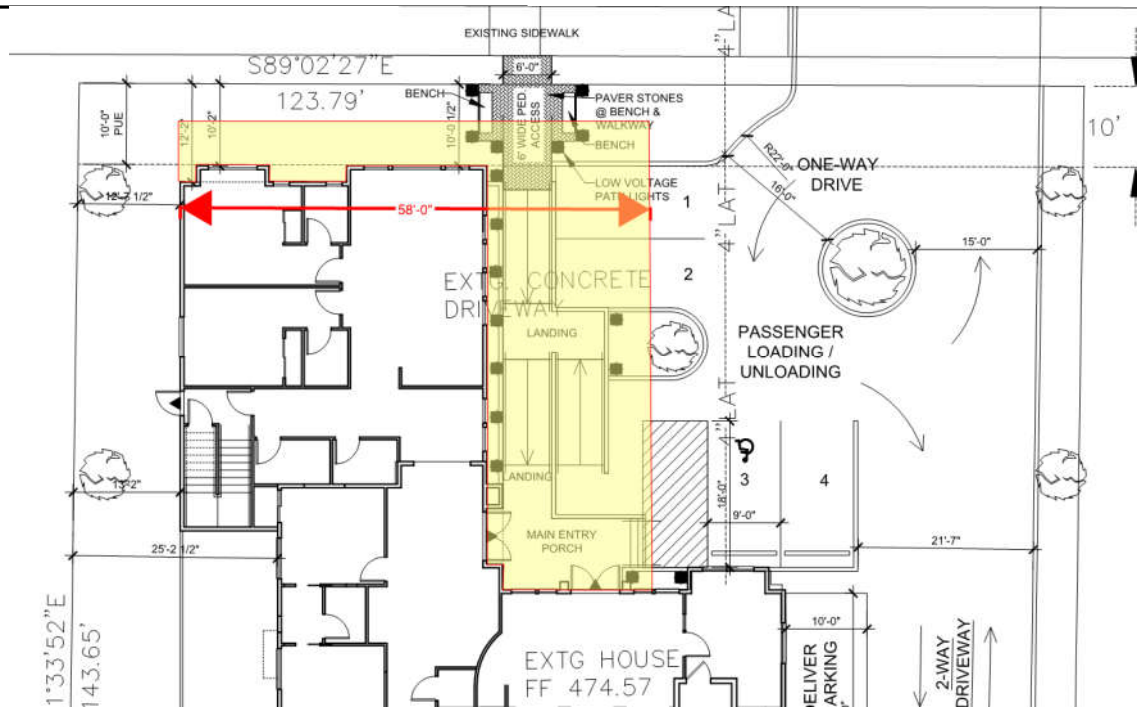
Modify landscaping to accommodate 3 more parking spaces



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

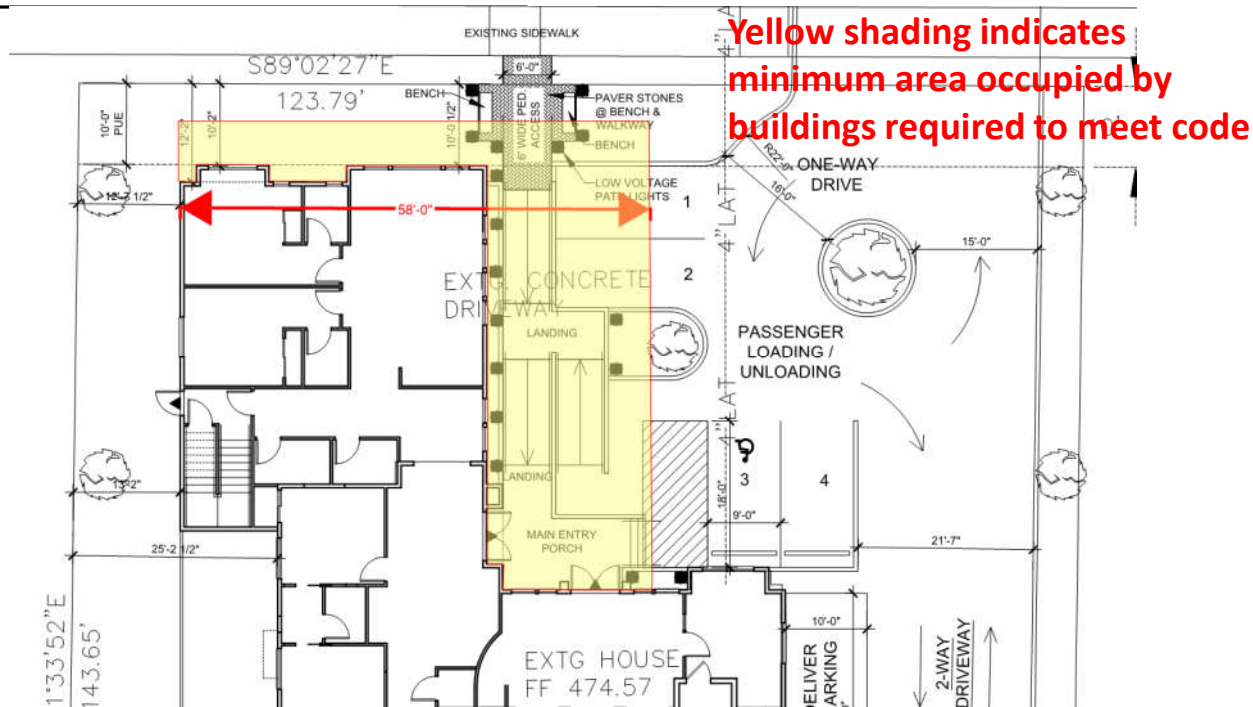


GLUA-20-00020 / CU-20-00002 / SP-20-00043

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:

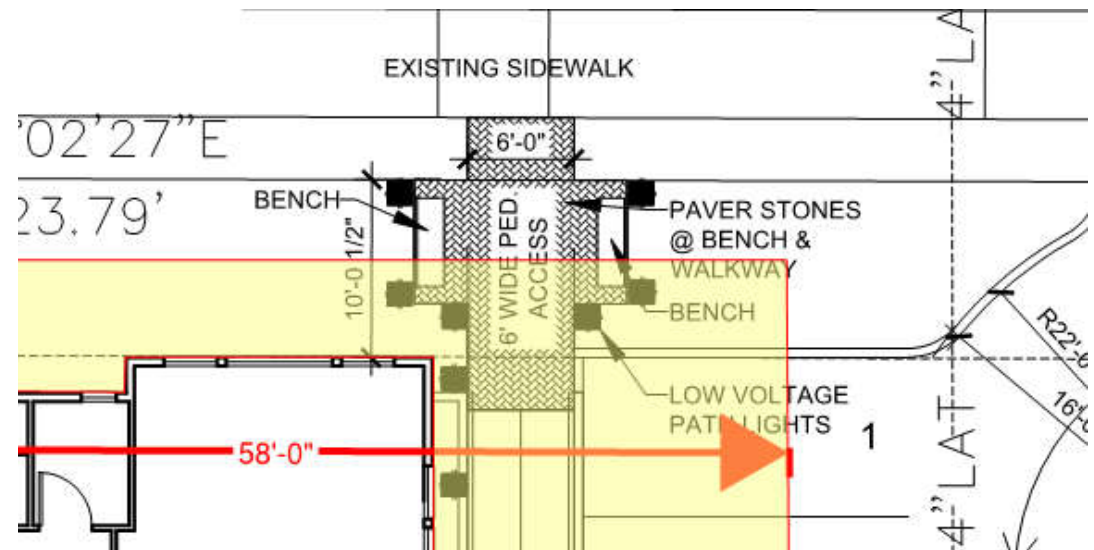
...to provide a range of design choices that promote creative, functional, and cohesive development that is compatible with surrounding areas. Buildings approved in compliance with these standards are intended to serve multiple tenants over the life of the building and are not intended for a one-time 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

- 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

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

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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

919 N.E. 19th Ave

Suite 155

Portland, Or. 97232

Office: 503-265-8461

Direct: 503-679-2493

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>
Sent: Monday, October 12, 2020 3:25 PM
To: Pete Walter <pwalter@orccity.org>
Cc: Petronella Donovan <petra@donovaninvestments.com>; Daniel Donovan <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

From: Pete Walter <pwalter@orccity.org>
Sent: Monday, October 12, 2020 3:20:24 PM
To: Edward Radulescu <eddie@eprdesign.com>
Cc: Petronella Donovan <petra@donovaninvestments.com>; Daniel Donovan <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>
Sent: Monday, October 12, 2020 2:33 PM
To: Pete Walter <pwalter@orccity.org>
Cc: Petronella Donovan <petra@donovaninvestments.com>; Daniel Donovan <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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From: Pete Walter <pwalter@orccity.org>

Date: Monday, October 12, 2020 at 12:48 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

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

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>

Sent: Monday, October 12, 2020 12:26 PM

To: Pete Walter <pwalter@orccity.org>

Cc: Petronella Donovan <petra@donovaninvestments.com>; Daniel Donovan <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



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 Office: 503-265-8461
 Direct: 503-679-2493
eddie@eprdesign.com

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From: Pete Walter <pwalter@orcify.org>
Date: Friday, October 9, 2020 at 4:12 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

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>

Sent: Thursday, October 8, 2020 1:46 PM

To: Pete Walter <pwalter@orcity.org>

Cc: Petronella Donovan <petra@donovaninvestments.com>; Daniel Donovan <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



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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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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



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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 Shade Reduction Line from Northern Lot Line (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:

$$H = \{(2 \times 40) - 90 + 150\} / 5$$

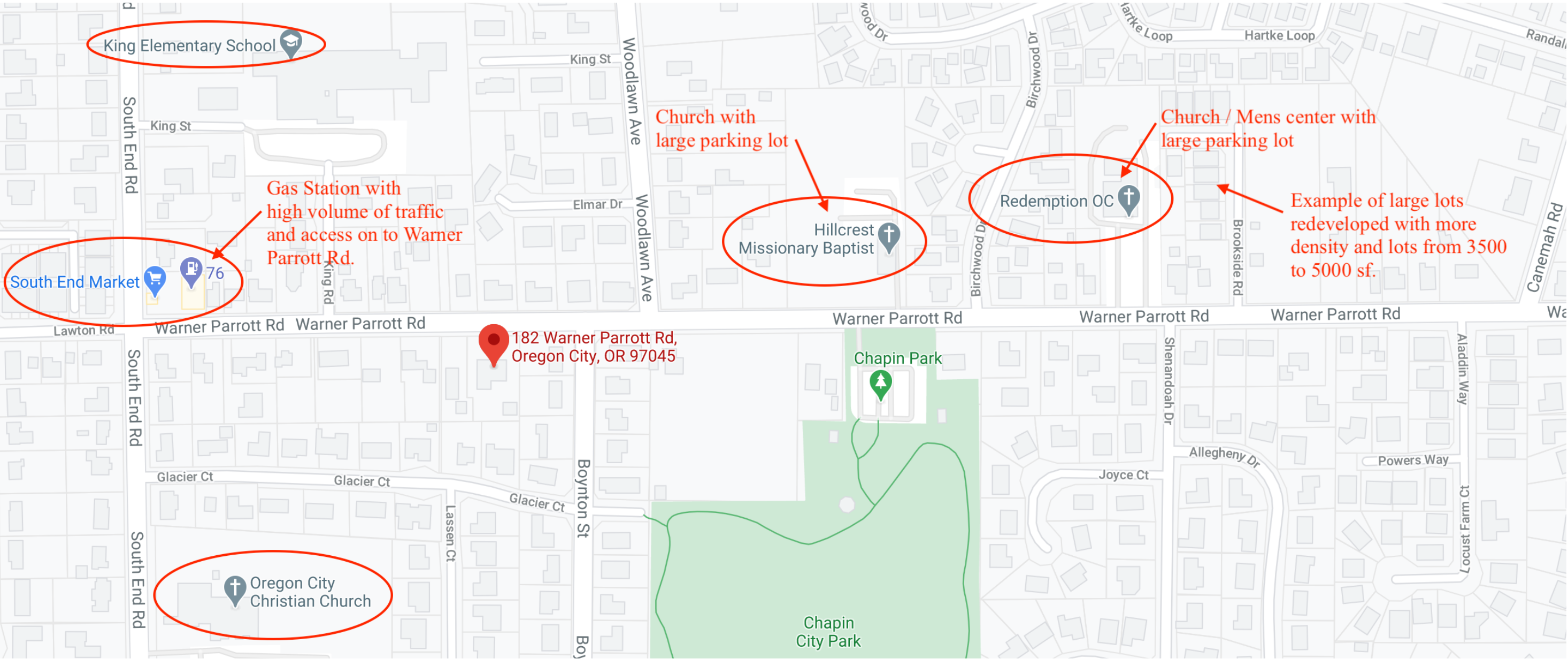
$$H = (80 - 90 + 150) / 5$$

$$H = 140 / 5 = 28'$$

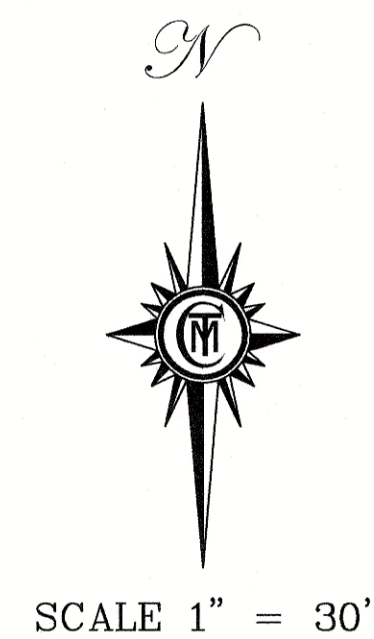
H = 28' (The maximum shade point height). The proposed building height at its highest point (on the northern side of the lot) is 28'-11-1/2" the majority of the building height is 27'-6" or less.

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 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'

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):

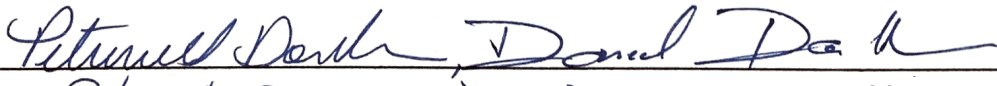
Applicant(s) Signature: 

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):

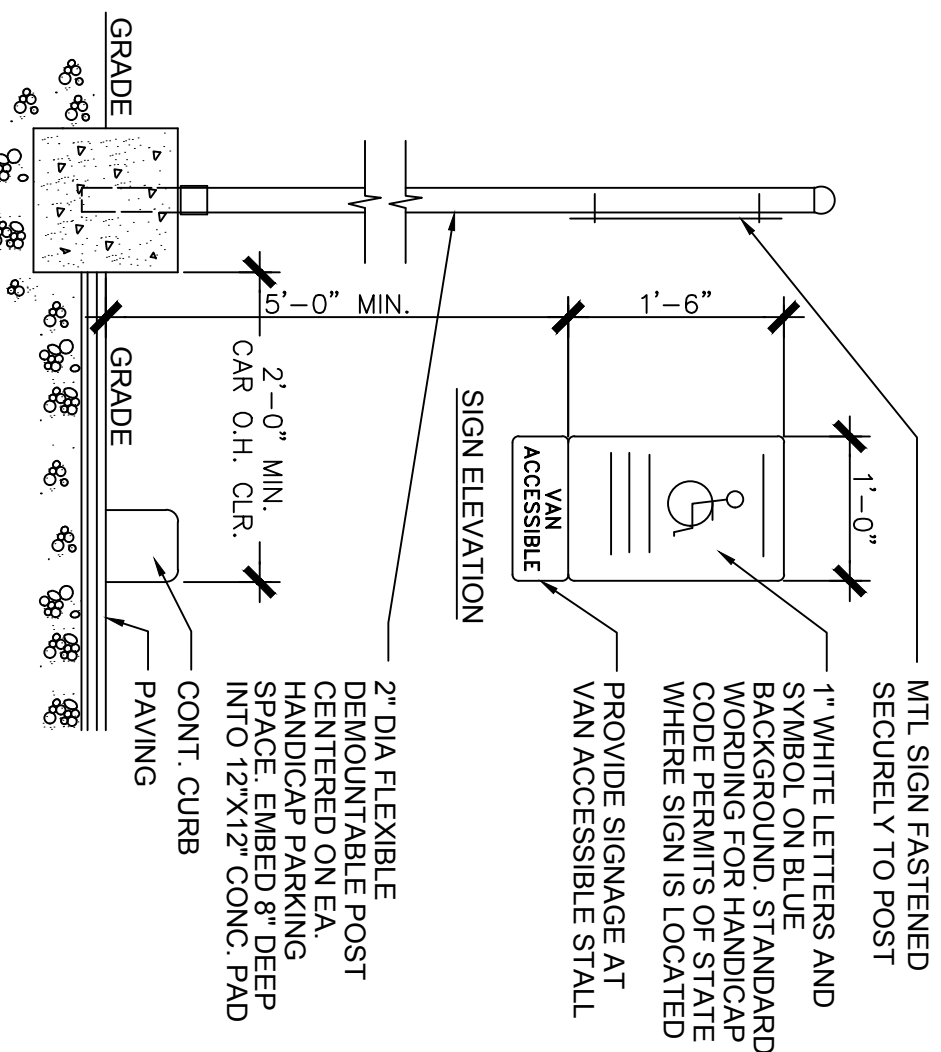
Representative(s) Signature: _____

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.

[illegible]

2 ACCESSIBILITY SIGNAGE

SCALE: 3/4"=1'-0"

SITE DETAILS:

SITE ADDRESS:	182 WARNER PARROTT RD. 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 CONDITIONAL USE REVIEW
TOTAL SITE AREA:	23,932 S.F.
SITE DENSITY PROPOSED:	30 RESIDENT BEDS
BUILDING COVERAGE: PAVED SURFACES:	39.3% (9,407 S.F.) 22.6% (5,444 S.F.)
PROPOSED LANDSCAPED AREA:	8,121 S.F. (34.1%)
MIN. SETBACKS REQUIRED: MAX. SETBACKS ALLOWED:	20' FRONT, 20' REAR, 10' ON ONE INTERIOR SIDE, 8' FEET ON OTHER INTERIOR SIDE
PROPOSED BUILDING HEIGHT:	10' FRONT
TOTAL PARKING SPACES:	APPROX. 29*
	4 MIN./1 VLN ACCESSIBLE SPACE ON-SITE 4 OFF-STREET PARKING SPACES 8 TOTAL SPACES (6 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 CONFORM TO THE CITY OF CHICAGO'S STANDARD SPECIFICATIONS FOR CONCRESTE STEWARDSHIP COUNCIL (TSC2) CERTIFIED WOOD & RECYCLED WOOD. ALL FURNISHINGS SHALL BE MAINTAINED IN GOOD CONDITION AND SHALL BE REPLACED OR REPAIRED AS NEEDED. THE CITY OF CHICAGO'S STANDARD CODE CAN ALSO BE ACHIEVED THROUGH THE USE OF LOCALLY SOURCED MATERIALS, ORIGINATING WITHIN 500 MILES OF THE SITE.

MIN. OF 2% RECYCLED CONTENT FURNISHMENT OR FURNISHMENT BASED AS CONCRETE GARDENERS FOR ASPHALT W/ GLASS OR FIBER GLASS SCALE ELEMENTS SUCH AS PAVING MATERIALS, PATHS, PARKING AREAS & CURB/RAILS SHALL BE PROVIDED.

REFERENCE LANDSCAPE PLANS FOR LANDSCAPE PLANNING DETAILS.

PERMITTEE SHALL SUBMIT SHEETS FOR R.O.W. IMPROVEMENTS, PERMANENT DRAINAGE DETAILS, STORMWATER MANAGEMENT, ETC.

PROVIDE A LEVEL, CURB, CONCRETE PAD MIN. 4" THICK @ GROUND LEVEL TO BE USED AS A BASE FOR THE VEHICLE APPROACH. THE APPROACH TO THE VEHICLE OR 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/ MIN. LENGTH & WIDTH TO ALLOW FOR A SPREADER/RAVINE AROUND ALL SIDES OF THE CONTAINER WHEN BEING SERVICED. OUTSIDE OF THE ENCLOSURE A MIN. OF 2% INCLUDING PAV. AREA, SHALL BE PROVIDED IN FRONT OF EACH CONTAINER FOR WAREHOUSE/VEHICLE IN DEPOSITING SOLID WASTE OR RECYCLED 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 ENCLOSURES GATES SHALL BE OPEN CLOSURE POSITIONS. ENCLOSURES & HAVE RESTRAINTS IN THE OPEN CLOSURE POSITIONS. THE GATE SWING SHOULD BE TO A MIN. OF 120 DEGREES.

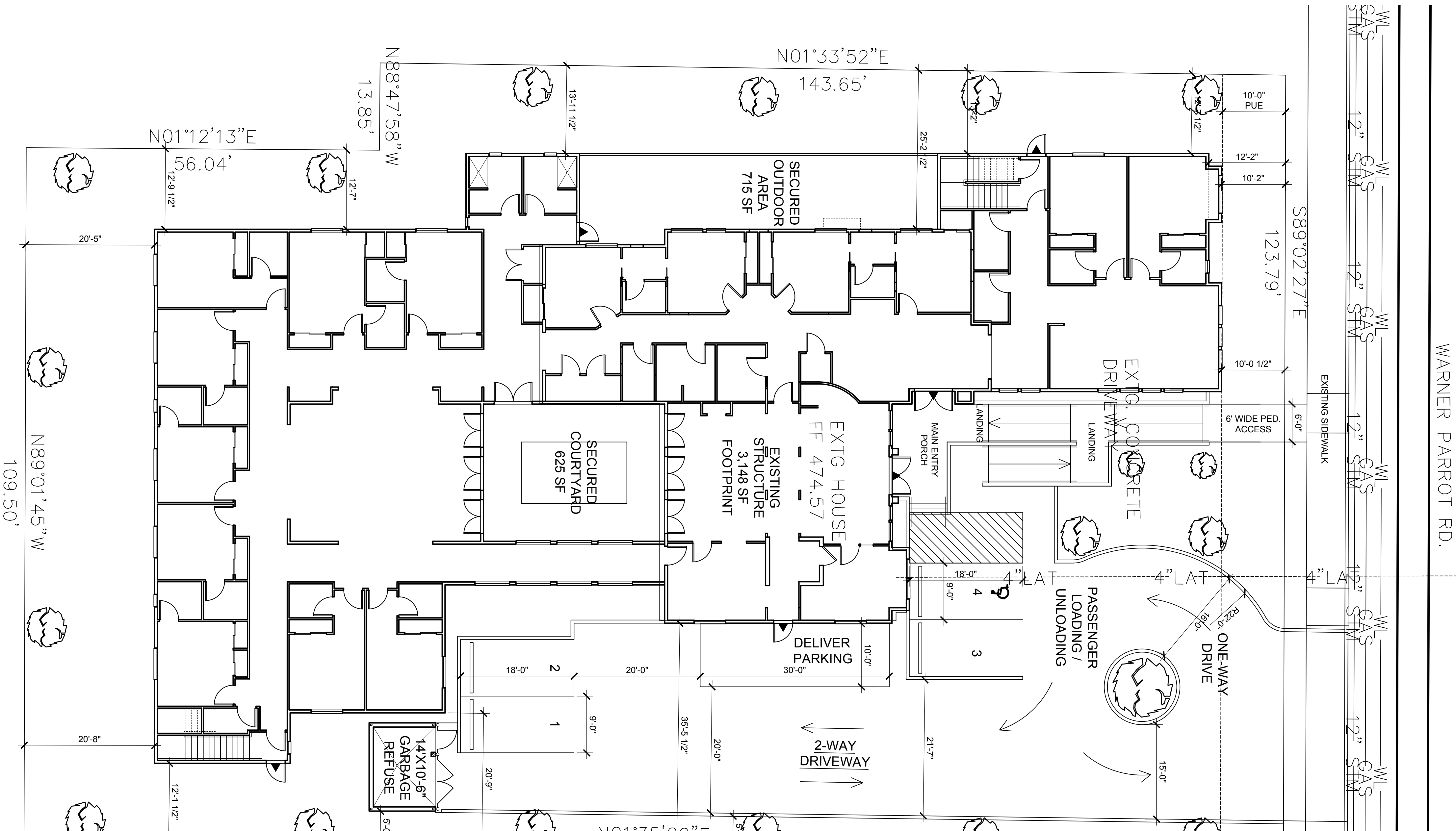
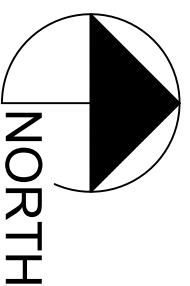
OFF SITE STAGING SHALL BE COMPLETED FIRST TO ASSURANCE OF CERTAINITY OF GOC & PROVIDED FOR EMPLOYEES & VISITORS. NO STORAGE OF NON-ORIGINEABLE VEHICLES OR OF MATERIALS PERMITTED.

OWNER TO FURNISH ALL OUTDOOR FURNITURE SHOWN ON SITE PLAN.

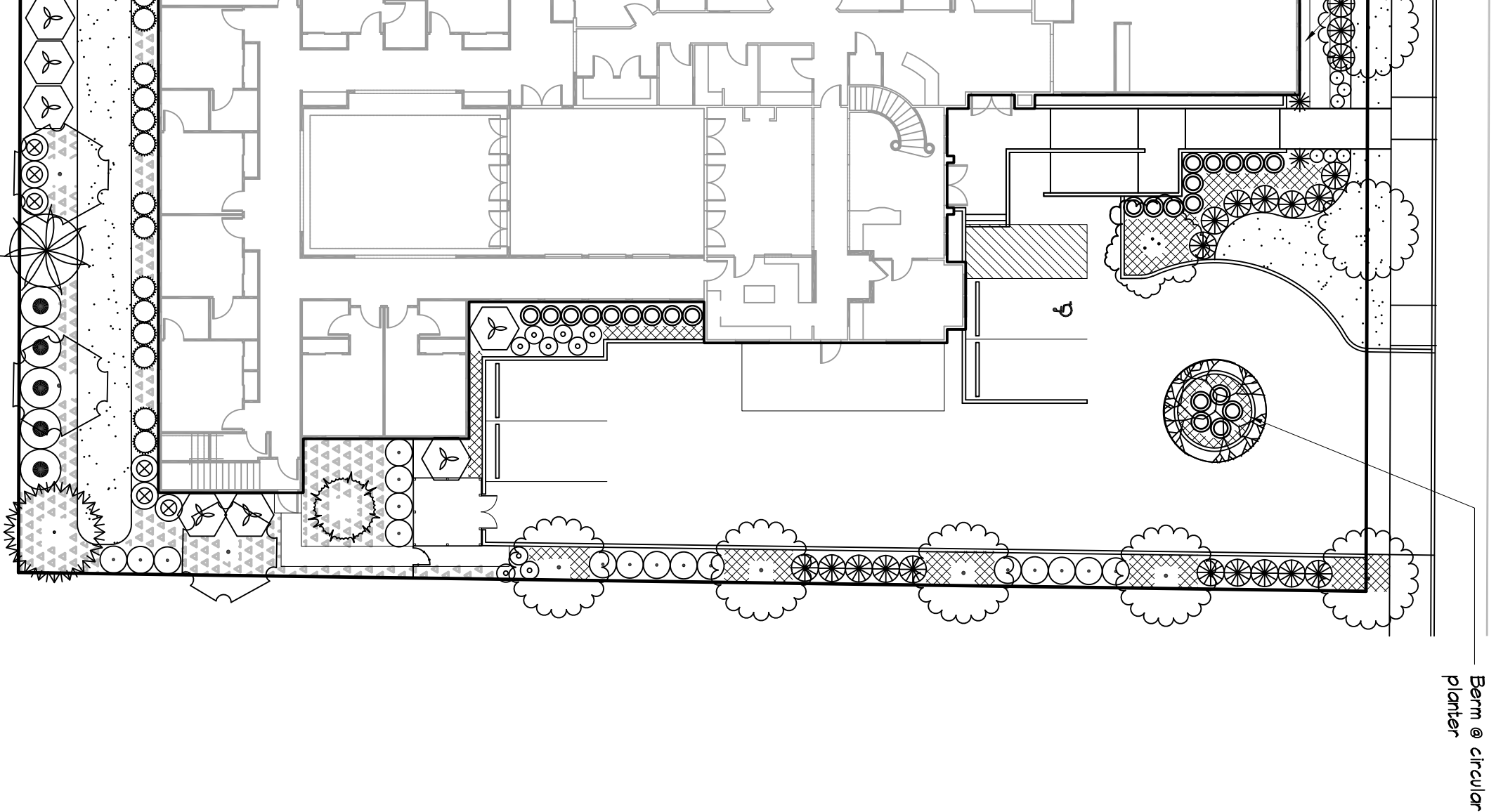
ALL RECREATION W/ PLAYS, BUILDING ENTRANCES AND EXITS AND CANOPIE ILLUMINATION, TYP.

PROPOSED SITE PLAN

SCALE: 3/32"=1'-0"

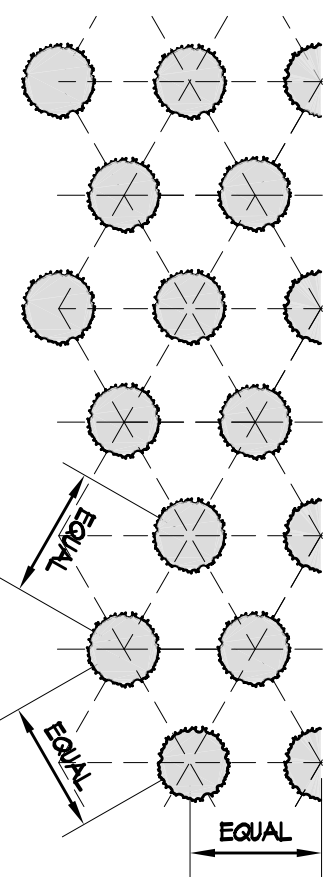
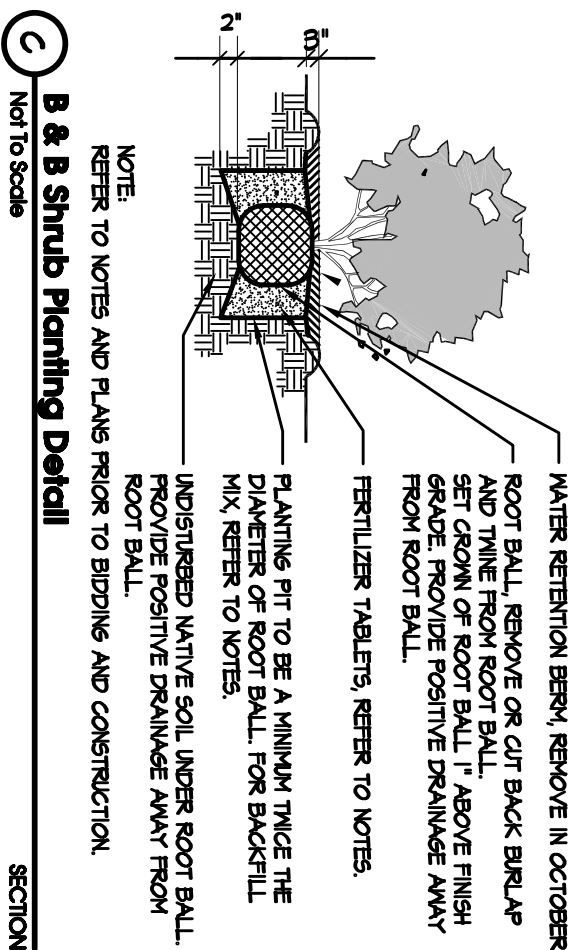
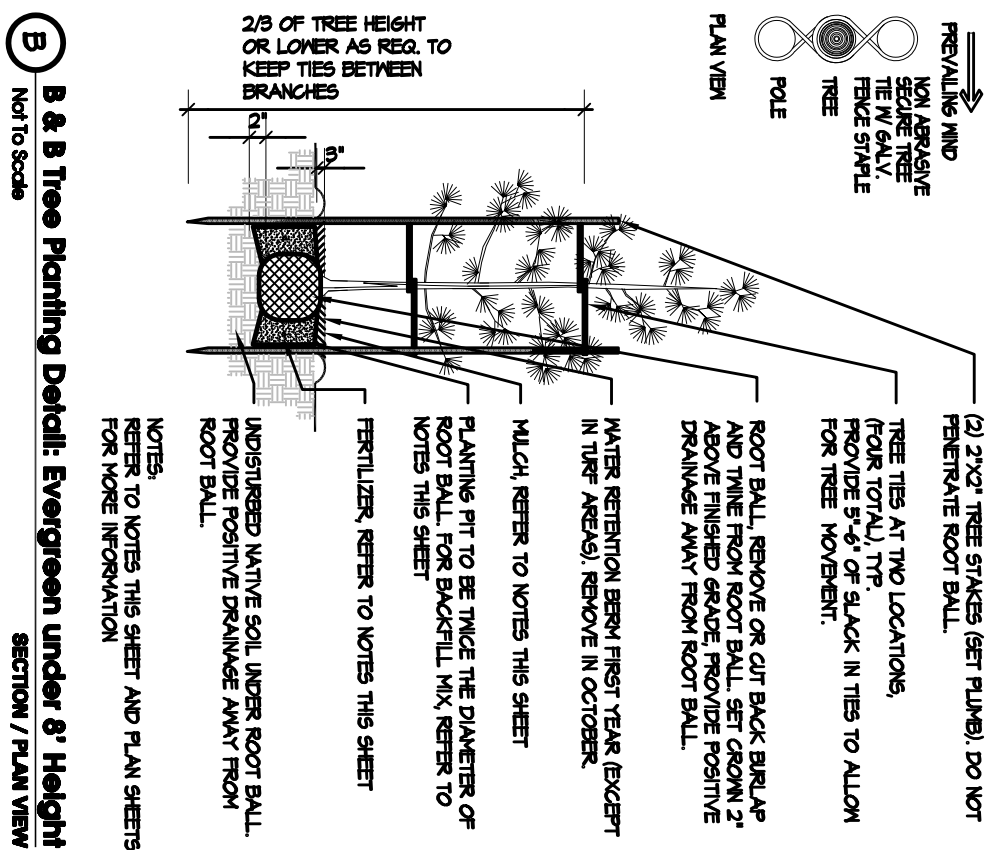
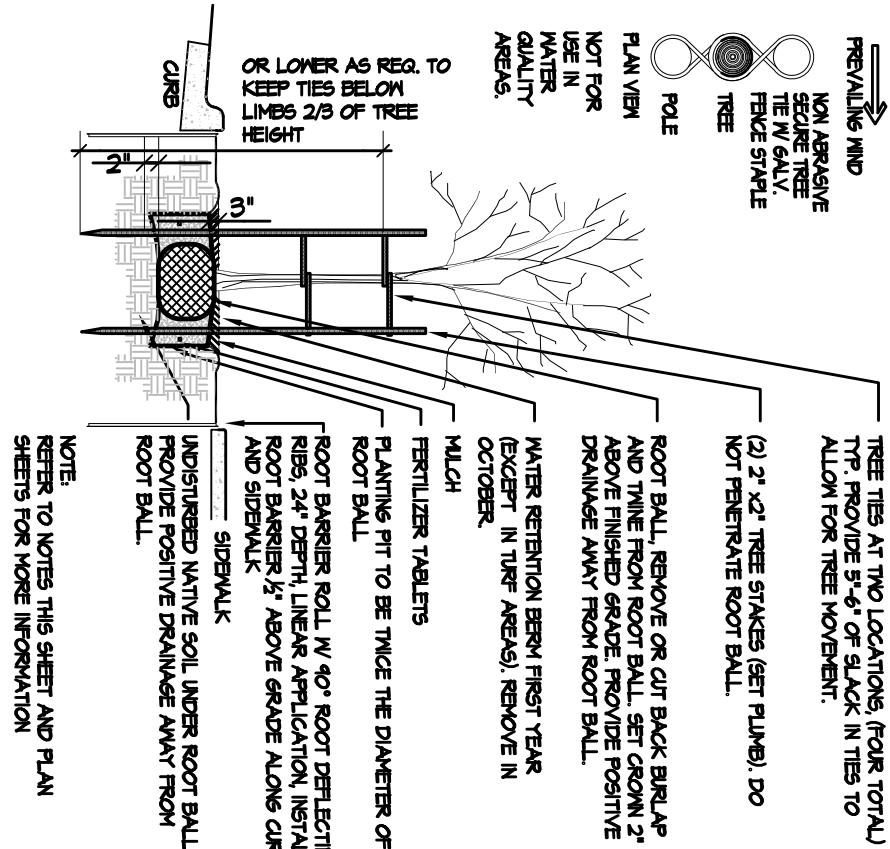


WARNER PARROT ROAD



PLANTING NOTES

16. 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.
17. FINISH GRADE SHALL BE SET TO ALLOW POSITIVE DRAINAGE.
18. ROTOTILL 2" OF COMPOST INTO ALL PLANTED AREAS.
19. INCORPORATE PEAT INTO THE ROOT ZONE OF RHODODENDRON, AZALEAS AND OTHER ACID LOVING PLANTS.
20. INCORPORATE 10-20-20 FERTILIZER INTO THE ROOT ZONE OF ALL NEW PLANTINGS.
21. ROUGHEN OR APPROVED EQUAL, PREEMERGENT HERBICIDE TO BE APPLIED TO ALL PLANTED AREAS PER MANUFACTURERS INSTRUCTIONS.
22. 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.
23. GROWN LAWN AREAS AND GRADE TO PROVIDE POSITIVE DRAINAGE.
24. ROLL LAWN AREA TO INSURE PROPER COMPACTION TO MINIMIZE SETTLING.
25. AMEND SOIL IN LAWN AREAS WITH 80 LBS. OF DOLOMITE LINE 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.
26. SEED LAWN AREAS WITH GRASS SEED. MANUFACTURERS RECOMMENDATIONS. COVER SEED WITH FINE MULCH APPLIED WITH ROLLER OR HYDROSEED.
27. THE PROPERTY OWNER IS RESPONSIBLE FOR MAINTAINING TURF PLANTED WITHIN THE RIGHT OF WAY.
28. PLANT MATERIAL SHALL BE PLANTED W/ ROOT CROWN 1" ABOVE FINISHED GRADE TO ALLOW POSITIVE DRAINAGE AWAY FROM CROWN.
29. STAKE ALL TREES OVER 6 FT. IN HEIGHT PER DETAILS ON THIS SHEET.
30. REFER TO DETAILS FOR ADDITIONAL INFORMATION.
31. ALL PLANTING SHALL BE IRRIGATED BY AN AUTOMATIC UNDERGROUND SPRINKLER SYSTEM.
32. ALL PLANT MATERIALS FURNISHED ARE TO BE HEALTHY, UNIFORMLY BRANCHED AND WITH WELL DEVELOPED FIBROUS ROOT SYSTEMS.
33. ALL PLANT MATERIALS FURNISHED ARE TO BE FREE FROM DEAD OR BROKEN BRANCHES, LICHENS, SCARS, BROKEN BARK OR WOUNDS. ALL PLANT MATERIALS WILL BE INSPECT, KEED 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.
34. FIELD CONFIRM ALL SITE CONDITIONS, AREAS AND SIZES PRIOR TO BIDDING & CONSTRUCTION. DO NOT SCALE FROM PLANS.



PLANT LEGEND	
SYMBOL	BOTANICAL / COMMON NAME
TREES	
	ACER GISEUM PAPERBARK MAPLE
	CERCIS CANADENSIS EASTERN REDBUD
	LAGERSTROEMIA INDICA X FAURIEI 'ZINI' ZINI GRAPE HYDRANGEA
	MAGNOLIA GRANDIFLORA 'LITTLE GEM' LITTLE GEM SOUTHERN MAGNOLIA
	PINUS FLEXILIS 'VANDERHOFF PYRAMID' BLUE PYRAMIDAL PINE
	PICEA PUNGENS 'FASTIGIATA' COLUMBIAN BLUE COLORADO SPRUCE
SHRUBS	
	ABELIA X GRANDIFLORA 'KALEIDOSCOPE' KALEIDOSCOPE ABELIA
	CAMELLIA X 'WINTER SNOWMAN' WINTER'S SNOWMAN ICE ANGELS CAMELLIA
	CORNUS COCCINEA 'ROYAL PURPLE' ROYAL PURPLE SMOKE TREE
	ELEAGNUS X MARTINII 'ASCOT RAINBOW' ASCOT RAINBOW SPRIG
	ILEX CRENATA 'SKY PENCIL' AQUA PENCIL JAPANESE HOLLY
	ILEX BLAYA 'COMPACTA' COMPACT INKBERY HOLLY
	MISCANTHUS SINENSIS 'MORNING LIGHT' MORNING LIGHT MAIDEN GRASS
	NANDINA DOMESTICA 'MOON BAY' MOON BAY HEAVENLY BAMBOO
	OSMANTHUS HETEROPHYLLUS 'GOSHIKI' GOSHIKI FALSE HOLLY
	PENISETUM ALOPECUROIDES 'HAWELN' HAWELN FOUNTAIN GRASS
	RHODODENDRON X NYMPHA 'PICOBELLO' PICOBELLO WHITE RHODODENDRON
	SPIREA JAPONICA 'GOLDFLAME' GOLD FLAME SPIREA
GROUND COVER	
	COTONEASTER DAMMERI BEARBERY COTONEASTER
	LIRIODENDRON 'BIG BLUE' BIG BLUE LILY TURF
	TURF (SEED OR SOD), PER OWNER

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.

