



CITY OF OREGON CITY HISTORIC REVIEW BOARD AGENDA

Commission Chambers, Libke Public Safety Building, 1234 Linn Ave, Oregon City, OR
97045

Tuesday, September 24, 2024 at 6:00 PM

Ways to participate in this public meeting:

- Attend in person, location listed above. Please see the public comment guidelines below.
- Register to provide electronic testimony (email ocplanning@orc.org or call 503-722-3789 by 3:00 PM on the day of the meeting to register)
- Email ocplanning@orc.org (deadline to submit written testimony via email is 3:00 PM on the day of the meeting)

1. CALL TO ORDER AND ROLL CALL

2. MEETING MINUTES

2.a. Meeting Minutes approval for 11/24/2015, 9/26/2023 and 11/28/2023.

3. PUBLIC COMMENTS

Please see the public comment guidelines below.

4. PUBLIC HEARINGS

4.a. GLUA-24-00021: HR-24-00010 - Barlow Corridor Adjustment (13663 Holcomb Blvd)

5. OTHER BUSINESS

5.a. HRB Policy #7 Solar Panels-Updated Tech Guide

6. COMMUNICATIONS

6.a. 2023-2025 Work Plan Update

6.b. Recruitment for Open Position

7. ADJOURNMENT

PUBLIC COMMENT GUIDELINES

Complete a Comment Card prior to the meeting and submit it to the clerk. When the Chair calls your name, proceed to the speaker table, and state your name and city of residence. Each speaker is given 3 minutes to speak. As a general practice, the committee does not engage in discussion with those making comments. Complaints shall be addressed at the department level prior to addressing the committee.

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](#) 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

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

Meeting Minutes - Draft

Historic Review Board

Commission Chambers
Tuesday, September 26, 2023 7:00 PM

1. Convene Regular Meeting and Roll Call

Chair Ferry called the meeting to order at 7:00 PM.

Present: 5 - Board Member Robert Green, Board Member Tim Powell, Board Member Ray Stobie, Board Member Paul Edgar, and Board Member Sabrina Ferry

Absent: 0 -

Staffers: 2 - Senior Planner Christina Robertson-Gardiner, Public Works Director John Lewis, Community Development Director Aquila Hurd-Ravich,

2. Public Comment — *None.*

3. Public Hearings: GLUA-23-00023/HR-23-00007 Installation of the Cayuse 5 Tribute Project on the McLoughlin Promenade, a designated historic structure. The City of Oregon City, in partnership with the Confederate Tribes of the Umatilla Indian Reservation (CTUIR), seek to honor the five Cayuse men who were unjustly taken into custody, charged, and hanged in Oregon City territory in 1850. The Tribute will be located in the existing public park adjacent to the McLoughlin Promenade.

Chair Ferry opened the public hearing and read the hearing statement. She asked if any Board member had ex parte contacts, conflicts of interest, bias, or any other statements to declare including a visit to the site.

All Board members visited the site.

Christina Robertson-Gardiner, Senior Planner, presented the staff report. This application had been continued from the last meeting because the applicant had additional information from an arborist and wanted to do additional investigation to see if the design would need to be altered to address the concerns. She discussed the revised design, staff summary, site location, site plan, Secretary of Interior standards, conditions, and HRB options.

John Lewis, Public Works Director, thanked the HRB for their time.

Bobbie Conner and Tara Farrow-Furman, Confederated Tribes of Umatilla, also thanked the HRB for working with them.

There was no public comment.

Chair Ferry closed the public hearing.

The HRB thought the application met all the criteria and would enhance the Promenade. Board Member Green suggested changes to the footings for the signpost and baseplate installation.

A motion was made by Board Member Powell, seconded by Board Member Green, to approve GLUA-23-00023/HR-23-00007 with conditions. The motion carried by the following vote:

Aye: 5 – Board Member Powell, Board Member Green, Board Member Stobie, Board Member Edgar, and Board Member Ferry

GLUA-23-00027/HR-23-00009 Addition of a cover to a non-historic deck on a Historic Structure (Judge Robert Caufield House) in the McLoughlin Conservation District -411 Madison Street.

Chair Ferry opened the public hearing. She asked if any Board member had ex parte contacts, conflicts of interest, bias, or any other statements to declare including a visit to the site.

Board members Powell, Green, Stobie, and Ferry visited the site.

Ms. Robertson-Gardiner said this was a request for a cover to a non-historic deck on a historic structure. She discussed the site location, staff summary, existing conditions, elevations, roof plan, recommended conditions of approval, and HRB options.

There was discussion regarding the proposed French doors.

Shawna Gerhardt, the applicant, said she had put in a new deck two years ago and would like to add a cover. She had worked hard to preserve the integrity of the house.

There was no public testimony.

Chair Ferry closed the public hearing.

The HRB thought the application met the criteria and was not detracting from the historic house.

A motion was made by Board Member Powell, seconded by Board Member Ferry, to approve GLUA-23-00027/HR-23-00009 with conditions. The motion carried by the following vote:

Aye: 5 – Board Member Powell, Board Member Green, Board Member Stobie, Board Member Edgar, and Board Member Ferry

5. Other Business: 2023-2025 Biennium Work Plan- Request for Approval

Ms. Robertson-Gardiner reviewed the work plan projects and timelines.