- WP1

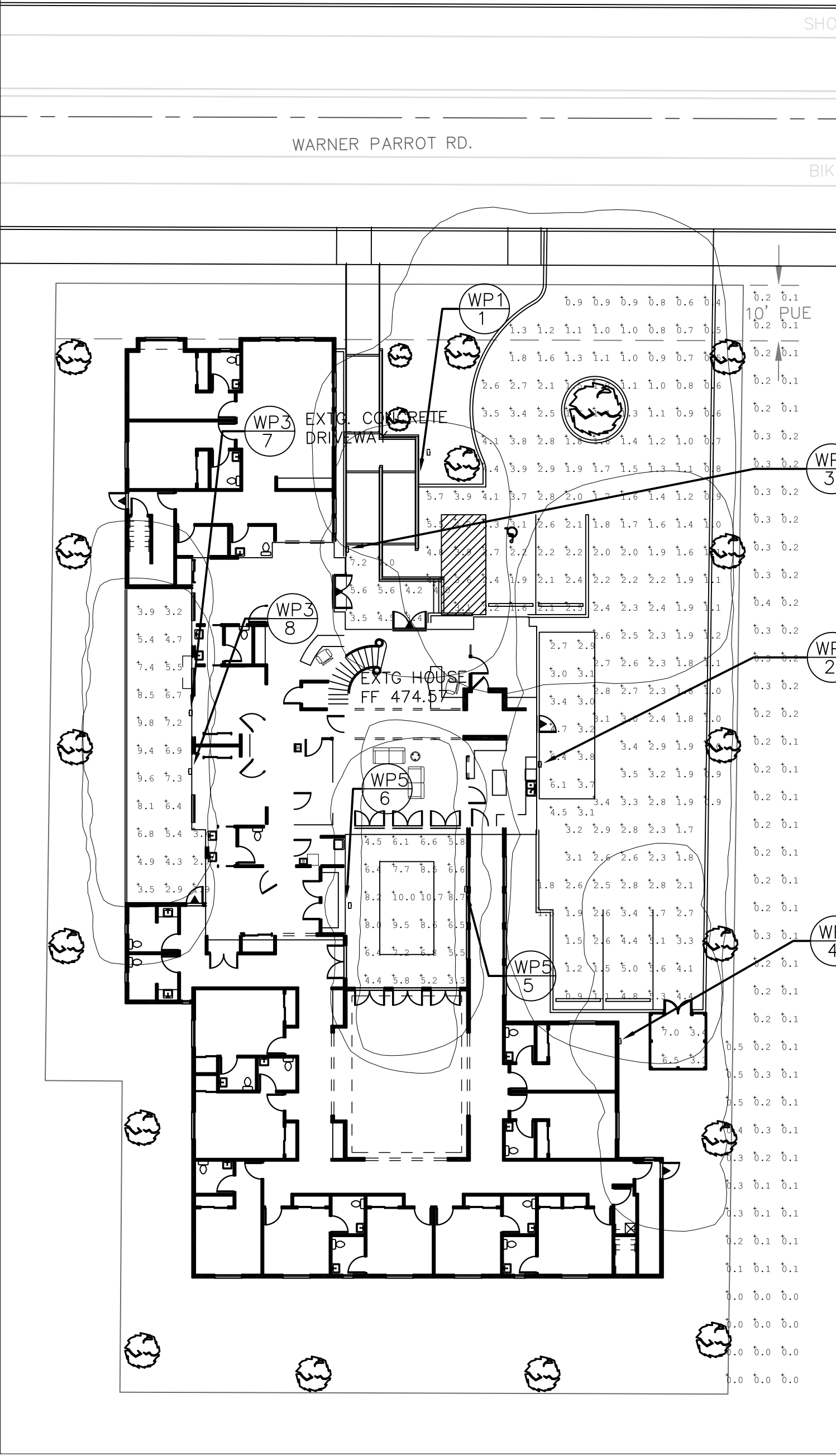
X
- = INSTALL 66W PRIVATE WALL PACK #.
-
- (X = WALL PACK #).
-
- WP2

X
- = INSTALL 66W PRIVATE WALL PACK #.
-
- (X = WALL PACK #).
-
- WP3

X
- = INSTALL 34W PRIVATE WALL PACK #.
-
- (X = WALL PACK #).
-
- WP4

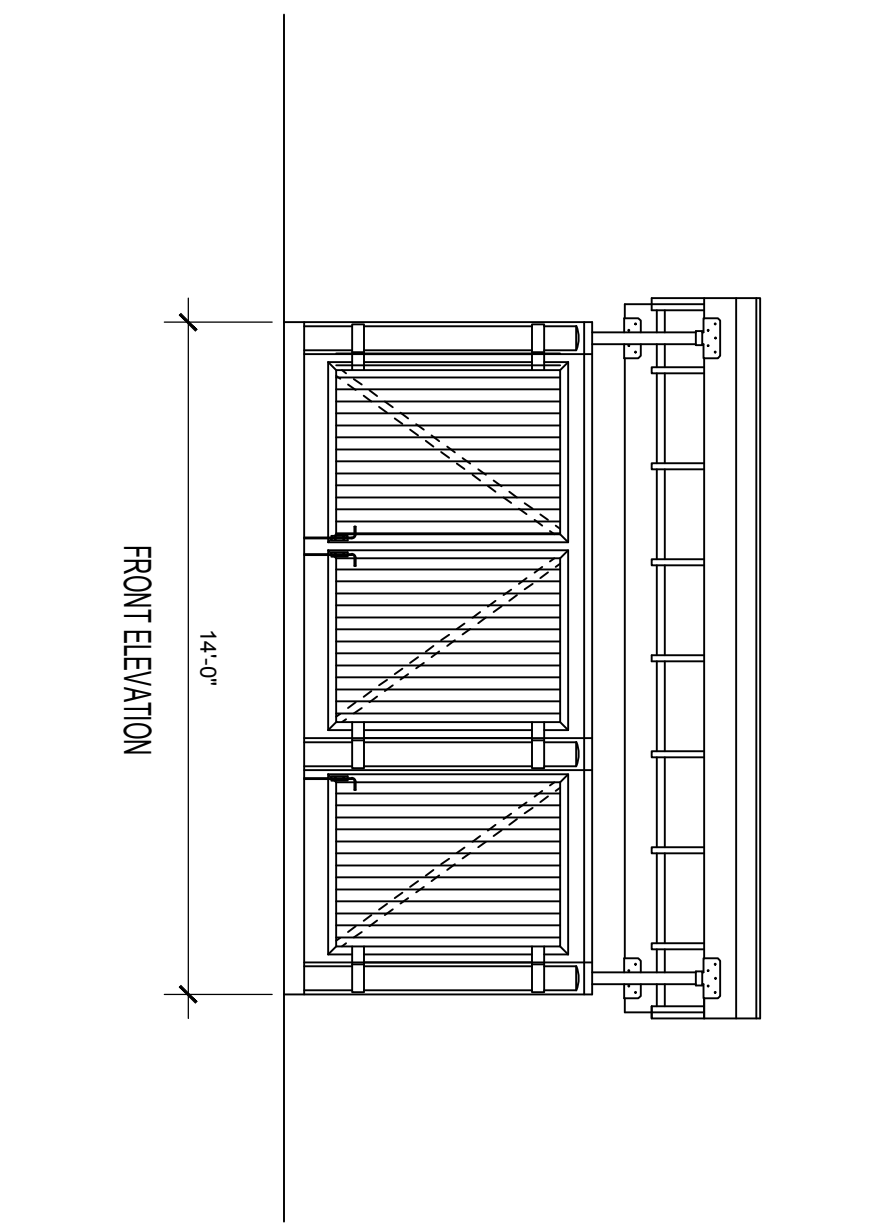
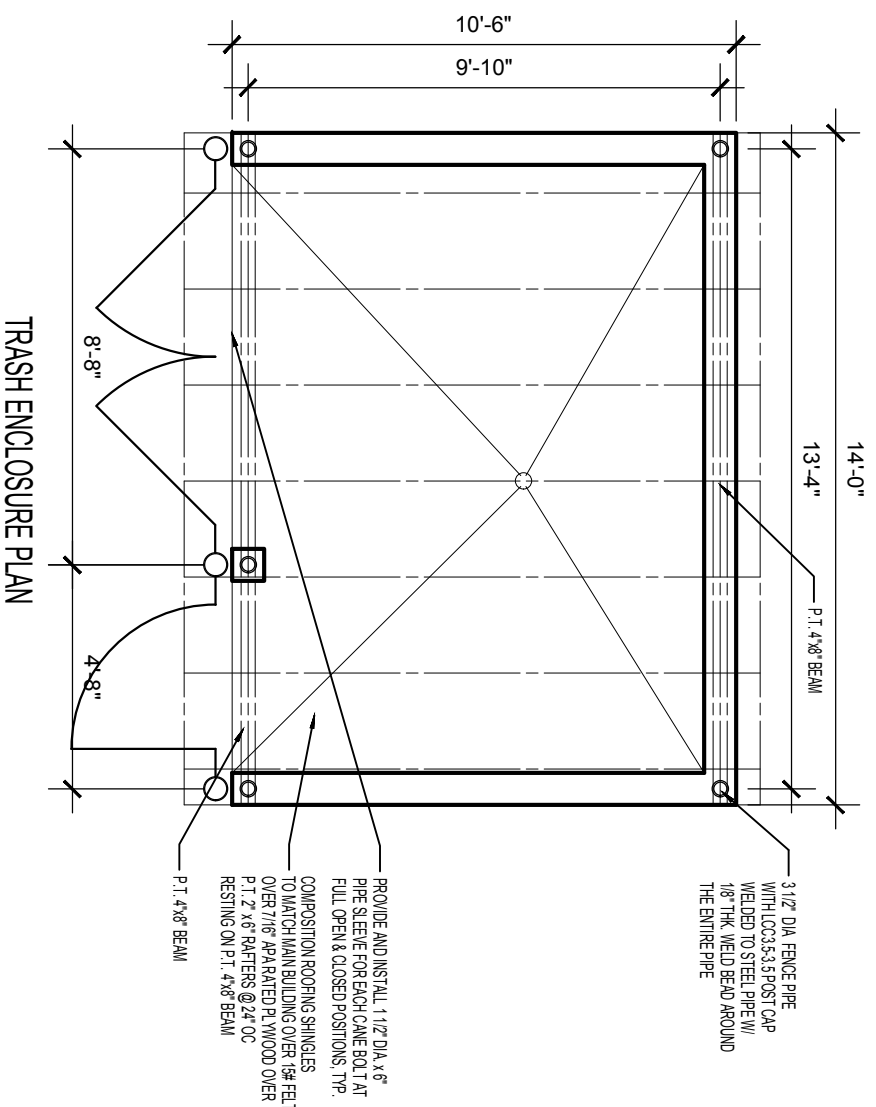
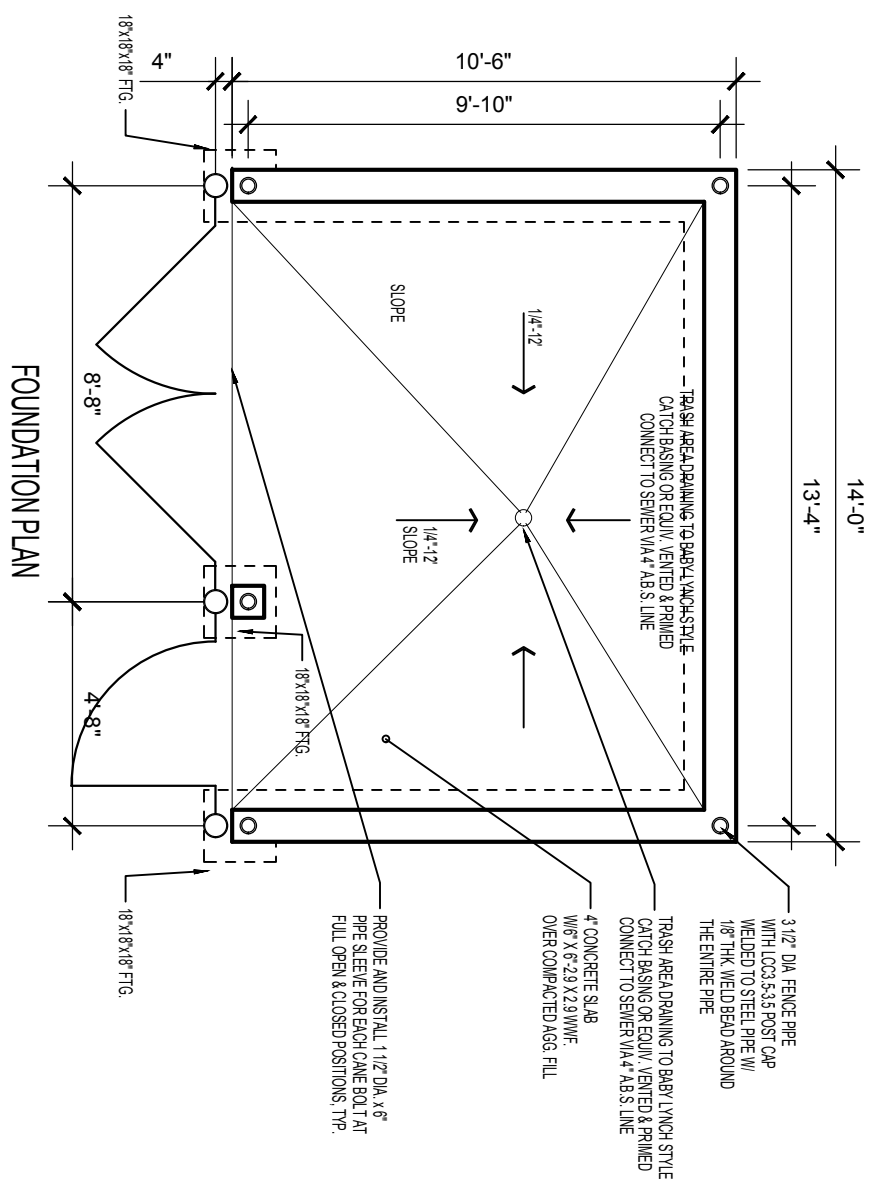
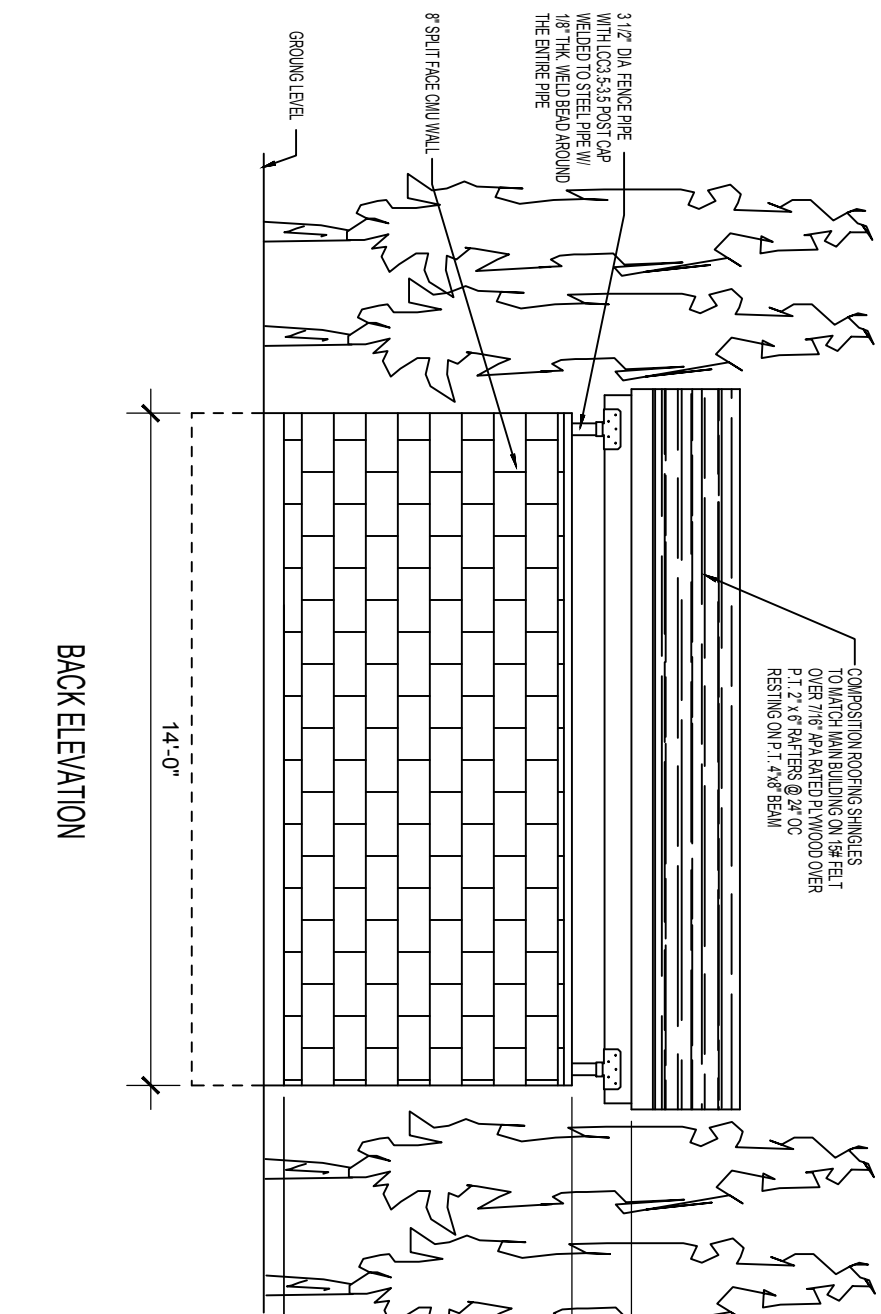
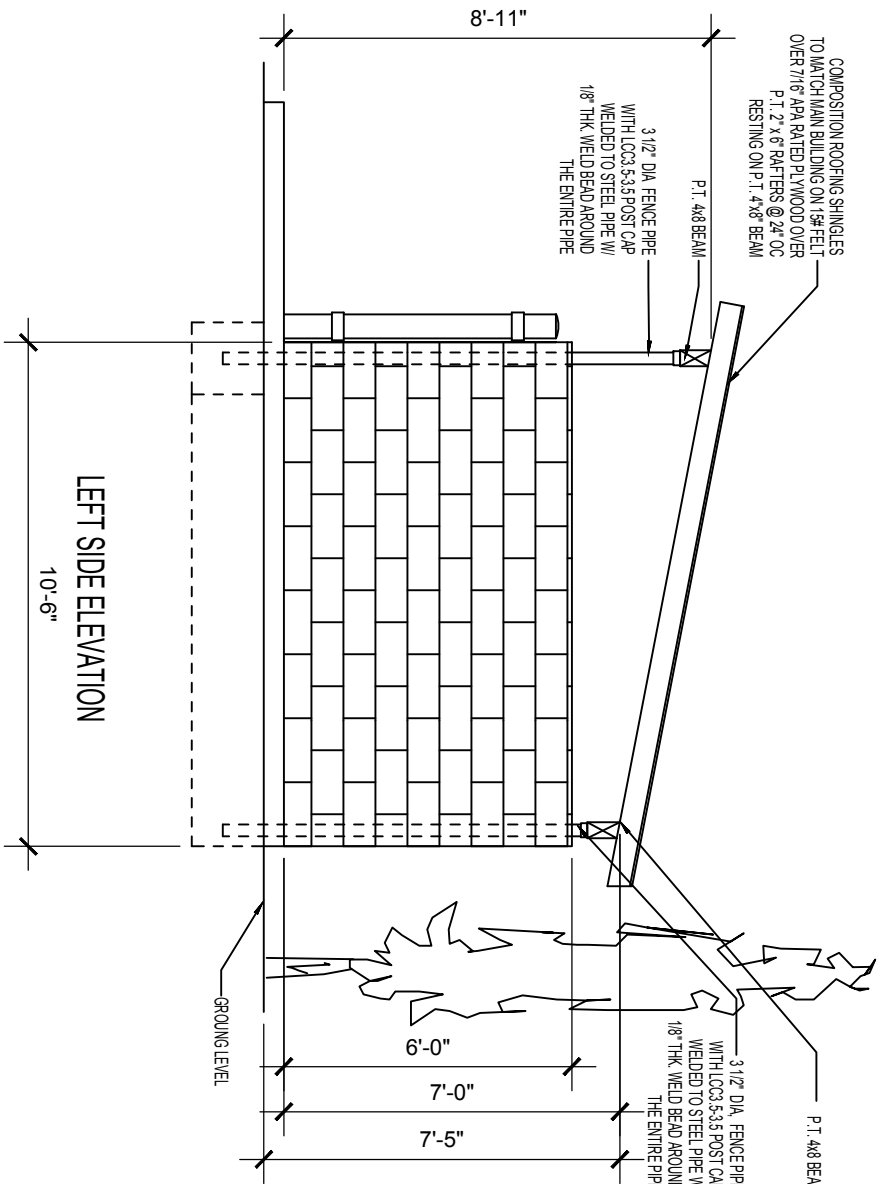
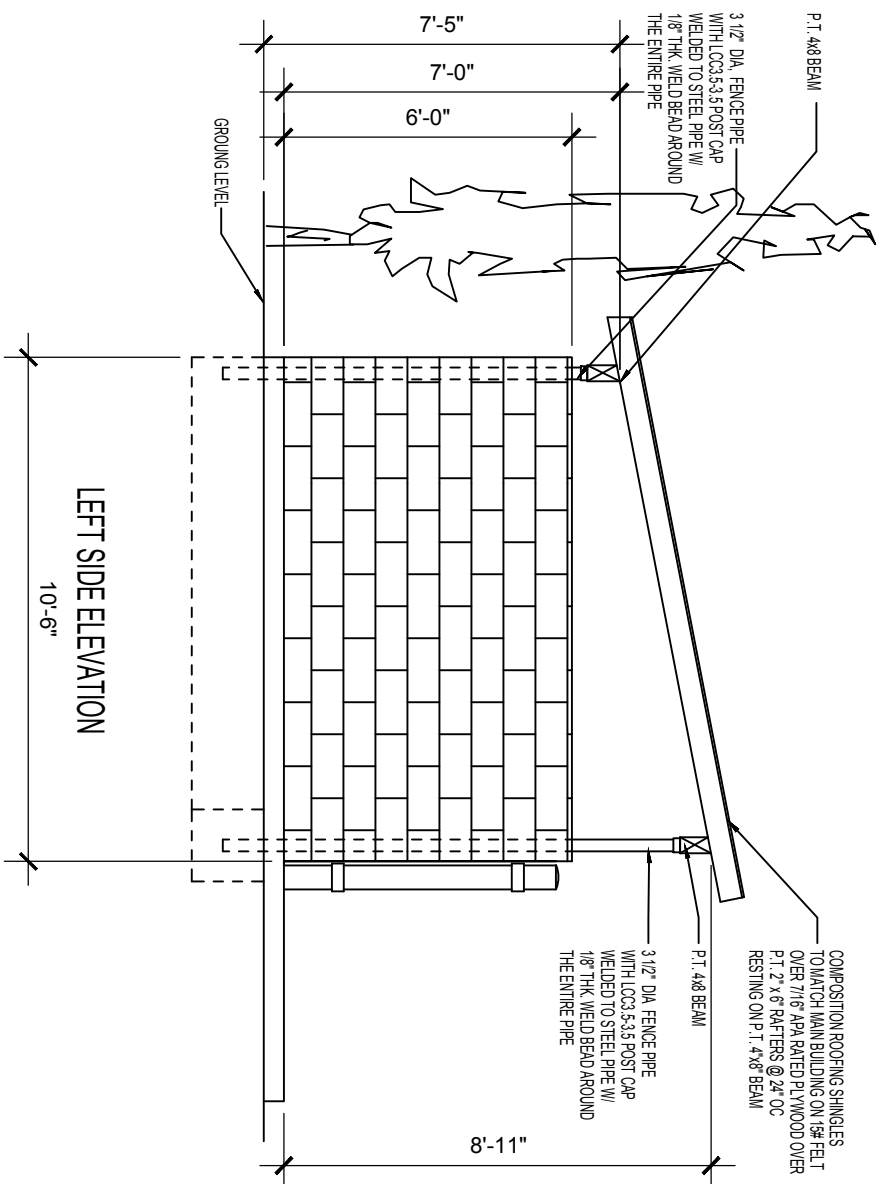
X
- = INSTALL 34W PRIVATE WALL PACK #.
-
- (X = WALL PACK #).
-
- WP5

X
- = INSTALL 34W PRIVATE WALL PACK #.
-
- (X = WALL PACK #).

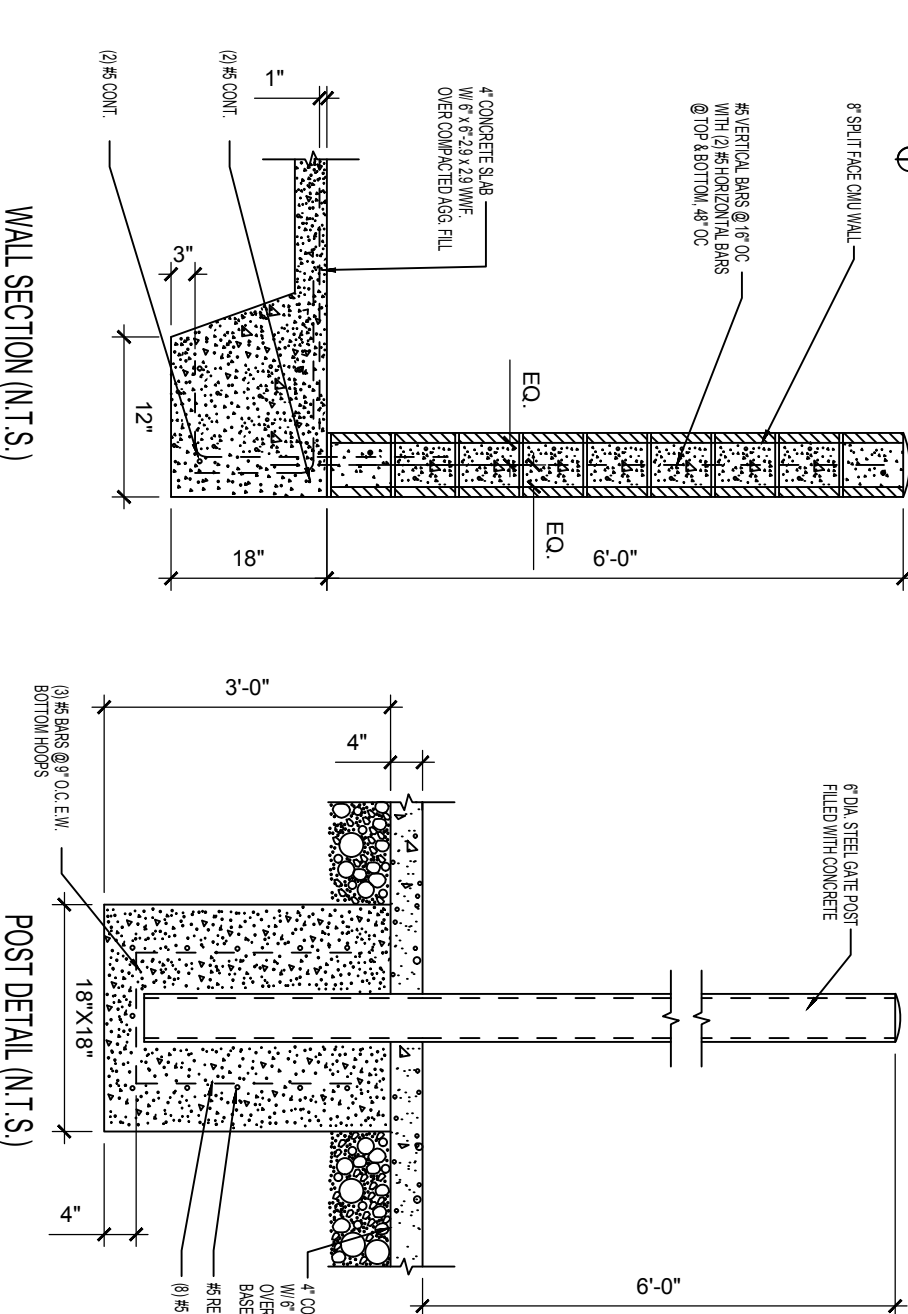
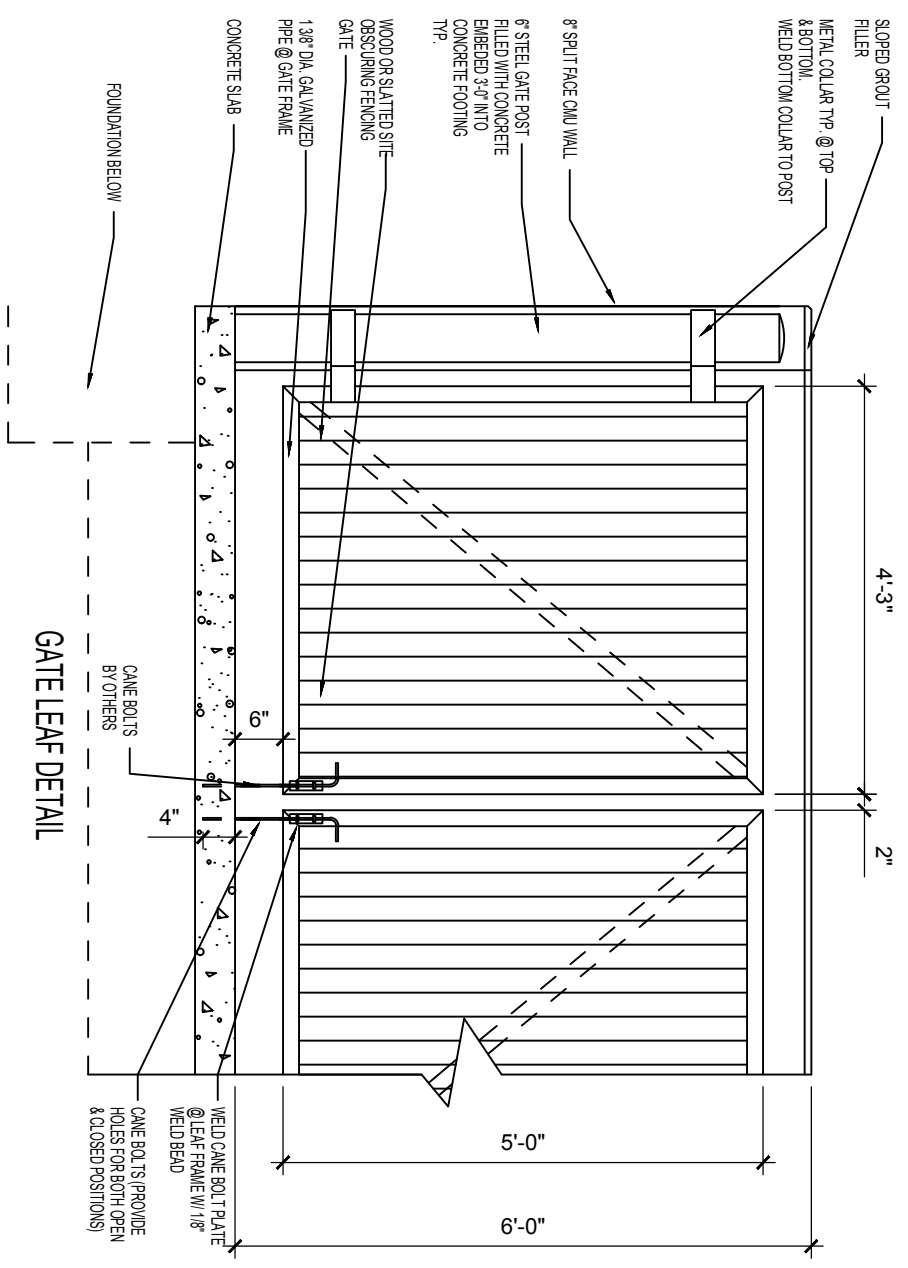


WALL PACK INFORMATION TABLE			
WALLPACK NUMBER	MH	WATTS	LUMENS
1	15 FT	66	7963
2	15 FT	66	6649
3	8 FT	34	3233
4	9 FT	34	3967
5	8 FT	34	3402
6	8 FT	34	3402
7	8 FT	34	3233
8	8 FT	34	3233

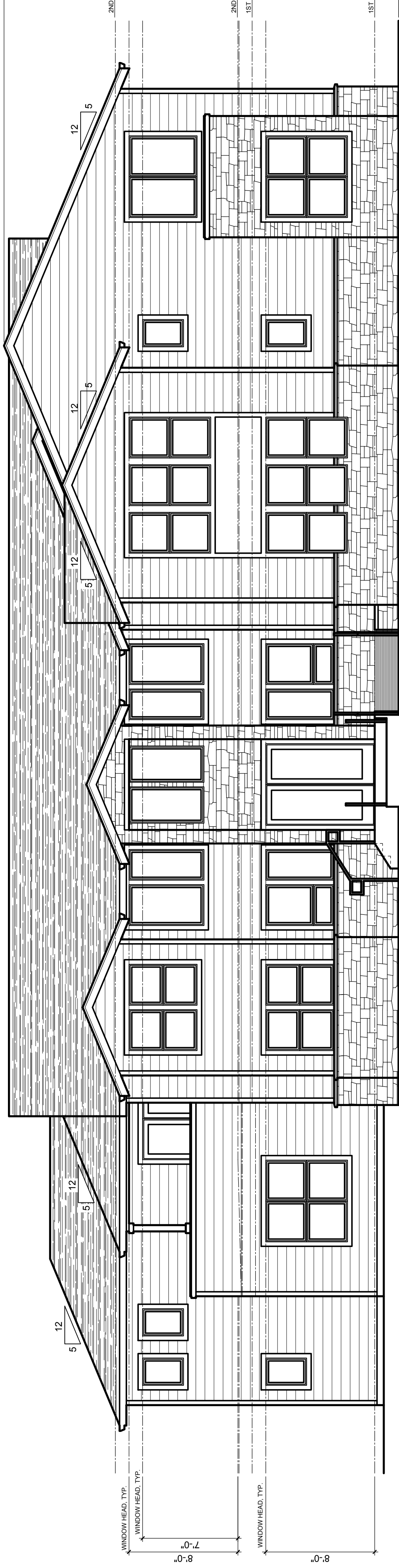
NUMERIC SUMMARY					
PROJECT: WARNER PARROT					
LABEL	CALC TYPE	UNITS	AVG	MAX	MIN
COURTYARD	ILLUMINANCE	FC	6.96	10.70	3.30
PARKING LOT	ILLUMINANCE	FC	2.20	5.70	0.50
DELIVERY AREA	ILLUMINANCE	FC	3.83	6.40	2.70
ENTRY PORCH	ILLUMINANCE	FC	5.00	7.20	3.40
GARBAGE AREA	ILLUMINANCE	FC	5.05	7.00	3.30
OUTDOOR PLAY AREA	ILLUMINANCE	FC	5.83	9.80	1.90
OFF-SITE	ILLUMINANCE	FC		0.50	



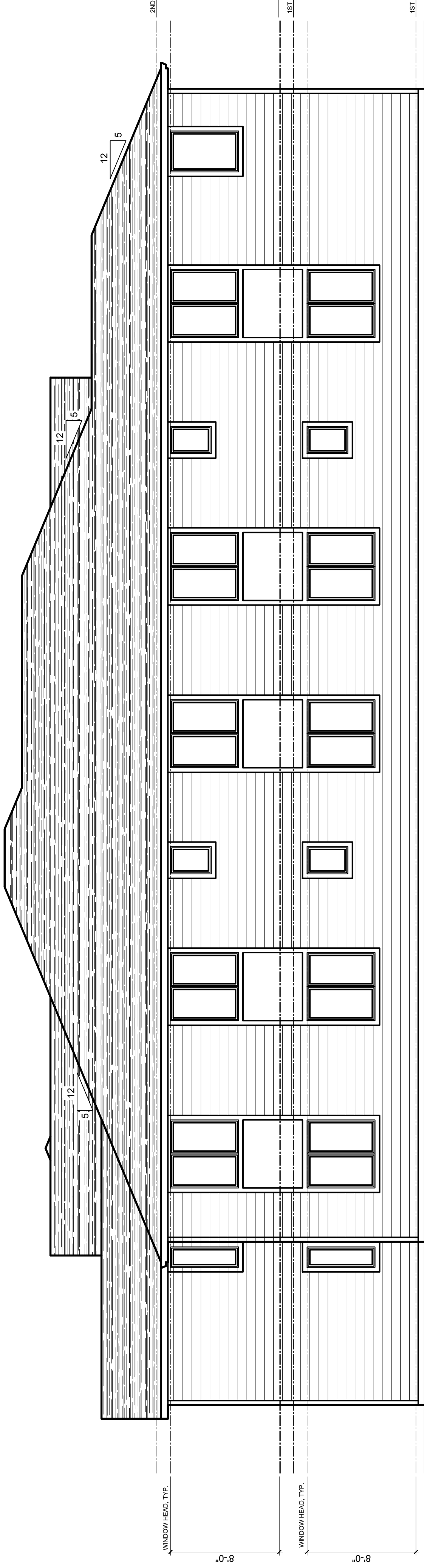
A
A1.2 TRASH ENCLOSURE
SCALE: 1/4" = 1'-0"



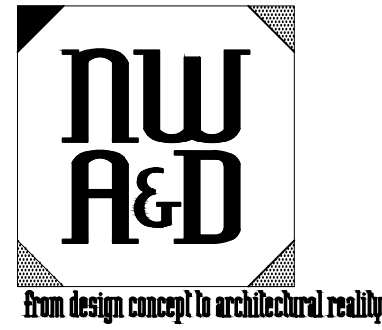
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A1.2 TRASH ENCLOSURE DETAIL
SCALE: 1/2" = 1'-0"



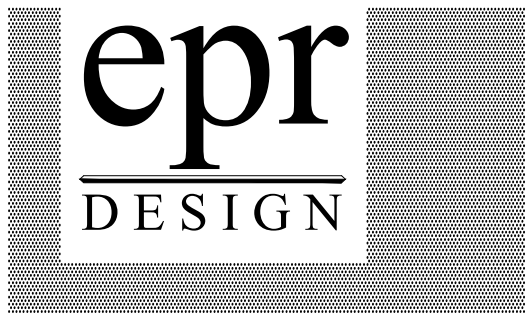
A FRONT ELEVATION (NORTH)
A2.0 SCALE: 3/16" = 1'-0"



B REAR ELEVATION (SOUTH)
A2.0 SCALE: 3/16" = 1'-0"



515 NW Saltzman Rd., No. 722
Portland, Oregon 97229
503-710-8551
503-297-0409
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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: 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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epr
DESIGN

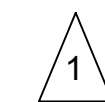
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PERMIT SET



PROPOSED GROUND LEVEL FLOOR PLAN

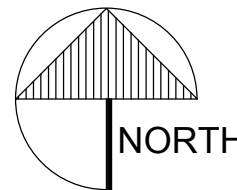
REVISED:

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.

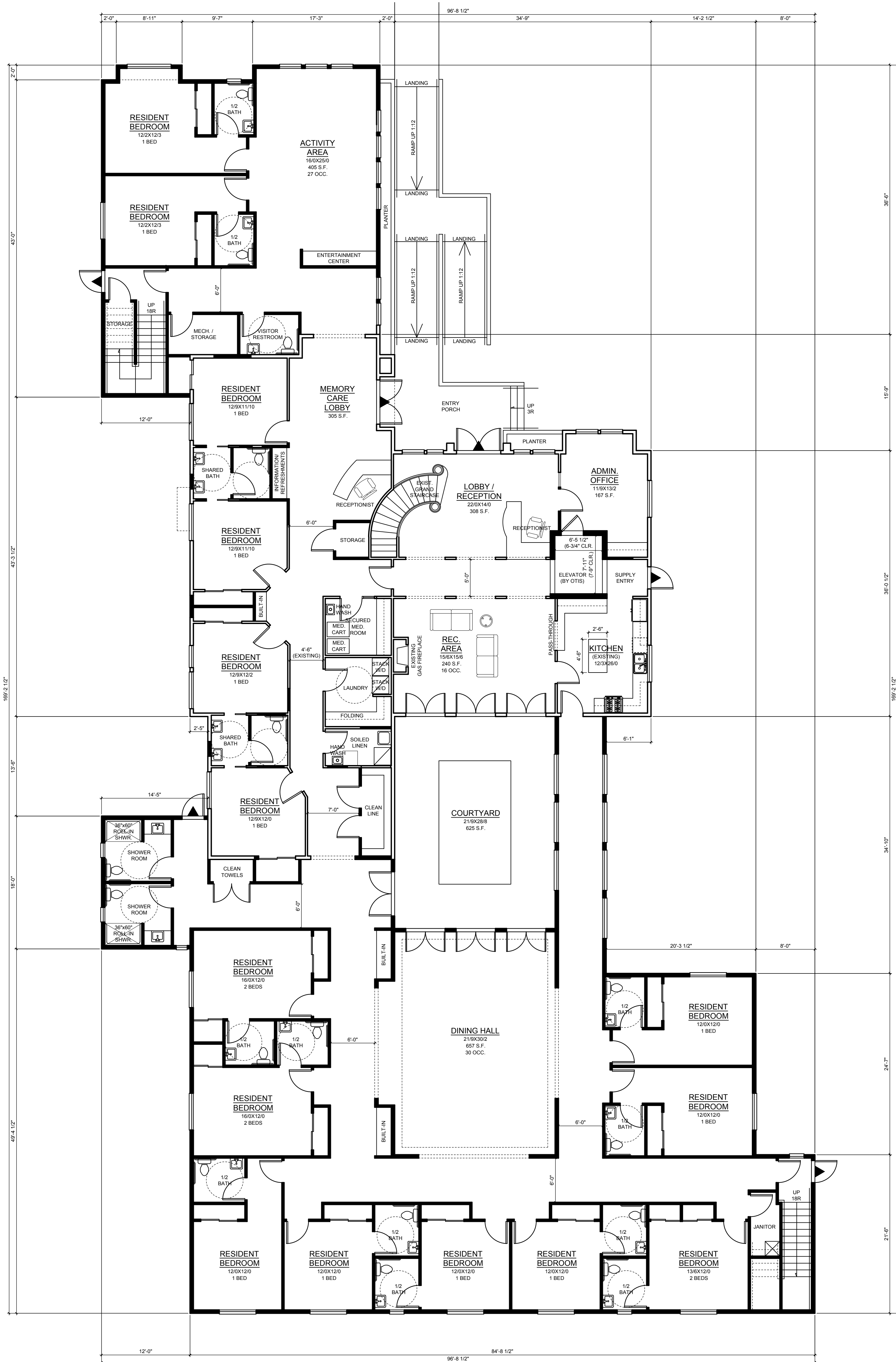
SEE ELEVATION DRAWINGS FOR WINDOW & EXTERIOR DOOR HEAD HEIGHTS.

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.



2ND LEVEL FLOOR PLAN

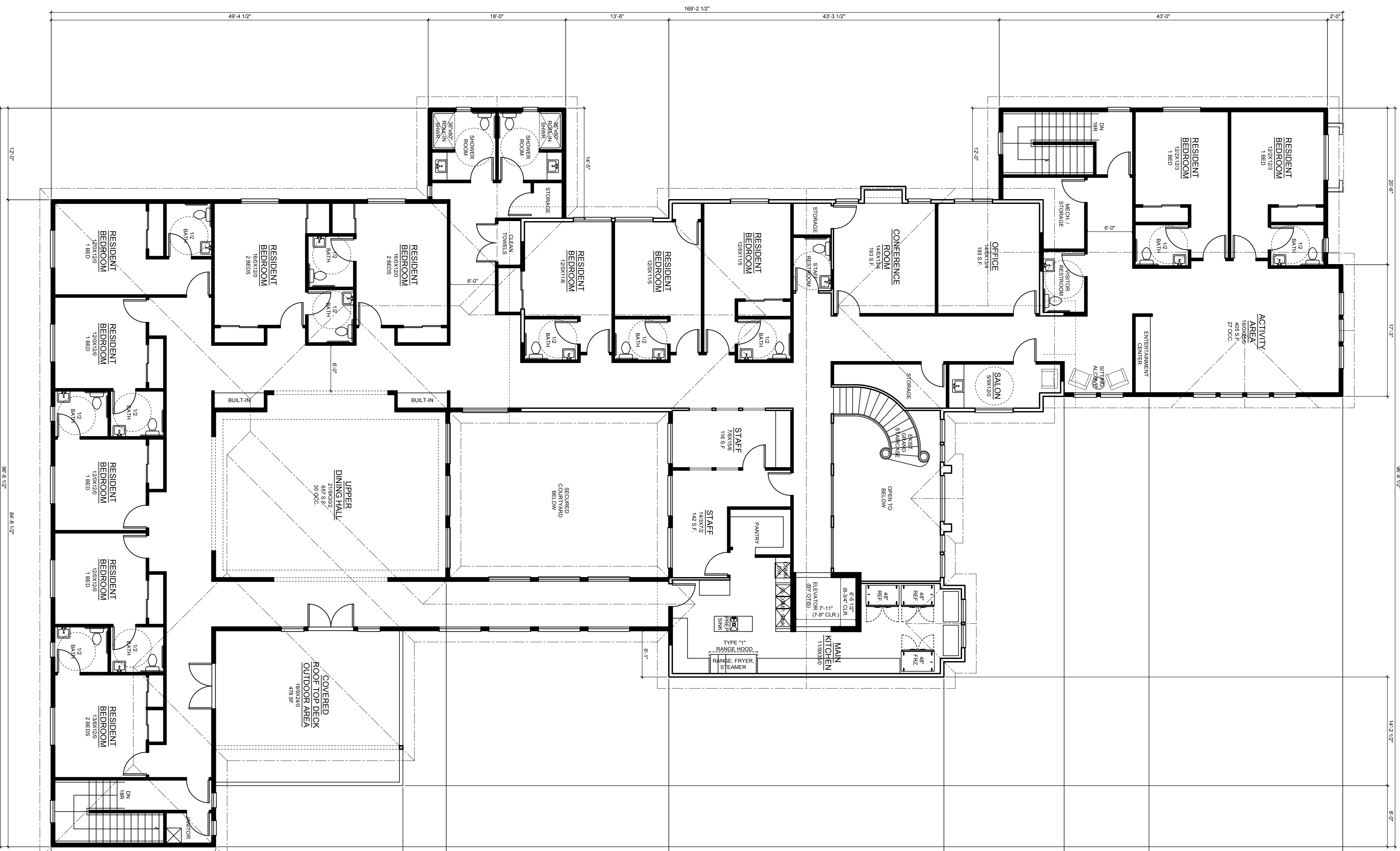
E: 1/8" = 1'-0"

RESIDENT BEDS: 12
RESIDENT BATHS: 12
OFFICE: 1
CONFERENCE ROOM: 1
SALON: 1
ACTIVITY AREA: 1
ENTERTAINMENT CENTER: 1
KITCHEN: 1
PANTRY: 1
STAFF: 2
BATH: 1
SHOWER ROOM: 1
TOILET: 1
STORAGE: 1
MECH. / STORAGE: 1
VISITOR RESTROOM: 1
SITTING ALCOVE: 1
GRAND STAIRCASE: 1
ELEVATOR (L): 1
ELEVATOR (R): 1
REF: 4
FRZ: 4
TYPE "1" RANGE HOOD: 1
RANGE, FRYER, STEAMER: 1
FRIED FRYER: 1
SINK: 1

NOTES:

- DOORS TO BE MIN. 20 MINUTE RATED PER PARTITIONS.
 - IDENT BEDROOM DOORS NOT RATED.
 - ING UNITS TO BE ACCESSIBLE UNITS W/ TROOMS.
 - ROOM DOORS ACCESSING THE EQUIPPED WITH SMOKE GASKETS.
 - NG, & LEVER TYPE HANDLES W/ KEYED TO BE ATTENDED BY STAFF ON A 24-HR.
 - IGHTS TO BE 9'-0" U.N.O.
 - ELEVATIONS & WINDOW DETAILS SHEET TLES, SIZES, & HEAD HEIGHTS, TYP.
 - ALKS & CONCRETE PATIO AREAS RADIATION ONLY. SEE SITE PLAN FOR RADIATION.
 - SAFETY PLAN FOR WALL TYPES, EGRESS DETAILS NOT SHOWN HERE FOR CLARITY.
 - PLY W/ OAR 333-150-0000 FOOD SS.
 - A GREASE INTERCEPTOR AT KITCHEN, KITCHEN DRAIN FEATURES TO GREASE RELEASE INTERCEPTOR SHALL CONNECT LINE IN CRAWL SPACE.
 - SORBENT SURFACE TO A HEIGHT OF 4' WALLS OF COMMON RESTROOMS & ES, FULL HEIGHT @ SHOWERS
- ES:
- RESIDENT BEDROOMS: 12
- RESIDENT BATHS: 12
- OFFICE: 1
- CONFERENCE ROOM: 1
- SALON: 1
- ACTIVITY AREA: 1
- ENTERTAINMENT CENTER: 1
- KITCHEN: 1
- PANTRY: 1
- STAFF: 2
- BATH: 1
- SHOWER ROOM: 1
- TOILET: 1
- STORAGE: 1
- MECH. / STORAGE: 1
- VISITOR RESTROOM: 1
- SITTING ALCOVE: 1
- GRAND STAIRCASE: 1
- ELEVATOR (L): 1
- ELEVATOR (R): 1
- REF: 4
- FRZ: 4
- TYPE "1" RANGE HOOD: 1
- RANGE, FRYER, STEAMER: 1
- FRIED FRYER: 1
- SINK: 1

- RESIDENT BEDROOMS: 12
 - RESIDENT BATHS: 12
 - OFFICE: 1
 - CONFERENCE ROOM: 1
 - SALON: 1
 - ACTIVITY AREA: 1
 - ENTERTAINMENT CENTER: 1
 - KITCHEN: 1
 - PANTRY: 1
 - STAFF: 2
 - BATH: 1
 - SHOWER ROOM: 1
 - TOILET: 1
 - STORAGE: 1
 - MECH. / STORAGE: 1
 - VISITOR RESTROOM: 1
 - SITTING ALCOVE: 1
 - GRAND STAIRCASE: 1
 - ELEVATOR (L): 1
 - ELEVATOR (R): 1
 - REF: 4
 - FRZ: 4
 - TYPE "1" RANGE HOOD: 1
 - RANGE, FRYER, STEAMER: 1
 - FRIED FRYER: 1
 - SINK: 1
- RESIDENT BEDROOMS: 12
- RESIDENT BATHS: 12
- OFFICE: 1
- CONFERENCE ROOM: 1
- SALON: 1
- ACTIVITY AREA: 1
- ENTERTAINMENT CENTER: 1
- KITCHEN: 1
- PANTRY: 1
- STAFF: 2
- BATH: 1
- SHOWER ROOM: 1
- TOILET: 1
- STORAGE: 1
- MECH. / STORAGE: 1
- VISITOR RESTROOM: 1
- SITTING ALCOVE: 1
- GRAND STAIRCASE: 1
- ELEVATOR (L): 1
- ELEVATOR (R): 1
- REF: 4
- FRZ: 4
- TYPE "1" RANGE HOOD: 1
- RANGE, FRYER, STEAMER: 1
- FRIED FRYER: 1
- SINK: 1



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 10th 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 10th 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

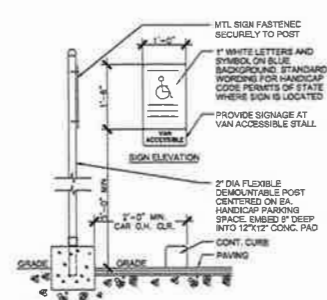
feet of separation. The City's standard identifies the spacing between local streets on a minor arterial as 150 feet. Currently, the City of Oregon City does not have a spacing standard for single-family residential driveways. The existing driveway also functions for an existing house used as a memory 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

ACCESSIBLE PARKING
ALL W/ LOADING AREA



2 ACCESSIBILITY SIGNAGE
A0.1 SCALE 3/16" = 1'

SITE DETAILS:

ADDITIONAL	16 MANHATTAN PARKWAY RD ORSON CITY, OREGON
EST. ADDRESS	5075 W. PARKWAY WEST
EST. PHONE	503 (504) 754-5471
APPROVED BY	RESIDENTS, DANCE FACILITY WITH NEIGHBORHOOD CARE (DISCOUNT)
LAND USE PROPOSER REQUIRED	TYPE B SITE PLAN & DESIGN REVIEW EXEMPTED AS A USE REVIEW
TOTAL SITE AREA	22.02 AC
SITE DENSITY PROPOSED	30 RESIDENTS/ACR
BUILDING COVERAGE, PAVED SURFACES	30 % (N/A) RPT 37 20% (N/A) RPT 38
PROPOSED LANDSCAPED AREA	10% (N/A) RPT 37
MAX. STREETS REQUIRED	10% (N/A) RPT 37
MAX. STREETS ALLOWED	IF PAVED ON OTHER INTERSECTION RPT 37
PROPOSED TRAVEL DECK/ST	APPROX. 20'
TOTAL PARKING SPACES	4 IN 1 (1) AVAILABLE SPACE ORBITE 2 OFFICE SPACES REQUIRED 3 TOTAL SPACES REQUIRED
TOTAL BICYCLE PARKING	2 BICYCLES
GREEN SPACE/CT	GLADIOLUS PINE
ORSON CITY	ORSON CITY
WATER DISTRICT	GLADIOLUS
WATER DISTRICT	NEE

GENERAL SITE PLAN NOTES:

[illegible]

REFERENCE LANDSCAPE PLANS FOR LANDSCAPE PLANTING DETAILS

REFERENCE CIVIL SHEETS FOR R.O.W. IMPROVEMENTS, FURROWS
FLOODMENT 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 IT FROM ENTERING TO CAUSE DAMAGE ETC. DURING

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 IN A MIN. LENGTH & WIDTH TO ALLOW FOR A 3' PERIMETER AROUND ALL SIDES OF

A SIGN OF 7, INCLUDING PAD AREA, SHALL BE PROVIDED IN FRONT OF EACH

CONTAINER FOR HANDLING/VEHICULARITY IN DEPOSITING SOLID WASTE OR RECYCLABLE MATERIALS

PROVIDE A "NO PARKING" SIGN THAT SHALL BE PAINTED TO ON THE PAVEMENT IN FRONT OF THE LOADING AREA TO PROVIDE SAFE & UNOBSTRUCTED ACCESS FOR SERVINGING CONTAINERS

GARBAGE & RECYCLING ENCLOSURES MUST BE KEPT FREE OF OBSTRUCTIONS & HAVE RECYCLERS IN THE OPEN & CLOSED POSITIONS. THE GATE SHOULD BE CLOSED TO A MIN. OF 120 DEGREES.

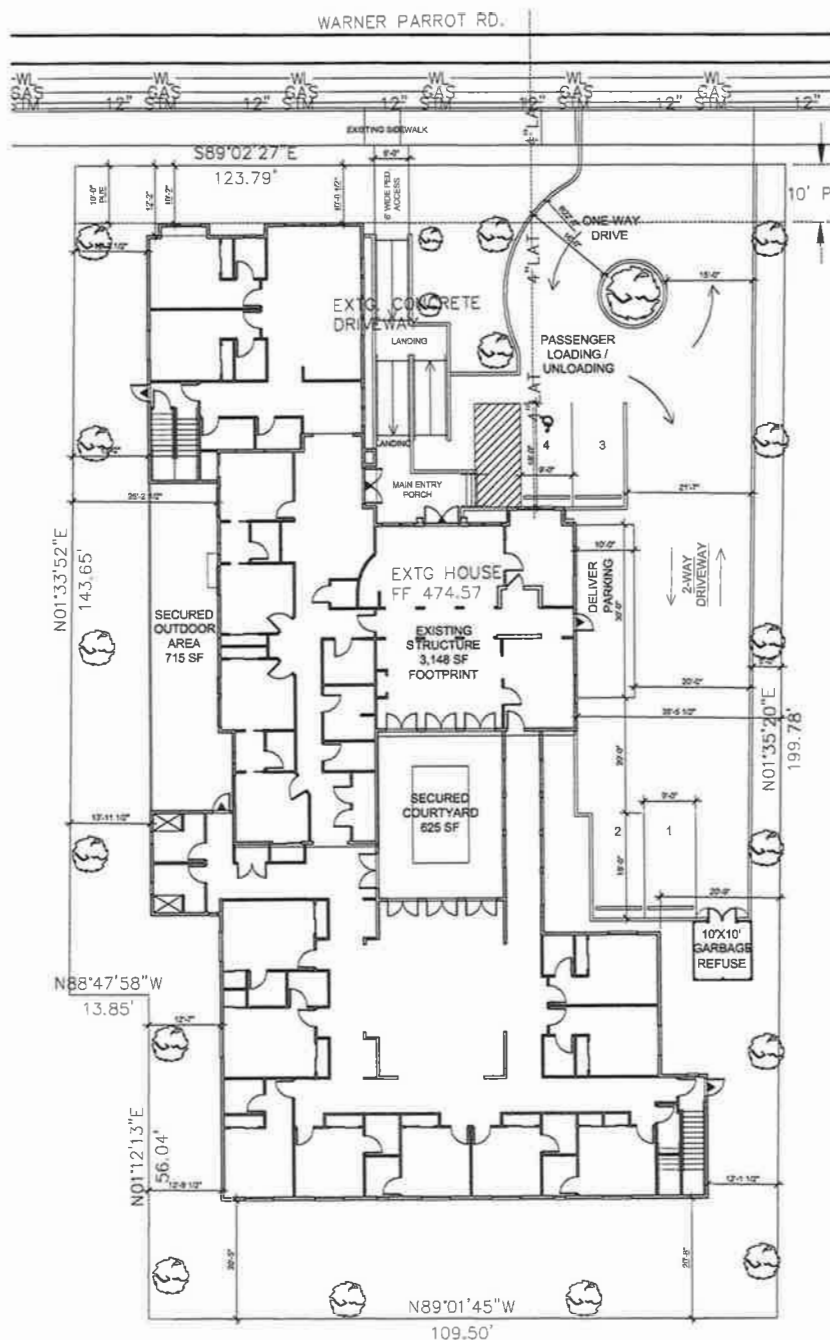
OFF STREET PARKING SHALL BE COMPLETED PRIOR TO RECEIVANCE OF CERT. ON OCC. & PROVIDED FOR EMPLOYEES & VISITORS. NO STORAGE OF

ON OCC. IS PROVIDED FOR EMPLOYEES & VISITORS. NO STORAGE OF NON-OPERABLE VEHICLES OR OF MATERIALS PERMITTED.

ALL PEDESTRIAN WALKWAYS, BUILDING ENTRANCES AND EXITS, AND OUTDOOR USE AREAS TO HAVE LIGHTING PROVIDING A MIN. OF 5 FOOT

CANDLE EXTINGUISHING TYP.

PROPOSED SITE PLAN



City of Oregon City

GEOGRAPHIC INFORMATION SYSTEM

Oregon City Streets

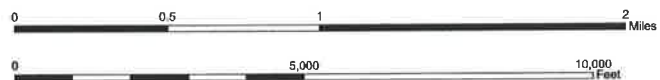
Map printed October 25, 2018

Functional Class

-  Freeway
-  Expressway
-  Major Arterial
-  Minor Arterial
-  Collector
-  Local
-  Oregon City Limits



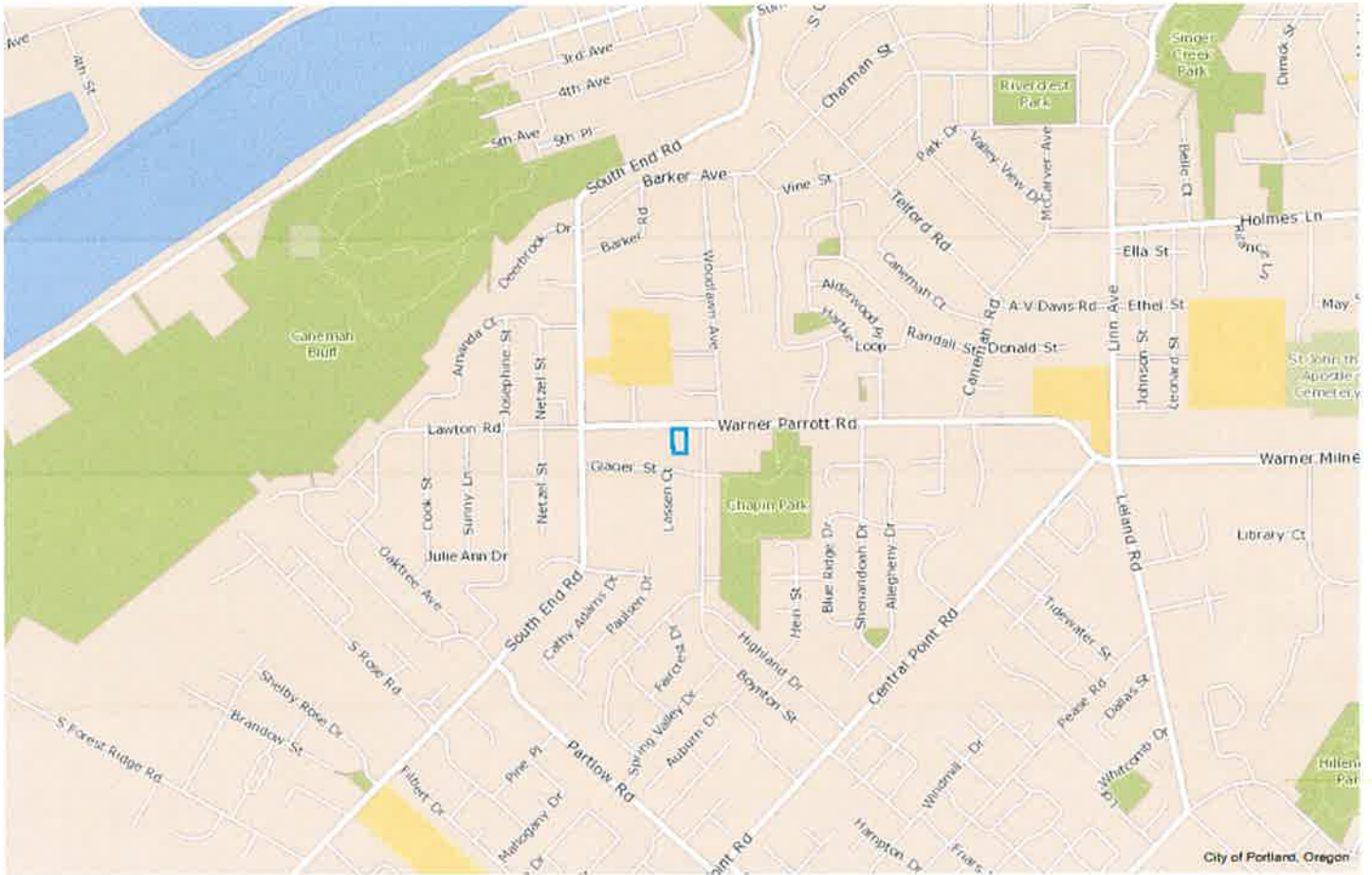
The City of Oregon City makes no representations, express or implied, as to the accuracy, completeness and timeliness of the information displayed. This map is not suitable for legal, engineering, or surveying purposes. Notification of any errors is appreciated.



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

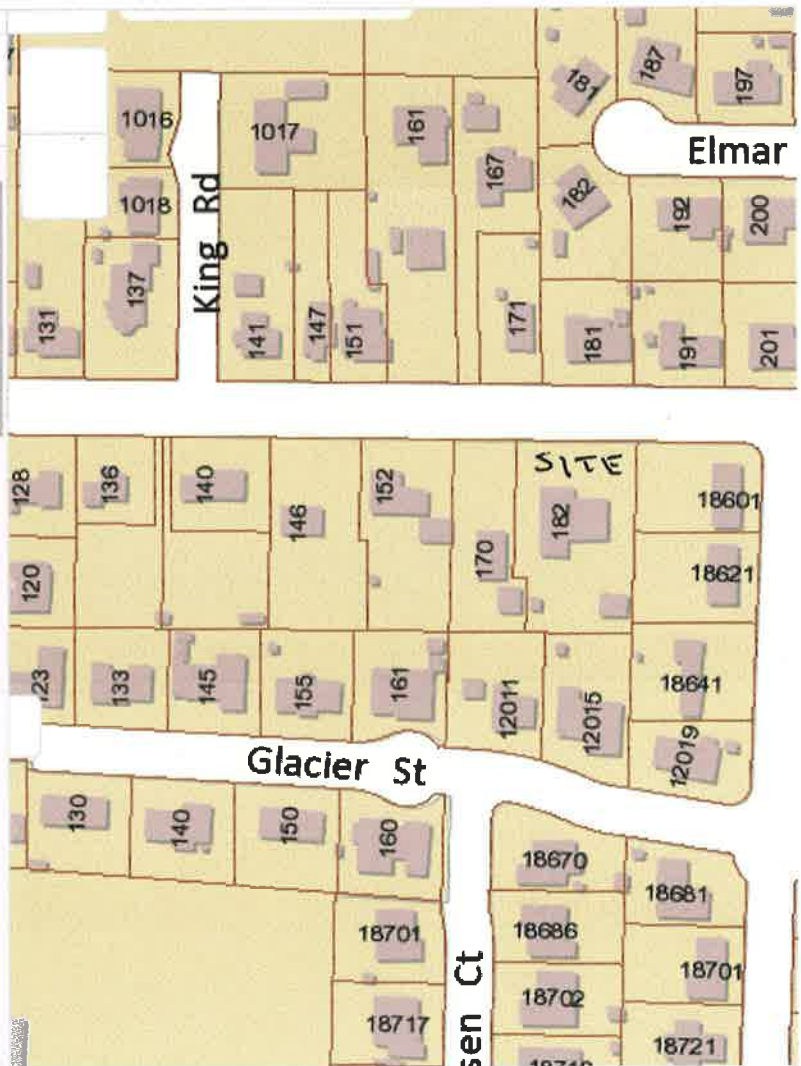
Navigation Tools

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

Table 4 - Minimum Public Intersection Spacing Standards

	Distance in Feet between Streets of Various Classifications									
	Between Minor Arterial and Minor Arterial	Between Minor Arterial and Collector	Between Minor Arterial and Neighbor hood Collector	Between Minor Arterial and Local Street	Between Collector Street and Collector Street	Between Collector Street and Neighbor hood Collector	Between Collector and Local Street	Between Neighbor hood Collector and Local Street	Between two adjacent Local Streets	Figure Number
Measured along a Minor Arterial Street	1320	800	600	300	600	300	150	150	150	1
Measured along a Collector Street	800	800	600	300	600	300	150	150	150	2
Measured along a Neighborhood Collector Street	800	600	300	300	300	150	150	150	150	3
Measured along a 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 CRASHES	NON- FATAL CRASHES	PROPERTY DAMAGE ONLY	TOTAL CRASHES	PEOPLE KILLED	PEOPLE INJURED	TRUCKS	DRY SURF	WET SURF	DAY	DARK	INTER- SECTION	INTER- SECTION RELATED	OFF- 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.

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 U R F	T O T A L	PEOPLE					
SERIAL	NO	DATE	TIME	DAY	*COUNTY OR CITY NAME	CRASH LOCATION	COLL TYPE	EVENT	CAUSE	ERROR		VEHICLE TYP/OWN	I L	I J	A N	E C	S P E D
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 Description	Medium Description	Long 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



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Portland, OR 97219
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SUPPORTING DATA

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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 changed 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 underlaying 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.

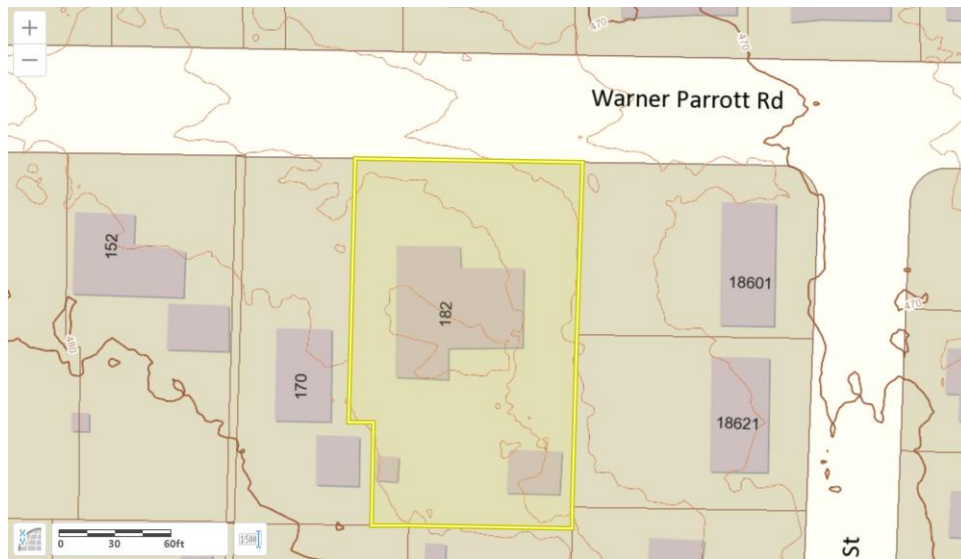


Figure 1: Two-foot contours at the subject site. Oregon City Maps Online.

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 Subduction 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 19th, 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.

	Short Period	1 Second
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



NW 1/4 SW 1/4 SEC. 6 T.3 S. R.2 E. W.M.
CLACKAMAS COUNTY

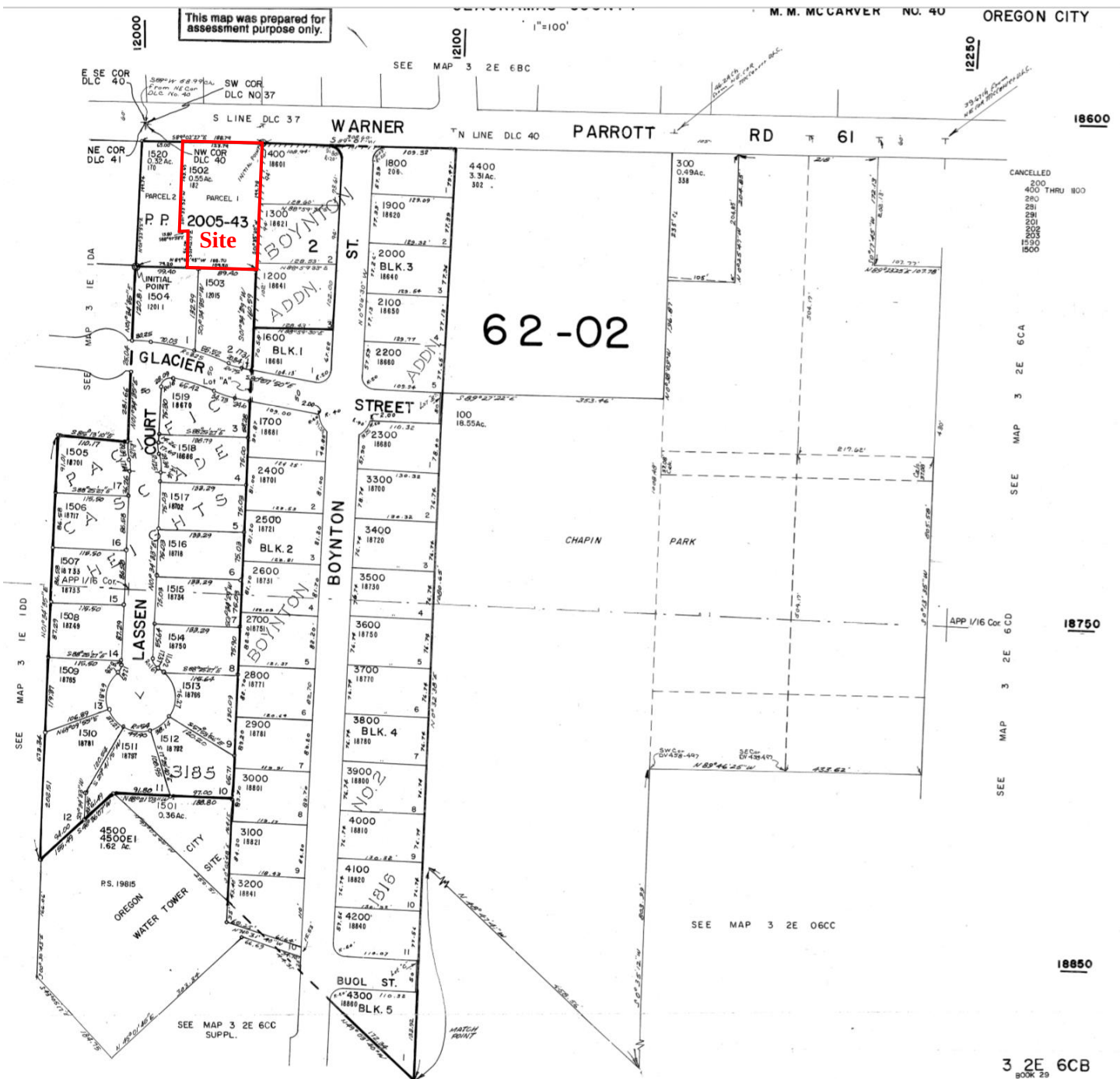
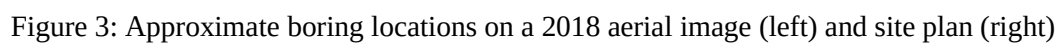


Figure 2: Subject site location on the Clackamas County Assessor's Map



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

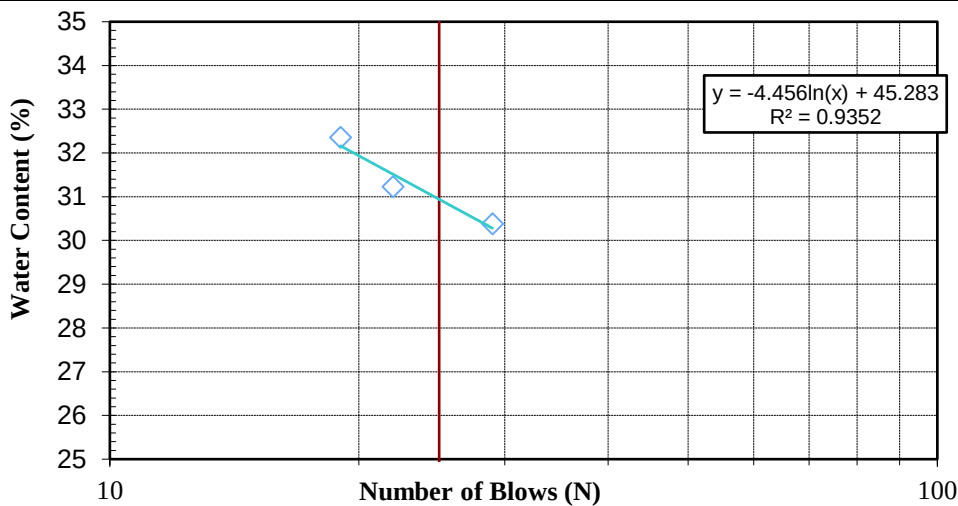
Sample Number: HA#1

Depth: 2 feet

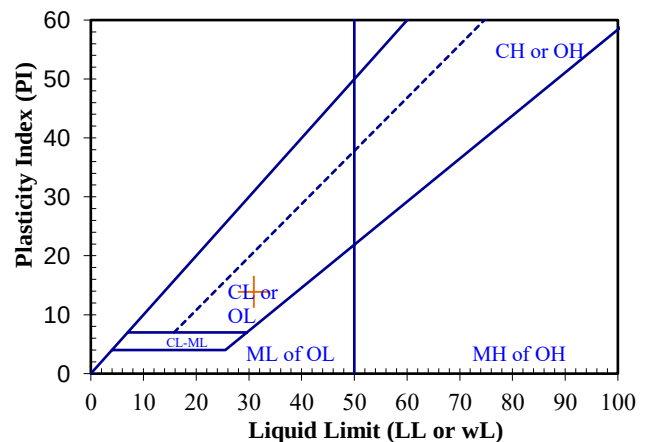
Liquid Limit

Plastic Limit

	Tare No.	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

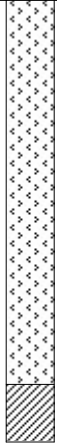
Plate 2

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.

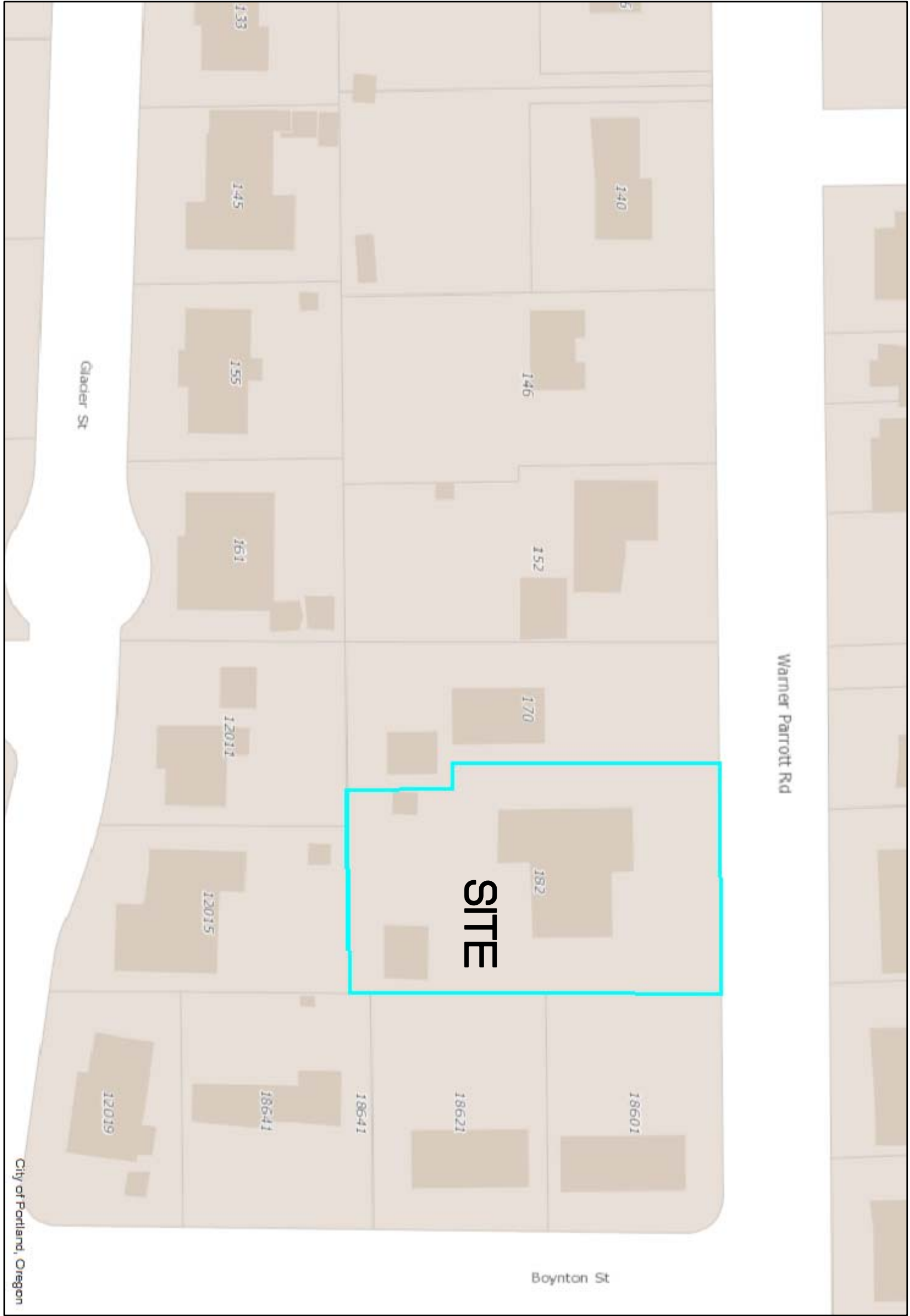
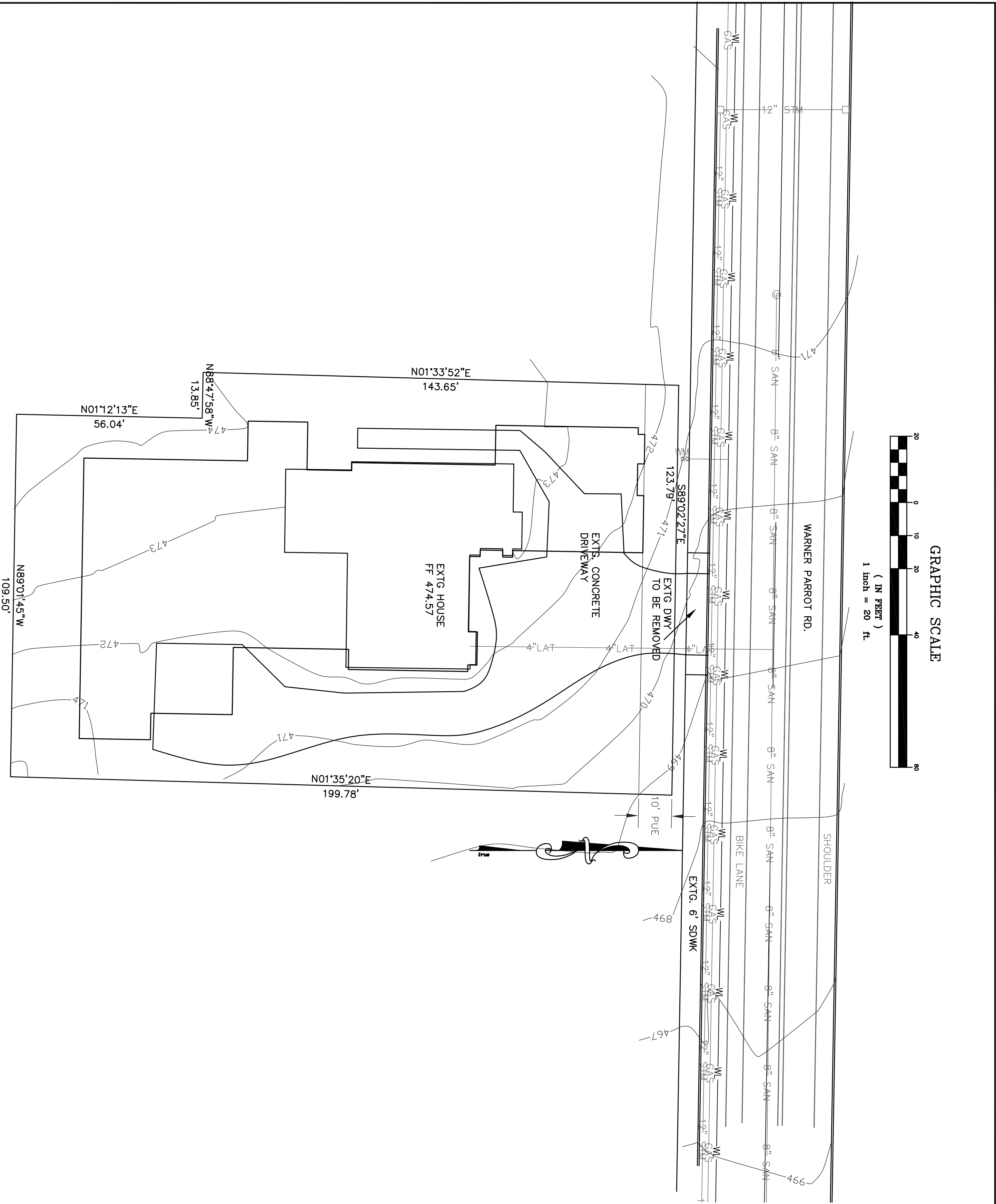
CL
 Damp-dry, very stiff, orangeish light brown, fine grained, CLAY to silty CLAY.
 Boring completed at depth of 2.3 feet.

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 .

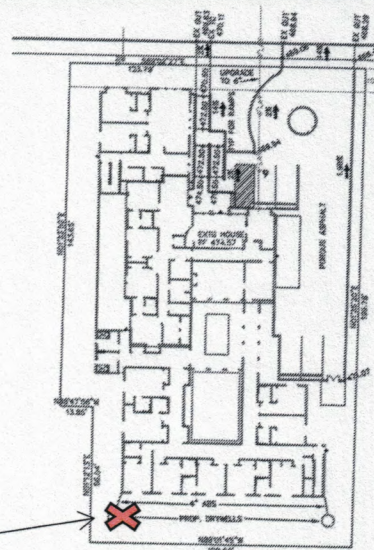


EXP 6/30/21

Rapid Soil Solutions Infiltration Test Results



HA#1



Preliminary Information

Location:	182 Warner Parrott Road Oregon City, OR 97045	Performed By: (Supervised by Mia Mahedy, PE, GE)	Rachel Gipe, GIT
Date & Time:	10 December 2019, 9 AM	Instrument Used:	4" Hand Auger
Weather:	Rain, 45 degrees	Depth:	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"
Site Infiltration Rate (inches/hour)			< 0.375

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

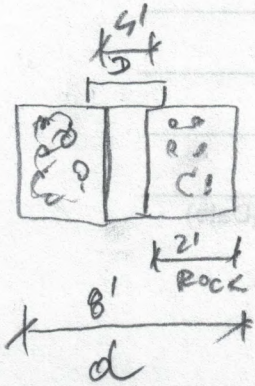
Item 8a.

$$A_{\text{ROOF}} = 10,600 \text{ SF} = \underline{\underline{0.24 \text{ AC}}}$$

$$\text{INFILTRATION TEST} = 0.37 \text{ in/hr} = \text{TAKE } 0.18 \text{ in/hr}$$

$$\frac{60}{0.185} = 333 \text{ MIN/INCH}$$

WE HAVE TO DETAIN 1,550 cu ft of storm water



$$V_{\text{DRYWELL/FT}} = \frac{\pi D^2}{4} \times 1 = 12.56 \text{ cu ft/ft}$$

$$V_{\text{ROCK/FT}} = \left(\frac{\pi d^2}{4} - \frac{\pi D^2}{4} \right) \times 1 \times 0.25 = \text{VOLUME OF ROCKS}$$

$$= (50.26 - 12.56) \times 0.25 = 9.42 \text{ cu ft/ft}$$

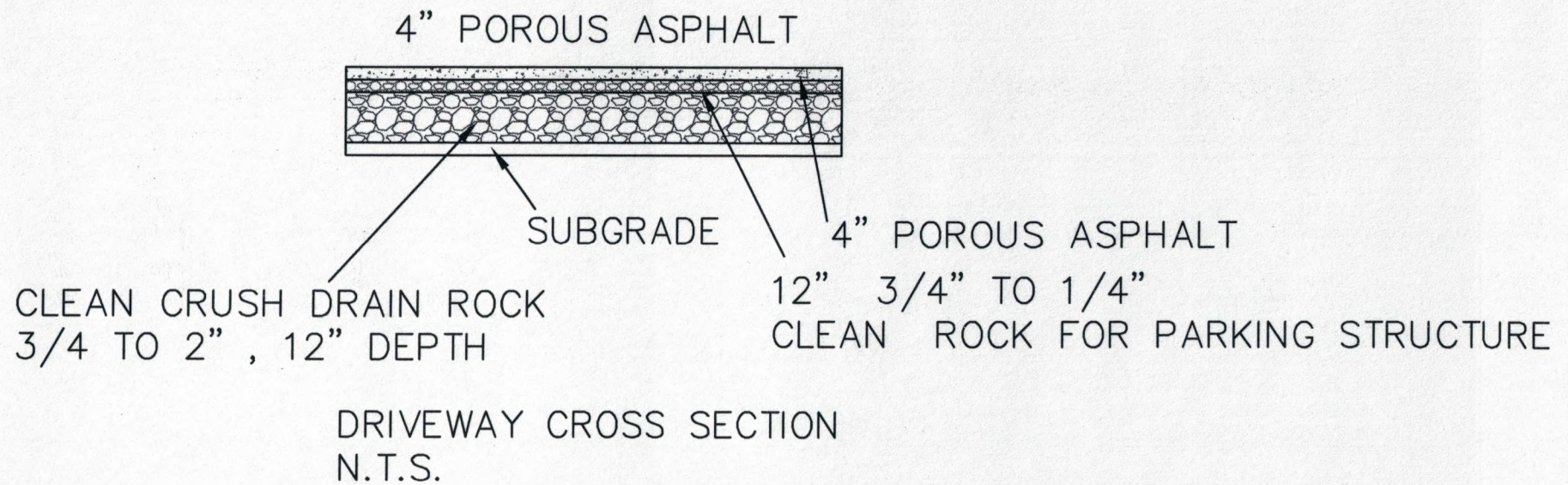
$$\underline{\underline{V_{\text{TOT}} = 12.56 + 9.42 = 21.98 \text{ cu ft/ft}}}$$

$$\text{WE HAVE TO STORE } \frac{1,550 \text{ cu ft}}{21.98 \text{ cu ft/ft}} = \underline{\underline{70.5 \text{ ft}}}$$

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

$$4800 \text{ SF} \times 1' \text{ DEEP} \times 0.25 \text{ VOL. OF VOIDS} = 1200 \text{ cu ft}$$

$$1200 \text{ cu ft VOL OF VOIDS} > 712 \text{ cu ft NEED IT!}$$

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 ANALYSIS

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

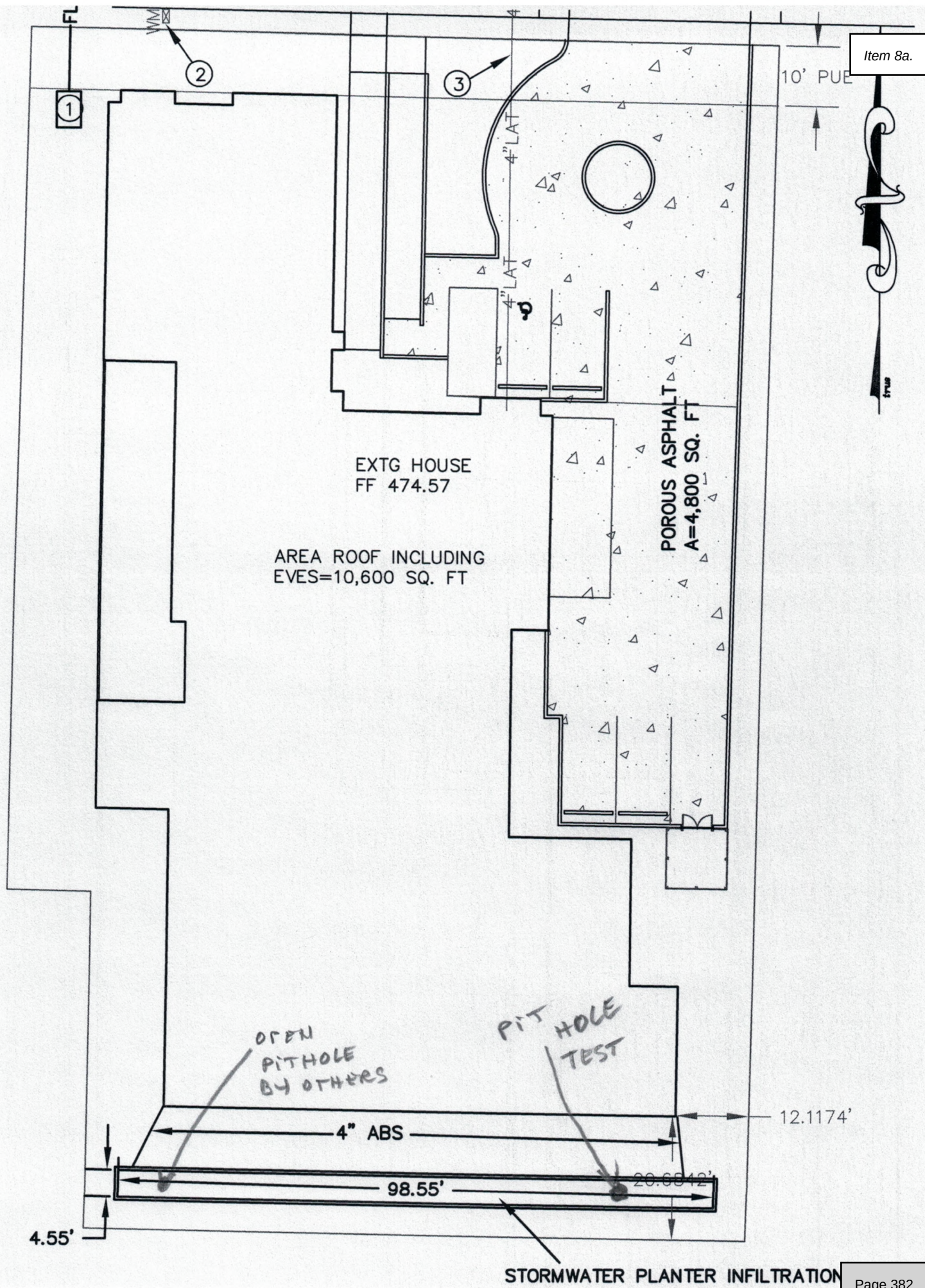
For the roof, I'm proposing stormwater planter infiltration, and for parking lot, porous asphalt.

See attached.



BPA 6/30/21

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

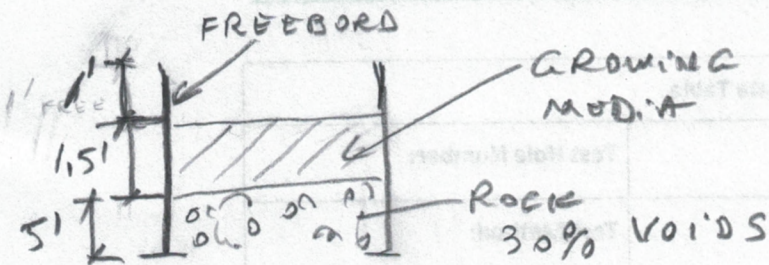
SUMMARY OF INPUT ITEMS

- 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

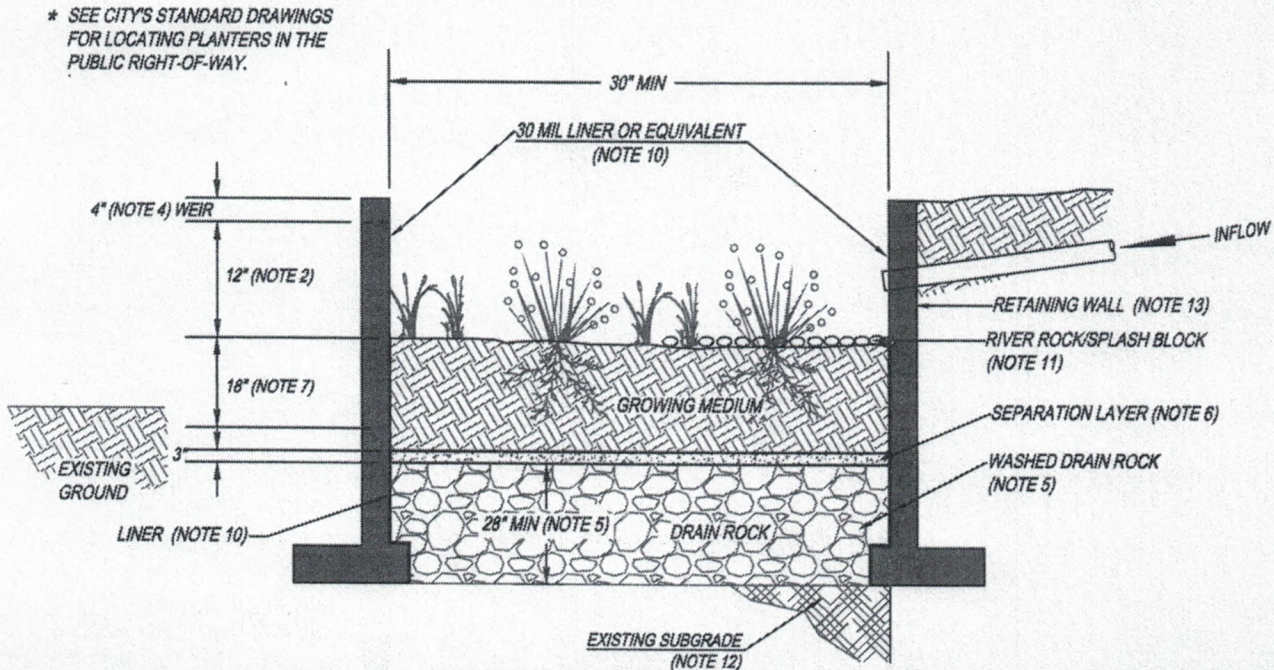
$$\begin{aligned}
 V_{\text{STORAGE}} &= 5' \text{ DEEP} \times 98.5' \text{ LONG} \times 4.5' \text{ WIDE} \times 0.3 \text{ VOL VOIDS} \\
 &= \underline{665} \text{ cu ft} > \underline{611} \text{ cu ft NEEDED} \\
 &\quad \underline{\text{OK!}}
 \end{aligned}$$

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
Structural Components , including inlets and outlets/overflows, shall freely convey stormwater.	
Clogged inlets or outlets	-Remove sediment and debris from catch basins, trench drains and curb inlets and pipes to maintain at least 50% conveyance capacity at all times.
Cracked Drain Pipes	-Repair/seal cracks. Replace when repair is insufficient.
Check Dams	-Maintain 4 to 10 inch deep rock check dams at design intervals.
Vegetation	
Dead or strained vegetation	-Replant per original planting plan, or substitute from Appendix A. -Irrigate as needed. Mulch banks annually. DO NOT apply fertilizers, herbicides, or pesticides.
Tall Grass and Vegetation	-Cut back grass and prune overgrowth 1-2 times per year. Remove cuttings.
Weeds	-Manually remove weeds. Remove all plant debris.
Growing/Filter Medium , including soil and gravels, shall sustain healthy plant cover and infiltrate within 72 hours.	
Gullies	-Fill, lightly compact, and plant vegetation to disperse flow.
Erosion	-Replace splash blocks or inlet gravel/rock.
Slope Slippage	-Stabilize 3:1 slopes/banks with plantings from Appendix A.
Ponding	-Rake, till, or amend to restore infiltration rate.

Annual Maintenance Schedule:

Summer. Make any structural repairs. Improve filter medium as needed. Clear drain. Irrigate as needed.

Fall. Replant exposed soil and replace dead plants. Remove sediment and plant debris.

Winter. Monitor infiltration/flow-through rates. Clear inlets and outlets/overflows to maintain conveyance.

Spring. Remove sediment and plant debris. Replant exposed soil and replace dead plants. Mulch.

All seasons. Weed as necessary. Clean scuppers or curb inlets as needed.

Maintenance Records: Record date, description, and contractor (if applicable) for all structural repairs, landscape maintenance, and facility cleanout activities. Keep work orders and invoices on file and make available upon request of the inspector.

Access: Maintain ingress/egress to design standards.

Infiltration/Flow Control: All facilities shall drain within 72 hours. Record time/date, weather, and site conditions when ponding occurs.

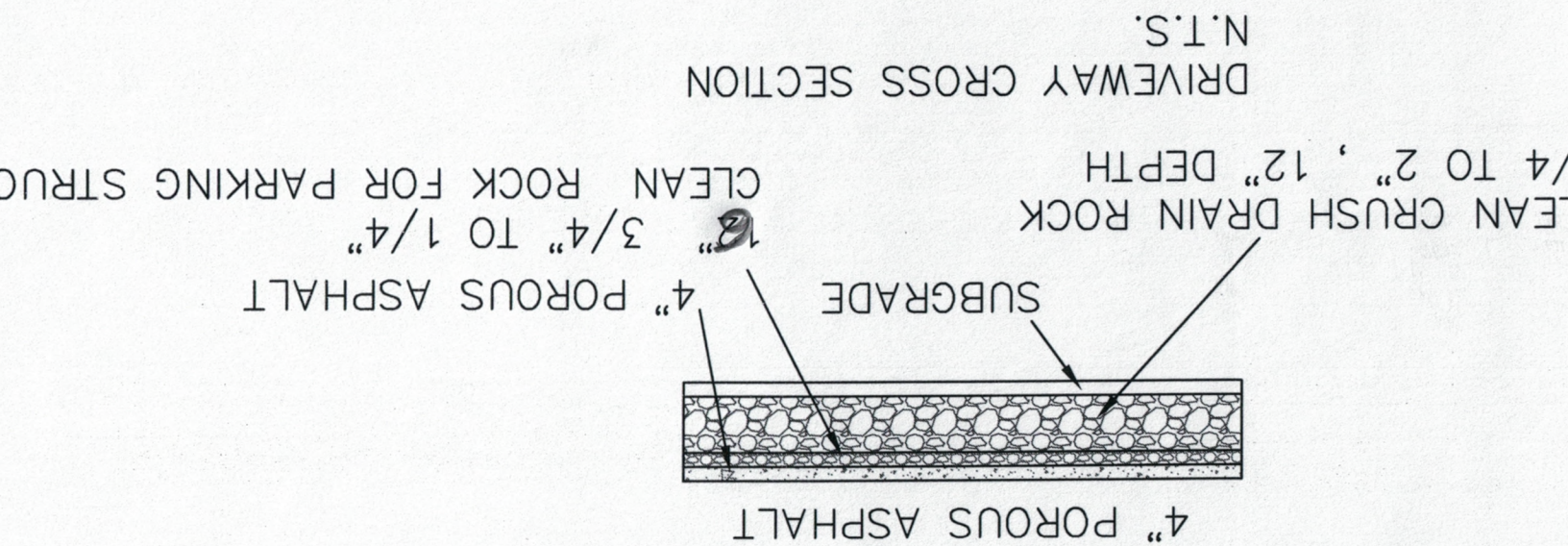
Pollution Prevention: All sites shall implement best management practices to prevent hazardous or solid wastes or excessive oil and sediment from contaminating stormwater. Contact emergency response agencies for immediate assistance responding to spills. Record time/date, weather, and site conditions if site activities contaminate stormwater.

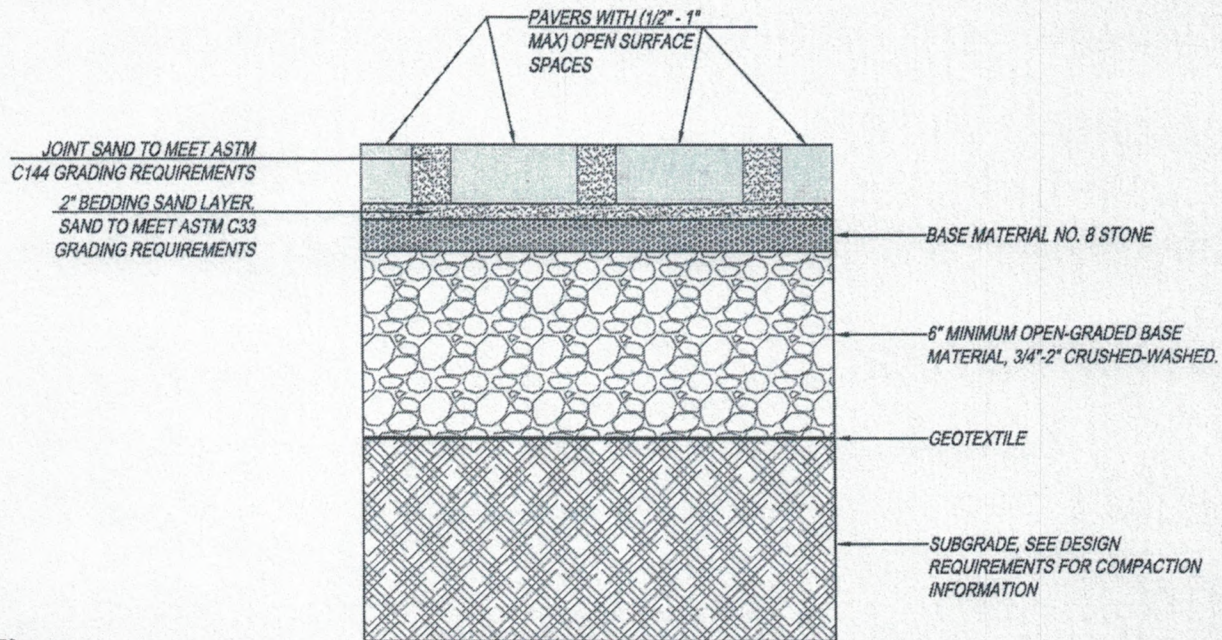
Vectors (Mosquitoes & Rodents): Stormwater facilities shall not harbor mosquito larvae or rats that pose a threat to public health or that undermine the facility structure. Monitor standing water for small wiggling sticks perpendicular to the water's surface. Note holes/burrows in and around facilities. Call Clackamas County Vector Control for immediate assistance to eradicate vectors. Record time/date, weather, and site conditions when vector activity observed.

Stormwater Planter O&M Plan
Figure C-3



**OREGON CITY
STORMWATER AND
GRADING
DESIGN STANDARDS**

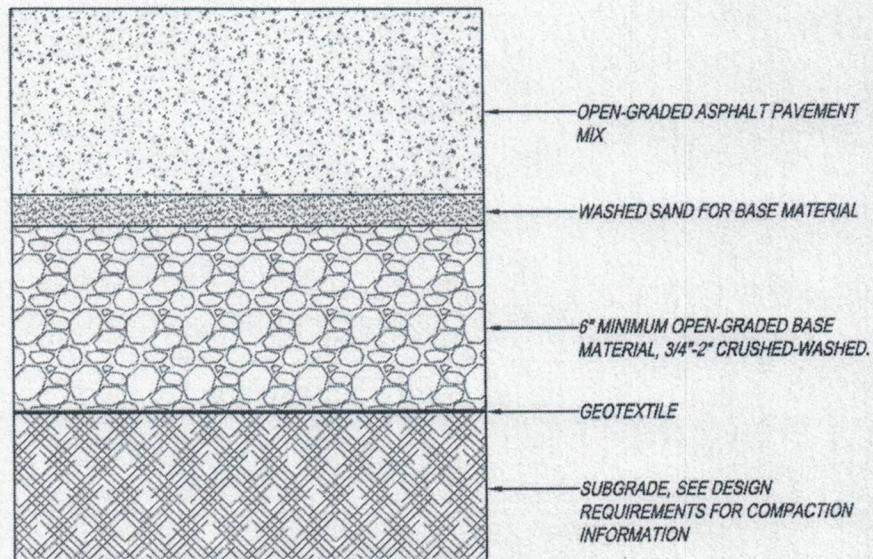




PERVIOUS CONCRETE BLOCK OR
"PAVER" SYSTEMS

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
Structural Components , including surface materials, shall evenly infiltrate stormwater.	
Clogged surface	-Vacuum sweep at least twice a year. -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.
Vegetation includes surface cover and nearby plantings.	
Large Shrubs and Trees	-Sweep leaf litter and sediment to prevent surface clogging and ponding. -Prevent large root systems from damaging pavement. -Manually remove weeds. Remove all plant debris.
Filter Medium	
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 ANALISIS

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

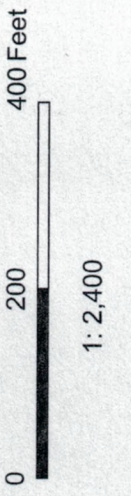
Storm Ponds

Pond

Swale

Minor Road, Medium

Notes



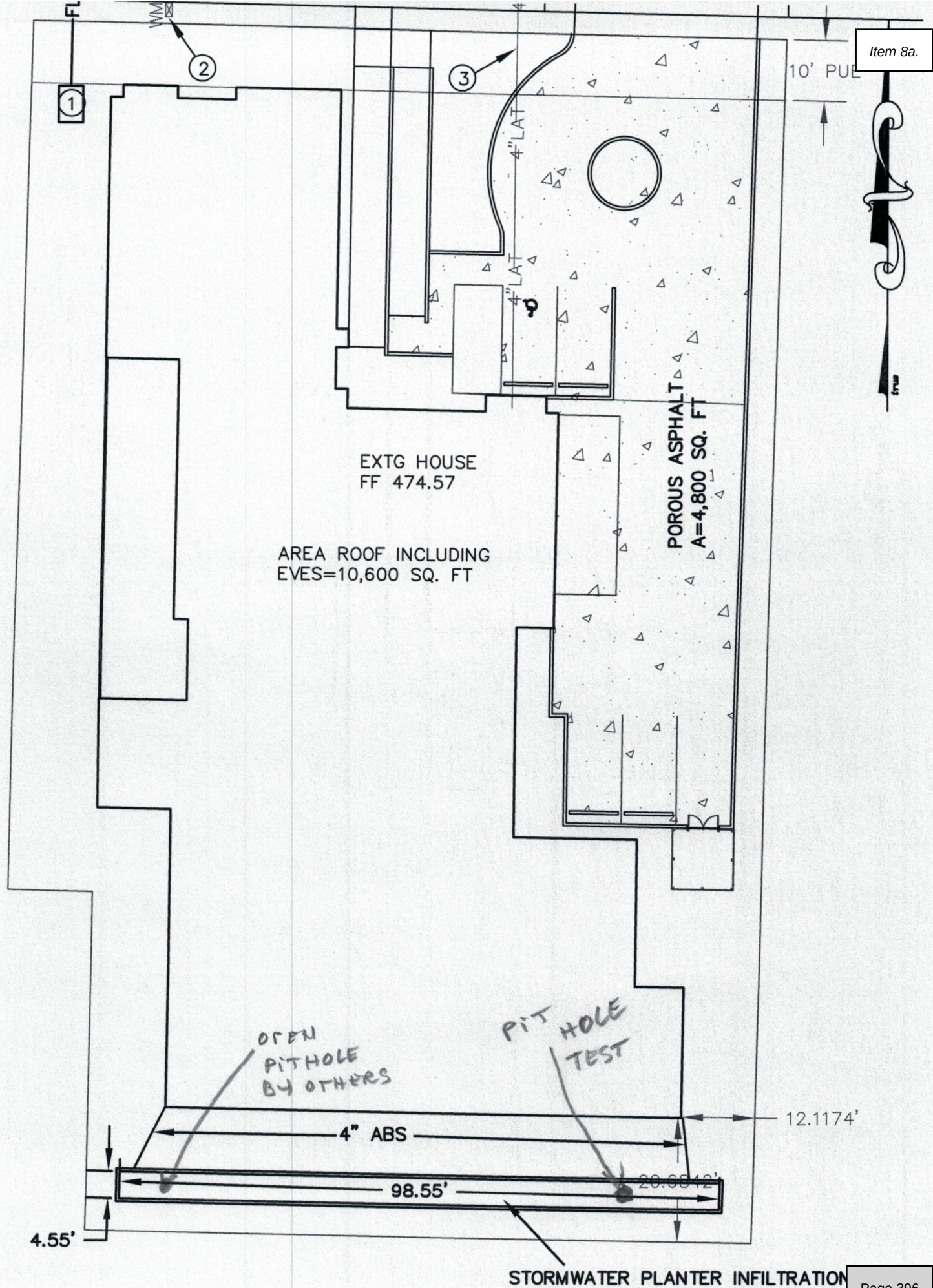
The City of Oregon City makes no representations, express or implied, as to the accuracy, completeness and timeliness of the information displayed. This map is not suitable for legal, engineering, surveying or navigation purposes. Publication of any errors is appreciated.

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: 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

$$\text{TAKE } 2 \text{ in/HR} / 2 = 1 \text{ in/HR} = \boxed{60 \text{ MIN/INCH}}$$

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		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

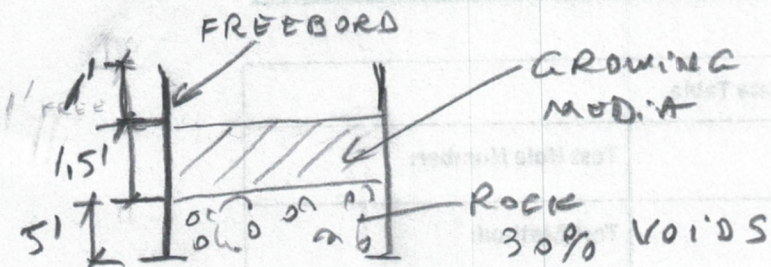
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PERFORMANCE:	INFLOW	TARGET-OUTFLOW	ACTUAL-OUTFLOW	PK-STAGE	STORAGE
DESIGN HYD:	.12	.00	.00	1.00	274
TEST HYD 1:	.12	.00	.00	.90	270

HOUSE

WE HAVE TO STORE 611 cu ft of STORMWATER

STORM PLANTER

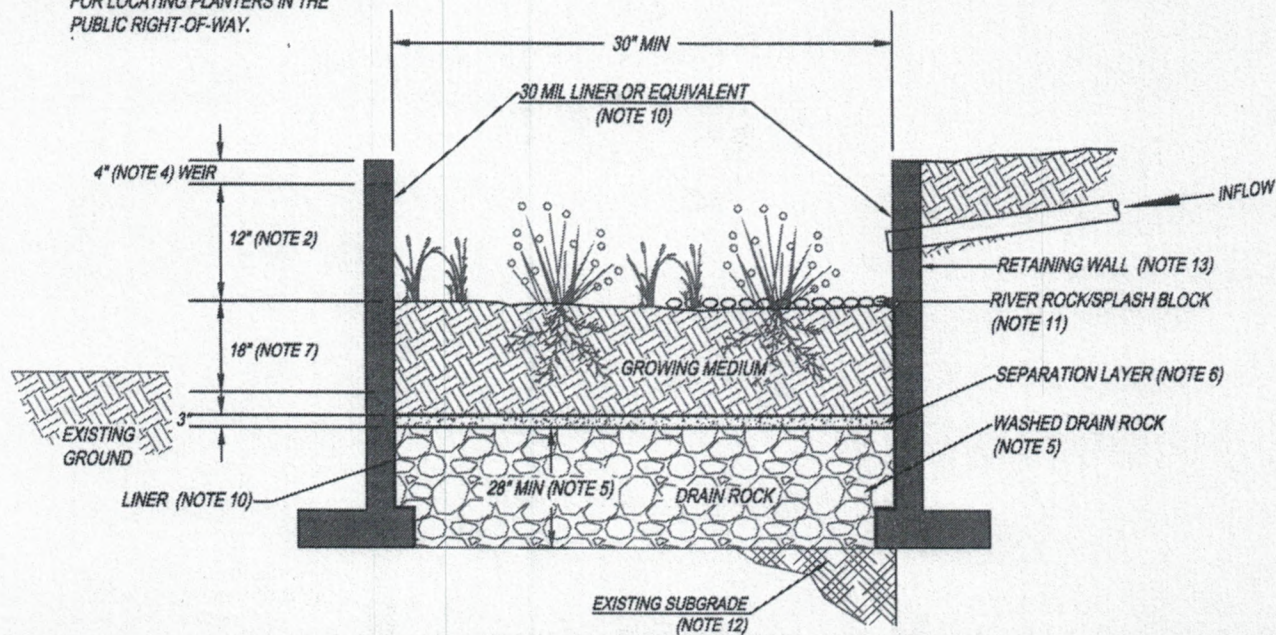
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 &= \underline{665 \text{ cu ft}} > \underline{611 \text{ cu ft NEEDED}} \\
 &\quad \underline{\text{OK!}}
 \end{aligned}$$

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WE HAVE TO STORE 274 cu ft of STORMWATER

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Ponding	-Rake, till, or amend to restore infiltration rate.

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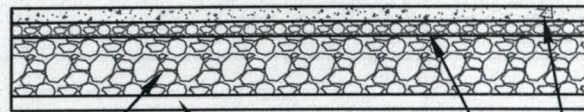
Access: Maintain ingress/egress to design standards.

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4" POROUS ASPHALT



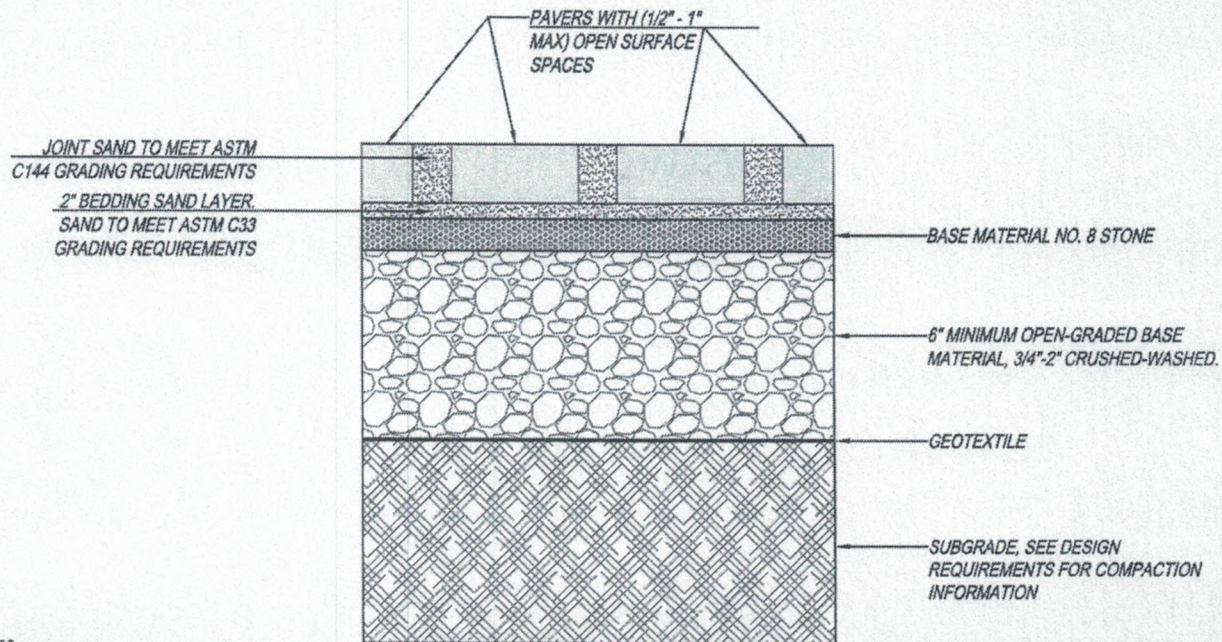
SUBGRADE

4" POROUS ASPHALT

CLEAN CRUSH DRAIN ROCK
3/4 TO 2" , 12" DEPTH

12" 3/4" TO 1/4"
CLEAN ROCK FOR PARKING STRUCTURE

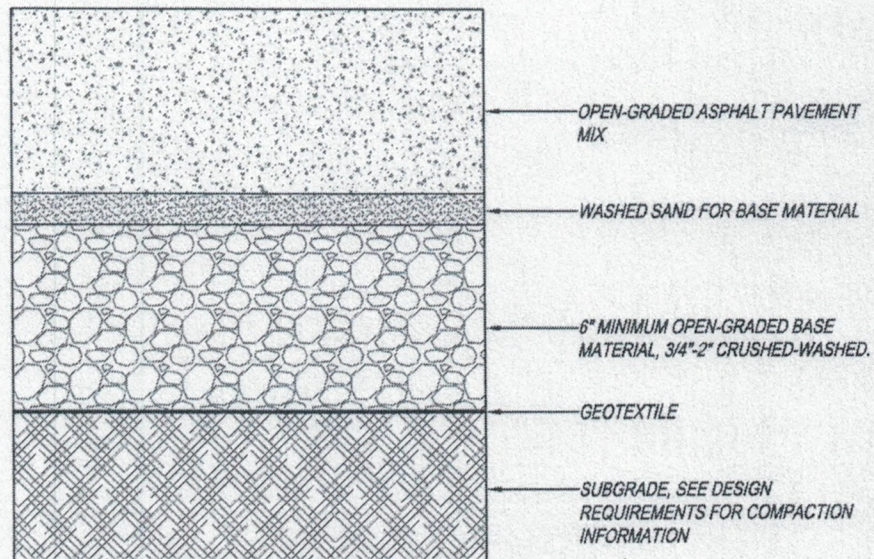
DRIVEWAY CROSS SECTION
N.T.S.



**PERVIOUS CONCRETE BLOCK OR
"PAVER" SYSTEMS**

NOTES:

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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
Structural Components , including surface materials, shall evenly infiltrate stormwater.	
Clogged surface	-Vacuum sweep at least twice a year. -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.
Vegetation includes surface cover and nearby plantings.	
Large Shrubs and Trees	-Sweep leaf litter and sediment to prevent surface clogging and ponding. -Prevent large root systems from damaging pavement. -Manually remove weeds. Remove all plant debris.
Filter Medium	
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



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: Laura Terway, Community Development Director

SUBJECT:

Second Reading of Ordinance No. 20-1005, Emergency Annexation of 0.9 Acres at 19242 Beavercreek Road (File No. GLUA-20-00017: AN-20-00001)

STAFF RECOMMENDATION:

Recommend approval of Second Reading of Ordinance No. 20-1005, Emergency Annexation of 0.9 Acres at 19242 Beavercreek Road File No. GLUA-20-00017: AN-20-00001.

EXECUTIVE SUMMARY:

Planning GLUA-20-00017: AN-20-00001 involves a request for an emergency annexation of a 0.9 -acre property into the city limits of Oregon City in order to receive city services. The property is required to annex as a result of a septic system failure and has already connected to the city sewer system. No re-zoning of the property is proposed at this time. Pursuant to the City's Comprehensive Plan policy 14.4.4 to expedite the annexation process for properties that are required to annex as a condition of connecting to city sewer, this application does not require a recommendation from the Planning Commission. The attached proposed findings, reasons for decision and conclusions detail compliance of the proposal with the City's annexation code and policies.

The City Commission approved the First Reading of the proposed Emergency Annexation 4-0 at the February 3, 2021 City Commission Hearing.

OPTIONS:

1. Approve the Second Reading ORD No. 21-1005- Emergency Annexation of 0.9 Acres at 19242 Beavercreek Road File No. GLUA-20-00017: AN-20-00001
2. Continuation of File No. GLUA-20-00017: AN-20-00001 to March 3, 2021 City Commission Hearing.
3. Continuation to a different date certain.

ORDINANCE NO. 21-1005

AN ORDINANCE OF THE CITY OF OREGON CITY APPROVING EMERGENCY ANNEXATION PROPOSAL NO. GLUA 20-00017: AN 20-0001 AND APPROVING THE ANNEXATION OF CERTAIN PROPERTY LOCATED AT 19242 BEAVERCREEK ROAD, INTO THE CITY OF OREGON CITY

WHEREAS, the owner of certain real property adjacent to the City of Oregon City, Candy Barney, proposed in Emergency Annexation Proposal No. GLUA 20-00017: AN 20-0001 that their 0.299-acre property located at 19242 Beaver Creek Road, Oregon City OR 97045 identified as Clackamas County Map 3-2E-09A -Tax Lot 0060, more fully identified in Exhibit 'A' to this Ordinance, be annexed to the City; and

WHEREAS, the annexation of this property is required due to a failed septic system, which necessitated a requirement to hook up to City sewer. City water and sewer services were available close to the property, and the owner desired to make the needed connections; and

WHEREAS, the City finds that the proposal complies with all applicable legal requirements, as detailed in the findings attached hereto and made a part of this Ordinance as Exhibit 'B'; and

WHEREAS, Senate Bill 1573, adopted in 2016, requires annexation of territory without a vote by the people, notwithstanding City Charter and regulations to the contrary, and the City finds that the annexed area is within the urban growth boundary, will be subject to an acknowledged comprehensive plan, is contiguous to the City limits and conforms with all other City requirements; and

WHEREAS, the City finds that applicant's proposal does not include rezoning the property at this time and that any such proposal shall be reviewed through a separate application consistent with OCMC 17.06.030 Zoning of Annexed Areas, the Oregon City Transportation System Plan, and the Statewide Transportation Planning Rule to support such rezoning; and

WHEREAS, the identified property is currently in Clackamas Fire District # 1 (CFD#1), and CFD#1 will continue to provide fire protection service to the identified property when annexed; and

WHEREAS, the identified property is currently within the Clackamas County Service District for Enhanced Law Enforcement, and the Oregon City Police Department will be responsible for police services to the identified property when annexed; and

WHEREAS, the identified property is currently within Clackamas River Water (CRW) District service area. Clackamas River Water has requested that this parcel be withdrawn from the service district and the Commission concurs that the property should be withdrawn from the Clackamas River Water Service District; and

WHEREAS, the identified property is not currently within the Tri-City Service District and must petition for annexation into said District with the concurrence of the City; and

WHEREAS, the City Commission concurs that the Tri-City Service District can annex the identified properties into their sewer district.

NOW, THEREFORE, OREGON CITY ORDAINS AS FOLLOWS:

Section 1. That the area further identified in the legal description attached hereto as Exhibit "A", is hereby annexed to and made a part of the City of Oregon City.

Section 2. That the territory identified in Exhibit "A" shall hereby remain within Clackamas County Fire District # 1.

Section 3. That the territory identified in Exhibit "A" is hereby withdrawn from Clackamas County Service District for Enhanced Law Enforcement, and henceforth, the Oregon City Police Department will be responsible for police services to the identified property.

Section 4. The City hereby concurs with and approves the withdrawal of the territory identified in Exhibit "A" from the Clackamas River Water District, to the extent allowed by law.

Section 5. The City hereby concurs with and approves the annexing of the territory identified in Exhibit "A" into the Tri-City Service District by the Clackamas County Board of Commissioners, to the extent allowed by law.

Section 7. That the effective date for this annexation is the date this Ordinance is submitted to the Secretary of State, as provided in ORS 222.180.

Read for the first time at a regular meeting of the City Commission held on the 3rd day of February, and the City Commission finally enacted the foregoing Ordinance this 17th day of February 2021.

ROCKY SMITH, JR.
Commission President

Attested to this 17th day of February 2021:

Approved as to legal sufficiency:

Kattie Riggs, City Recorder

City Attorney

Attachments:

Exhibit A – Map and Legal Description of Proposed Annexation

Exhibit B – Proposed Findings, Reasons for Decision and Conclusions

CANCELLED TL'S

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200	905	1300
201	301	
300	302	

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SEE MAP 3 2E 10B

9500

CLACKAMAS COUNTY SURVEYOR
RECEIVED: 3-23-10
ACCEPTED FOR FILING: 4-14-10
SURVEY NO. SN 2010-059

FOR:

FATCAT, LLC

IN THE NE 1/4 SECTION 9, T.3S., R.2E., W.M.

CLACKAMAS COUNTY, OREGON

FEBRUARY 18, 2010 SCALE 1"= 60'

LEGEND:

- LEAD:
- SET 5/8" X 30" IRON ROD WITH YELLOW PLASTIC CAP
STAMPED "PARIS & ASSOC. PLS 2264 ON 02-18-2010
 - FOUND MONUMENT AS NOTED
- I.R. IRON ROD
- W/YPC WITH YELLOW PLASTIC CAP
- () ENCLOSED RECORD DATA
- [] PROBABLE ORIGIN OF MONUMENT
- S1 SN 23538, CLACKAMAS COUNTY SURVEY RECORDS
- S2 SN 14640, CLACKAMAS COUNTY SURVEY RECORDS
- S3 SURVEY NO. 2007-237, CLACKAMAS COUNTY SURVEY RECORDS
- D. DATA PER FEE NO. 2006-055907, CLACKAMAS COUNTY
DEED RECORDS
- SN SURVEY NUMBER

NARRATIVE:

NARRATIVE:
THE PURPOSE OF THIS SURVEY WAS TO LOCATE THE BOUNDARIES OF A TRACT
OF LAND DESCRIBED IN FEE NO. 2006-055907, CLACKAMAS COUNTY DEED
RECORDS.

THE CALLED EAST LINE OF THE ROBINS LAND WAS ESTABLISHED BY HOLDING THE FOUND BRONZE DISK AT THE CALLED NE CORNER OF THE CAUFIELD DLC NO. 53 FOR LOCATION PER USBT 2009-102 AND THE FOUND STONE AT "A" PER SN 1917-009 FOR LOCATION, SAID EAST LINE WAS USED FOR BASIS OF BEARINGS AS N 00°24'00" W PER SAID SN 1917-009.

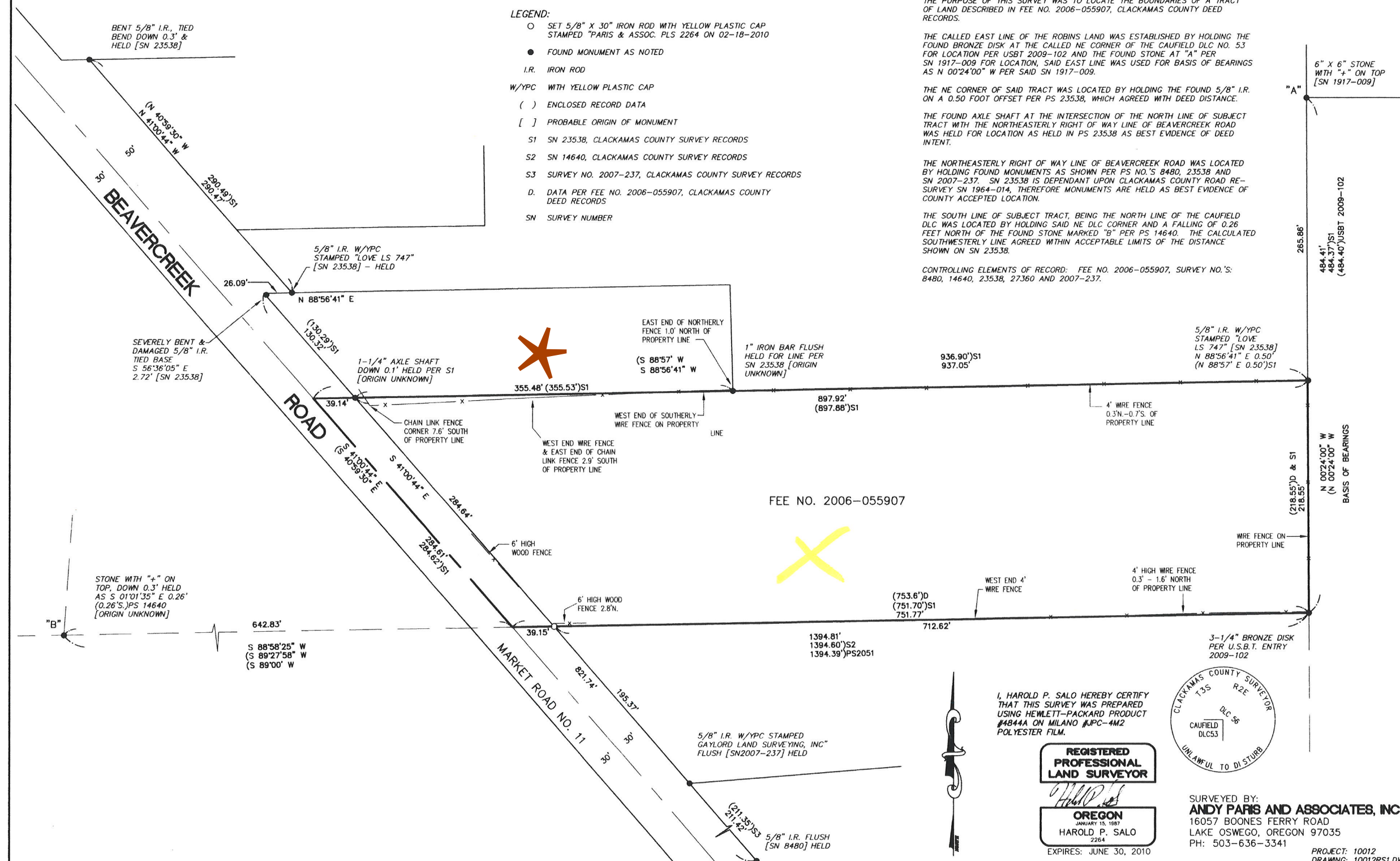
THE NE CORNER OF SAID TRACT WAS LOCATED BY HOLDING THE FOUND 5/8" I.R.
ON A 0.50 FOOT OFFSET PER PS 23538, WHICH AGREED WITH DEED DISTANCE.

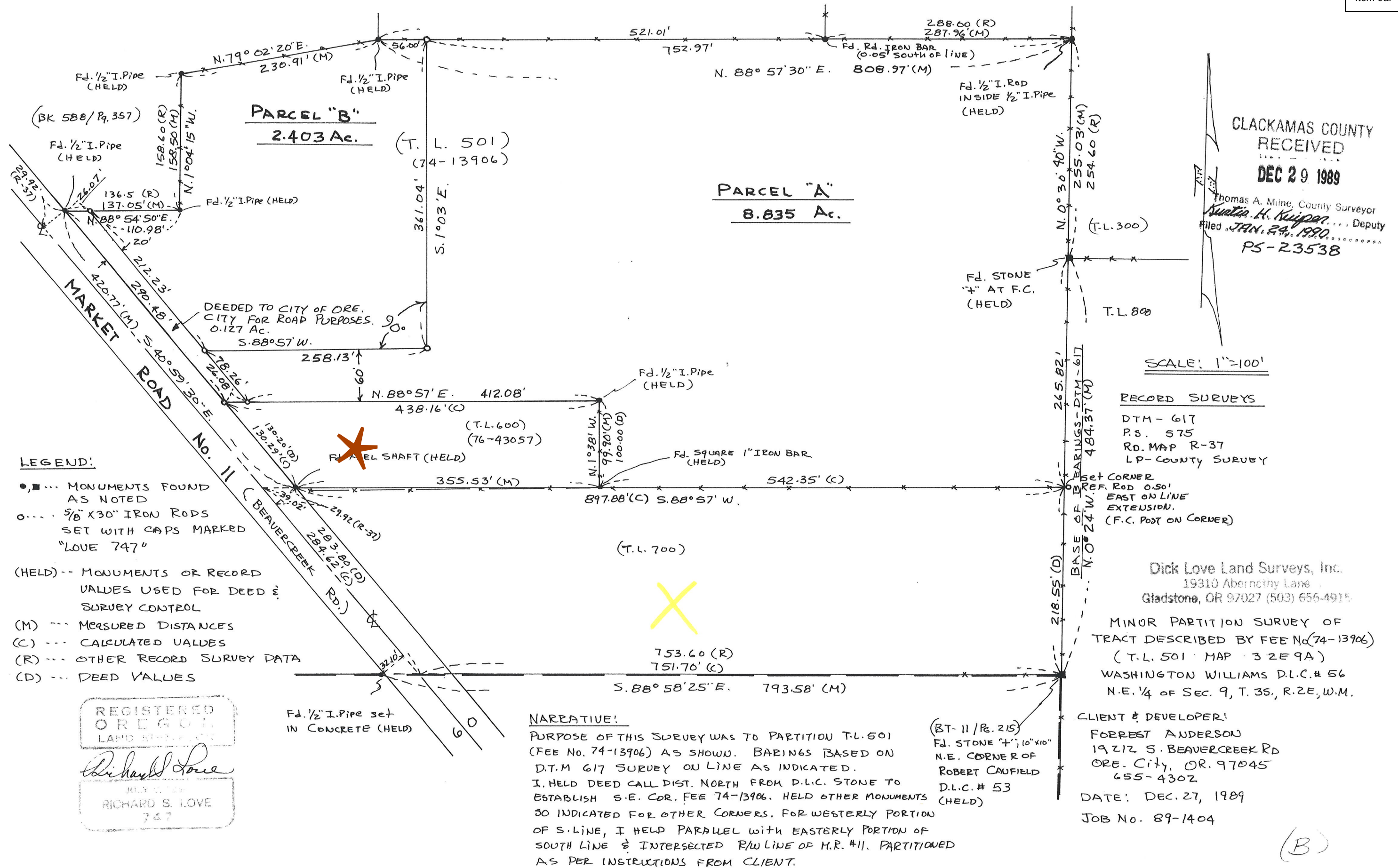
THE FOUND AXLE SHAFT AT THE INTERSECTION OF THE NORTH LINE OF SUBJECT TRACT WITH THE NORTHEASTERLY RIGHT OF WAY LINE OF BEAVERCREEK ROAD WAS HELD FOR LOCATION AS HELD IN PS 23538 AS BEST EVIDENCE OF DEED INTENT.

THE NORTHEASTERLY RIGHT OF WAY LINE OF BEAVERCREEK ROAD WAS LOCATED BY HOLDING FOUND MONUMENTS AS SHOWN PER PS NO.'S 8480, 23538 AND SN 2007-237. SN 23538 IS DEPENDANT UPON CLACKAMAS COUNTY ROAD RE-SURVEY SN 1964-014, THEREFORE MONUMENTS ARE HELD AS BEST EVIDENCE OF COUNTY ACCEPTED LOCATION.

THE SOUTH LINE OF SUBJECT TRACT, BEING THE NORTH LINE OF THE CAUFIELD
DLC WAS LOCATED BY HOLDING SAID NE DLC CORNER AND A FALLING OF 0.26
FEET NORTH OF THE FOUND STONE MARKED "B" PER PS 14640. THE CALCULATED
SOUTHWESTERLY LINE AGREED WITHIN ACCEPTABLE LIMITS OF THE DISTANCE
SHOWN ON SN 23538.

CONTROLLING ELEMENTS OF RECORD: FEE NO. 2006-055907, SURVEY NO.'S: 8480, 14640, 23538, 27360 AND 2007-237.





RECORD OF SURVEY
PROPOSED PROPERTY LINE ADJUSTMENT SURVEY
CITY OF OREGON CITY FILE NO. LL-96-06

NARRATIVE

THE PURPOSE OF THIS SURVEY WAS TO LOCATE AND MARK A PROPOSED PROPERTY LINE ADJUSTMENT AS SHOWN ON THE ATTACHED MAP. THE EAST PROPERTY LINE OF LOC. NO. 74-3908 WAS CREATED BY A PARALLEL OFFSET OF THE EXISTING EAST PROPERTY LINE BY A DISTANCE OF 55 FEET. THE NORTH AND SOUTH PROPERTY LINES WERE EXTENDED 50 FEET AND MONUMENTED AS SHOWN. MONUMENTS FOUND WERE HELD AS SHOWN PER PS-23538. THE BASIS OF BEARING IS THE CENTERLINE OF MARKET ROAD #11 PER PS-23538.

CITY OF OREGON CITY APPROVAL

APPROVED THIS 14 DAY OF January 1997
BY Jamara L. Ridd
PLANNING MANAGER

LOCATED IN THE N.E. 1/4 OF SECTION 9
TOWNSHIP 3 SOUTH, RANGE 2 EAST, WILLAMETTE MERIDIAN
CITY OF OREGON CITY, CLACKAMAS COUNTY, OREGON
SCALE: 1" = 60' DECEMBER 20, 1996

CLIENT: MONEY SAVER

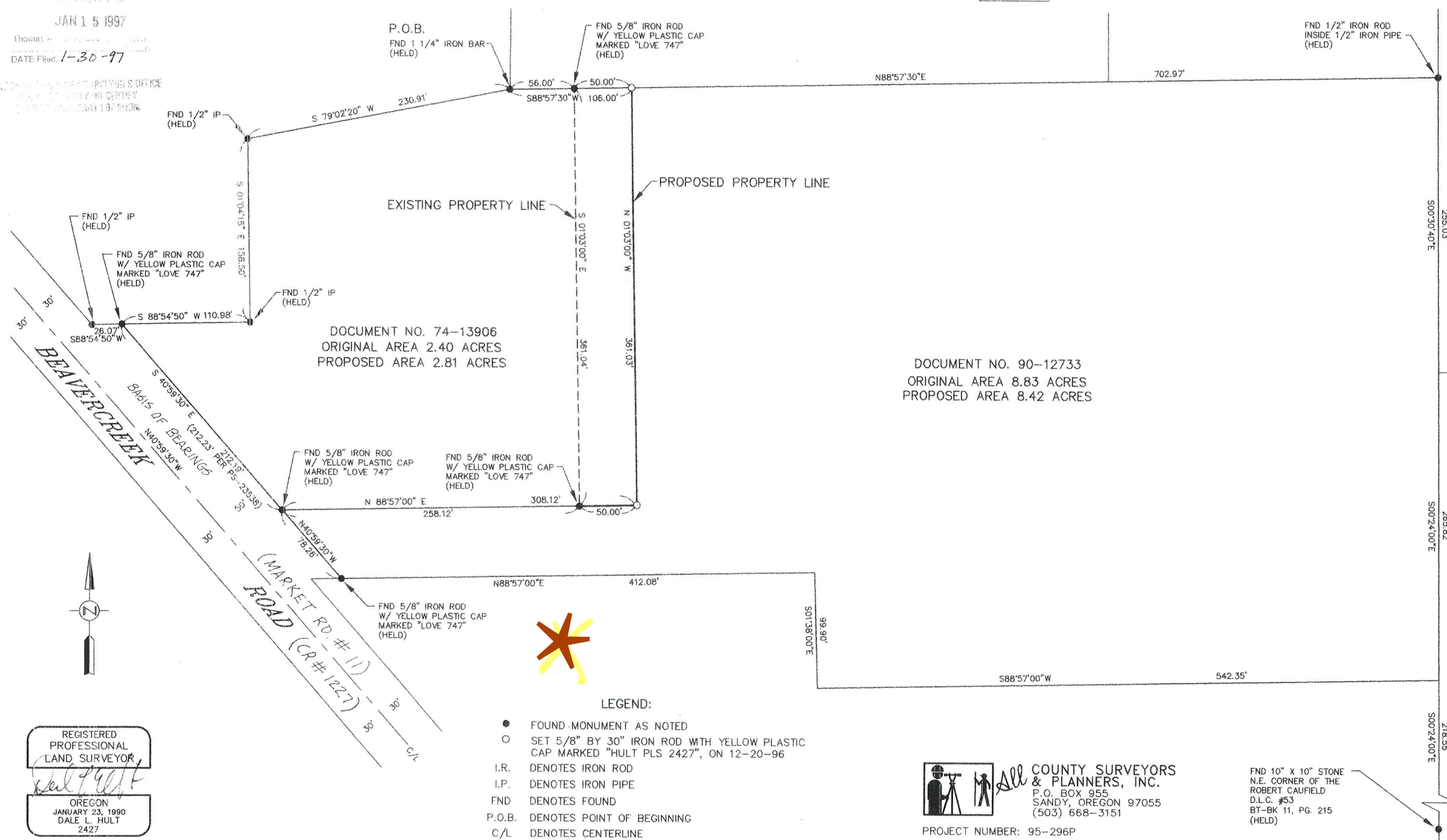
P.S. 27168

CLACKAMAS COUNTY SURVEYOR
RECEIVED

JAN 15 1997

DATE Filed: 1-30-97

THE CHAIRMAN, HOUSE COMMITTEE ON OVERSIGHT
AND INVESTIGATION
U.S. HOUSE OF REPRESENTATIVES



REGISTERED
PROFESSIONAL
LAND SURVEYOR.

OREGON
JANUARY 23, 1990
DALE L. HULT
2427

RENEWS 07/01/97

LEGEND:

- FOUND MONUMENT AS NOTED
- SET 5/8" BY 30" IRON ROD WITH YELLOW PLASTIC CAP MARKED "HULT PLS 2427", ON 12-20-96
- I.R. DENOTES IRON ROD
- I.P. DENOTES IRON PIPE
- FND DENOTES FOUND
- P.O.B. DENOTES POINT OF BEGINNING
- C/L DENOTES CENTERLINE



**ALL COUNTY SURVEYORS
& PLANNERS, INC.**
P.O. BOX 955
SANDY, OREGON 97055
(503) 668-3151

PROJECT NUMBER: 95-296P

FND 10" X 10" STONE
N.E. CORNER OF THE
ROBERT CAUFIELD
D.L.C. #53
BT-BK 11, PG. 215
(HELD)

Kattie Riggs

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@orcity.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



External images are now more secure, and shown by default. [Change in Settings](#)

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.
- 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
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

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.

Website: www.orcity.org | [Recorder Page](#) | [Facebook!](#) | [Twitter](#)

PUBLIC RECORDS LAW DISCLOSURE: This e-mail is subject to the

State Retention Schedule and may be made available to the public.



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



External images are now more secure, and shown by default. [Change in Settings](#)

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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[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.

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
Today in Black History
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-----Original Message-----

From: Amy <awillhit@yahoo.com>
Sent: Monday, July 13, 2020 6:08 PM
To: Pete Walter <pwalter@orccity.org>
Cc: Bob La Salle <jeanbob06@comcast.net>; Laura Terway <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



External images are now more secure, and shown by default. [Change in Settings](#)

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> 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.

HEARING DATE:	On February 17, 2021 , the City of Oregon City – City Commission will conduct a public hearing at 7:00 PM via Zoom on the following item. 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. Only the applicant and those persons who participated in writing 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 recorderteam@orccity.org
FILE NUMBERS:	AP-21-00001: Appeal of the January 11, 2021 Planning Commission approval with conditions of Planning Files GLUA-20-00020: CU-20-00002 / SP-20-00043
OWNER:	Petronella and Daniel Donovan
APPELLANT:	Jerry Yarberry
GROUND FOR APPEAL:	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: 1. Compatibility of a commercial building within a single-family neighborhood and impacts to the use of adjacent properties. 2. Lack of capacity to accommodate parking and traffic impacts. 3. The need to exercise discretion or judgment in approving the application. 4. The proposal does not comply with the following sections of the Oregon City Municipal Code (OCMC): • 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>

	<i>Storm drainage options available to treat the onsite and off-site improvements.</i> • 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>
PROJECT WEBPAGE:	Appeal: https://www.orcity.org/planning/project/ap-21-00001 Application: https://www.orcity.org/planning/project/glua-20-00020
LOCATION:	182 Warner Parrott Rd, Oregon City, OR 97045 Clackamas County Map: 3-2E-06CB, Tax Lot 01502
CONTACT PERSON:	Pete Walter, AICP, Senior Planner, Ph: (503) 496-1568, Email: pwalter@orcify.org
NEIGHBORHOOD ASSOCIATION:	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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PUBLIC RECORDS LAW DISCLOSURE: This e-mail is subject to the State Retention Schedule and may be made available to the public.



FILE NO: GLUA 20-00017: AN 20-00001
APPLICATION TYPE: Annexation (Sewer Connection)

APPLICANT: Andy Barney
1212 N 674 W
West Bountiful UT, 84087

REQUEST: The applicant is requesting approval of an emergency annexation of one 0.91-acre property due to a failing septic system. The property will retain its existing FU-10 zoning.

LOCATION: 19242 Beavercreek Road, Oregon City OR 97045 identified as Clackamas County Map 3-2E-09A -Tax Lot 0060 (0.9 acres)

REVIEWER: Christina Robertson-Gardiner AICP, Senior Planner

RECOMMENDATION: Evaluate Annexation against Factors, and Adopt the Staff Report and Proposed Findings, Reasons for Decision, and Recommendations.

PROCESS: Pursuant to OCMC Chapter 14.04. *City Boundary Changes and Extension of Services*, the procedure for review of annexations is governed by State Law and Oregon City Code Chapter 14.04. The procedure for a zone change is outlined in Oregon City Code Chapter 17.50.

The public hearing process is governed by OCMC 14.04 and 17.50. The applicant and all documents submitted by or on behalf of the applicant are available for inspection at no cost at the Oregon City Planning Division, 221 Molalla Avenue, Oregon City, Oregon 97045, from 8:30 am to 3:30 pm Monday thru Friday. The staff report, with all the applicable approval criteria, will also be available for inspection seven days before the hearing. Copies of these materials may be obtained for a reasonable cost in advance. The annexation was initiated as a result of a public health hazard, and as a result, City policy is to forward these annexations directly to the City Commission without a Planning Commission recommendation. Therefore, the City Commission will open the record and consider testimony to determine whether the application has or has not complied with the factors outlined in section 14.04.060 and 17.68.020 of the Oregon City Municipal Code. The City Commission decision is appealable to LUBA within 21 days of issuance of the Notice of Decision.

PROPOSAL NO. AN-20-0001 - CITY OF OREGON CITY - Annexation

Property Owners / Voters: 1

Applicant(s): Andy Barney

Proposal is a single tax lot annexation initiated by consent petition of 100% of the property owners and registered voters. Due to the nature of the emergency septic failure, this annexation proposal bypassed the Planning Commission as in the past emergency sewer connection requests. The petition meets the requirement for initiation set forth in ORS 222.170 and Metro Code 3.09.040(a).

The City's policy is to expedite the processing of such annexations by forwarding a recommendation directly to the City Commission without a Planning Commission recommendation. This is consistent with Comprehensive Plan Policy 14.4.4:

14.4.4

Expedite the annexation of property as provided by state law in order to provide sewer service to adjacent unincorporated properties when a public health hazard is created by a failing septic tank sewage system.

REASON FOR ANNEXATION

In order to address the emergency, the property is required to connect to the City sewer system on the condition that the owner concurrently petitions for annexation to the City.

The annexation of this property is required due to a failed septic system, which necessitated a requirement to hook up to City sewer. City water and sewer services were available close to the property, and the owner is required to make the needed connections.

The territory to be annexed is located at 19242 S. Beaver Creek Rd, Oregon City, OR 97045, and identified as Clackamas APN 3-2E-09A-00600. The site contains approximately 0.91 acres, has one single-family residence with a population of 2, and an assessed value of \$162,189.00.

The property has an Oregon City Comprehensive Plan designation of Industrial (I). The property is part of the 1979 Urban Growth Boundary and is within the Thimble Creek Concept Plan area. The identified future zone for this site is Campus Industrial (CI). The recent Thimble Creek Concept Plan Zoning Amendments rezoned property that was currently within the city limits of Oregon City. As this site was not currently inside the city limits, the applicant will be required to separately apply for and receive zoning for the site.

At this time, the applicant wishes to retain the current FU-10 zoning, requiring 10-acre minimum lots, which will serve to preclude any further development or land divisions on the subject property in advance of seeking a zone change. Any request for rezoning in the future must comply with the applicable provisions of OCMC Chapter 17.68 - Zoning Changes and Amendments.

Residential uses are not permitted in the CI District. Residential uses, however, are a permitted use in the FU-10 zone. Once the site is rezoned to Campus Industrial - CI - the property will be considered a pre-

existing nonconforming use and subject to OCMC 17.58 - *Lawful Nonconforming Uses, Structures, and Lots*.

Though the Oregon City Municipal Code requires application of a City zoning designation upon annexation, a zone change may only be initiated with a zone change application, which is accompanied by a transportation analysis to demonstrate compliance with applicable regulations, such as the Transportation Planning Rule (TPR). As the applicant is required to initiate annexation due to a failed septic system, staff finds it appropriate in this case to retain the existing Clackamas County zoning designation if the development onsite is limited.

The owner would be able to receive city services, specifically, sanitary sewer, and water connections as well as the full range of administrative and municipal services provided upon annexation to the City. The property is within 300 feet of a city sanitary sewer system, and by Oregon Revised Statute, it is required to be connected to the city sewer service and must be annexed.

If in the event, the annexation is denied by the City Commission, the Commission would need to direct city staff to allow an extraterritorial connection to city services by providing additional findings or mitigating factors for the record that show compliance with the Comprehensive Plan and specifically Policy 11.1.3- *Confine urban public facilities and services to the city limits except where allowed for safety and health reasons in accordance with state land use planning goals and regulations. Facilities that serve the general public will be centrally located and accessible, preferably by multiple modes of transportation.*

SB 1573

If the City Commission determines that the proposed annexation should be approved, the City Commission is required by the Charter to submit the annexation to the electors of the City. However, the passage of SB 1573 requires that the City annex the territory without submitting the proposal to the electors of the City if:

(a) The territory is included within an urban growth boundary adopted by the City or Metro, as defined in ORS 197.015;

(b) The territory is, or upon annexation of the territory into the City will be, subject to the acknowledged comprehensive plan of the City;

(c) At least one lot or parcel within the territory is contiguous to the city limits or is separated from the city limits only by a public right of way or a body of water; and

(d) The proposal conforms to all other requirements of the City's ordinances.

The territory is included within the City's UGB adopted by the City and Metro. The territory has a Comprehensive Plan Designation of Low-Density Residential pursuant to the acknowledged Oregon City Comprehensive Plan. The territory is contiguous to the City Limits. As demonstrated in this report, the proposal can meet the City's applicable ordinances.

Thus, the proposal meets items (a) through (d), with the conditions of approval, and the City may annex the territory without submitting the proposal to the electors of the City.

Measure 3-51- May 18, 1999 Voter-Approved Annexation Charter Amendment

The City Commission sent a measure to voters in 1999 to adopt a charter amendment that required all annexations be sent to the voters and indicated that *"this measure would not apply to certain annexations that the city is required to undertake, such as annexations to abate public health hazards pursuant to ORS 222.900."*

This is an emergency annexation to allow a single property to connect to the City's sanitary sewer system because of a failing septic system on site. OAR 340-071-0160 mandates that a property with a failing septic system must connect to a sanitary sewer if it is physically and legally available. A sewerage system is deemed legally available if the system is not under a DEQ connection permit moratorium and the sewerage system owner is willing or obligated to provide sewer service. The subject site has access to sanitary sewer in front of the house, and the line is not under a DEQ connection permit moratorium. Oregon City Comprehensive Plan Policy 11.1.3- *Confine urban public facilities and services to the city limits except where allowed for safety and health reasons in accordance with state land use planning goals and regulations* directs the City to process this annexation.

Therefore, staff believes that the sewer connection and annexation is mandated by law. It is reasonable for the City Commission to also find that this would fall under the *"this measure would not apply to certain annexations that the city is required to undertake"* exemption above.

LAND USE PLANNING

SITE CHARACTERISTICS

The property is generally level. The applicant is required to connect to the City's sanitary sewer main system running in South Beaver Creek Road that fronts the property by constructing a new service line. The site is a residential parcel with a few scattered trees around the existing house and outbuildings. The property is in the Community College Sewer Basin.

The abutting right-of-way of South Beaver Creek Road is already within the City, and the property is contiguous to the City Limit for approximately 134 feet along its western boundary.

The property includes a home setback approximately 50 feet from South Beaver Creek Road and is located at the front quarter of the parcel, with two accessory structures. No land division is proposed at this time.



FIGURE 1. CONTIGUITY WITH CITY LIMITS



FIGURE 2. AERIAL PHOTOGRAPH (2019)



FIGURE 3. AERIAL PHOTOGRAPH (2018)



FIGURE 4. STREET VIEW (2018)

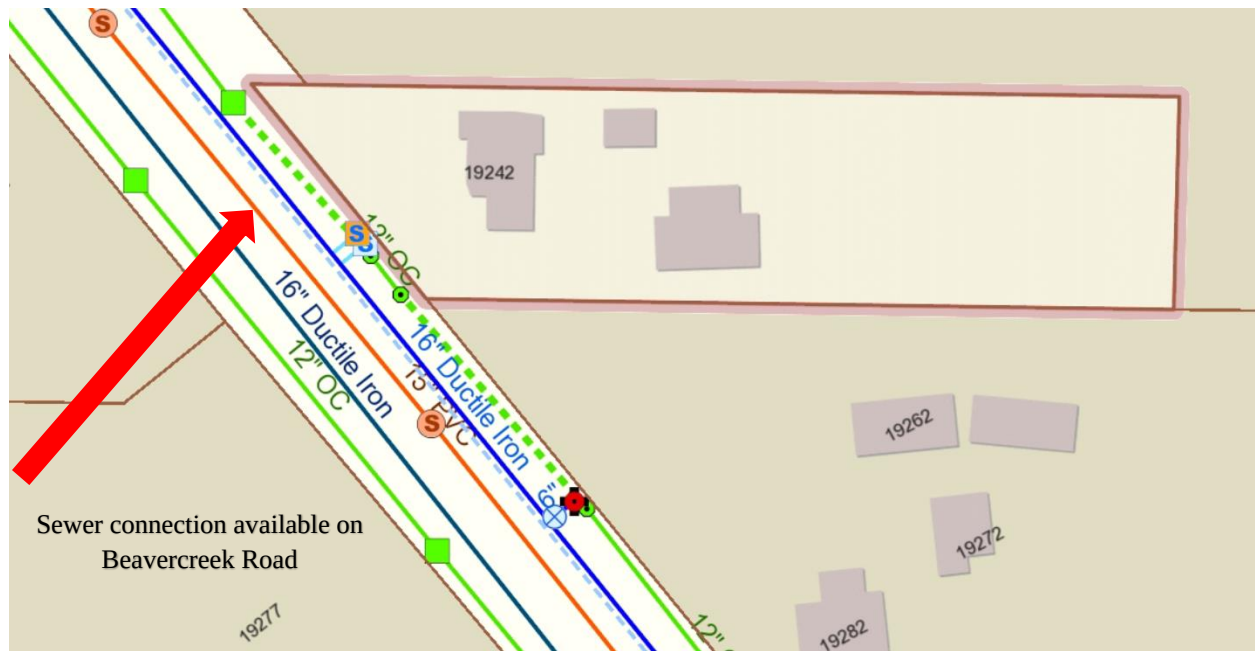


FIGURE 5. UTILITIES

The figure above indicates the location of Oregon City sewer, water, and stormwater utilities adjacent to the property.

Beavercreek Road Concept Plan

Proposed Zoning and Comprehensive Plan Designations

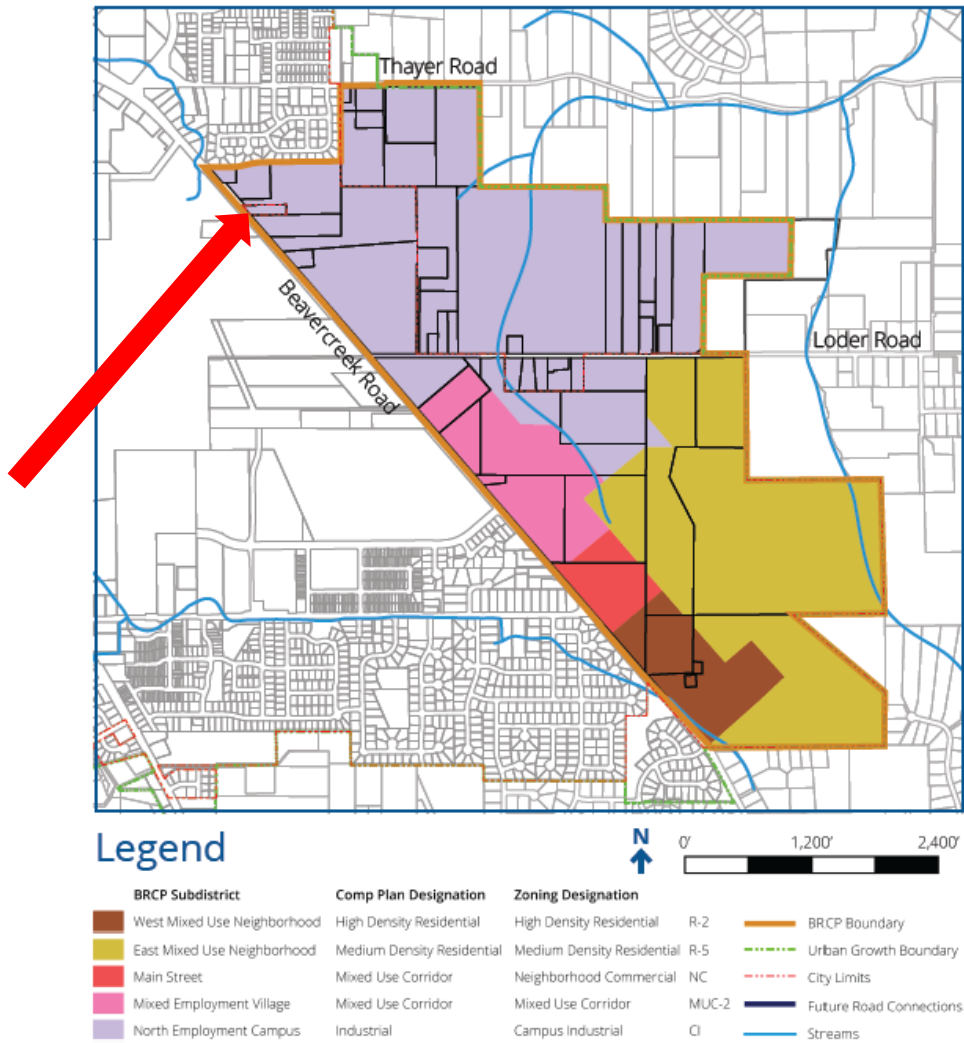


FIGURE 6. THIMBLE CREEK (BEAVERCREEK) CONCEPT PLAN

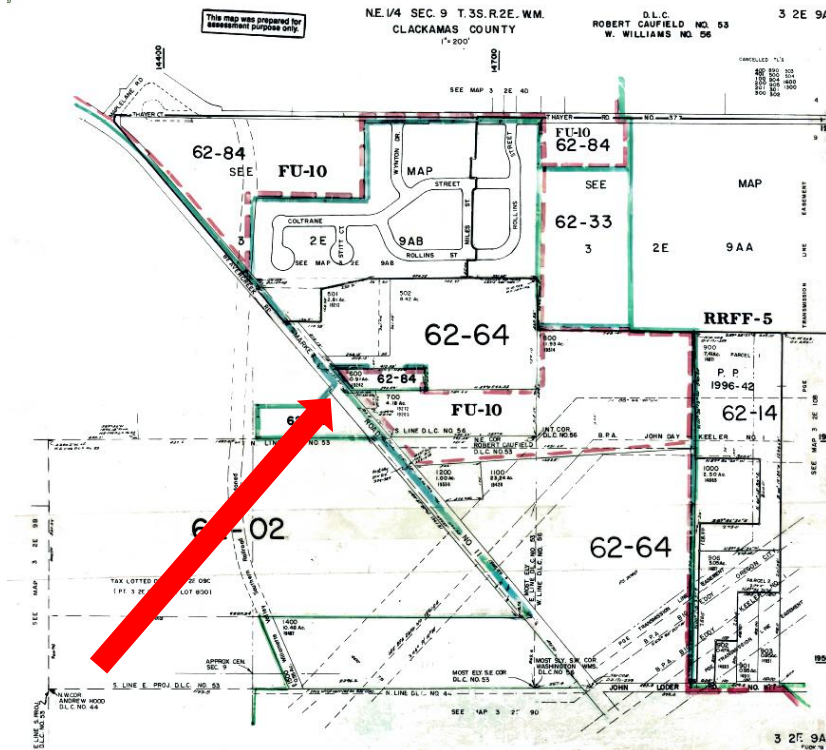


FIGURE 7. CLACKAMAS COUNTY TAX ASSESSOR MAP

REGIONAL PLANNING CONSIDERATIONS

General Information

This territory is inside Metro's jurisdictional boundary and inside the regional Urban Growth Boundary (UGB).

Metro Boundary Change Criteria

The Legislature has directed Metro to establish criteria that must be used by all cities within the Metro boundary. The Metro Code states that a final decision shall be based on substantial evidence in the record of the hearing and that the written decision must include findings of fact and conclusions from those findings. The Code requires these findings and conclusions to address the following minimum criteria:

1. Consistency with directly applicable provisions in ORS 195 agreements or ORS 195 annexation plans.
2. Consistency with directly applicable provisions of urban planning area agreements between the annexing entity and a necessary party.
3. Consistency with directly applicable standards for boundary changes contained in Comprehensive land use plans and public facility plans.
4. Consistency with directly applicable standards for boundary changes contained in the Regional framework or any functional plans.

5. Whether the proposed boundary change will promote or not interfere with the timely, orderly and economic provision of public facilities and services.
6. Consistency with other applicable criteria for the boundary change in question under state and local law.

Consistency with the County and urban service provider planning agreements along with the timely, orderly, and economic provision of public services as required by the Metro Code are discussed in greater detail below.

The Metro Code also contains a second set of 10 factors that are to be considered where: 1) no ORS 195 agreements have been adopted, and 2) a necessary party is contesting the boundary change. Those 10 factors are not applicable at this time to this annexation because no necessary party has contested the proposed annexation.

Metro Regional Framework Plan

The law that requires Metro to adopt criteria for boundary changes and specifically states that those criteria shall include " . . . compliance with adopted regional urban growth goals and objectives, functional plans . . . and the regional framework plan of the District [Metro]." Metro's Growth Management Functional Plan was reviewed and found not to contain any criteria directly applicable to boundary changes. The Regional Framework Plan was reviewed and found not to contain specific criteria applicable to boundary changes.

CLACKAMAS COUNTY PLANNING

The Metro Code states that the Commission's decision on this boundary change should be ". . . consistent with specific directly applicable standards or criteria for boundary changes contained in comprehensive land use plans, public facility plans, . . ."

The Clackamas County Comprehensive Plan is the currently applicable plan for this area. The plan designation for this site is Industrial (I) on the County's Oregon City Area Land Use Plan (Map 4-05). The County's zoning for the property is FU-10, Future Urban, with a 10-acre minimum lot size. This is a holding zone to prevent the creation of small parcels in areas within the Urban Growth Boundary to preserve the capacity of the land to fully develop once a full range of urban services is available. Lands located outside areas having sanitary sewer service available were designated Future Urbanizable.

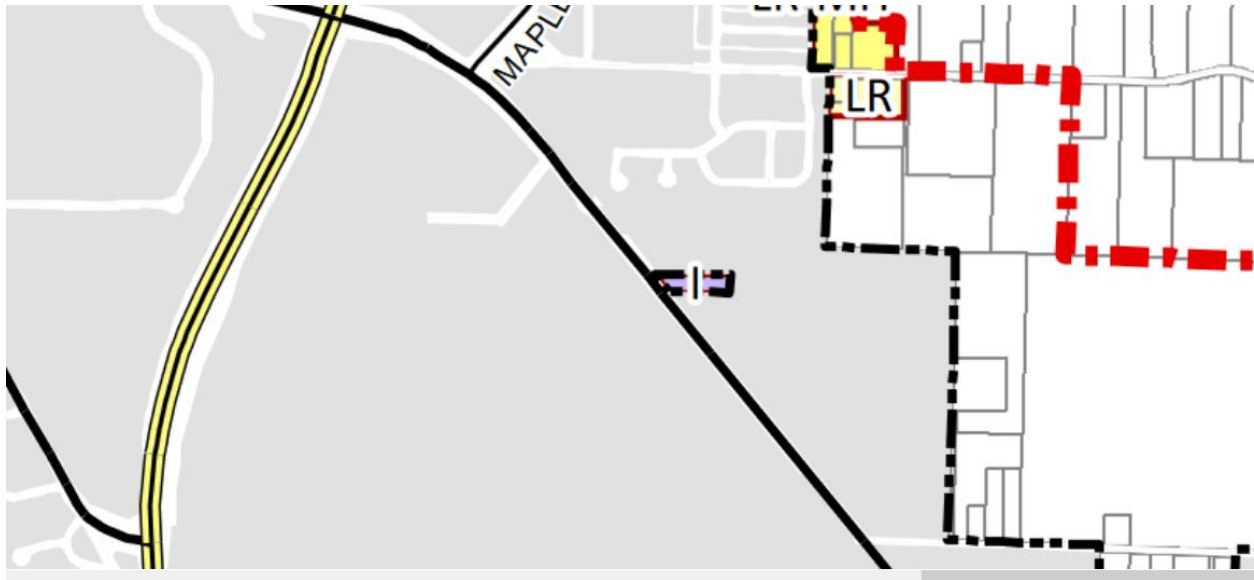


FIGURE 6. COUNTY COMPREHENSIVE PLAN DESIGNATION I-INDUSTRIAL

Clackamas County Zoning and Development Ordinance (ZDO) section 316 provides that the Future Urban 10-Acre District is applied to those areas designated as Future Urban by Chapter 4 of the Clackamas County Comprehensive Plan.

The *Land Use* section of the Plan, Chapter 4, identifies the territory proposed for annexation as *future urban*, which are defined as:

"Future urban areas are lands within urban growth boundaries but outside immediate urban areas. Future urban areas are planned to be provided with public facilities but currently lack providers of those facilities. Future urban areas are substantially underdeveloped and will be retained in their current use to ensure future availability for urban needs. Future urban areas are planned for urban uses but zoned for large-lot, limited development."

Urban Growth Management Agreement

The City and the County have an Urban Growth Management Agreement (UGMA), which is a part of their Comprehensive Plans. The territory to be annexed falls within the Urban Growth Management Boundary (UGMB) identified for Oregon City and is subject to the Agreement. The County agreed to adopt the City's Comprehensive Plan designations for this Industrial area.

Regarding transportation impacts, rezoning must demonstrate compliance with, or be exempted from, the mobility standards of [OCMC 12.04.205 – Mobility Standards](#). The applicant has not applied to rezone the property and does not intend to redevelop the site at a higher intensity. A transportation analysis is not required until such redevelopment is proposed. Staff recommends that the property maintain its existing County FU-10 zoning, which will serve to preclude any further development or land divisions on the subject property in advance of a zone change.

The UGMA presumes that all the urban lands within the Urban Growth Boundary will ultimately annex to the City. It specifies that the City is responsible for the public facilities plan required by Oregon Administrative Rule Chapter 660, division 11. The Agreement goes on to say:

4. City and County Notice and Coordination

* * *

D. The CITY shall provide notification to the COUNTY, and an opportunity to participate, review and comment, at least 20 days prior to the first public hearing on all proposed annexations . . .

* * *

5. City Annexations

A. CITY may undertake annexations in the manner provided for by law within the UGMB. CITY annexation proposals shall include adjacent road right-of-way to properties proposed for annexation. COUNTY shall not oppose such annexations.

B. Upon annexation, CITY shall assume jurisdiction of COUNTY roads and local access roads that are within the area annexed. As a condition of jurisdiction transfer for roads not built to CITY street standards on the date of the final decision on the annexation, COUNTY agrees to pay to CITY a sum of money equal to the cost of a two-inch asphaltic concrete overlay over the width of the then-existing pavement; however, if the width of pavement is less than 20 feet, the sum shall be calculated for an overlay 20 feet wide. The cost of asphaltic concrete overlay to be used in the calculation shall be the average of the most current asphaltic concrete overlay projects performed by each of CITY and COUNTY. Arterial roads will be considered for transfer on a case- by-case basis. Terms of transfer for arterial roads will be negotiated and agreed to by both jurisdictions.

C. Public sewer and water shall be provided to lands within the UGMB in the manner provided in the public facility plan . . .

* * *

The property is currently within the Clackamas River Water District (CRW) and is being served by CRW. The property will need to be removed from the Clackamas River Water District and begin receiving water service from the City of Oregon City.

The City requires connection of sewer service to the property in accordance with state requirements to hook up to city sewer and in accordance with the Oregon City Sanitary Sewer Master Plan (SSMP).

OREGON CITY COMPREHENSIVE PLAN

The property has an Oregon City Comprehensive Plan designation of Industrial . The property is part of the 1979 Urban Growth Boundary and is within the Thimble Creek Concept Plan area. The identified zone for this site is Campus Industrial.

Section 2 of the Oregon City Comprehensive Plan is entitled *Land Use*. Several Goals and Policies in this section are pertinent to proposed annexations.

The *Public Facilities* Section of the Comprehensive Plan contains the following pertinent Goals and Policies.

Goal 11.1: Provision of Public Facilities

Serve the health, safety, education, welfare, and recreational needs of all Oregon City residents through the planning and provision of adequate public facilities.

Policies

Policy 11.1.1 Ensure adequate public funding for the following urban facilities and services, if feasible:

- a. Streets and other roads and paths*
- b. Wastewater collection*
- c. Storm water management services*
- d. Police protection*
- e. Fire protection*
- f. Parks and recreation*
- g. Water distribution*
- h. Planning, zoning and subdivision regulation*

Streets and other roads and paths

South Beavercreek Road is County-owned and maintained. The road restoration requirements and/or any requirements to improve the road are the purview of Clackamas County Transportation Engineering. A permit from the County for road restoration or improvement will be a condition of City sewer construction permits.

Wastewater collection

Upon annexation, this one home will start paying the current City stormwater utility fee. Therefore, no additional public funds will need to be spent.

Police and Fire Protection

This annexation will immediately add one home to the City's police and fire protection coverage and withdraw the property from Clackamas County Sheriff's Enhanced Law Enforcement District. The Oregon City Police Department indicated the address is serviced by Clackamas County Sheriff's Office. Currently, any calls to Clackamas County 9-1-1 (CCOM) are dispatched to a Clackamas County Sheriff's Deputy. However, if it is a priority call and Oregon City officers are available, they would respond as they would be able to arrive much quicker than a Clackamas County Sheriff's Deputy. Once annexed, the property will be serviced by Oregon City Police Department (OCPD). OCPD has not indicted any conflicts with this annexation.

The property is already within the Clackamas Fire District #1 and will remain in CFD#1 upon annexation.

Water

The property is currently within the Clackamas River Water District (CRW). CRW has stipulated that the property is required to be removed from CRW service and adopt City of Oregon City water service. The switch-over requires CRW meter removal and service abandonment and City service connection and meter installation with a meter set fee and removal from CRW jurisdiction. Once the meter set fee is paid, the applicant is required to contact CRW to coordinate jurisdictional removal.

Policy 11.1.1 defines what is encompassed within the term "urban facilities and services" as it pertains to annexation. The City's plan is more inclusive in its definition of what services are considered an "urban service" than is the Metro Code. The City's Plan adds fire protection and planning, zoning, and commercial development regulation to the list of urban services that are to be considered by the Metro Code. The adequacy of these facilities and services to serve the subject property, containing a single home, is discussed in greater detail below. The Metro Code also includes mass transit in addition to streets and roads.

Policy 11.1.3 Confine urban public facilities and services to the city limits except where allowed for safety and health reasons in accordance with state land use planning goals and regulations. Facilities that serve the general public will be centrally located and accessible, preferably by multiple modes of transportation.

Policy 11.1.4 Support development on underdeveloped or vacant buildable land within the City where urban facilities and services are available or can be provided and where land use compatibility can be found relative to the environment, zoning, and comprehensive plan goals.

Policy 11.1.5 Design the extension or improvement of any major urban facility and service to an area to complement other urban facilities and services at uniform levels.

Policies 11.1.3 and 11.1.4 encourage development on sites within the City where urban facilities and services are either already available or can be provided. This policy implies that lands that cannot be provided urban services should not be annexed. The City has capacity to provide urban services to this existing home.

Policy 11.1.5 requires that the installation of a major urban facility or service should be coordinated with the provision of other urban facilities or services. No major urban facility or service is required here; rather, it requires normal extension of sanitary sewer from the existing sewer main abutting the site in Beaver Creek Road.

The owner has not proposed to further develop the existing parcel at this time, and neither is rezoning the property proposed at this time as explained elsewhere in this report.

Read together, these policies suggest that when annexing lands, the City should consider whether a full range of urban facilities or services are available or can be made available to serve the territory to be annexed. Oregon City has implemented these policies with its Code provisions on processing annexations, which requires the City to consider the adequacy of access and adequacy and availability of public facilities and services. Overall, it appears that the City can provide urban service capacity to this one home.

Goal 11.2: Wastewater

Seek the most efficient and economic means available for constructing, operating, and maintaining the City's wastewater collection system while protecting the environment and meeting state and federal standards for sanitary sewer systems.

Policies

Policy 11.2.2 Plan, operate and maintain the wastewater collection system for all current and anticipated city residents within the existing urban growth boundary. Strategically plan for future expansion areas.

Since all new development on annexed land is required to connect to the sanitary sewer system, this policy suggests that a measure of the adequacy of the sanitary system should be whether it could serve the potential level of development provided for by the Comprehensive Plan and Zoning designations. The City's sanitary sewer is available to this property.

Policy 11.2.3 Work with Tri-City Service District to provide enough capacity in its collection system to meet standards established by the Oregon Department of Environmental Quality (DEQ) to avoid discharging inadequately treated sewage to surface waters.

The Tri-City Service District was provided notice of this annexation. The District responded that it has adequate capacity to serve the annexation. The District provides sewer collection to the Cities of West Linn, Oregon City and Gladstone. The property owner must initiate the Tri-City Service District annexation after annexation to the City. The City Commission should concur with Tri-City Service District's annexation of the subject property in the ordinance annexing the property.

Goal 11.3: Water Distribution

Seek the most efficient and economic means available for constructing, operating, and maintaining the City's water distribution system while protecting the environment and meeting state and federal standards for potable water systems.

Policies

Policy 11.3.1 Plan, operate and maintain the water distribution system for all current and anticipated city residents within its existing urban growth boundary and strategically plan for future expansion areas.

Since new development on annexed lands may connect to the city water distribution system, this policy suggests that a measure of the adequacy of the water distribution system should be whether it could serve the potential level of development provided for by the Comprehensive Plan and Zoning designations. The subject property is zoned FU-10, imposing a 10-acre minimum lot size, which will serve to preclude any further land divisions until the land is rezoned to a City zoning designation.

Goal 11.4: Stormwater Management

Seek the most efficient and economical means available for constructing, operating, and maintaining the City's stormwater management system while protecting the environment and meeting regional, state, and federal standards for protection and restoration of water resources and fish and wildlife habitat.

Policies

Policy 11.4.1 Plan, operate, and maintain the stormwater management system for all current and anticipated city residents within Oregon City's existing urban growth boundary and strategically plan for future expansion areas.

Policy 11.4.4 Maintain existing drainageways in a natural state for maximum water quality, water resource preservation, and aesthetic benefits.

Since new development on annexed lands may connect to the city stormwater management system, this policy suggests that a measure of the adequacy of the stormwater management system should be whether the City (or the county stormwater management system in the event that drainage goes to the County) could serve the potential level of development provided for by the Comprehensive Plan and Zoning designations. New development may also have opportunities to provide further protection to preserve water quality. This annexation will not result in any changes to the stormwater drainage. No future development would be allowed under the existing FU-10 zoning designation. Improvement of the

existing stormwater connections leading to the site would be in conformance with the City's stormwater design standards.

Goal 11.9: Fire Protection

Maintain a high level of fire suppression and emergency medical services capacity.

Policies

Policy 11.9.1 Ensure that all areas, including newly annexed areas, receive fire protection and emergency medical services.

The property is already within Clackamas County Fire District #1. Fire protection and emergency services will be unaffected by this proposal. The annexation was transmitted to Clackamas County Sheriff's Department and Oregon City Police Department for comment. OCPD already responds to priority County emergency calls for the unincorporated area in this location. Clackamas County Sheriff's Department was contacted and had no conflicts with the annexation. Upon annexation, the area would be removed from the Clackamas County Sheriff's Enhanced Law Enforcement District. OCPD does not anticipate any police service problems due to the annexation of this one home.

The final section of this staff report addresses each urban service to determine whether the services are currently available or can be made available at an adequate level to serve the potential development of the property under the current planning designation and zoning that implements it.

Section 14 of the Plan is entitled *Urbanization*. Several policies in this section are pertinent to proposed annexations. The following excerpts expand on the City's annexation philosophy and requirements.

The City is required to refer all proposed annexations to the voters. Rather than having voter approval of individual property owners' requests to annex, the City should prepare and implement an annexation plan and program. The City could then annex large blocks of properties (with voter approval) at one time, rather than in a piecemeal fashion. Annexation would be tied more directly to the City's ability to provide services efficiently, maintain regular city boundaries, and help the City meet Metro targets for housing and employment. The zoning of the property should be decided at the time the Planning Commission and City Commission review and approve the annexation request.

Applications for annexation, whether initiated by the City or by individuals, are based on specific criteria contained in the City's municipal code. Metro and state regulations promote the timely and orderly provision of urban services, with which inappropriate annexations can conflict. Therefore, an annexation plan that identifies where and when areas might be considered for annexation can control the expansion of the city limits and services to help avoid those conflicts and provide predictability for residents and developers. Other considerations are consistency with the provisions of this comprehensive plan and the City's public facility plans, with any plans and agreements of urban service providers, and with regional annexation criteria.

The City has not completed an annexation plan and program for this area. The requirement to refer this annexation to the voters has been superseded by the passage of Senate Bill 1573 as explained earlier in this report. This annexation is still sufficiently tied directly to the City's ability to provide services efficiently with the logical extension of physical utility lines as it is adjacent to two city subdivisions that have utilities and street improvements. The proposal does not include a zone change, and as such, conditions will be placed on the annexation limiting development until a zone change to a City designation occurs.

The following Plan annexation policies are approval criteria for annexations under Criteria 3 of the Metro Code.

Goal 14.4: Annexation of Lands to the City

Annex lands to the City through a process that considers the effects on public services and the benefits to the City as a whole and ensures that development within the annexed area is consistent with the Oregon City Comprehensive Plan, City ordinances, and the City Charter.

The city annexation process is set out in Chapter 14 of the Municipal Code. By requiring compliance with that code, the Metro code, and the statewide planning rules, the City is identifying the potential effects that build-out of the annexed property will have on public services and any benefits to the City as a whole.

Policy 14.4.1 *In order to promote compact urban form to support efficient delivery of public services, lands to be annexed must be within the City's Urban Growth Boundary, and must be contiguous to the existing City limits. Long linear extensions, such as cherry stems and flag lots, shall not be considered contiguous to City limits.*

The proposed property is contiguous to the city limits along the side and side property line. No long linear extensions are proposed. The annexation would not create any islands.

Policy 14.4.2 *Concept Plans and Sub-area Master Plans for unincorporated areas within the Urban Growth Boundary shall include an assessment of the fiscal impacts of providing public services to the area upon annexation, including the costs and benefits to the City as a whole.*

The property has an Oregon City Comprehensive Plan designation of Industrial –. The property is part of the 1979 Urban Growth Boundary and is within the Thimble Creek Concept Plan area. The identified zone for this site is Campus Industrial.

The property has been included in all of the City's adopted public facilities master plans for sewer, water, stormwater and transportation. No zone change is proposed at this time.

Policy 14.4.3 *When an annexation is requested, the Commission may require that parcels adjacent to the proposed annexation be included to:*

- a) avoid creating unincorporated islands within the City;*
- b) enable public services to be efficiently and cost-effectively extended to the entire area; or*
- c) implement a Concept Plan or Sub-area Master Plan that has been approved by the Commission.*

This proposed annexation does not create an unincorporated island within the City, and if annexed, will resolve an existing island condition. There is no development proposed at this time, and future development is limited as the property has proposed to retain the exiting Clackamas County zoning designation. No additional parcels are anticipated to be annexed to enable more efficient public services at this time.

Policy 14.4.4 *The City may, as provided by state law, provide sewer service to adjacent unincorporated properties when a public health hazard is created by a failing septic tank sewage system; the Commission may expedite the annexation of the subject property into the City, subject to any voter approvals of annexations.*

A public health hazard existed by nature of the failing septic system. The property owner has already connected the property to the City sewer system and obtained the proper city and county permits to complete the extension of the sewer line to the property.

LAND USE

Section 2, of the City's Comprehensive Plan, identifies land use types. This application has one residential land use type:

1. *Industrial [I Areas in the Category are primarily for employment use*

The City/County urban growth management agreement specifies that the County's acknowledged Comprehensive Plan and implementing regulations shall apply until annexation and the City adopts subsequent plan amendments. The Oregon City Code requires the City Planning Department to review the final zoning designation within sixty days of annexation, utilizing the chart below and some guidelines laid out in Section 17.06.030.

CITY LAND USE CLASSIFICATION

Industrial Comprehensive Plan Classification	City Zone
Industrial	CI, GI

That section goes on to say:

"In cases where only a single city zoning designation corresponds to the comprehensive plan designation . . . Section 17.68.025 shall control."

Section 17.68.025, Zoning changes for land annexed into the City, says:

"Although the subject property is designated I- Industrial on the City's Comprehensive Plan, this proposal does not include a request to rezone the land to Campus Industrial- CI. As noted above, no further development or land division may occur until the land is rezoned to a City zoning designation.

The City's Code contains provisions on annexation processing. Section 6 of Chapter 14 requires the City Commission "to consider the following factors, as relevant":

1. *Adequacy of access to the site;*

Finding: The site access is discussed below in the Facilities and Services section. The site has direct access onto Beaver Creek Road, and the existing access is adequate.

2. *Conformity of the proposal with the City's Comprehensive Plan;*

Finding: As demonstrated in this section of the staff report, the City's Comprehensive Plan is satisfied.

3. *Adequacy and availability of public facilities and services to service potential development;*

Finding: The Facilities and Services discussion of this report demonstrates that public facilities and services are available and are adequate to serve any potential development that could occur under the existing Industrial plan designation, though none is proposed.

4. *Compliance with applicable sections of Oregon Revised Statutes Chapter 222, and Metro Code 3.09;*

Finding: The only applicable criterion in ORS 222 is that annexed lands be contiguous to the City. The site is contiguous and fully borders city property. The Metro Code criteria are set out on page 2 of this report. This report considers each factor and the Conclusions and Reasons in the Findings and Reasons demonstrate that these criteria are satisfied.

5. *Natural hazards identified by the City, such as wetlands, floodplains, and steep slopes;*

Finding: No natural hazards are identified on the property.

6. *Any significant adverse effects on specially designated open space, scenic historic or natural resource areas by urbanization of the subject property at the time of annexation;*

Finding: No adverse effects on the identified resources are apparent. There are no overlay districts that affect the property. The property is in the Newell drainage basin, according to the Drainage Master Plan.

7. *Lack of any significant adverse effects on the economic, social and physical environment of the community by the overall impact of annexation."*

Finding: No significant adverse effects have been identified by any necessary party.

The Commission interprets the "community" as including the City of Oregon City and the lands within its urban service area. The City will obtain a small increase in property tax revenues from adding additional assessed value to its tax roll as a result of annexing the territory. The City will also obtain land use jurisdiction over the territory. Finally, it will have service responsibilities, including fire, police, and general administration. The City already occasionally delivers police service to the unincorporated area in the course of patrolling to deliver service to the incorporated area. The increases in service responsibilities to the area that result from the annexation are insignificant.

If annexed, the property owner could apply to the City for land use permits, including a zone change. Any impacts on the community that result from approval of development permits are a direct consequence of the future permit approval, not of the annexation. Before any urban development can occur, the territory must also be annexed to the Tri-City Service District. The City Commission must concur with Tri-City Service District's annexation of the subject property in the enacting ordinance upon voter approval of the city annexation.

Section 8 of the Ordinance states that:

"The City Commission shall only set for an election annexations consistent with a positive balance of the factors set forth in Section 6 of this ordinance. The City Commission shall make findings in support of its decision to schedule an annexation for an election."

As analyzed earlier in this report, the requirement to refer this annexation to the voters has been superseded by the passage of Senate Bill 1573, which exempts certain annexations from a voter approval requirement provided specific criteria have been met.

FACILITIES AND SERVICES

ORS 195 Agreements. ORS 195 requires agreements among providers of urban services. Urban services are defined as: sanitary sewers, water, fire protection, parks, open space, recreation and streets, roads and mass transit.

Sanitary Sewers.

The Tri-City Service District provides sewage transmission and treatment services to the cities of Oregon City, West Linn, and Gladstone. Each City owns and maintains its own local sewage collection system. The District owns and maintains the sewage treatment plant and interceptor system. The three cities are in the District, and as provided in the Intergovernmental Agreement between the District and the City, the District does not serve territories outside Oregon City, with one exception.

Before January 1, 1999, state statute (ORS 199) provided that when the territory was annexed to a city that was wholly within a district, the territory was automatically annexed to the District as well. That statute no longer applies in this area. Therefore, each annexation to Oregon City needs to be followed by a separate annexation of the territory to the Tri-City Service District. The City Commission must concur with Tri-City Service District's annexation of the subject property in the enacting ordinance upon voter approval of the city annexation.

The Tri-City Service Water Pollution Control Plant is along Interstate 205 in Oregon City just east of the junction of the Willamette and the Clackamas Rivers. The plant had an average flow capacity of 4.4 million gallons per day (MGD) and a design peak flow capacity of 50.0 MGD and served a population of 66,500 in the year 2001. However, the facility was expanded in 2012 to increase the available average dry weather capacity to 11.9 MGD and a peak flow of 68.7 MGD. The plant is currently serving a population of 98,000 residents and set have expanded solids handling capacity by 2020.

Due to the public health concern caused by a failed septic system, the City has approved access to the City sewer system and the process of permitting a service connection is underway as of the date of publishing of this staff report.

Water. The property is currently within the Clackamas River Water District (CRW) and will need to be removed from the District after the annexation and connected to City water.

Stormwater. The site is located in the Newall Drainage Basin. No additional development has been proposed. Onsite stormwater drainage or discharge to a city or county facility will be required upon future development. Any future development would have to convey site stormwater runoff to the appropriate stormwater system in the area.

Fire Protection. This territory is currently within Clackamas Fire District #1 which serves portions of Clackamas County as well as Oregon City.

Police Protection. The Clackamas County Sheriff's Department currently serves the territory.

The area to be annexed lies within the Clackamas County Service District for Enhanced Law Enforcement, which provides additional police protection to the area. Due to the location being surrounded by Oregon City, Oregon City Police Department already occasionally responds to County emergency calls for the unincorporated area. The impact to police services upon annexation will be negligible.

According to ORS 222.120 (5) the City may provide in its approval ordinance for the automatic withdrawal of the territory from the District upon annexation to the City. If the territory were withdrawn from the District, the District's levy would no longer apply to the property.

Upon annexation the Oregon City Police Department will officially serve the property.

Parks, Open Space, and Recreation. The nearest developed City park is Tyrone S Woods Park. Additional open space and trails are available on the Clackamas Community College campus across the street. Following annexation, rezoning, and development review, any further development constructed on the property would contribute the city Parks System Development Charge.

Transportation. Access is provided from Beaver Creek Road, which is under Clackamas County jurisdiction. Though the Oregon City Municipal Code requires application of a City zoning designation upon annexation, a zone change may only be initiated with a zone change application, which is accompanied by a required transportation analysis to demonstrate compliance with applicable regulations, such as the Transportation Planning Rule (TPR) or TIA (Transportation Impact Analysis). As the applicant is required to initiate annexation due to a failed septic system, it is appropriate to retain the existing Clackamas County zoning designation if the development onsite is limited.

Other Services. Planning, building inspection, permits, and other municipal services will be available to the City's territory upon annexation.

STAFF RECOMMENDATION

Based on the study and the Proposed Findings and Reasons for Decision for this annexation, staff recommends that the City Commission approve Planning File GLUA 20-00017: AN 20-0001 and adopt as its own this Staff Report and Exhibits and;

- Find that this annexation is consistent with a positive balance of the factors set forth in OCMC Section 14.04.060.
- Recommends withdrawing the territory from the County Service District for Enhanced Law Enforcement as allowed by statute.
- Recommend that the City Commission concur with Tri-City Service District's annexation of the subject property in the enacting ordinance.
- Recommend that the City Commission concur with Clackamas River Water withdrawing the subject property in the enacting ordinance.
- Recommend that the applicant record a covenant acknowledging that development is reviewed for compliance with the Oregon City Municipal Code and Clackamas County Zoning and Development Ordinance and until a zone change is approved, the site use shall not change or intensify or receive approval of a land division or development of the site.

ANNEXATION PETITION: GLUA 20-00017: AN 20-00001 PROPOSED FINDINGS, CONDITIONS, AND REASONS FOR DECISION

Based on the staff report and findings, the Commission determines:

1. The Metro Code calls for consistency of the annexation with the Regional Framework Plan or any functional plan. The Commission concludes the annexation is not inconsistent with this criterion

because there were no directly applicable criteria for boundary changes found in the Regional Framework Plan, the Urban Growth Management Function Plan, or the Regional Transportation Plan.

2. Metro Code 3.09.050(d)(1) requires the Commission's findings to address consistency with applicable provisions of urban service agreements or annexation plans adopted according to ORS 195. As noted in the Findings, there are no such plans or agreements in place. Therefore, the Commission finds that there are no inconsistencies between these plans/agreements and this annexation.
3. The Metro Code, at 3.09.050(d)(3), requires the City's decision to be consistent with any "directly applicable standards or criteria for boundary changes contained in comprehensive land use plans and public facilities plans." The County Plan also identifies the property as *Immediate Urban* lands, which should ensure the "orderly, economic provision of public facilities and services." The property owner has demonstrated that the City can provide all necessary urban services. Nothing in the County Plan speaks directly to criteria for annexation. Therefore, the Commission finds this proposal is consistent with the applicable plan as required Metro Code 3.09.050 (d)(3).
4. The Commission concludes that the annexation is consistent with the City Comprehensive Plan that calls for a full range of urban services to be available to accommodate new development, as noted in the Findings above. The City operates and provides a full range of urban services. Specifically, with regard to water and sewer service, the City has both of these services available to serve the area from existing improvements abutting the property.
5. With regard to storm drainage to the Newell Drainage Basin, the City has the service available in the form of regulations to protect and control stormwater management.
6. The Commission notes that the Metro Code also calls for consistency of the annexation with urban planning area agreements. As stated in the Findings, the Oregon City-Clackamas County Urban Growth Management Agreement specifically provides for annexations by the City.
7. Metro Code 3.09.050(d)(5) states that another criterion to be addressed is "Whether the proposed change will promote or not interfere with the timely, orderly, and economic provision of public facilities and services." Based on the evidence in the Findings, the Commission concludes that the annexation will not interfere with the timely, orderly, and economic provision of services.
8. The Oregon City Code contains provisions on annexation processing. Section 6 of the ordinance requires that the City Commission consider seven factors if they are relevant. These factors are covered in the Findings, and on balance the Commission believes they are adequately addressed to justify approval of this annexation.
9. The City Commission concurs with Tri-City Service District's annexation of the subject property in the enacting City ordinance.
10. The Commission determines that the property should be withdrawn from the Clackamas County Service District for Enhanced Law Enforcement as allowed by statute since the City will provide police services upon annexation.

11. The Commission determines that the property should not be withdrawn from the Clackamas Fire District #1.
12. The Commission determines that the property should be withdrawn from the Clackamas River Water Service District.
13. The Commission acknowledges that the site will not be rezoned by this annexation and will retain its existing of FU-10 County Zone, which directs development to be reviewed for compliance with the Oregon City Municipal Code and Clackamas County Zoning and Development Ordinance. Further, until a zone change is approved, the site use shall not change or intensify or receive approval of a land division or development of the site including, but not limited to: no new structures or additions to existing structures. Also, the property shall be subject to the City's overlay districts, fence regulations in OCMC 17.54.100, as well as the City's nuisance, business licensing, and animal regulations.

**RECOMMENDED CONDITIONS OF APPROVAL
PLANNING FILES GLUA 20-00017: AN 20-0001**

(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.

1. Prior to final annexation, the property owner or assigns will record a covenant, to be approved by the City Attorney, which limits the development of the site until such time that a zone change to a City zoning designation has been approved. The covenant shall acknowledge that development is reviewed for compliance with the Oregon City Municipal Code and Clackamas County Zoning and Development Ordinance. Further, until a zone change is approved, the site use shall not change or intensify or receive approval of a land division or development of the site including, but not limited to: no new structures or additions to existing structures. In addition, the property shall be subject to the City's overlay districts, fence regulations in OCMC 17.54.100, as well as the City's nuisance, business licensing, and animal regulations.

Exhibits:

1. Annexation Application
 - a. Annexation Packet
2. Public comment
 - a. Erik Carr- WES
 - b. Adam M. Bjornstedt, P.E. Chief Engineer CRW
 - c. John Replinger PE, Replinger and Associates
3. Measure 3-51- May 18, 1999 voter-approved charter amendment (on file)
4. Public Notices/ Vicinity Map (on file)

Annexations to OREGON CITY - Double Majority Method, 100% Owners Method

I. *Application Process for Property Owners and Registered Voters*

PLEASE READ ALL INSTRUCTIONS BEFORE FILING A PETITION WITH THE CITY

Step 1. Petition

Attached is a *Petition* form for your use. Please fill in the blanks on the first page, sign and fill in the requested information on the second page and insert or attach the legal description to the first two pages.

Who May Sign: An elector registered to vote in the territory to be annexed; a property owner who is the legal owner of record or, where there is a recorded land contract, the purchaser thereunder. If there is multiple ownership each signer is counted in proportion to the size of their ownership. If a corporation owns land, the corporation is considered the individual owner.

After completing the petition, have the County Assessor's Office certify the property owner signatures using the attached *Certification of Property Ownership* form. While you are at the Assessor's Office show them your legal description, buy two 1/4 Section Maps showing the property to be annexed and have them certify the map and legal description using the attached *Certification Of Legal Description And Map* form. Proceed to the County Elections Department and have them certify the signatures of the registered voters by completing the attached *Certification of Registered Voters* form. Do this even if the property is vacant. In that case they certify that there are no registered voters in the affected territory.

Step 2. Legal Description

The legal description noted above must be a metes and bounds legal description of the territory to be annexed. This description should be inserted in or attached to the Petition. In addition, one separate copy of the metes and bounds description should be submitted. (A lot, block and subdivision description may be substituted for the metes and bounds description if the area is platted and no metes and bounds description is available, and if this is acceptable to the County Assessor's Office.) If

the legal description contains any deed or book and page references, legible copies of these must be submitted with the legal description.

Step 3. Map

As noted above you must submit two copies of the 1/4 Section map. This should be the latest County Assessor's quarter section map (or maps) which indicates the territory to be annexed. Outline the area to be annexed on the maps.

Step 4. Notice List

You must submit a list of all property owners and registered voters in the area to be annexed regardless of whether they signed the annexation petition or not. Additionally this list must include the names and addresses of all property owners within 300 feet of the outside edge of the territory to be annexed. Please submit this list on peel-off label sheets.

Step 5. Information Sheet

Complete the attached *Boundary Change Information Sheet*.

Step 6. Double Majority Work Sheet

A *Double Majority Worksheet* is attached for your convenience. This is to help verify that all double majority requirements are met.

Step 7. Submit Application To City

Submit all materials and the required filing fee (see attached schedule) to the City Manager or his designee at Oregon City City Hall, 320 Warner-Milne Rd., Oregon City, OR 97045.

II. City Review

Below is a summary of the steps which will be taken regarding annexations initiated by these two methods.

Step 1. Compliance Review

Submitted materials will be checked for compliance with requirements of state statutes, the Metro Code requirements and the City Code requirements.

Step 2. Public Hearing Date Set

The proposal will be set for a hearing by the Planning Commission and the City Commission. The setting of the hearing date for the City Commission must occur within 30 days of the day the proposal is judged to be complete.

Step 3. Public Hearing Notice

Notice of the public hearing by the Planning Commission and notice of the public hearing of the City Commission will be sent to service providers in the area, to the applicant, to adjacent property owners and to appropriate neighborhood or community organizations. Notice of the hearing will be posted in and/or around the territory to be annexed. The hearing will also be advertised twice in a newspaper of general circulation in the area.

Step 5. Staff Study and Report

A staff report will be prepared on each proposed boundary change. This report will cover at a minimum five items specified in the Metro Code including availability of services, compatibility with regional and local plans, etc.. The report will also cover the approval criteria laid out in the Oregon City Municipal Code. This report will be made available to the public 7 days prior to the Planning Commission hearing and 15 days prior to the City Commission hearing.

Step 6. Public Hearings

The Planning Commission will hold its public hearing. After reviewing the proposal in light of the criteria in the City Code and the Metro Code, the Planning Commission will make a recommendation on the boundary change to the City Commission.

The City Commission holds a public hearing. At the hearing the City Commission will consider 7 minimum criteria laid out in the Metro Code including compliance with urban service agreements, consistency with applicable land use plans and service availability. The City Commission

will also consider the 7 Annexation Factors contained in the City Municipal Code. At the conclusion of the public hearing the Commission determines whether the proposed annexation is consistent the Metro Code and with a positive balance of the factors in the City Code and if so schedules an annexation election.

If the Council approves the proposal and schedules it for election it must do so with an order containing findings and reasons. If there are no objections to the approval by another unit of government within 10 days then the issue proceeds to election. If the the decision is contested by a necessary party then the matter is transferred to the Metro Boundary Appeals Commission.

Step 7. Election

If the City Commission approves the annexation it will be scheduled for an election at one of the four regular state election dates (March, May, September and November). The applicant will be required to submit a deposit to cover any and all costs of the election. City and State required processes leading up to an election take a significant amount of time and should be allowed for in planning by the applicant.

After the election results are certified an order must be generated to officially change the boundary. The order must be sent to Secretary of State, County Recorder and County Assessor, State Revenue Department, and City Recorder. Other interested parties (such as the utilities) are notified as well. These notifications and official map changes are done by Metro. A separate fee for this operation will be collected at the time the proposed boundary change is first submitted to the City.

***PETITION OF OWNERS OF MAJORITY OF LAND
AND PETITION OF A MAJORITY OF REGISTERED VOTERS***

PETITION FOR ANNEXATION TO THE CITY OF OREGON CITY , OREGON

TO: The City Commission of the City of Oregon City, Oregon:

We, the undersigned property owners of and/or registered voters in the area described below, hereby petition for, and give our consent to, annexation of the area to the City of Oregon City.

The property to be annexed is described as follows:

(Insert Legal Description here OR attach it as Exhibit "A")

***PETITION OF OWNERS OF 100 % OF LAND
AND PETITION OF A MAJORITY OF REGISTERED VOTERS***

PETITION FOR ANNEXATION TO THE CITY OF OREGON CITY , OREGON

TO: The City Commission of the City of Oregon City, Oregon:

We, the undersigned property owners of and/or registered voters in the area described below, hereby petition for, and give our consent to, annexation of the area to the City of Oregon City.

The property to be annexed is described as follows:

(Insert Legal Description here OR attach it as Exhibit "A")

ANNEXATION PETITION

2. This petition may be signed by qualified persons even though they may not know their property description or precinct number.

[illegible]

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**CERTIFICATION OF PROPERTY OWNERSHIP OF
AT LEAST ONE-HALF LAND AREA**

(City Double Majority Method)

I hereby certify that the attached petition for a proposed boundary change involving the territory described in the petition contains the names of the owners * of at least one-half of the land area within the annexation area described in the petition, as shown on the last available complete assessment roll.

NAME _____

TITLE _____

DEPARTMENT _____

COUNTY OF _____

DATE _____

- * "Owner" means the legal owner of record or, where there is a recorded land contract which is in force, the purchaser thereunder. If there is a multiple ownership in a parcel of land each consenting owner shall be counted as a fraction to the same extent as the interest of the owner in the land bears in relation to the interest of the other owners and the same fraction shall be applied to the parcel's land mass and assessed value for purposes of the consent petition. If a corporation owns land in territory proposed to be annexed, the corporation shall be considered the individual owner of that land.

CERTIFICATION OF PROPERTY OWNERSHIP OF

100% OF LAND AREA

(City 100% Ownership Method)

I hereby certify that the attached petition for a proposed boundary change involving the territory described in the petition contains the names of the owners* of 100% of the land area within the annexation area described in the petition, as shown on the last available complete assessment roll.

NAME



TITLE

CARTOGRAPHER 1

DEPARTMENT

TAX ASSESORS OFFICE

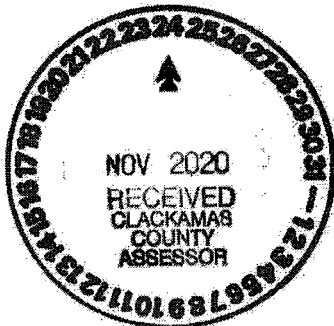
COUNTY OF

CLACKAMAS

DATE

11/24/2020

* "Owner" means the legal owner of record or, where there is a recorded land contract which is in force, the purchaser thereunder. If there is a multiple ownership in a parcel of land each consenting owner shall be counted as a fraction to the same extent as the interest of the owner in the land bears in relation to the interest of the other owners, and the same fraction shall be applied to the parcel's land mass and assessed value for purposes of the consent petition. If a corporation owns land in territory proposed to be annexed, the corporation shall be considered the individual owner of that land.

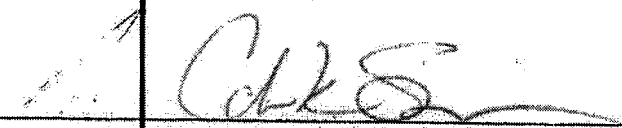


I hereby certify that the description of the property included within the attached

petition (located on Assessor's Map **32E09A 00600**)

has been checked by me and it is a true and exact description of the property under consideration, and the description corresponds to the attached map indicating the property under consideration.

NAME


CARTOGRAPHER 1

TITLE

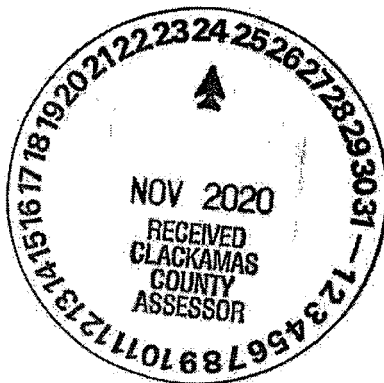
DEPARTMENT

TAX ASSESORS OFFICE

COUNTY OF

CLACKAMAS

DATE

11/24/20

RECORD OF SURVEY

FOR:

FATCAT, LLC

IN THE NE 1/4 SECTION 9, T.3S., R.2E., W.

CLACKAMAS COUNTY, OREGON

FEBRUARY 18, 2010 SCALE 1"= 60'

LEGEND:

○ SET 5/8" X 30" IRON ROD WITH YELLOW PLASTIC CAP
STAMPED "PARIS & ASSOC. PLS 2264 DN 02-18-2010

● FOUND MONUMENT AS NOTED

I.R. IRON ROD

W/YPC WITH YELLOW PLASTIC CAP

() ENCLOSED RECORD DATA

[] PROBABLE ORIGIN OF MONUMENT

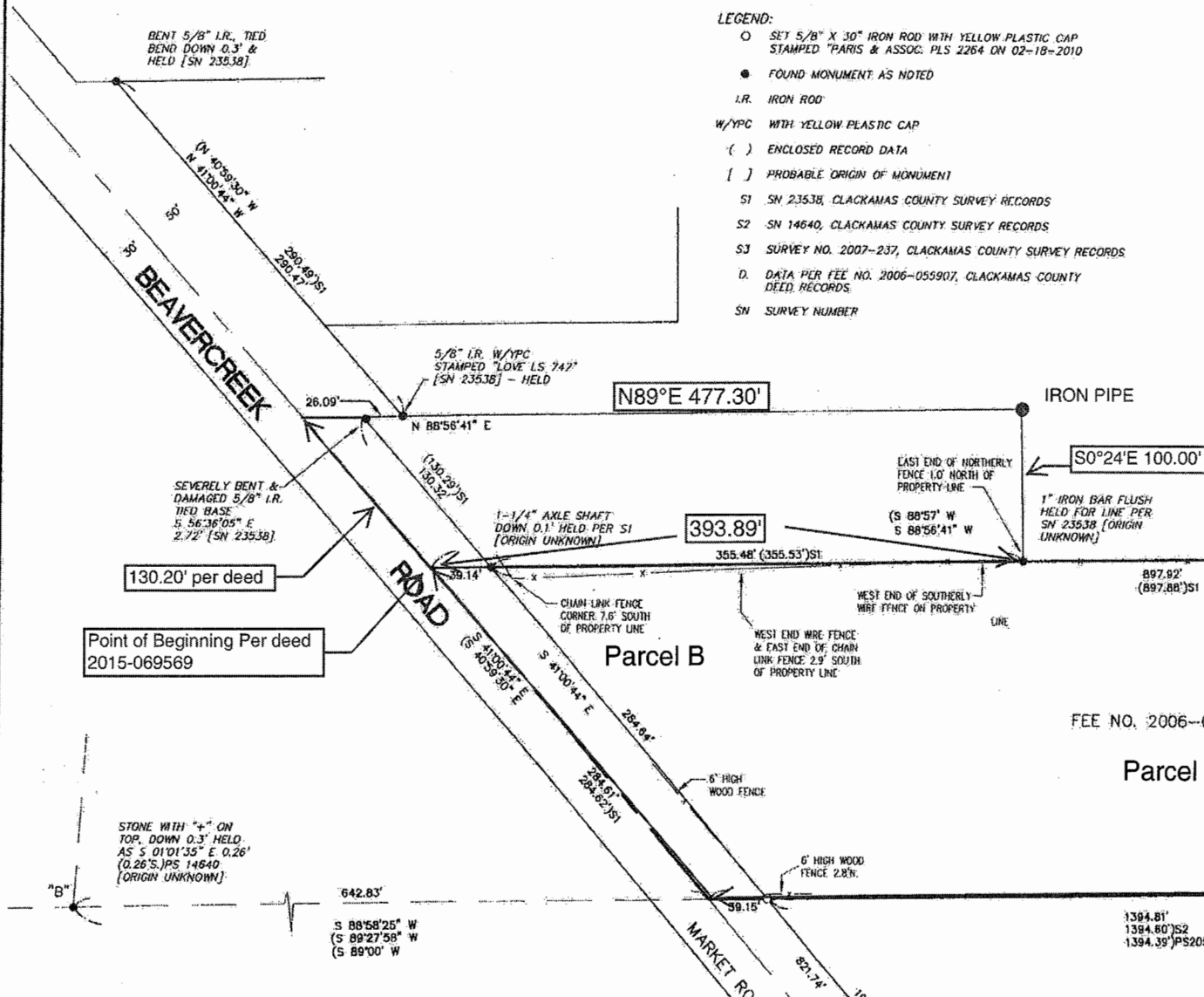
S1 SN 23538, CLACKAMAS COUNTY SURVEY RECORDS

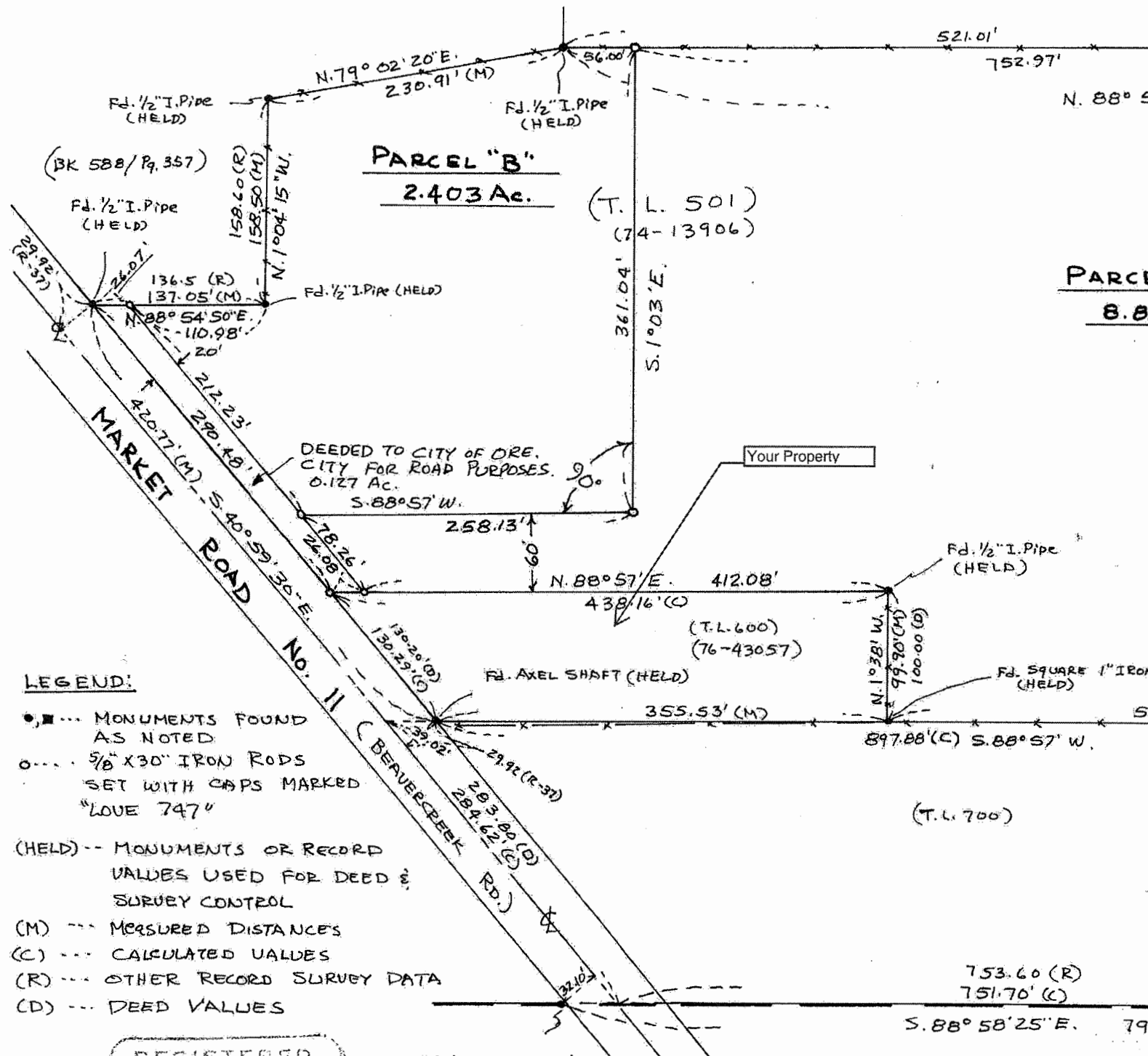
S2 SN 14640, CLACKAMAS COUNTY SURVEY RECORDS

S3 SURVEY NO. 2007-237, CLACKAMAS COUNTY SURVEY RECORDS

D. DATA PER FEE NO. 2006-055907, CLACKAMAS COUNTY
DEED RECORDS.

SN SURVEY NUMBER





NARRATIVE

THE PURPOSE OF THIS SURVEY WAS TO LOCATE AND MARK A PROPOSED PROPERTY LINE ADJUSTMENT AS SHOWN ON THE ATTACHED MAP. THE EAST PROPERTY LINE OF DOC. NO. 74-13906 WAS CREATED BY A PARALLEL OFFSET OF THE EXISTING EAST PROPERTY LINE A DISTANCE OF 50 FEET. THE NORTH AND SOUTH PROPERTY LINES WERE EXTENDED 50 FEET AND MONUMENTED AS SHOWN. MONUMENTS FOUND WERE HELD AS SHOWN PER PS-23538. THE BASIS OF BEARING IS THE CENTERLINE OF MARKET ROAD #11 PER PS-23538.

CITY OF OREGON CITY APPROVAL

APPROVED THIS 14 DAY OF July 1997

BY Sumana K. Kishore
PLANNING MANAGER

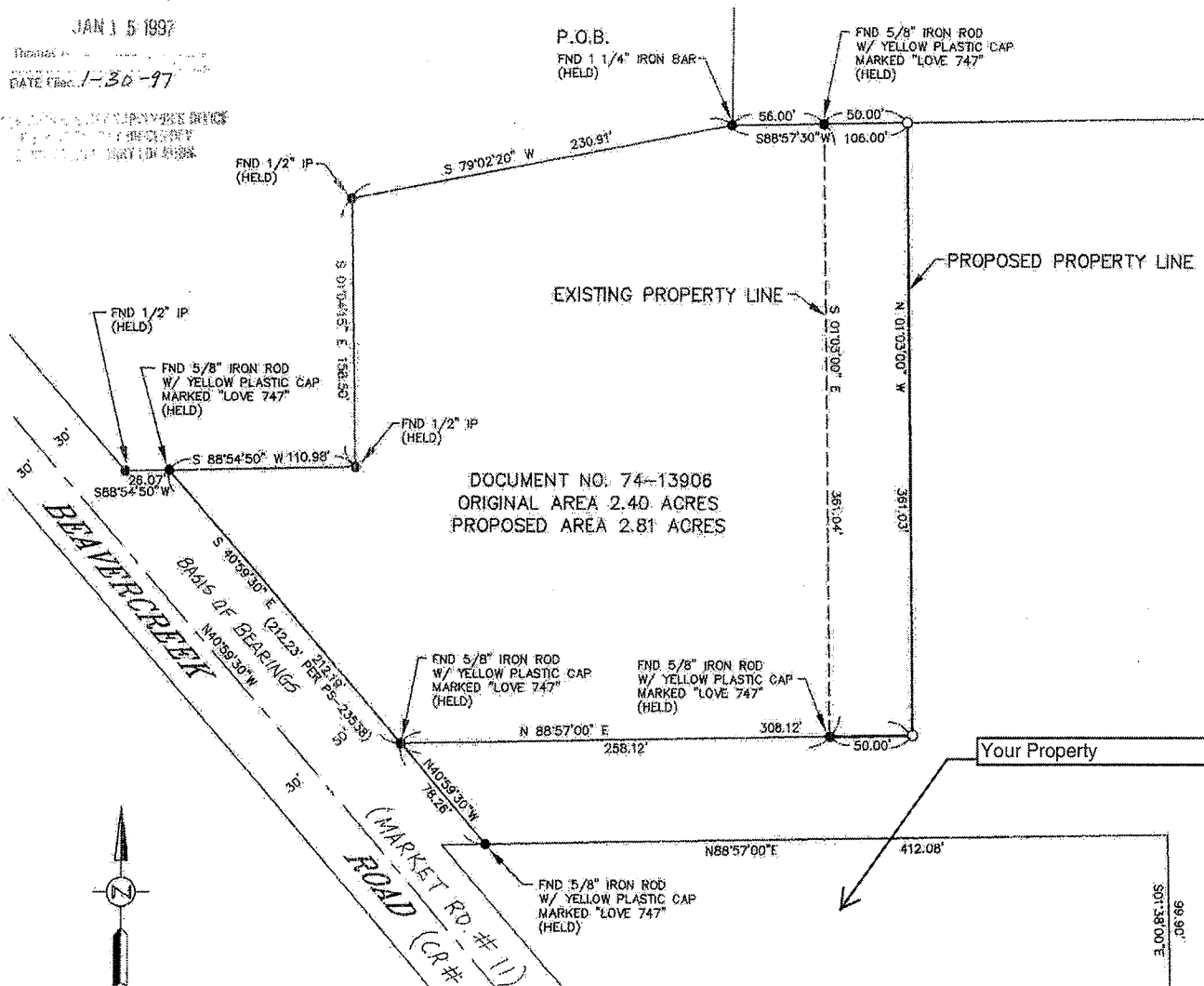
PS. 27168

BLACKHAWK COUNTY SUPERVISOR
JAN 17 1983

JAN 15 1997

DATE Recd. 1-30-97

1. DATE 10/10/68
 2. TO DIRECTOR, FBI
 3. FROM SAC, NEW YORK (100-155341)
 4. SUBJECT JAMES EARL RAY; AKA; IOWA
 5. RE NEW YORK TELETYPE TO BUREAU, OCTOBER 9, 1968.





Clackamas Branch
File No. 16F0186641

Clackamas County Official Records Sherry Hall, County Clerk	2015-069569 10/15/2015 10:04:48 AM
D-D Cnt=1 Stn=4 JANIS \$15.00 \$16.00 \$10.00 \$22.00	\$63.00

After recording return to:
Andy Barney
19242 Beavercreek Road
Oregon City, OR 97045

Until a change is requested, all tax statements shall be sent
to the following address:
Andy Barney
19242 Beavercreek Road
Oregon City, OR 97045

STATUTORY WARRANTY DEED

Brett Howard Brucker, Grantor, conveys and warrants to Andy Barney, Grantee, the following
described real property free of encumbrances except as specifically set forth herein:

SEE ATTACHED EXHIBIT "A"

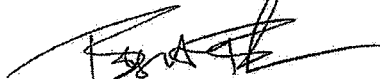
Tax Account No. 00868957

This property is free of encumbrances, EXCEPT:
SEE EXHIBIT "A" WITH EXCEPTIONS
The true consideration for this conveyance is \$215,000.00

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE
SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND
195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9
AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS
2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS
INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING
OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD
CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT
OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS
92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY
LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND
TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS
195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS
2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7,
CHAPTER 8, OREGON LAWS 2010.

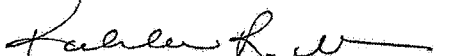
Lawyer's 16F0186641

Dated 13th ^{October} day of ~~September~~, 2015


Brett Howard Brucker

STATE OF OREGON
COUNTY OF Clackamas

The foregoing instrument was acknowledged before me this 13th ^{October} day of ~~September~~, 2015 by
Brett Howard Brucker


Notary Public State of Oregon
My commission expires: 10-24-2017

Order No. 16F0186641

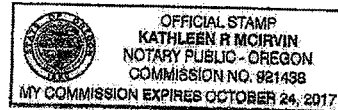


Exhibit "A" with Exceptions

Part of the Washington Williams and wife Donation Land Claim, in Section 9, Township 3 South, Range 2 East of the Willamette Meridian, in the County of Clackamas and State of Oregon, more particularly described as follows:

Beginning at a basalt stone 16 x 10 x 10 inches set at the Northeast corner of the Robert Caufield Donation Land Claim, in Section 9, Township 3 South, Range 2 East of the Willamette Meridian, which point is also a re-entrant corner of the Washington Williams Donation Land Claim; thence South 89° West along claim line 753.60 feet to a point in the center of the Oregon City-Beavercreek County Road; thence North 40° 50' West in the center of said road, 283.80 feet to the true point of beginning of th tract herein described; said point marks the Northwest corner of the Bond tract described in Book 328, Page 738, Deed Records; from said true point of beginning; thence North 40° 50' West along the center line of said road 130.20 feet; thence North 89° East, 477.30 feet to an iron pipe; thence South 0° 24' East, 100.00 feet to an iron pipe on the North boundary of the Moehnke tract described in Book 214, Page 398, Deed Records; thence South 89° West, 393.89 feet to the true point of beginning.

Subject to:

SPECIAL EXCEPTIONS:

- 1. Rights of the public to any portion of the Land lying within roads and highways.**

CERTIFICATION OF REGISTERED VOTERS

I hereby certify that the attached petition for annexation of territory described herein to the City of Oregon City contains the names of at least a majority of the electors registered in the territory to be annexed.

NAME Rebekah Stern DollTITLE Deputy ClerkDEPARTMENT ElectionsCOUNTY OF ClackamasDATE November 24, 2020

NOTICE LIST

(This form is NOT the petition)

ALL OWNERS OF PROPERTY AND/OR REGISTERED VOTERS INCLUDED IN BOUNDARY CHANGE PROPOSAL AREA. ALL OWNERS OF PROPERTY WITHIN 300 FEET OF THE OUTSIDE BOUNDARY OF THE AREA TO BE ANNEXED.

NAME OF OWNER/VOTER	ADDRESS	PROPERTY DESIGNATION (Indicate tax lot, section number, Township and Range)
(1) Terry Emmert	501	sect 9 T3S R2E
(2) Nancy Travis	700	sect 9 T3S R2E
(3)		
(4)		
(5)		
(6)		

(7) _____

(8) _____

(9) _____

(10) _____

(11) _____

(12) _____

(13) _____

(14) _____

(15) _____

(16) _____

(17) _____

(18) _____

BOUNDARY CHANGE INFORMATION SHEET

Item 9a.

I. EXISTING CONDITIONS IN AREA TO BE ANNEXED

A. General location 19242 S Beavercreek Rd Oregon City

B. Land Area: Acres .91 acres or Square Miles _____

C. General description of territory. (Include topographic features such as slopes, vegetation, drainage basins, floodplain areas, which are pertinent to this proposal).

100' wide parcel 383 to 412' long with a few trees (about 10) almost level with a few bushes. 1 house, 1 shop and a small shed

D. Describe land uses on surrounding parcels. Use tax lots as reference points.

North: Entrance to Field Flag lot has access to street from here Tax Lot 502

East: Field Tax Lot 502

South: Neighboring house Tax Lot 700

West: Beavercreek Rd

E. Existing Land Use:

Number of single-family units 1 Number of multi-family units 0

Number commercial structures 0 Number industrial structures 0

Public facilities or other uses N/A

What is the current use of the land proposed to be annexed: SFR

F. Total current year Assessed Valuation \$ 250,000

G. Total existing population 2

II. REASON FOR BOUNDARY CHANGE

A. The City Code (Section 6) and the Metro Code (3.09.050 (d) & (e)) spell out criteria for consideration (see copies attached). Please provide a narrative which addresses these criteria. With regard to the City criteria, please provide a narrative statement explaining the conditions surrounding the proposal and addressing the factors in Section 6, as relevant, including:

1. Statement of availability, capacity and status of existing water, sewer, drainage, transportation, park and school facilities;
2. Statement of increased demand for such facilities to be generated by the proposed development, if any, at this time;
3. Statement of additional facilities, if any, required to meet the increased demand and any proposed phasing of such facilities in accordance with projected demand;
4. Statement outlining method and source of financing required to provide additional facilities, if any;
5. Statement of overall development concept and methods by which physical and related social environment of the site, surrounding area and community will be enhanced;
6. Statement of potential physical, aesthetic and related social effects of the proposed or potential development on the community as a whole and on the small subcommunity or neighborhood of which it will become a part; and proposed actions to mitigate such negative effects, if any;
7. Statement indicating the type and nature of any Comprehensive Plan text or map amendments or Zoning text or map amendments that may be required to complete the proposed development.

B. Please submit 25 copies of a site plan, drawn to scale (not greater than 1" = 50') indicating:

1. The location of existing structures (if any);
2. The location of streets, sewer, water, electric and other utilities, on or adjacent to the property to be annexed.
3. The location and direction of all water features on and abutting the subject property. Approximate location of areas subject to inundation, stormwater overflow or standing water. Base flooding data showing elevations of all property subject to inundation in the event of one-hundred year flood shall be shown;
4. Natural features, such as rock outcroppings, marshes or wetlands (as delineated by the Division of State Lands) wooded areas, isolated preservable trees (trees with trunks over 6" in diameter - - as measured 4 feet above the ground) and significant areas of vegetation.
5. General land use plan indicating the types and intensities of the proposed or potential development;

III. LAND USE AND PLANNING

- A. What is the applicable County Planning Designation? LDR
 What City Planning Designation is being sought? LDR
- B. What is the zoning on the territory to be served?
FV-10
 What zoning designation is being sought? No change
- C. Is the subject territory to be developed at this time? No
- D. Generally describe the anticipated development (building types, facilities, number of units).
N/A

- E. Can the proposed development be accomplished under current county zoning?
☒ Yes ☐ No

If No,---has a zone change been sought from the county either formally or informally.

☐ Yes ☒ No

Please describe outcome of zone change request if answer to previous questions was Yes. N/A

- F. Is the proposed development compatible with the city's comprehensive land use plan for the area?
☒ Yes ☐ No ☐ City has no Plan for the area.

Has the proposed development been discussed either formally or informally with any of the following? (Please indicate)

- ☐ City Planning Commission ☒ City Planning Staff
☐ City Council ☐ City Manager

Please describe the reaction to the proposed development from the persons or agencies indicated above.

No change proposed by city council

- G. Please indicate all permits and/or approvals from a City, County, or Regional Government which will be needed for the proposed development. If already granted, please indicate date of approval and identifying number:

APPROVAL	PROJECT FILE #	DATE OF APPROVAL	FUTURE REQUIREMENT
Metro UGB Amendment			
City or County Plan Amendment			
Pre-Application Hearing (City or County)	AN-20-00001		
Preliminary Subdivision Approval			
Final Plat Approval			
Land Partition			
Conditional Use			
Variance			
Sub-Surface Sewage Disposal			
Building Permit			

Please submit copies of proceedings relating to any of the above permits or approvals which are pertinent to the annexation.

- H. Does the proposed development comply with applicable regional, county or city comprehensive plans? Please describe.

Yes

- I. If a city and/or county-sanctioned citizens' group exists in the area of the annexation, please list its name and address of a contact person.

Kristina Browning 503 505 3798
Coufield Neighborhood Association
Kristina@spaceandreason.com

IV. SERVICES AND UTILITIES

- A. Please indicate the following:

1. Location and size of nearest water line which can serve the subject area.

3/4" Already connected on Beaver Creek Rd

2. Location and size of nearest sewer line which can serve the subject area.

16" line on Beaver Creek Rd
This is where I want to get connected to

3. Proximity of other facilities (storm drains, fire engine companies, etc.) which can serve the subject area _____

Ditch by street
Clackamas Fire Department

4. The time at which services can be reasonably provided by the city or district.

Immediately

5. The estimated cost of extending such facilities and/or services and what is to be the method of financing. (Attach any supporting documents.)

Owners Expense, Project estimate
\$30,000 to tie into city sewer

6. Availability of the desired service from any other unit of local government. (Please indicate the government.)

NONE

- B. If the territory described in the proposal is presently included within the boundaries of or being served extraterritorially or contractually by, any of the following types of governmental units, please so indicate by stating the name or names of the governmental units involved.

City NONE

Rural Fire Dist Clackamas

County Service Dist. Clackamas
county sheriff

Sanitary District NO

Hwy. Lighting Dist. NONE

Water District Clackamas River Water Dist

Grade School Dist. OCSD

Drainage District NONE

High School Dist. OCSD

Diking District NONE

Library Dist. OCSD

Park & Rec. Dist. NONE

Special Road Dist. NONE

Other Dist. Supplying Water Service NONE

- C. If the territory is proposed to be served by any of the above units or any other units of government please note. law enforcement will shift to Oregon City PD
- D. If any of the above units are presently servicing the territory (for instance, are

residents in the territory hooked up to a public sewer or water system), please so describe.

Currently The property is hooked up to
public water service

APPLICANT'S NAME

Andy Barney

MAILING ADDRESS

1212 N 675 WWest BountifulUtah 84087

TELEPHONE NUMBER

503 535 9554

(Work)

(Res.)

REPRESENTING

Owner

DATE:

10/29/20

DOUBLE MAJORITY WORK SHEET

Please list all properties/registered voters included in the proposal. (If needed, use separate sheet for additional listings).

PROPERTY OWNERS

Property Designation (Tax Lot #s)	Name of Owner	Acres	Assessed Value	Signed Petition (Y/N)
600	Andy Barney	.91	250K	Y
TOTALS				

Worksheet (continued)

REGISTERED VOTERS

Name of Registered Voter	Address of Registered Voter	Signed Petition (Y/N)

SUMMARY

TOTAL NUMBER REGISTERED VOTERS IN THE PROPOSAL _____

NUMBER OF REGISTERED VOTERS WHO SIGNED _____

PERCENTAGE OF REGISTERED VOTERS WHO SIGNED _____

TOTAL ACREAGE IN PROPOSAL _____

ACREAGE SIGNED FOR _____

PERCENTAGE OF ACREAGE SIGNED FOR _____



Applicant's Submittal

FILE NO:

APPLICATION TYPE: Annexation (Sewer Connection)

APPLICANT:

REQUEST: The applicant is requesting approval of an emergency annexation of .91 acre property due to a failing septic system. The property will retain its existing Campus Industrial zoning.

LOCATION: 19242 S Beavercreek Road Oregon City Oregon 97045

PROCESS: Pursuant to OCMC Chapter 14.04. *City Boundary Changes and Extension of Services*, the procedure for review of annexations is governed by State Law and Oregon City Code Chapter 14.04. The procedure for a zone change is set forth in Oregon City Code Chapter 17.50. The public hearing process is governed by OCMC 14.04 and 17.50. The applicant and all documents submitted by or on behalf of the applicant are available for inspection at no cost at the Oregon City Planning Division, 221 Molalla Avenue, Oregon City, Oregon 97045, from 8:30am to 3:30pm Monday thru Friday. The staff report, with all the applicable approval criteria, will also be available for inspection 7 days prior to the hearing. Copies of these materials may be obtained for a reasonable cost in advance. The annexation was initiated as a result of a public health hazard and as a result, City policy is to forward these annexations directly to the City Commission without a Planning Commission recommendation. Therefore, the City Commission will open the record and consider testimony to determine whether the application has or has not complied with the factors set forth in section 14.04.060 and 17.68.020 of the Oregon City Municipal Code. The City Commission decision is appealable to LUBA within 21 days of issuance of the Notice of Decision.



OREGON CITY

Community Development - Planning

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

LAND USE APPLICATION FORM

Type I (OCMC 17.50.030.A)

- ☐ Compatibility Review
- ☐ Lot Line Adjustment
- ☐ Non-Conforming Use Review
- ☐ Natural Resource (NROD) Verification
- ☐ Site Plan and Design Review

Type II (OCMC 17.50.030.B)

- ☐ Extension
- ☐ Detailed Development Review
- ☐ Geotechnical Hazards
- ☐ Minor Partition (<4 lots)
- ☐ Minor Site Plan & Design Review
- ☐ Non-Conforming Use Review
- ☐ Site Plan and Design Review
- ☐ Subdivision (4+ lots)
- ☐ Minor Variance
- ☐ Natural Resource (NROD) Review

Type III / IV (OCMC 17.50.030.C)

- ☒ Annexation
- ☐ Code Interpretation / Similar Use
- ☐ Concept Development Plan
- ☐ Conditional Use
- ☐ Comprehensive Plan Amendment (Text/Map)
- ☐ Detailed Development Plan
- ☐ Historic Review
- ☐ Municipal Code Amendment
- ☐ Variance
- ☐ Zone Change

File Number(s): _____

Proposed Land Use or Activity: Residential

Project Name: Emergency Annexation Number of Lots Proposed (If Applicable): _____

Physical Address of Site: 16242 S. Beavercreek Rd

Clackamas County Map and Tax Lot Number(s): _____

Applicant(s):

Applicant(s) Signature: Andy Barney

Applicant(s) Name Printed: Andy Barney

Date: 3/12/20

Mailing Address: 1212 N 675 W West Bountiful UT 84087

Phone: 503 535 9554 Fax: 801 299 7165 Email: andynotandrew@sbcglobal.net

Property Owner(s):

Property Owner(s) Signature: Andy Barney

Property Owner(s) Name Printed: Andy Barney

Date: 3/12/20

Mailing Address: 1212 N 675 W West Bountiful UT 84087

Phone: 503 535 9554 Fax: 801 299-7165 Email: andynotandrew@sbcglobal.net

Representative(s)

Representative(s) Signature: River City Chad Richardson

Representative(s) Name Printed: Chad Richardson River City

Date: 4-13-2020

Mailing Address: Po Box 30089 PDX OR 97229

Phone: 971 251-3611

Fax: _____

Email: Chad.richardson@rivercityusa.com

All signatures represented must have the full legal capacity and hereby authorize the filing of this application and certify that the information and exhibits herewith are correct and indicate the parties willingness to comply with all code requirements.

www.orecity.org/planning

PROPOSAL NO. AN-17-0001 - CITY OF OREGON CITY - Annexation

Property Owners / Voters: Andy Barney

Applicant(s): Andy Barney

Proposal is a single tax lot annexation initiated by consent petition of 100% of the property owners and registered voters. Due to the nature of the emergency septic failure, this annexation proposal bypassed the Planning Commission as in the past emergency sewer connection requests. The petition meets the requirement for initiation set forth in ORS 222.170 and Metro Code 3.09.040(a).

The City's policy is to expedite the processing of such annexations by forwarding a recommendation directly to the City Commission without a Planning Commission recommendation. This is consistent with Comprehensive Plan Policy 14.4.4:

14.4.4

Expedite the annexation of property as provided by state law in order to provide sewer service to adjacent unincorporated properties when a public health hazard is created by a failing septic tank sewage system.

REASON FOR ANNEXATION

In order to address the emergency, the property has already connected to the City sewer system, on the condition that the owner concurrently petition for annexation to the City.

The annexation of this property is required due to a failed septic system, which necessitated a requirement to hook up to City sewer. City water and sewer services were available close to the property and the owner desired to make the needed connections.

The territory to be annexed is located on Beaver Creek Rd Map 32E09A 00600 as shown in attached JPG. The territory contains approximately 0.91 acres, has one single-family residence with a population of 2, and an assessed value of \$ \$307,051.

The property has an Oregon City a Campus Industrial zoning, it is on the back side of the Clackamas College. I am told that the property is in an urban growth and project zone and I am not requesting any zone changes. I understand that any request for rezoning in the future must comply with the applicable provisions of OCMC Chapter 17.68 - Zoning Changes and Amendments. Though the Oregon City Municipal Code requires application of a City zoning designation upon annexation, a zone change may only be initiated with a zone change application which is accompanied by a transportation analysis to demonstrate compliance with applicable regulations, such as the Transportation Planning Rule (TPR). As the applicant is required to initiate annexation due to a failed septic system, staff finds it

appropriate in this case to retain the existing Clackamas County zoning designation if the development onsite is limited.

The owner would be able to receive city services, specifically, sanitary sewer, and water connections as well as the full range of administrative and municipal services provided upon annexation to the City. The property is within 300 feet of a city sanitary sewer system and by Oregon Revised Statute, it has been connected to the city sewer service and must be annexed.

SB 1573

If the City Commission determines that the proposed annexation should be approved, the City Commission is required by the Charter to submit the annexation to the electors of the City. However, the passage of SB 1573 requires that the City annex the territory without submitting the proposal to the electors of the city if:

(a) The territory is included within an urban growth boundary adopted by the city or Metro, as defined in ORS 197.015;

(b) The territory is, or upon annexation of the territory into the city will be, subject to the acknowledged comprehensive plan of the city;

(c) At least one lot or parcel within the territory is contiguous to the city limits or is separated from the city limits only by a public right of way or a body of water; and

(d) The proposal conforms to all other requirements of the city's ordinances.

The territory is included within the City's UGB adopted by the City and Metro. The territory has a Comprehensive Plan Designation of Low Density Residential pursuant to the acknowledged Oregon City Comprehensive Plan. The territory is contiguous to the City Limits. As demonstrated within this report, the proposal can meet the City's applicable ordinances.

Thus, the proposal meets items (a) through (d), with the conditions of approval and the City may annex the territory without submitting the proposal to the electors of the city.

LAND USE PLANNING

SITE CHARACTERISTICS

The property is generally level. The applicant has connected to the city sewer main system running down Beavercreek Road that is in front of the property. The site is a residential parcel with a few scattered trees around the existing house and outbuilding.

The property includes a small home setback approximately 200 feet from S. Beavercreek Road and located at the front of the parcel, with two accessory structures. No land division is proposed at this time.

REGIONAL PLANNING CONSIDERATIONS

General Information

This territory is inside Metro's jurisdictional boundary and inside the regional Urban Growth Boundary (UGB).

Metro Boundary Change Criteria

The Legislature has directed Metro to establish criteria that must be used by all cities within the Metro boundary. The Metro Code states that a final decision shall be based on substantial evidence in the record of the hearing and that the written decision must include findings of fact and conclusions from those findings. The Code requires these findings and conclusions to address the following minimum criteria:

1. Consistency with directly applicable provisions in ORS 195 agreements or ORS 195 annexation plans.
2. Consistency with directly applicable provisions of urban planning area agreements between the annexing entity and a necessary party.
3. Consistency with directly applicable standards for boundary changes contained in Comprehensive land use plans and public facility plans.
4. Consistency with directly applicable standards for boundary changes contained in the Regional framework or any functional plans.
5. Whether the proposed boundary change will promote or not interfere with the timely, orderly and economic provision of public facilities and services.
6. Consistency with other applicable criteria for the boundary change in question under state and local law.

Consistency with the County and urban service provider planning agreements along with the timely, orderly and economic provision of public services as required by the Metro Code are discussed in greater detail below.

The Metro Code also contains a second set of 10 factors that are to be considered where: 1) no ORS 195 agreements have been adopted, and 2) a necessary party is contesting the boundary change. Those 10 factors are not applicable at this time to this annexation because no necessary party has contested the proposed annexation.

Metro Regional Framework Plan

The law that requires Metro to adopt criteria for boundary changes and specifically states that those criteria shall include " . . . compliance with adopted regional urban growth goals and objectives, functional plans . . . and the regional framework plan of the district [Metro]." Metro's Growth Management Functional Plan was reviewed and found not to contain any criteria directly applicable to boundary changes. The Regional Framework Plan was reviewed and found not to contain specific criteria applicable to boundary changes.

CLACKAMAS COUNTY PLANNING

The Metro Code states that the Commission's decision on this boundary change should be " . . . consistent with specific directly applicable standards or criteria for boundary changes contained in comprehensive land use plans, public facility plans, . . . "

The Clackamas County Comprehensive Plan is the currently applicable plan for this area. The plan designation for this site is Low Density Residential (LR) on the County's Oregon City Area Land Use Plan (Map 4-05). The County's zoning for the property is FU-10, Future Urban, with a 10-acre minimum lot size. This is a holding zone to prevent the creation of small parcels in areas within the Urban Growth Boundary to preserve the capacity of land to fully develop once a full range of urban services is available. Lands located outside areas having sanitary sewer service available were designated Future Urbanizable.

Clackamas County Zoning and Development Ordinance (ZDO) section 316 provides that the Future Urban 10-Acre District is applied to those areas designated as Future Urban by Chapter 4 of the Clackamas County Comprehensive Plan.

The *Land Use* section of the Plan, Chapter 4, identifies the territory proposed for annexation as *future urban*, which are defined as:

"Future urban areas are lands within urban growth boundaries but outside immediate urban areas. Future urban areas are planned to be provided with public facilities, but currently lack providers of those facilities. Future urban areas are substantially underdeveloped and will be retained in their current use to ensure future availability for urban needs. Future urban areas are planned for urban uses but zoned for large-lot, limited development."

Urban Growth Management Agreement

The City and the County have an Urban Growth Management Agreement (UGMA), which is a part of their Comprehensive Plans. The territory to be annexed falls within the Urban Growth Management Boundary (UGMB) identified for Oregon City and is subject to the agreement. The County agreed to adopt the City's Comprehensive Plan designations for this area that is Low Density Residential. Consequently, when property is annexed to Oregon City, it may receive a City planning designation by default, which is R-10 single-family dwelling district, provided adequate public facilities can be demonstrated.

Regarding transportation impacts, rezoning must demonstrate compliance with, or be exempted from, the mobility standards of [OCMC 12.04.205 – Mobility Standards](#). The

applicant has not applied to rezone the property and does not intend to redevelop the site at higher density. A transportation analysis is not required until such redevelopment is proposed. Staff recommends that the property maintain its existing County FU-10 zoning, which will serve to preclude any further development or land divisions on the subject property in advance of a zone change.

The UGMA presumes that all the urban lands within the Urban Growth Boundary will ultimately annex to the City. It specifies that the city is responsible for the public facilities plan required by Oregon Administrative Rule Chapter 660, division 11. The Agreement goes on to say:

4. City and County Notice and Coordination

* * *

D. The CITY shall provide notification to the COUNTY, and an opportunity to participate, review and comment, at least 20 days prior to the first public hearing on all proposed annexations . . .

* * *

5. City Annexations

A. CITY may undertake annexations in the manner provided for by law within the UGMB. CITY annexation proposals shall include adjacent road right-of-way to properties proposed for annexation. COUNTY shall not oppose such annexations.

B. Upon annexation, CITY shall assume jurisdiction of COUNTY roads and local access roads that are within the area annexed. As a condition of jurisdiction transfer for roads not built to CITY street standards on the date of the final decision on the annexation, COUNTY agrees to pay to CITY a sum of money equal to the cost of a two-inch asphaltic concrete overlay over the width of the then-existing pavement; however, if the width of pavement is less than 20 feet, the sum shall be calculated for an overlay 20 feet wide. The cost of asphaltic concrete overlay to be used in the calculation shall be the average of the most current asphaltic concrete overlay projects performed by each of CITY and COUNTY. Arterial roads will be considered for transfer on a case- by-case basis. Terms of transfer for arterial roads will be negotiated and agreed to by both jurisdictions.

C. Public sewer and water shall be provided to lands within the UGMB in the manner provided in the public facility plan . . .

* * *

The property is currently within the Clackamas River Water District (CRW). The property is hooked up to City water. The City is currently working with CRW on a plan to clarify the City / CRW service boundaries, and will include this property with a large scale withdrawal of multiple properties from CRW. The property will be removed from the Clackamas River Water District at the time that this plan is finalized.

The City provided sewer service to the property in accordance with state requirements to hook up to city sewer and in accordance with the Oregon City Sanitary Sewer Master Plan (SSMP). The property also is currently receiving water service from the City.

OREGON CITY COMPREHENSIVE PLAN

This territory is designated by the Oregon City acknowledged Comprehensive Plan as LR – Low Density Residential. Portions of the City’s Comprehensive Plan have some applicability and these are covered here.

Section 2 of the Oregon City Comprehensive Plan is entitled *Land Use*. Several Goals and Policies in this section are pertinent to proposed annexations.

The *Public Facilities* Section of the Comprehensive Plan contains the following pertinent Goals and Policies.

Goal 11.1: Provision of Public Facilities

Serve the health, safety, education, welfare, and recreational needs of all Oregon City residents through the planning and provision of adequate public facilities.

Policies

Policy 11.1.1 Ensure adequate public funding for the following urban facilities and services, if feasible:

- a. Streets and other roads and paths*
- b. Wastewater collection*
- c. Storm water management services*
- d. Police protection*
- e. Fire protection*
- f. Parks and recreation*
- g. Water distribution*
- h. Planning, zoning and subdivision regulation*

Streets and other roads and paths

Pease Road is city-owned and maintained. There are currently no plans to alter or improve the roads abutting the property. The policies that govern city streets and roads are the adopted 2014 Transportation System Plan and Municipal Code Chapter 12.04 - Streets, Sidewalks and Public Places. The City charges a pavement maintenance utility fee (PMUF) for upkeep of road surfaces which will be applied to the property upon annexation.

Wastewater collection

Upon annexation, this one home will start paying the current stormwater utility fee. Therefore, no additional public funds will need to be spent.

Police and Fire Protection

This annexation will immediately add one home to the city’s police and fire protection coverage and withdraw the property from Clackamas County Sheriff’s Enhanced Law

Enforcement District. The Oregon City Police Department indicated the address is serviced by Clackamas County Sheriff's Office. Currently any calls to Clackamas County 9-1-1 (CCOM) are dispatched to a Clackamas County Sheriff's Deputy. However, if it is a priority call and Oregon City officers are available they would respond as they would be able to arrive much quicker than a Clackamas County Sheriff's Deputy. Once annexed, the property will be serviced by Oregon City Police Department (OCPD). OCPD has not indicted any conflicts with this annexation.

The property is already within the Clackamas Fire District #1 and will remain in CFD#1 upon annexation.

Water

The property is currently within the Clackamas River Water District (CRW) and this annexation will not affect that service.

Policy 11.1.1 defines what is encompassed within the term "urban facilities and services" as it pertains to annexation. The City's plan is more inclusive in its definition of what services are considered an "urban service" than is the Metro Code. The City's Plan adds fire protection and planning, zoning and subdivision regulation to the list of urban services that are to be considered by the Metro Code. The adequacy of these facilities and services to serve the subject property, containing a single home, is discussed in greater detail below. The Metro Code also includes mass transit in addition to streets and roads.

Policy 11.1.3 Confine urban public facilities and services to the city limits except where allowed for safety and health reasons in accordance with state land use planning goals and regulations. Facilities that serve the general public will be centrally located and accessible, preferably by multiple modes of transportation.

Policy 11.1.4 Support development on underdeveloped or vacant buildable land within the City where urban facilities and services are available or can be provided and where land use compatibility can be found relative to the environment, zoning, and comprehensive plan goals.

Policy 11.1.5 Design the extension or improvement of any major urban facility and service to an area to complement other urban facilities and services at uniform levels.

Policies 11.1.3 and 11.1.4 encourage development on sites within the City where urban facilities and services are either already available or can be provided. This policy implies that lands that cannot be provided urban services should not be annexed. The City has capacity to provide urban services to this existing home.

Policy 11.1.5 requires that the installation of a major urban facility or service should be coordinated with the provision of other urban facilities or services. No major urban facility or service is required here; rather, it requires normal extension of sanitary sewer from the existing sewer main abutting the site in Pease Road.

The owner has not proposed to further divide the existing parcel at this time, and neither is re-zoning the property proposed at this time as explained elsewhere in this report.

Read together, these policies suggest that when annexing lands, the City should consider whether a full range of urban facilities or services are available or can be made available to serve the territory to be annexed. Oregon City has implemented these policies with its Code provisions on processing annexations, which requires the City to consider adequacy of access and adequacy and availability of public facilities and services. Overall, it appears that the city can provide urban service capacity to this one home.

Goal 11.2: Wastewater

Seek the most efficient and economic means available for constructing, operating, and maintaining the City's wastewater collection system while protecting the environment and meeting state and federal standards for sanitary sewer systems.

Policies

Policy 11.2.2 Plan, operate and maintain the wastewater collection system for all current and anticipated city residents within the existing urban growth boundary. Strategically plan for future expansion areas.

Since all new development on annexed land is required to connect to the sanitary sewer system, this policy suggests that a measure of the adequacy of the sanitary system should be whether it could serve the potential level of development provided for by the Comprehensive Plan and Zoning designations. The city's sanitary sewer is available to this property.

Policy 11.2.3 Work with Tri-City Service District to provide enough capacity in its collection system to meet standards established by the Oregon Department of Environmental Quality (DEQ) to avoid discharging inadequately treated sewage to surface waters.

The Tri-City Service District was provided notice of this annexation. The District responded that it has adequate capacity to serve the annexation. The District provides sewer collection to the Cities of West Linn, Oregon City and Gladstone. The property owner must initiate the Tri-City Service District annexation after annexation to the City. The City Commission should concur with Tri-City Service District's annexation of the subject property in the ordinance annexing the property.

Goal 11.3: Water Distribution

Seek the most efficient and economic means available for constructing, operating, and maintaining the City's water distribution system while protecting the environment and meeting state and federal standards for potable water systems.

Policies

Policy 11.3.1 Plan, operate and maintain the water distribution system for all current and anticipated city residents within its existing urban growth boundary and strategically plan for future expansion areas.

Since new development on annexed lands may connect to the city water distribution system, this policy suggests that a measure of the adequacy of the water distribution system should be whether it could serve the potential level of development provided for by the Comprehensive Plan and Zoning designations. The subject property is zoned FU-10, imposing a 10-acre minimum lot size, which will serve to preclude any further land divisions until the land is rezoned to a City zoning designation.

Goal 11.4: Stormwater Management

Seek the most efficient and economical means available for constructing, operating, and maintaining the City's stormwater management system while protecting the environment and meeting regional, state, and federal standards for protection and restoration of water resources and fish and wildlife habitat.

Policies

Policy 11.4.1 Plan, operate, and maintain the stormwater management system for all current and anticipated city residents within Oregon City's existing urban growth boundary and strategically plan for future expansion areas.

Policy 11.4.4 Maintain existing drainageways in a natural state for maximum water quality, water resource preservation, and aesthetic benefits.

Since new development on annexed lands may connect to the city stormwater management system, this policy suggests that a measure of the adequacy of the stormwater management system should be whether the city (or the county stormwater management system in the event that drainage goes to the county) could serve the potential level of development provided for by the Comprehensive Plan and Zoning designations. New development may also have opportunities to provide further protection to preserve water quality. This annexation will not result in any changes to the stormwater drainage. No future development would be allowed under the existing FU-10 zoning designation. Improvement of the existing stormwater connections leading to the site would be in conformance with the City's stormwater design standards.

Goal 11.9: Fire Protection

Maintain a high level of fire suppression and emergency medical services capacity.

Policies

Policy 11.9.1 Ensure that all areas, including newly annexed areas, receive fire protection and emergency medical services.

The property is already within Clackamas County Fire District #1. Fire protection and emergency services will be unaffected by this proposal. The annexation was transmitted to

Clackamas County Sheriff's Department and Oregon City Police Department for comment. OCPD already responds to priority County emergency calls for the unincorporated area in this location. Clackamas County Sheriff's Department was contacted and had no conflicts with the annexation. Upon annexation the area would be removed from the Clackamas County Sheriff's Enhanced Law Enforcement District. OCPD does not anticipate any police service problems due to the annexation of this one home.

The final section of this staff report addresses each urban service to determine whether the services are currently available or can be made available at an adequate level to serve the potential development of the property under the current planning designation and zoning that implements it.

Section 14 of the Plan is entitled *Urbanization*. Several policies in this section are pertinent to proposed annexations. The following excerpts expand on the City's annexation philosophy and requirements.

The City is required to refer all proposed annexations to the voters. Rather than having voter approval of individual property owners' requests to annex, the City should prepare and implement an annexation plan and program. The City could then annex large blocks of properties (with voter approval) at one time, rather than in a piecemeal fashion. Annexation would be tied more directly to the City's ability to provide services efficiently, maintain regular city boundaries, and help the city meet Metro targets for housing and employment. The zoning of the property should be decided at the time the Planning Commission and City Commission review and approve the annexation request.

Applications for annexation, whether initiated by the City or by individuals, are based on specific criteria contained in the City's municipal code. Metro and state regulations promote the timely and orderly provision of urban services, with which inappropriate annexations can conflict. Therefore, an annexation plan that identifies where and when areas might be considered for annexation can control the expansion of the city limits and services to help avoid those conflicts and provide predictability for residents and developers. Other considerations are consistency with the provisions of this comprehensive plan and the City's public facility plans, with any plans and agreements of urban service providers, and with regional annexation criteria.

The City has not completed an annexation plan and program for this area. The requirement to refer this annexation to the voters has been superseded by the passage of Senate Bill 1573 as explained earlier in this report. This annexation is still sufficiently tied directly to the City's ability to provide services efficiently with the logical extension of physical utility lines as it is adjacent to two city subdivisions that have utilities and street improvements. The proposal does not include a zone change and as such, conditions will be placed on the annexation limiting development until a zone change to a City designation occurs.

The following Plan annexation policies are approval criteria for annexations under Criteria 3 of the Metro Code.

Goal 14.4: Annexation of Lands to the City

Annex lands to the city through a process that considers the effects on public services and the benefits to the city as a whole and ensures that development within the annexed area is consistent with the Oregon City Comprehensive Plan, City ordinances, and the City Charter.

The city annexation process is set out in Chapter 14 of the Municipal Code. By requiring compliance with that code, the Metro code, and the statewide planning rules, the city is identifying the potential effects that build-out of the annexed property will have on public services and any benefits to the city as a whole.

Policy 14.4.1 *In order to promote compact urban form to support efficient delivery of public services, lands to be annexed must be within the City's Urban Growth Boundary, and must be contiguous to the existing City limits. Long linear extensions, such as cherry stems and flag lots, shall not be considered contiguous to City limits.*

The proposed property is contiguous to the city limits along the side and side property line. No long linear extensions are proposed. The annexation would not create any islands.

Policy 14.4.2 *Concept Plans and Sub-area Master Plans for unincorporated areas within the Urban Growth Boundary shall include an assessment of the fiscal impacts of providing public services to the area upon annexation, including the costs and benefits to the city as a whole.*

This property is part of the 1979 Urban Growth Boundary and was previously part of the city's existing Comprehensive Plan with a Low Density Residential land use designation. The property was part of the study area boundary for the 2013 South End Concept Plan, which when adopted did not change the existing Low Density Comprehensive Plan designation of the property.

The property has been included in all of the City's adopted public facilities master plans for sewer, water, stormwater and transportation. No zone change is proposed at this time.

Policy 14.4.3 *When an annexation is requested, the Commission may require that parcels adjacent to the proposed annexation be included to:*

- a) avoid creating unincorporated islands within the city;*
- b) enable public services to be efficiently and cost-effectively extended to the entire area;*
- or*
- c) implement a Concept Plan or Sub-area Master Plan that has been approved by the Commission.*

This proposed annexation does not create an unincorporated island within the city. There is no development proposed at this time, and future development is limited as the property has proposed to retain the exiting Clackamas County zoning designation. No additional parcels are anticipated to be annexed to enable more efficient public services at this time.

Policy 14.4.4 *The City may, as provided by state law, provide sewer service to adjacent unincorporated properties when a public health hazard is created by a failing septic tank*

sewage system; the Commission may expedite the annexation of the subject property into the city, subject to any voter approvals of annexations.

A public health hazard existed by nature of the failing septic system. The property owner has already connected the property to the City sewer system and obtained the proper city and county permits to complete the extension of the sewer line to the property.

LAND USE

Section 2, of the City's Comprehensive Plan identifies land use types. This application has one residential land use type:

1. *Low Density Residential [LR]: Areas in the LR category are primarily for single-family detached homes.*

The City/County urban growth management agreement specifies that the County's acknowledged Comprehensive Plan and implementing regulations shall apply until annexation and the City adopts subsequent plan amendments. The Oregon City Code requires the City Planning Department to review the final zoning designation within sixty days of annexation, utilizing the chart below and some guidelines laid out in Section 17.06.030.

CITY LAND USE CLASSIFICATION

<u>Residential Type</u>	<u>City Zone</u>
Low-density residential	R-10, R-8, R-6
Medium-density residential	R-3.5, R-5
High-density residential	R-2

That section goes on to say:

"In cases where only a single city zoning designation corresponds to the comprehensive plan designation . . . Section 17.68.025 shall control."

Section 17.68.025, Zoning changes for land annexed into the city, says:

"Notwithstanding any other section of this chapter, when property is annexed into the city from the city/county dual interest area with any of the following comprehensive plan designations, the property shall be zoned upon annexation to the corresponding city zoning designations as follows:"

<u>Plan Designation</u>	<u>Zone</u>
Low-density residential	R-10
Medium-density residential	R-3.5
High-density residential	R-2

Although the subject property is designated Low-density residential on the City's Comprehensive Plan, this proposal does not include a request to rezone the land to R-10. As noted above, no further development or land division may occur until the land is rezoned to a City zoning designation.

The City's Code contains provisions on annexation processing. Section 6 of Chapter 14 requires the City Commission "to consider the following factors, as relevant":

1. Adequacy of access to the site;

Finding: The site access is discussed below in the Facilities and Services section. The site has direct access onto S. Parrish Road and the existing access is adequate.

2. Conformity of the proposal with the City's Comprehensive Plan;

Finding: As demonstrated in this section of the staff report, the City's Comprehensive Plan is satisfied.

3. Adequacy and availability of public facilities and services to service potential development;

Finding: The Facilities and Services discussion of this report demonstrates that public facilities and services are available and are adequate to serve any potential development that could occur under the existing low density plan designation, though none is proposed.

4. Compliance with applicable sections of Oregon Revised Statutes Chapter 222, and Metro Code 3.09;

Finding: The only applicable criterion in ORS 222 is that annexed lands be contiguous to the City. The site is contiguous at its border with city property for about 340 feet along the property boundary. The Metro Code criteria are set out on page 2 of this report. This report considers each factor and the Conclusions and Reasons in the Findings and Reasons demonstrate that these criteria are satisfied.

5. Natural hazards identified by the City, such as wetlands, floodplains, and steep slopes;

Finding: No natural hazards are identified on the property.

6. Any significant adverse effects on specially designated open space, scenic historic or natural resource areas by urbanization of the subject property at the time of annexation;

Finding: No adverse effects on the identified resources are apparent. There are no overlay districts which affect the property. The property is in the South End drainage basin according to the Drainage Master Plan.

7. Lack of any significant adverse effects on the economic, social and physical environment of the community by the overall impact of annexation."

Finding: No significant adverse effects have been identified by any necessary party.

The Commission interprets the "community" as including the City of Oregon City and the lands within its urban service area. The City will obtain a small increase in property tax revenues from adding additional assessed value to its tax roll as a result of annexing the

territory. The City will also obtain land use jurisdiction over the territory. Finally it will have service responsibilities including fire, police, and general administration. The City already occasionally delivers police service to the unincorporated area in the course of patrolling to deliver service to the incorporated area. The increases in service responsibilities to the area that result from the annexation are insignificant.

If annexed, the property owner could apply to the City for land use permits, including a zone change. Any impacts on the community that result from approval of development permits are a direct consequence of the future permit approval, not of the annexation. Before any urban development can occur, the territory must also be annexed to the Tri-City Service District. The City Commission must concur with Tri-City Service District's annexation of the subject property in the enacting ordinance upon voter approval of the city annexation.

Section 8 of the Ordinance states that:

"The City Commission shall only set for an election annexations consistent with a positive balance of the factors set forth in Section 6 of this ordinance. The City Commission shall make findings in support of its decision to schedule an annexation for an election."

As analyzed earlier in this report, the requirement to refer this annexation to the voters has been superseded by the passage of Senate Bill 1573, which exempts certain annexations from a voter approval requirement provided specific criteria have been met.

FACILITIES AND SERVICES

ORS 195 Agreements. ORS 195 requires agreements among providers of urban services. Urban services are defined as: sanitary sewers, water, fire protection, parks, open space, recreation and streets, roads and mass transit.

Sanitary Sewers.

The Tri-City Service District provides sewage transmission and treatment services to the cities of Oregon City, West Linn and Gladstone. Each city owns and maintains its own local sewage collection system. The District owns and maintains the sewage treatment plant and interceptor system. The three cities are in the District and as provided in the intergovernmental agreement between the District and the City, the District does not serve territories outside Oregon City, with one exception.

Before January 1, 1999, state statute (ORS 199) provided that when territory was annexed to a city that was wholly within a district, the territory was automatically annexed to the district as well. That statute no longer applies in this area. Therefore, each annexation to Oregon City needs to be followed by a separate annexation of the territory to the Tri-City Service District. The City Commission must concur with Tri-City Service District's annexation of the subject property in the enacting ordinance upon voter approval of the city annexation.

The Tri-City Service Water Pollution Control Plant is along Interstate 205 in Oregon City just east of the junction of the Willamette and the Clackamas Rivers. The plant had an average flow capacity of 4.4 million gallons per day (MGD) and a design peak flow capacity of 50.0 MGD and served a population of 66,500 in the year 2001. However, the facility was expanded in 2012 to increase the available average dry weather capacity to 11.9 MGD and a peak flow of 68.7 MGD. The plant is currently serving a population of 98,000 residents and set have expanded solids handling capacity by 2020.

Due to the public health concern caused by a failed septic system, the City has approved access to the City sewer system and the site has been connected. The city issued permits for the connection in May, 2017.

Water. The property is currently within the Clackamas River Water District (CRW) and will remain in the district after the annexation.

Stormwater. No additional development has been proposed. On-site stormwater drainage or discharge to a city or county facility will be required upon future development. Any future development would have to convey site stormwater runoff to the appropriate stormwater system in the area.

Fire Protection. This territory is currently within Clackamas Fire District #1 which serves portions of Clackamas County as well as Oregon City.

Police Protection. The Clackamas County Sheriff's Department currently serves the territory.

The area to be annexed lies within the Clackamas County Service District for Enhanced Law Enforcement, which provides additional police protection to the area. Due to the location being surrounded by Oregon City, Oregon City Police Department already occasionally responds to County emergency calls for the unincorporated area. The impact to police services upon annexation will be negligible.

According to ORS 222.120 (5) the City may provide in its approval ordinance for the automatic withdrawal of the territory from the District upon annexation to the City. If the territory were withdrawn from the District, the District's levy would no longer apply to the property.

Upon annexation the Oregon City Police Department will officially serve the property.

Parks, Open Space and Recreation. The nearest developed City park is Filbert Run Park and Wesley Linn Park. Any further homes constructed on the property, following annexed, re-zoning and land division, would contribute the Parks System Development Charge.

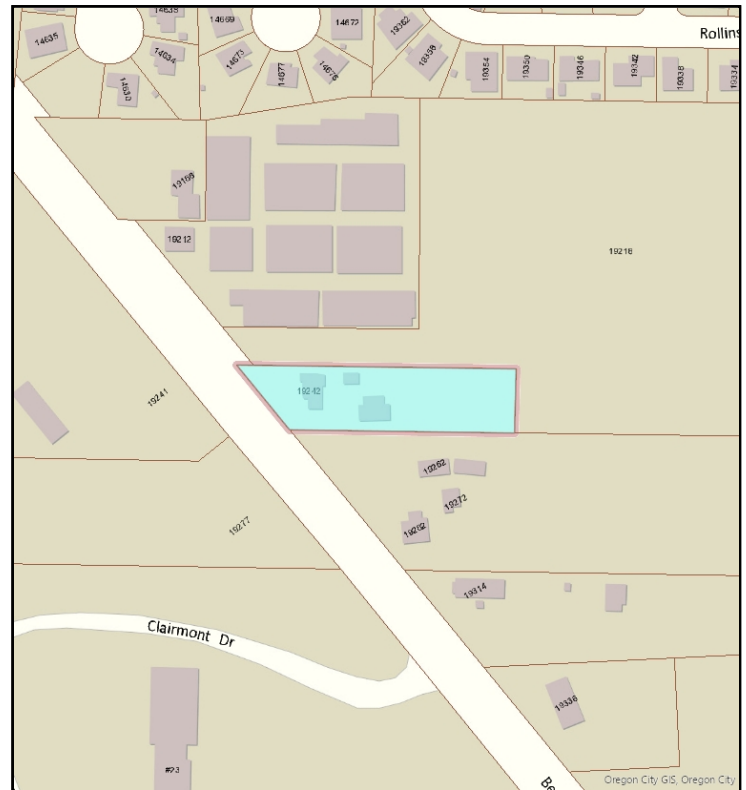
Transportation. Access is provided from Pease Road, which are under Oregon City jurisdiction. Though the Oregon City Municipal Code requires application of a City zoning designation upon annexation, a zone change may only be initiated with a zone change

application which is accompanied by a required transportation analysis to demonstrate compliance with applicable regulations, such as the Transportation Planning Rule (TPR). As the applicant is required to initiate annexation due to a failed septic system, it is appropriate to retain the existing Clackamas County zoning designation if the development onsite is limited.

Other Services. Planning, building inspection, permits, and other municipal services will be available to the territory from the City upon annexation.



Google Streetview photo locations are approximate



Taxlot Information

Parcel Number (APN) 3-2E-09A -00600
 Primary Situs Address 19242 S BEAVERCREEK RD
 OREGON CITY, OR 97045
 County CLACKAMAS

Section T3S R2E S09
 Latitude 45.327911
 Longitude -122.566826
 R Number (Alt ID) 00868957
 Approx. Size (acres) 0.90272557
 USGS Quad Name Oregon City
 Within Oregon City Limits? N
 Urban Growth Boundary (UGB) Inside

Political Boundaries

Jurisdiction Unincorporated
 Voting Precinct 512.00000000
 US Congressional District 5
 Oregon House District 40
 Oregon Senate District 20
 Metro Council District 2
 Metro Councilor Christine Lewis
 Metro Councilor Email christine.lewis@oregonmetro.gov

Assessment & Value Information

Taxmap 3S2E09A
 Land Value (Mkt) \$233,808
 Building Value (Mkt) \$95,070
 Exempt Amount \$0
 Net Value (Mkt)
 Assessed Value \$162,189
 Year Built (if known) 1935
 Sale Date 201510
 Sale Price \$215,000
 Document Date 2015-10-13 00:00
 Document Number 2015-069569
 State General Prop. Code 101
 County Tax Code 062084



Land Use and Planning

<i>Zoning</i>	County	<i>In SDC Discount Area?</i>	N
<i>Comprehensive Plan</i>	I	<i>In Thayer Rd Pond Fee Area?</i>	N
<i>Subdivision</i>	NONE	<i>In Beavercreek Rd Access Area?</i>	N
<i>Subdivision Plat Number</i>		<i>In Willamette River Greenway?</i>	N
<i>PUD (if known)</i>	0	<i>In Geologic Hazard?</i>	N
<i>Partition Plat Number</i>	0	<i>In High Water Table Area?</i>	Y
<i>Neighborhood Association</i>	NONE	<i>In Nat. Res. Overlay District (NROD)?</i>	N
<i>Urban Renewal District</i>	NONE	<i>In 1996/FEMA 2008 100-yr Floodplain?</i>	N
<i>Historic District</i>	NONE	<i>In FEMA Floodway?</i>	N
<i>Historic Designated Struct.?</i>	NONE	<i>In Barlow Trail Area?</i>	N
<i>Concept Plan Area</i>	BEAVERCREEK	<i>In Vertical Housing Dev. Zone?</i>	N
<i>Urban/Rural Reserve</i>		<i>In Enterprise Zone?</i>	Y
<i>Reserve Name</i>		<i>In Opportunity Zone?</i>	N
<i>Watershed</i>	Abernethy Creek-Willamette River		
<i>Sub-Watershed</i>	Abernethy Creek		
<i>Basin</i>	Middle Willamette		
<i>Sub-Basin</i>	Willamette		

Service Districts

<i>Elementary School</i>	BEAVERCREEK ELEMENTARY
<i>Middle School</i>	OGDEN MIDDLE
<i>High School</i>	OREGON CITY HIGH
<i>School District</i>	OREGON CITY
<i>Oregon Dept. of Ed. Dist. ID</i>	1928
<i>Nat Cntr for Ed Stats Dist ID</i>	4109330
<i>Water District</i>	Clackamas River Water District
<i>Park District</i>	
<i>Sewer District</i>	
<i>Fire District</i>	Clackamas Fire District #1
<i>Fire Management Zone</i>	6799
<i>Transit District</i>	Tri-County Metropolitan
<i>Garbage Hauler</i>	Oregon City Garbage Co.
<i>Garbage Hauler Phone</i>	(503) 656-8403

Census Information

<i>Census Tract</i>	230.01000000
<i>Census Block Group</i>	1
<i>Census Block Grp. Pop. (2010)</i>	2288

Overlay Information

Category	Description	Acres	Percent Coverage
Parcel Statistics for: 3-2E-09A -00600	Overall Acres	0.90	100.0%
FEMA 100 Yr Floodplain	In Floodplain (100 yr)	0.00	0.0%
Buildings	Built up % (approx)	0.09	9.7%
Geologic Hazards	In Geologic Hazard	0.00	0.0%

The City of Oregon City makes no representations, express or implied, as to the accuracy, completeness and timeliness of the information displayed.



Taxlot Detail Report

3-2E-09A -0

Item 9a.

Steep Slopes	Slopes >= 25%	0.00	0.0%
NROD	In NROD	0.00	0.0%
Willamette Greenway	In Willamette Greenway	0.00	0.0%
Vacant Lands (All)	In Vacant Lands	0.00	0.0%
Vacant Lands (Constrained)	In Vacant Lands (Constrained)	0.00	0.0%
Vacant Lands (Unconstrained)	In Vacant Lands (Unconstrained)	0.00	0.0%

SITUS Addresses

Address	Latitude	Longitude
19242 S BEAVERCREEK RD	45.32794179	-122.56731499

Permits

None found!								
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Plans

Plan Number	Plan Type	Work Class	Description	Main Address	Plan Status	Apply Date	Expire Date	Complete Date
AN-20-00001	Annexation	Annexation	Emergency Sewer Annexation	19242 S BEAVERCREEK RD	Review Expired	04/15/2020	10/12/2020	
GLUA-20-00017	General Land Use Application	General Land Use - Type II - IV	Emergency Sewer Annexation	19242 S BEAVERCREEK RD	Review Expired	04/15/2020	10/12/2020	
PA-20-00015	Pre-Application Conference	Minor	Emergency sewer annexation	19242 S BEAVERCREEK RD	Approved	04/06/2020	10/05/2020	07/17/2020

Business Licenses

None found!								
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SN2010-059

CLACKAMAS COUNTY SURVEYOR
RECEIVED: 3-23-10
ACCEPTED FOR FILING: 4-14-10
SURVEY NO. SN2010-059

RECORD OF SURVEY
FOR:
FATCAT, LLC
IN THE NE 1/4 SECTION 9, T.3S., R.2E., W.M.
CLACKAMAS COUNTY, OREGON
FEBRUARY 18, 2010 SCALE 1"= 60'

- LEGEND:
- SET 5/8" X 30" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "PARIS & ASSOC. PLS 2264 ON 02-18-2010
 - FOUND MONUMENT AS NOTED
 - I.R. IRON ROD
 - W/YPC WITH YELLOW PLASTIC CAP
 - () ENCLOSED RECORD DATA
 - [] PROBABLE ORIGIN OF MONUMENT
 - S1 SN 23538, CLACKAMAS COUNTY SURVEY RECORDS
 - S2 SN 14640, CLACKAMAS COUNTY SURVEY RECORDS
 - S3 SURVEY NO. 2007-237, CLACKAMAS COUNTY SURVEY RECORDS
 - D. DATA PER FEE NO. 2006-055907, CLACKAMAS COUNTY DEED RECORDS
 - SN SURVEY NUMBER

NARRATIVE:
THE PURPOSE OF THIS SURVEY WAS TO LOCATE THE BOUNDARIES OF A TRACT OF LAND DESCRIBED IN FEE NO. 2006-055907, CLACKAMAS COUNTY DEED RECORDS.

THE CALLED EAST LINE OF THE ROBINS LAND WAS ESTABLISHED BY HOLDING THE FOUND BRONZE DISK AT THE CALLED NE CORNER OF THE CAUFIELD DLC NO. 53 FOR LOCATION PER USBT 2009-102 AND THE FOUND STONE AT "A" PER SN 1917-009 FOR LOCATION, SAID EAST LINE WAS USED FOR BASIS OF BEARINGS AS N 00°24'00" W PER SAID SN 1917-009.

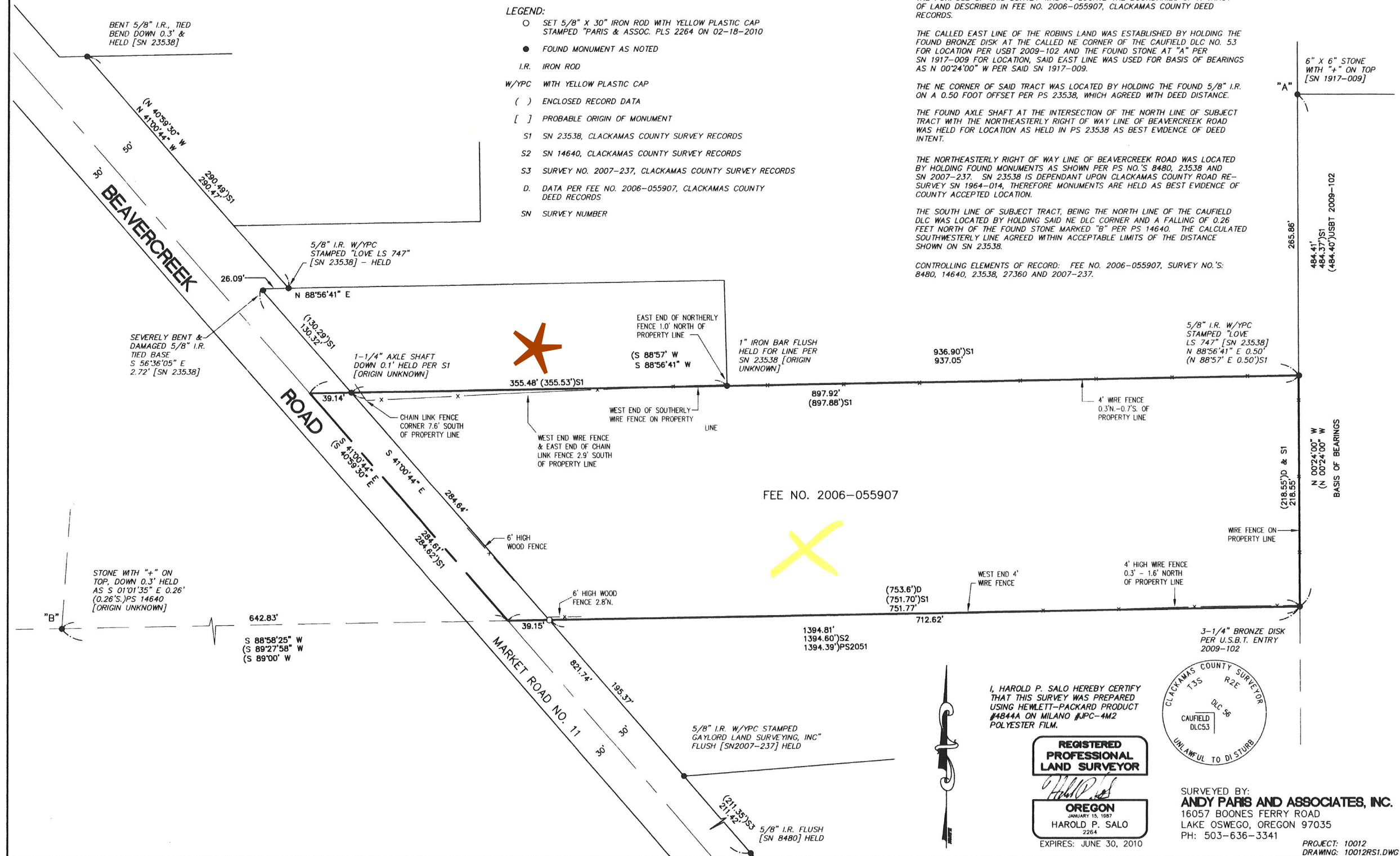
THE NE CORNER OF SAID TRACT WAS LOCATED BY HOLDING THE FOUND 5/8" I.R. ON A 0.50 FOOT OFFSET PER PS 23538, WHICH AGREED WITH DEED DISTANCE.

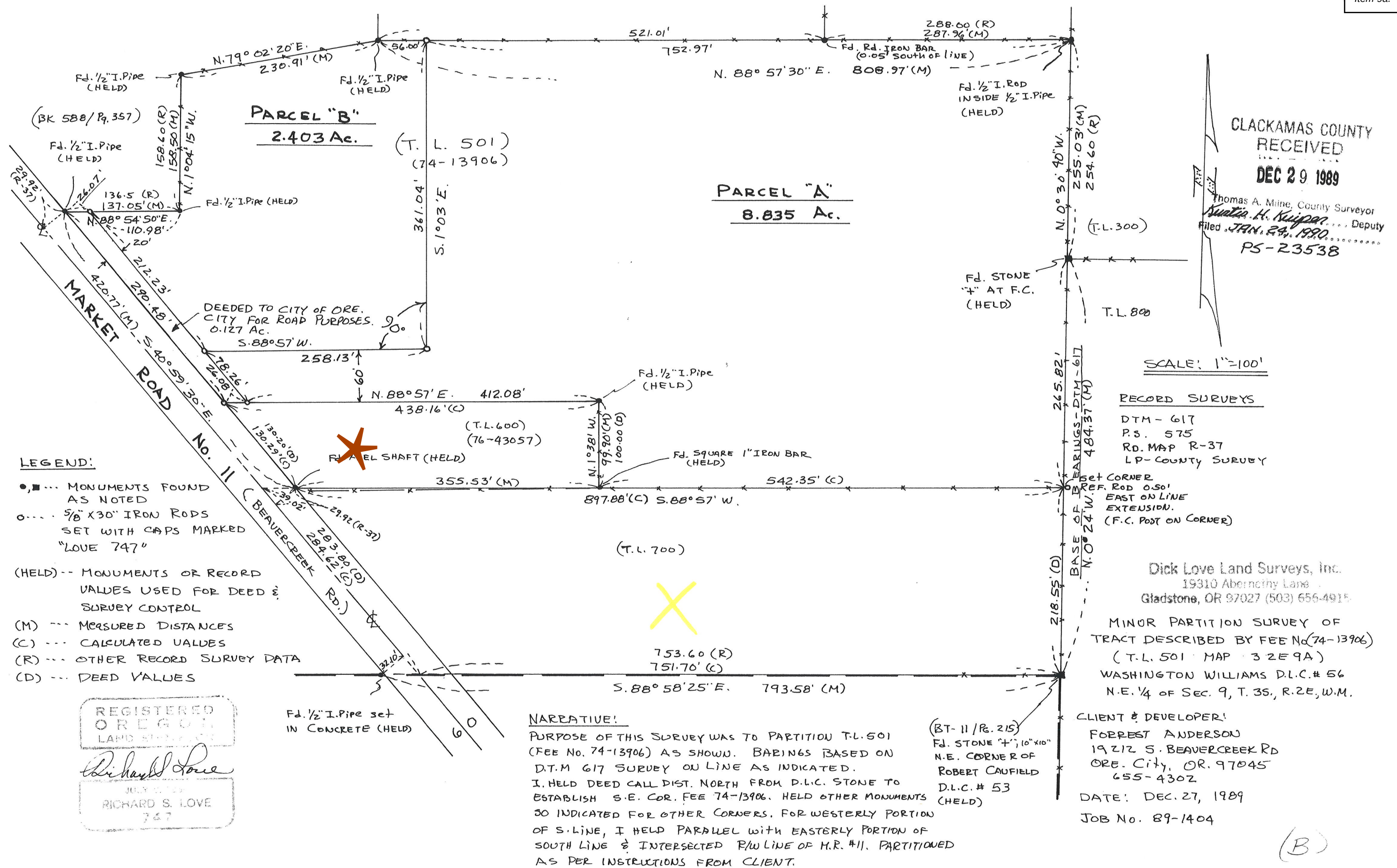
THE FOUND AXLE SHAFT AT THE INTERSECTION OF THE NORTH LINE OF SUBJECT TRACT WITH THE NORTHEASTERLY RIGHT OF WAY LINE OF BEAVERCREEK ROAD WAS HELD FOR LOCATION AS HELD IN PS 23538 AS BEST EVIDENCE OF DEED INTENT.

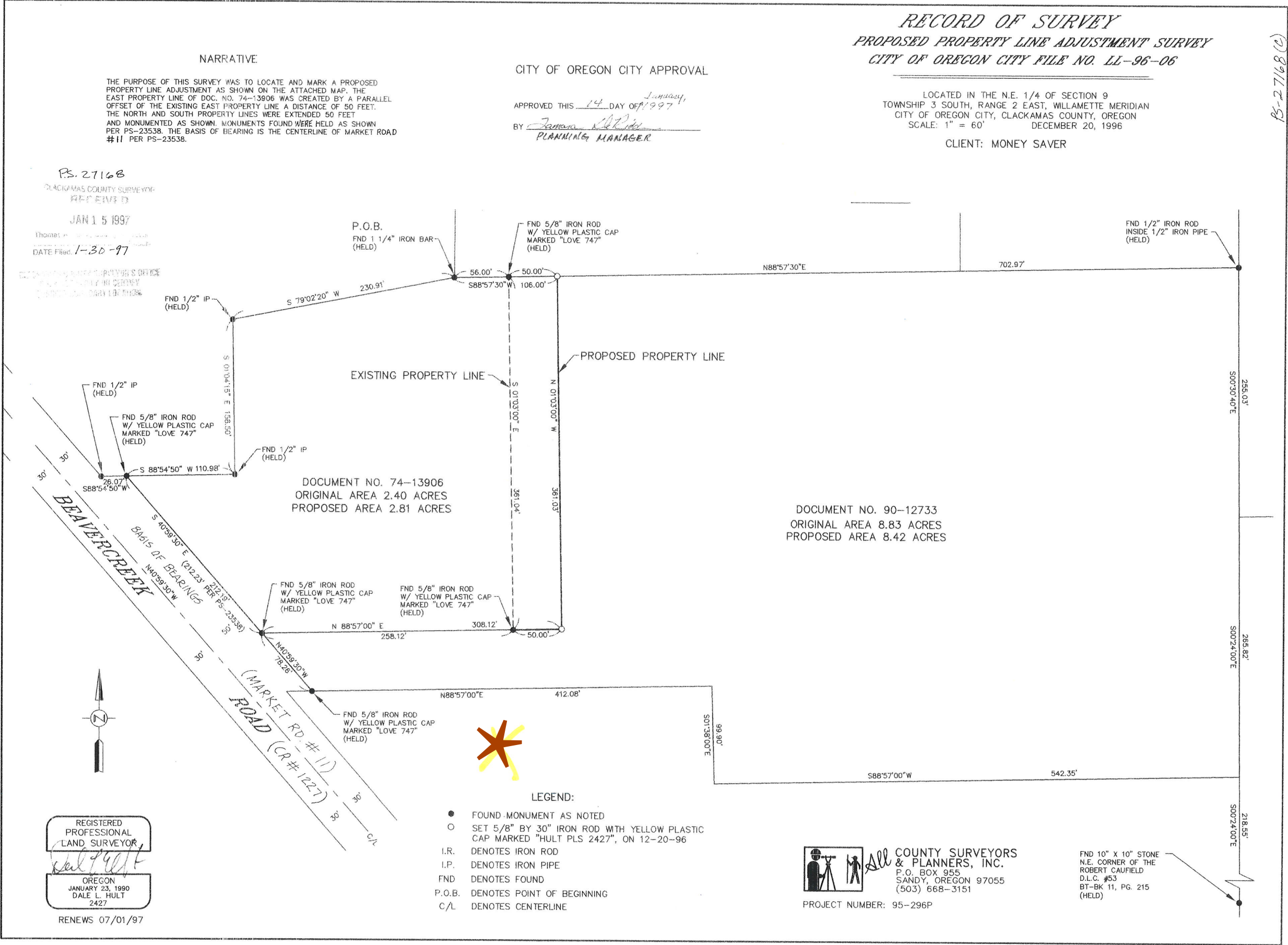
THE NORTHEASTERLY RIGHT OF WAY LINE OF BEAVERCREEK ROAD WAS LOCATED BY HOLDING FOUND MONUMENTS AS SHOWN PER PS NO.'S 8480, 23538 AND SN 2007-237. SN 23538 IS DEPENDANT UPON CLACKAMAS COUNTY ROAD RE-SURVEY SN 1964-014, THEREFORE MONUMENTS ARE HELD AS BEST EVIDENCE OF COUNTY ACCEPTED LOCATION.

THE SOUTH LINE OF SUBJECT TRACT, BEING THE NORTH LINE OF THE CAUFIELD DLC WAS LOCATED BY HOLDING SAID NE DLC CORNER AND A FALLING OF 0.26 FEET NORTH OF THE FOUND STONE MARKED "B" PER PS 14640. THE CALCULATED SOUTHWESTERLY LINE AGREED WITHIN ACCEPTABLE LIMITS OF THE DISTANCE SHOWN ON SN 23538.

CONTROLLING ELEMENTS OF RECORD: FEE NO. 2006-055907, SURVEY NO.'S: 8480, 14640, 23538, 27360 AND 2007-237.







FOR: City File #

CITY OF OREGON CITY
SANITARY SEWER CONNECTION AND ANNEXATION COMPLIANCE AGREEMENT

ANNEXATION COMPLIANCE AGREEMENT ("Agreement") is made and entered into this 14 day of April, 2020 by and between the CITY OF OREGON CITY, a municipal corporation of the State of Oregon (City), and Name(s) of Property Owner(s)

RECITALS

- A. The City is required to mandate connection to City service by the State if a sewer main is both physically and legally available to a property. Physically available is defined as within 300 feet of the property line. Legally available is defined as the sewerage system owner (City) is willing or obligated to provide sewer service. (OAR 340-071-0160 (4)(f))
- B. On x day the city received notice that the Applicant's septic system had failed from Clackamas County Wastewater Environmental Services (WES) and provided notice that a sanitary sewer connection was physically available within 300 feet of the property.
- C. As Oregon City continues to grow, it must manage the growth for the benefit of its citizens and businesses. The Goals and Policies of the Comprehensive Plan were adopted to ensure that the city grows in ways that are fiscally sound, results in high-quality development, allow services to be provided efficiently and protect natural resources. Oregon City will urbanize in a thoughtful and deliberate manner to protect, preserve, and enhance the positive facets of city life.
- D. *Policy 11.1.3 of the Comprehensive Plan* states that the City is to "Confine urban public facilities and services to the city limits except where allowed for safety and health reasons in accordance with state land-use planning goals and regulations" and provides additional guidance in this manner.
- E. Applicant held a pre-application conference with the Planning and Development Services Divisions on April 9, 2020 to review the process of an Emergency Sewer Annexation; and
- F. In order to obtain a city permit to hook up to city sanitary sewer, the Applicant is required to submit and pay for an annexation application to the City of Oregon City that includes all required property owner signatures and includes proof of submittal and payment of an annexation application to the Tri-City Sewer District and provide a commitment through this agreement to pursue annexation until the property is annexed.

NOW, THEREFORE, the City hereby grants the approval of the Sanitary Sewer Permit.

SANITARY SEWER CONNECTION AND ANNEXATION COMPLIANCE AGREEMENT

AGREEMENT

Andy Barney (Owner) commit to submit and pay for an annexation application to the City of Oregon City that includes all required property owner signatures and includes proof of submittal and payment of an annexation application to the Tri-City Sewer District and commit, through this agreement, to pursue annexation until the property is annexed.

IN WITNESS WHEREOF, the City has caused this Agreement to be signed by the Public Works Director and Community Development Director, and the Applicant has caused this Agreement to be signed and the Applicant's seal affixed the date and year first written above.

APPLICANT

Andy Barney

Applicant/ Owner's Name Printed

Chad Robertson Project Manager, River CityApplicant/ Owner's Representative's Name,
and Title

STATE OF OREGON)

County of Clackamas) ss.

On this 14 day of April, 2020, before me, Erika Winfield
the undersigned ~~Notary Public~~, personally appeared _____
WITNESS

- ☒ personally known to me
☐ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
 subscribed to the within instrument, and acknowledged that they executed it.

NOTICE: No stamp or corporate seal is allowed over any typed information.

Stamp seal below

WITNESS my hand and official seal

Erika Winfield
WITNESS Notary's signatureMy commission expires: 11/14

SANITARY SEWER CONNECTION AND ANNEXATION COMPLIANCE AGREEMENT



Clackamas Branch
File No. 16F0186641

Clackamas County Official Records
Sherry Hall, County Clerk

2015-069569

10/15/2015 10:04:48 AM

D-D Cnt=1 Stn=4 JANIS
\$15.00 \$16.00 \$10.00 \$22.00

\$63.00

After recording return to:
Andy Barney
19242 Beaver Creek Road
Oregon City, OR 97045

Until a change is requested, all tax statements shall be sent
to the following address:
Andy Barney
19242 Beaver Creek Road
Oregon City, OR 97045

STATUTORY WARRANTY DEED

Brett Howard Brucker, Grantor, conveys and warrants to Andy Barney, Grantee, the following
described real property free of encumbrances except as specifically set forth herein:

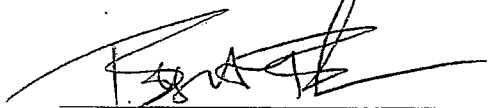
SEE ATTACHED EXHIBIT "A"

Tax Account No. 00868957

This property is free of encumbrances, EXCEPT:
SEE EXHIBIT "A" WITH EXCEPTIONS
The true consideration for this conveyance is \$215,000.00

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE
SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND
195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9
AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS
2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS
INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING
OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD
CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT
OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS
92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY
LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND
TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS
195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS
2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7,
CHAPTER 8, OREGON LAWS 2010.

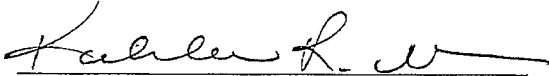
Dated 13th ^{October} day of ~~September~~, 2015


Brett Howard Brucker

STATE OF OREGON

COUNTY OF Clackamas

The foregoing instrument was acknowledged before me this 13th ^{October} day of ~~September~~, 2015 by
Brett Howard Brucker



Notary Public State of Oregon

My commission expires: 10-24-2017

Order No. 16F0186641

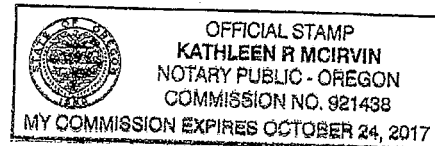


Exhibit "A" with Exceptions

Part of the Washington Williams and wife Donation Land Claim, in Section 9, Township 3 South, Range 2 East of the Willamette Meridian, in the County of Clackamas and State of Oregon, more particularly described as follows:

Beginning at a basalt stone 16 x 10 x 10 inches set at the Northeast corner of the Robert Caufield Donation Land Claim, in Section 9, Township 3 South, Range 2 East of the Willamette Meridian, which point is also a re-entrant corner of the Washington Williams Donation Land Claim; thence South 89° West along claim line 753.60 feet to a point in the center of the Oregon City-Beavercreek County Road; thence North 40° 50' West in the center of said road, 283.80 feet to the true point of beginning of th tract herein described; said point marks the Northwest corner of the Bond tract described in Book 328, Page 738, Deed Records; from said true point of beginning; thence North 40° 50' West along the center line of said road 130.20 feet; thence North 89° East, 477.30 feet to an iron pipe; thence South 0° 24' East, 100.00 feet to an iron pipe on the North boundary of the Moehnke tract described in Book 214, Page 398, Deed Records; thence South 89° West, 393.89 feet to the true point of beginning.

Subject to:

SPECIAL EXCEPTIONS:

- 1. Rights of the public to any portion of the Land lying within roads and highways.**

From: Replinger & Associates <replinger-associates@comcast.net>
Sent: Monday, January 25, 2021 10:23 AM
To: Christina Robertson-Gardiner
Subject: Re: GLUA-20-00017: AN 20-00001 – Emergency Annexation to City Of Oregon City Transmittal

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Christina:

Annexation will not result in any transportation impact. The applicant should be aware that any future development will require a transportation analysis. Rezoning will require showing compliance with the Transportation Planning Rule in addition.

John

John Replinger PE
Replinger & Associates LLC
503-719-3383

On Jan 22, 2021, at 2:45 PM, Christina Robertson-Gardiner <crobertson@orccity.org> wrote:

Hi John,

The following annexation is not asking for a zone change and will stay FU-10. Can you add a comment for the file by the end of day Monday, if possible?

Thanks!

CRG

From: Christina Robertson-Gardiner
Sent: Friday, January 22, 2021 2:28 PM
To: Carr, Erik <ECarr@clackamas.us>; Adam Bjornstedt <abjornstedt@crwater.com>; Betty Johnson <bjohnson@crwater.com>
Subject: FW: GLUA-20-00017: AN 20-00001 – Emergency Annexation to City Of Oregon City Transmittal

Erik, Adam & Betty,

I am finalizing the staff report for this emergency annexation and had not heard back from either of you. The applicant wishes to annex into the city of OC because of a failed

septic. He is not rezoning as part of this application and will retail the current county FU-10 zone.

Let me know if you have any questions and if you might be able to send me your comments before the end of day Monday.

Thanks!

Christina

From: Christina Robertson-Gardiner
Sent: Tuesday, December 15, 2020 3:29 PM
Subject: GLUA-20-00017: AN 20-00001 – Emergency Annexation to City Of Oregon City Transmittal

HEARING DATE: City Commission Hearing: February 3, 2021
 HEARING BODY: City Commission
 FILE # & TYPE: GLUA-20-00017: AN 20-00001 – Emergency Annexation to City Of Oregon City
 PROJECT FILE: <https://www.orcity.org/planning/project/glua-20-00017-20-00001-%E2%80%93-emergency-annexation-city-oregon-city>
 PLANNER: Christina Robertson-Gardiner, Senior Planner, 503-496-1564, crobertson@orcify.org
 APPLICANT: Andy Barney
 OWNER: Andy Barney
 REQUEST: The Applicant desires to provide the property with city services due to the failing septic system on the property. Annexation is required as a condition of connecting to the city sewer system.
 This proposal does not include a request for development approval, rezoning or change in use. The decision on annexation to the City does not authorize or prevent any specific use of land.
 Current county zoning and planning designations will remain on the property until the Applicant takes action to rezone the property.
 LOCATION: 19242 Beaver Creek Road, Oregon City OR 97045 identified as Clackamas County Map 3-2E-09A -Tax Lot 0060

Please send comment by January 22, 2021 to be included in the staff report.

<image002.jpg>

[What's your Vision for Oregon City?](#)

Christina Robertson-Gardiner, AICP, Senior Planner
 695 Warner Parrott Rd, Oregon City, OR 97045
crobertson@orcify.org
 503) 496-1564 Direct
 (503) 722-3789 Main

[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.

<GLUA-20-00017- AN-20-00001 - ANNEXATION TO CITY OF OREGON CITY
Transmittal.pdf>



LAND USE TRANSMITTAL

DISTRIBUTION OF APPLICATION

- Building Official
- Development Services
- Public Works Operations
- City Engineer
- Public Works Director
- Parks Manager
- Community Services Director
- Police
- Economic Development Manager
- Traffic Engineer
- Natural Resource Committee
- City Manager's Office
- Oregon City Neighborhood Associations
- Clackamas County Transportation
- Clackamas County Planning
- Clackamas Fire District #1
- ODOT – Division Review
- Oregon City School District
- Tri-Met
- Metro
- PGE
- South Fork Water Board
- Hamlet of Beavercreek
- Holcomb Outlook CPO
- Central Point / Leland Road / New Era CPO
- Other – See Email List

NOTICE OF THE APPLICATION MAILED TO

- All Properties within 300 feet

HEARING DATE: City Commission Hearing: February 3, 2021
 HEARING BODY: _Staff Review; ____PC; ____HRB; __X__CC
 FILE # & TYPE: GLUA-20-00017: AN 20-00001 – Emergency Annexation to City Of Oregon City
 PROJECT FILE: <https://www.orcity.org/planning/project/glua-20-00017-20-00001-%E2%80%93-emergency-annexation-city-oregon-city>
 PLANNER: Christina Robertson-Gardiner, Senior Planner, 503-496-1564, crobertson@orc.org
 APPLICANT: Andy Barney
 OWNER: Andy Barney
 REQUEST: The Applicant desires to provide the property with city services due to the failing septic system on the property. Annexation is required as a condition of connecting to the city sewer system. This proposal does not include a request for development approval, rezoning or change in use. The decision on annexation to the City does not authorize or prevent any specific use of land. Current county zoning and planning designations will remain on the property until the Applicant takes action to rezone the property.
 LOCATION: 19242 Beavercreek Road, Oregon City oR 97045 identified as Clackamas County Map 3-2E-09A - Tax Lot 0060

This application material is referred to you for your information, study and official comments. If extra copies are required, please contact the Planning Department. Your recommendations and suggestions will be used to guide the Planning staff when reviewing this proposal. If you wish to have your comments considered and incorporated into the staff report, please return the attached copy of this form to facilitate the processing of this application and insure prompt consideration of your recommendations. Please check the appropriate spaces below.

____ The proposal does not conflict with our interests.
 ____ The proposal conflicts with our interests for the reasons attached.
X The proposal would not conflict our interests if the changes noted below are included.

As part of this annexation application the parcel will be required to be withdrawn from the Clackamas River Water District Boundary.

Signed

Betty A. Johnson

PLEASE RETURN YOUR COPY OF THE APPLICATION AND MATERIAL WITH THIS FORM.

From: Carr, Erik <ECarr@clackamas.us>
Sent: Friday, January 22, 2021 3:34 PM
To: Christina Robertson-Gardiner
Subject: RE: GLUA-20-00017: AN 20-00001 – Emergency Annexation to City Of Oregon City Transmittal

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Christina,

The applicant will need to annex into the Tri-City Service District in order to receive sanitary sewer service. He's already submitted a complete TCSD annexation application to WES. I can finish processing the application once I receive confirmation that the property has annexed into the City of Oregon City.

Thanks,

Erik Carr Bertram
Clackamas Water Environment Services
503-742-4571 (office)
503-936-3666 (cell)

From: Christina Robertson-Gardiner <crobertson@orccity.org>
Sent: Friday, January 22, 2021 2:28 PM
To: Carr, Erik <ECarr@clackamas.us>; Adam Bjornstedt <abjornstedt@crwater.com>; Betty Johnson <bjohnson@crwater.com>
Subject: FW: GLUA-20-00017: AN 20-00001 – Emergency Annexation to City Of Oregon City Transmittal

Warning: External email. Be cautious opening attachments and links.

Erik, Adam & Betty,

I am finalizing the staff report for this emergency annexation and had not heard back from either of you. The applicant wishes to annex into the city of OC because of a failed septic. He is not rezoning as part of this application and will retail the current county FU-10 zone.

Let me know if you have any questions and if you might be able to send me your comments before the end of day Monday.

Thanks!

Christina

From: Christina Robertson-Gardiner
Sent: Tuesday, December 15, 2020 3:29 PM
Subject: GLUA-20-00017: AN 20-00001 – Emergency Annexation to City Of Oregon City Transmittal

HEARING DATE: City Commission Hearing: February 3, 2021

HEARING BODY: City Commission

FILE # & TYPE: GLUA-20-00017: AN 20-00001 – Emergency Annexation to City Of Oregon City

PROJECT FILE: <https://www.orcity.org/planning/project/glua-20-00017-20-00001-%E2%80%93-emergency-annexation-city-oregon-city>

PLANNER: Christina Robertson-Gardiner, Senior Planner, 503-496-1564, crobertson@orcity.org

APPLICANT: Andy Barney

OWNER: Andy Barney

REQUEST: The Applicant desires to provide the property with city services due to the failing septic system on the property. Annexation is required as a condition of connecting to the city sewer system.

This proposal does not include a request for development approval, rezoning or change in use. The decision on annexation to the City does not authorize or prevent any specific use of land.

Current county zoning and planning designations will remain on the property until the Applicant takes action to rezone the property.

LOCATION: 19242 Beavercreek Road, Oregon City OR 97045 identified as Clackamas County Map 3-2E-09A -Tax Lot 0060

Please send comment by January 22, 2021 to be included in the staff report.



[What's your Vision for Oregon City?](#)

Christina Robertson-Gardiner, AICP, Senior Planner

695 Warner Parrott Rd, Oregon City, OR 97045

crobertson@orcity.org

503) 496-1564 Direct

(503) 722-3789 Main

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PUBLIC RECORDS LAW DISCLOSURE: This e-mail is subject to the 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
From: Public Works Director John M. Lewis, PE

Agenda Date: 02/17/2021

SUBJECT:

Resolution No. 21-10, Initiating the Process to Vacate a Section of Public Right-of-Way Adjacent to 1625 Washington Street

STAFF RECOMMENDATION:

Staff recommends the approval of Resolution No. 21-10, initiating the process to vacate a section of public right-of-way adjacent to 1625 Washington Street.

EXECUTIVE SUMMARY:

An application was received for the vacation of a section of public right-of-way (an alley) adjacent to 1625 Washington Street. The alley is encumbered by an existing building, a large elevation drop on one end, and Abernethy Creek on the other end.

Public Works supports the vacation of the alley. Vacation is in the best public interest due to the limitation of the alley for present or future access or utilities. Public Works recommends approval of this resolution requesting initiation of proceedings for the vacation.

BACKGROUND:

In November 2020, the property owner of 1625 Washington Street applied for vacation of the subject section of right-of-way that is adjacent to their property. The right-of-way is an alley between tax lots 2-2E-29CC-02800, 2-2E-29CC-02900, 2-2E-29CC-03000, 2-2E-29CC-03100, 2-2E-29CC-03200, and 2-2E-29CC-03300. The applicant stated that the building at 1625 Washington Street, built in 1926, straddles four of the tax lots and the alley. The applicant stated that the alley ends in a 5.5-foot drop from 16th Street on one side and Abernethy Creek on the other side restricting the alley from its intended use of providing access. The applicant stated that the alley does not serve as access to any property that is not in favor of vacating the alley.

Staff determined that these statements are correct. Staff have determined that the alley will not be used for public utilities or access in the future, and that for these reasons and the reasons specified by the applicant, alley vacation is in the best public interest.

In general, a vacation shall be granted only if all the following conditions exist:

1. There is no present or future public need for the street, alley, or easement.
2. The vacation is in the best public interest.
3. There would be no impacts to adjacent properties.
4. Consent of adjacent property owners when appropriate.

In this case, the City has no present or future need for the alley; the vacation is in the public's best interest; the vacation has no impact on adjacent properties; and the adjacent properties consent to the vacation. Therefore, all these conditions have been met.

Discussion with a Professional Land Surveyor and the County Surveyor's Office has concluded that half of the alley right-of-way longitudinally-divided would be equally dedicated to properties on abutting sides of the alley.

Once the alley is divided and deeded to abutting properties, tax lots 2E-29CC-03100 and 2-2E-29CC-03200 owned by the vacation applicant would be landlocked with no access. Therefore, the applicant applied and was approved for a Lot Line Adjustment (LL-20-00012) that adds the two tax lots to 2-2E-29CC-03000, also owned by the applicant, so that access is available to all land area from 16th Street.

If approved by City Commission, this resolution will be followed by a public noticing period of 14 days in the local Oregon City publication and noticing on-site via placard. Subsequently, the vacation will be read by ordinance at a City Commission hearing open to public comment. City Commission has the option of approval in full at that time or hearing the item with a second reading of an ordinance with any public comments addressed. With final approval, the vacation will be recorded at Clackamas County.

OPTIONS:

1. Approve Resolution No. 21-10 to allow proceeding with public noticing for the vacation of the alley adjacent to 1625 Washington Street.
2. Deny Resolution No. 21-10. If the Commission chooses to deny the Resolution, staff requests direction on how to proceed.

RESOLUTION NO. 21-10

A RESOLUTION INITIATING THE PROCESS TO VACATE A PORTION OF PUBLIC RIGHT-OF-WAY ADJACENT TO 1625 WASHINGTON STREET

WHEREAS, the owner of 1625 Washington Street has applied for a vacation of a portion of public right-of-way (hereinafter called "ALLEY"); and

WHEREAS, the ALLEY located in Block B of Clackamas County Plat Map No. 35, Park Addition, a duly recorded plat in the City of Oregon City, Clackamas County, the legal description is attached as Exhibit A and the map is attached as Exhibit B; and

WHEREAS, the ALLEY is restricted by a 5.5-foot drop from 16th Street on one end and Abernethy Creek on the other end making it non-navigable by pedestrians or vehicles; and

WHEREAS, a building addressed as 1625 Washington Street is built across the ALLEY between Taxlots 2-2E-29CC-03000, 2-2E-29CC-03100, 2-2E-29CC-03200, and 2-2E-29CC-03300; and

WHEREAS, the ALLEY does not provide access to properties other than those that consent to the vacation of the ALLEY; and

WHEREAS, Oregon City Public Works staff have determined that the proposed vacation is in the best public interest based on the ALLEY's physical limitations; and

WHEREAS, half of the ALLEY longitudinally-divided would be deeded equally to the properties on flanking sides of the ALLEY per standard practice for right-of-way vacation; and

WHEREAS, the applicant has acquired signatures in agreement to the vacation from owners of the flanking properties (see 'Exhibit C - Application Package') and is now asking the Oregon City – City Commission to begin the vacation process.

NOW, THEREFORE, OREGON CITY RESOLVES AS FOLLOWS:

Section 1. The City Commission of the City of Oregon City intends to proceed, and hereby are, initiating the process to vacate, per request, a portion of public right-of-way described above as the ALLEY.

Section 2. The City Commission directs the City Recorder to provide public notice for the ordinance and public hearing proceedings of the proposed vacation.

Section 3. The City Commission provides the date certain of March 3, 2021 at the hour of 7:00 PM to begin the virtual City Commission meeting, hereby fixed as the time and place for the hearing of any and all objections or claims concerning this vacation. Contact the City Recorder for registration to participate in the public hearing at recorderteam@orc.org or 503-657-0891.

Section 4. 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 17th day of February 2021.

ROCKY SMITH, JR.
Commission President

Attested to this 17th day of February 2021:

Approved as to legal sufficiency:

Kattie Riggs, City Recorder

City Attorney

Attachments:
Exhibit A - Legal Description
Exhibit B – Map
Exhibit C – Application Package



CENTERLINE CONCEPTS
LAND SURVEYING, INC.

19376 Molalla Avenue, Ste. 120, Oregon City, OR 97045
P. 503-650-0188 F. 503-650-0189

Exhibit "A"
Legal Description

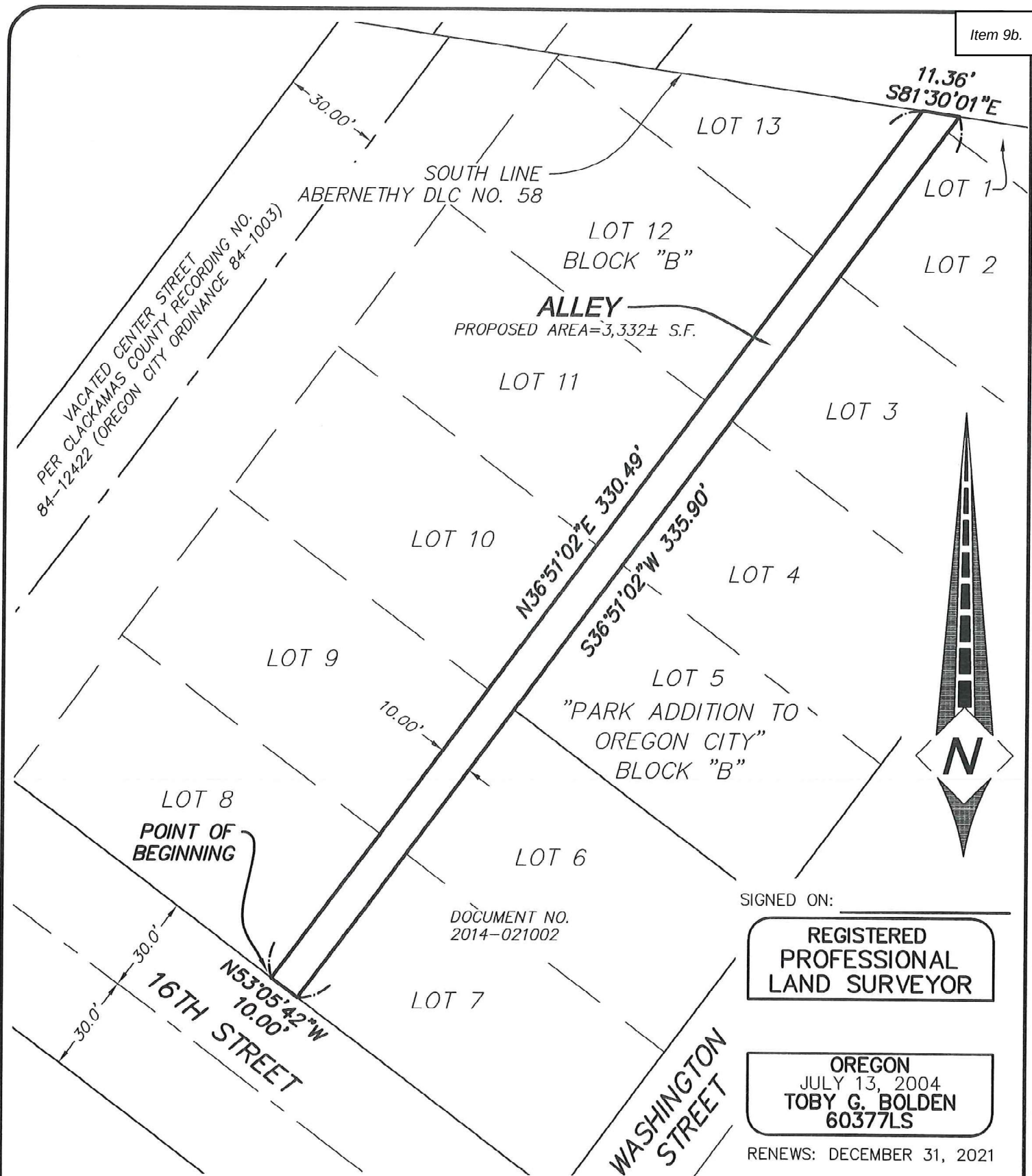
A Tract of land being the 10.00' alley bisecting Block "B", "PARK ADDITION TO OREGON CITY", Clackamas County Plat Records, located in the Southwest one-quarter of Section 29, Township 2 South, Range 2 East of the Willamette Meridian, City of Oregon City, County of Clackamas, State of Oregon, being more particularly described as follows:

BEGINNING at the south corner of Lot 8 of said Block B; thence along the southeast line of Lot 8, and continuing along the southeast line of Lots 9, 10, 11, 12, and 13 of said Block "B", North 36°51'02" East, 330.49 feet to the northeast line of said Block "B", also being the south line of the Abernethy DLC No. 58; thence along said northeast line of said Block "B", South 81°30'01" East, 11.36 feet to the northwest corner of Lot 1 of said Block "B"; thence along the northwest line of said Lot 1, and continuing along the northwest line of Lots 2, 3, 4, 5, 6, and 7 of said Block "B", South 36°51'02" West, 335.90 feet to the west corner of said Lot 7; thence along the northeast right of way line of 16th Street, being 30.00 feet northeast of the centerline thereof when measured at right angles, North 53°05'42" West, 10.00 feet to the **POINT OF BEGINNING**.

Contains 3,332 square feet, more or less.



Item 9b.



CLIENT: SERENLITE LLC
ORIG. DATE: 11-17-2020
DRAWN BY: RLC
SHEET NO. 1 OF 1

EXHIBIT "B"
ALLEY BISECTING BLOCK B,
PARK ADDITION TO OREGON CITY
CITY OF OREGON CITY, CLACKAMAS COUNTY, OREGON
SCALE: 1"=40'

CENTERLINE CONCEPTS
LAND SURVEYING, INC.
19376 MOLALLA AVE., SUITE 120
OREGON CITY, OREGON 97045
PHONE 503.650.0188 FAX 503.650.0189

Page 506



APPLICATION STREET/ALLEY VACATION

Property Owner/Authorized Agent

LANCE EARLE

Address

1625 WASHINGTON ST

Telephone

503-313-3660

Location of Property to be Vacated

OREGON CITY

Note: Legal description of property must be attached for street vacations. The application shall be accompanied by a fully dimensioned accurate and legible site plan, drawn to scale.

Reason for Street/Alley/Easement Vacation and Proposed Use

NOT NEEDED - NEVER HAS BEEN USED - CURRENTLY USED FOR PARKING

A vacation shall be granted only in the event that all of the following conditions exist:

- ☒ a. There is no present or future public need for the street, alley, or easement.
- ☒ b. The vacation is in the best public interest.
- ☒ c. There would be no impacts to adjacent properties.
- ☒ d. Consent of adjacent property owners when appropriate.

Explain how proposed vacation complies with these four conditions:

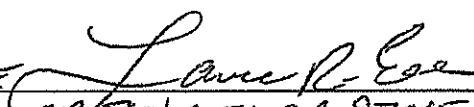
THIS PROPERTY HAS A 38000 SQFT BUILDING ON IT THAT IS BUILT ON PART OF THE ALLEY AND THE REST OF THE ALLEY IS INACCESSABLE BECAUSE OF DROP OFF FROM ST. ON ONE END (DANGEROUS TO PUBLIC) AND CREEK ON THE OTHER (NO ALLEY) THIS ALLEY DOES NOT CONNECT TO ANY ADJACENT PROPERTIES EXCEPT BUMP PARLOR WHO WILL GIVE CONSENT. THIS ALLEY HAS HAD NO USE SINCE IT WAS ESTABLISHED AND STILL HAS NO VIABLE USE AS AN ALLEY

(Attach addendum, if additional space is needed).

INSTRUCTIONS FOR COMPLETING VACATION APPLICATIONS

Item 9b.

1. All applications must be either typed or printed (black ink). Please make the words easily readable. Neatness is important.
2. The application must be submitted with the correct fee.
3. If you mail in the application, please verify with the Development Services Division to ensure that it was received and that all necessary fees and information are with the application form.
4. If you wish to modify or withdraw the application, you must notify the Development Services Division in writing. Additional fees may be charged if the changes require new public notice and/or if additional staff work is necessary.
5. Attach all the information with the application form that you have available that pertains to the activity you propose.
6. Prior to submitting the application, you must make an appointment to discuss your proposal with a member of the Development Services Division. If you wish, Development Services personnel will advise you in completing some portions of the application; however, the entire burden is upon the applicant to provide necessary information to justify approval of the application.
7. Detailed legal descriptions, maps, and other relevant information should be attached to the application form and will be available for public review. All applicable standards and criteria must be addressed prior to acceptance of the application. The content of the attached information should be discussed with the City Engineer prior to submission of the application.
8. Incomplete applications will be returned.

APPLICANT'S NAME & SIGNATURE: LANCE EARLE 

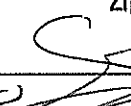
MAILING ADDRESS: 1625 WASHINGTON ST OREGON CITY OR 97015 503-313-3666

City State Zip Phone No.

ABUTTING PROPERTY OWNER'S NAME & SIGNATURE: CRAIG ALLMEN 

MAILING ADDRESS: 2-2E-29CL-02800 503-975-2282

City State Zip Phone No.

ABUTTING PROPERTY OWNER'S NAME & SIGNATURE: CRAIG ALLMEN 

MAILING ADDRESS: LOT# 2-2E-29CL-02800 503-975-2282

City State Zip Phone No.

ABUTTING PROPERTY OWNER'S NAME & SIGNATURE: _____

MAILING ADDRESS: _____

City State Zip Phone No.

If the property owner does not sign this application, then a letter authorizing signature by an agent must be attached.

FOR OFFICE USE ONLY

DATE SUBMITTED: _____ RECEIVED BY: _____

FEE PAID: _____ RECEIPT NO.: _____

PUBLIC HEARING DATE: _____ ENGINEER ASSIGNED: _____

DATE ACCEPTED AS COMPLETE: _____

1" = 30'

Item 9b.

Item 9b.

RAIL ROAD

503

EXISTING BUILDING -

LOT LINE

RAIL ROAD

DERMATHY CREEK

6' DROP
FROM 16th ST.

16th STREET

1601

1625

WASHINGTON ST.

Oregon City GIS Map

Item 9b.



Legend

Street Names

Taxlots

Taxlots Outside UGB

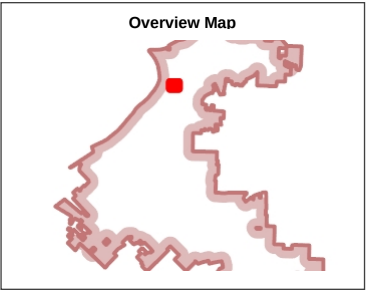
Unimproved ROW

City Limits

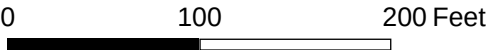
UGB

Basemap

Notes



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



1: 1,200

City of Oregon City
PO Box 3040
625 Center St
Oregon City
OR 97045
(503) 657-0891
www.orecity.org





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:

Clackamas County Vehicle Registration Fee

STAFF RECOMMENDATION:

Discuss the proposed letter to Clackamas County Board of Commissioners.

EXECUTIVE SUMMARY:

The Clackamas County Board of Commissioners are expected to discuss the county-wide Vehicle Registration Fee at their Tuesday, February 23, 2021 Policy Session. This letter shares our use of the Vehicle Registration Fee to date in onto the future.

BACKGROUND:

At the Clackamas County Board of Commissions Policy Session on February 9, 2021 a Commissioner requested that the Board reconsider their previous decision to enact a Vehicle Registration Fee.

The Board of County Commissioners will be discussing this topic at their February 23, 2021 Policy Session.

The attached letter details the projects that Oregon City has completed to date, what projects are under construction, which are currently in design and will be moving into construction this summer. Additionally, the list includes projects that are proposed to get underway in the next biennial budget. The projects that Oregon City has used the Vehicle Registration Fee to fund are projects that have high neighborhood and community support and include neighborhood transportation projects that address long-standing community bicycle and pedestrian safety concerns. Future projects will also address neighborhood transportation projects and will also include congestion management projects.

OPTIONS:



February 17, 2021

Clackamas County Board of Commissioners
2051 Kaen Road
Oregon City, OR 97045

RE: Clackamas County Vehicle Registration Fee

Thank you for this opportunity to share how we have helped our Oregon City and unincorporated Clackamas communities with the use of the Clackamas County Vehicle Registration Fee. In our current biennial budget, which includes fiscal years 2020 & 2021, we are utilizing VFR funds to complete neighborhood transportation projects that address long-standing community bicycle and pedestrian safety concerns. We have successfully completed our first project and the Oregon City community is already taking advantage of this long-awaited project. In the upcoming biennial budget, which includes fiscal years 2022 & 2023, we are proposing to use some of the funds to leverage city paving projects to add in sidewalk along areas where it is missing, we will continue to address transportation safety and traffic calming in our neighborhoods and will also complete two congestion projects.

In our most recent Community Survey completed in 2020, we heard from the community high support for Traffic Congestion Relief, Traffic Calming in Neighborhoods, Safe Pedestrian areas on Major Streets & Routes and Safe Pedestrian areas in Neighborhoods. These are all areas that we are focusing our VRF fund projects on.

Following is a list of projects that are completed, or underway using the Vehicle Registration Fee. These projects are also partially funded with our Transportation System Development Charge.

- **RRFB on Molalla Avenue @ Barclay Hills Drive – Completed**
Installation of a new Rectangular Rapid Flashing Beacon (RRFB) at the existing marked crosswalk on Molalla Avenue near Grocery Outlet.
- **Gaffney Lane Street Widening & Sidewalk Infill Project – Under Construction**

The Gaffney Lane project is located near Gaffney Lane Elementary School and includes road widening and realignment. The project is a major safety improvement and includes a speed table, which is a raised crosswalk aimed to slow down traffic where children cross to and from school. Work is expected to be completed this summer.

- **RRFB on Linn Avenue @ Williams Street – In Design**

Progress is ongoing on the design of a new Rectangular Rapid Flashing Beacon (RRFB) on Linn Avenue at Williams Street near Gardiner Middle School, with installation expected to be completed by July 2021. This is a project that allows the City to partner with the Oregon City School District on infrastructure that services the new middle school layout, creating a safe opportunity for students to walk and bike to school. This new safety feature will be complete prior to the new facility opening to students.

- **RRFB's on Holcomb Boulevard at Front Street & Swan Avenue – In Design**

The City continues working on the design of two new Rectangular Rapid Flashing Beacons (RRFB) on Holcomb Boulevard located at Front Street and Swan Avenue. The goal is to have these up and running by the end of summer 2021.

Following is a list of projects that are proposed in our upcoming 2022 & 2023 biennial budget. These projects are also partially funded with our Transportation System Development Charge. These projects are expected to get underway once the budget is adopted.

- **Gardiner Middle School Sidewalk Infill**

This project will construct sidewalk on Ethel Street & Hood Street, in partnership with Oregon City School District that services the new middle school layout, creating a safe opportunity for students to walk and bike to school.

- **Sidewalk Infill Project**

This project will leverage our annual roadway reconstruction project to include construction of missing sections of sidewalk along the roadways being paved. This includes portions of 8th Street & JQ Adams Street.

- **Sidewalk Infill, Pedestrian Safety & Neighborhood Concerns**

The detailed scope of this project is still in development, but will be to complete sections of missing sidewalks, increase pedestrian safety & address neighborhood transportation concerns.

- **Hwy 213 & Beavercreek Road Westbound Free Flow Right Turn & Merge Lane**

This congestion management project will convert the existing Beaver Creek Road westbound right turn from a yield to a free flow and add a northbound merge lane on Hwy 213. This project is a direct benefit to unincorporated Clackamas County residents that utilize this corridor.

- **Transportation System Management & Operations (TSMO) Traffic Signal Upgrades Grant Match**

This congestion management project will include upgrades to traffic signal hardware, allowing us to more efficiently manage traffic.

Thank you for this opportunity to share how we have helped our Oregon City and unincorporated Clackamas County communities with the use of the Clackamas County Vehicle Registration Fee. This list of projects would not have been funded if we did not have the Vehicle Registration Fee, leaving many Oregon City residents still waiting for their neighborhood transportation projects to be funded.

Sincerely,

Rocky Smith, Jr
Commission President

1. Approve the letter as provided.
2. Approve the letter with amendments.
3. Do not submit a letter.

Kattie Riggs

From: Rachel Lyles Smith
Sent: Wednesday, February 17, 2021 8:42 PM
To: Kattie Riggs; Tony Konkol
Subject: FW: Update on Clackamas Vehicle Registration Fee

From: Wilson, Trent <TWilson2@clackamas.us>
Sent: Thursday, February 11, 2021 5:39 PM
Subject: Update on Clackamas Vehicle Registration Fee

Hello Mayors, City Managers, and C4 Voting Members,

This week the Board of County Commissioners asked county staff to schedule a policy session to discuss whether to continue the Vehicle Registration Fee. That discussion is presently scheduled for Tues, February 23, at 3:30pm. Because many cities and C4 were intricately involved in the development and passage of the VRF in 2019, and because every city receives revenue from the VRF, we wanted to keep you in the loop.

For additional information, you can hear the Board discussion in this [video](https://www.youtube.com/watch?v=PVeBf3DI Mio) (<https://www.youtube.com/watch?v=PVeBf3DI Mio>) starting at the 16:00-minute point. As you probably know, the public is welcome to attend policy sessions to listen, but typically these sessions do not include an opportunity for public comment. The materials for this session will be posted [online](#) at <https://www.clackamas.us/meetings/bcc/presentation> late on Thursday, Feb. 18 and the policy session can be viewed live at <https://www.clackamas.us/meetings/bcc/presentation>.

Thank you,

Trent Wilson | Government Affairs Specialist

Clackamas County Public & Government Affairs

Public Services Building | 2051 Kaen Road, Suite 426 | Oregon City, OR 97045

Office: 503.655.8206 | Cell: 971.263.4183

The Public & Government Affairs Department is open Monday-Thursday 7am-6pm and closed on Fridays.

City of Oregon City

MEETING DATE:	<u>February 17, 2021</u>	☒ Regular Meeting ☐ Work Session ☐ Special Meeting
LOCATION:	City Hall - Chambers	
CONVENE:	7:08 PM	ADJOURN: 8:39 PM

Vote	CITY COMMISSION	PRESENT	ABSENT
	Vacant		
1	Commissioner Rachel Lyles Smith	X	
	Commissioner Frank O'Donnell		X
2	Commissioner Denyse McGriff	X	
3	Commissioner Rocky Smith, Jr.	X	

STAFF	TITLE	PRESENT
City Manager	Tony Konkol	X
Asst. City Attorney	Carrie Richter	X
City Recorder	Kattie Riggs	X
Community Development Director	Laura Terway	X
Public Works Director	John Lewis	X
Police Chief	Jim Band	X
Finance Director	Matt Zook	X
Library Director	Greg Williams	X
Parks & Rec. Director	Kendall Reid	X
Sr. Planner	Christina Robertson- Gardiner	X
Asst. City Recorder	Jakob Wiley	X
Human Resources Director	Patrick Foiles	X
Economic Development Manager	James Graham	X
		X

Public Comment for City Commission - 02/17/2021

[illegible]

Public Comment for City Commission - 02/17/2021

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NOTICE

NOTICE IS HEREBY GIVEN for the second reading and final adoption of **ORDINANCE NUMBER 21-1005** of the City of Oregon City, Clackamas County, Oregon, three copies of which are available for inspection at the Office of the City Recorder, 625 Center Street, Oregon City, Oregon.

Said Ordinance will be considered by the City Commission at its meeting on February 17, 2021, at 7:00 p.m.

The title of said Ordinance is as follows:

ORDINANCE NO. 21-1005: AN ORDINANCE OF THE CITY OF OREGON CITY APPROVING EMERGENCY ANNEXATION PROPOSAL NO. GLUA 20-00017: AN 20-0001 AND APPROVING THE ANNEXATION OF CERTAIN PROPERTY LOCATED AT 19242 BEAVERCREEK ROAD, INTO THE CITY OF OREGON CITY

All interested persons are invited to attend and provide input.

POSTED this 10th day of February 2021, by direction of the City Recorder.
Places of posting are as follows:

1. City Hall, 625 Center Street, Oregon City, Oregon.
2. Pioneer Community Center, 615 Fifth Street, Oregon City, Oregon.
3. Oregon City Library, 606 John Adams St., Oregon City, Oregon.

For special assistance due to disability, please call City Hall at 503-657-0891, 48 hours prior to meeting date.

KATTIE RIGGS
City Recorder
City of Oregon City
625 Center Street
Oregon City, OR 97045

PLEASE DO NOT REMOVE PRIOR TO FEBRUARY 18, 2021