There was discussion regarding public outreach and including articles in Trail News, Chamber of Commerce newsletter, and announcements on the Good Morning Oregon City program, going back to in person meetings, direction for the upcoming year, and webinars.

A motion was made by Board Member Powell, seconded by Board Member Ferry, to adopt the 2023-2025 Biennium Work Plan as revised. The motion carried by the following vote:

Aye: 5 – Board Member Powell, Board Member Green, Board Member Stobie, Board Member Edgar, and Board Member Ferry

6. HRB Minutes Approval

A motion was made by Board Member Stobie, seconded by Board Member Green, to approve the April 26, May 24, and June 28, 2011, January 24 and May 22, 2012, September 28, 2021, and July 26, 2022 minutes. The motion carried by the following vote:

Aye: 5 – Board Member Powell, Board Member Green, Board Member Stobie, Board Member Edgar, and Board Member Ferry

7. Communications

Ms. Robertson-Gardiner said the City and ODOT were working on the design for McLoughlin Boulevard Phase III.

8. Adjournment

Chair Ferry adjourned the meeting at 8:21 PM.



City of Oregon City

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

Meeting Minutes - Draft

Historic Review Board

Tuesday, November 28, 2023

7:00 PM

Commission Chambers

1. Convene Regular Meeting and Roll Call

Chair Ferry called the meeting to order at 7:00 PM.

Present: 4 - Board Member Robert Green, Board Member Tim Powell, Board Member Paul Edgar, and Board Member Sabrina Ferry

Absent: 1 - Board Member Ray Stobie

Staffers: 4 - Senior Planner Christina Robertson-Gardiner, Assistant City Engineer Josh Wheeler, Assistant Public Works Director Vance Walker, and Community Development Director Aquila Hurd-Ravich

2. Public Comment — *None.*

3. Meeting Minutes

A motion was made by Board Member Powell, seconded by Board Member Ferry, to approve the February 23, July 27, August 31, and September 14, 2010 and March 22, 2011 minutes. The motion carried by the following vote:

Aye: 4 – Board Member Powell, Board Member Green, Board Member Edgar, and Board Member Ferry

4. Preservation Grant: **PG 23-03 409 3rd Street - Foundation Repair**

Christina Robertson Gardiner, Senior Planner, explained the request for \$1,000 for foundation repair.

Sam and Brieana Detke, applicants, noted they found light coming in through their basement as some essential beams had been removed. They would be replacing the beams.

A motion was made by Board Member Powell, seconded by Board Member Edgar, to approve the \$1,000 request for PG 23-03 and to direct staff to split

any surplus funds available at the end of the fiscal year with the applicants.
The motion carried by the following vote:

Aye: 4 – Board Member Powell, Board Member Green, Board Member Edgar, and Board Member Ferry

5. Public Hearings: GLUA-23-00031/ HR-23-00010 Demolition of the Clara Fields House- 408 McLoughlin Blvd Request to demolish the house- The city recently purchased the site to allow for future improvements to the abutting Canemah Sanitary Pump station located at 408 McLoughlin. No trees are proposed to be removed.

Chair Ferry opened the public hearing and read the hearing statement. She asked if any Board member had ex parte contacts, conflicts of interest, bias, or any other statements to declare including a visit to the site.

Board Member Edgar owned property in Canemah serviced by the Canemah sanitary pump station.

Board Member Green's property was also serviced by the pump station. It was mentioned at the Neighborhood Association meeting that this application was coming up, but there were no comments on it at the meeting.

All Board members visited the site.

Christina Robertson-Gardiner, Senior Planner, presented the staff report. This was a request to demolish the Clara Fields house for future improvements to the Canemah sanitary pump station. She described the subject site which was a non-contributing resource and the interior was severely dilapidated, abutting historic homes, staff summary, conditions of approval, tax map, photos, and HRB options.

There was discussion regarding the option for deconstruction and relocation of the house, age of the house, opportunity to make it into affordable housing, and adding a condition for a 90 day notice to allow the public to respond if they wanted it.

Josh Wheeler, Assistant City Engineer, said this property did not have historic value. The City had purchased the property with the intent for demolition to expand the pump station. He preferred not allowing the option for relocation. He requested approval tonight. They would come back to the HRB for the expansion approval and would make sure the expansion would fit with the neighborhood.

Vance Walker, Assistant Public Works Director, said they had tested the structure for lead and asbestos, and it came back positive that both were in the structure. The City thought they should purchase the property now while it was for sale, even though there was no firm date for the expansion project. Being able to utilize the property would help them with the general maintenance of the current pump station as well as put in a generator dedicated to the pump station.

There was discussion regarding the alleyway next to the pump station and how it would not provide enough land for the expansion and how there was a stormline in the middle of the alley as well. There was further discussion about waiting to see if someone wanted the house for affordable housing since the expansion would happen later or demolish it now due to the liability risk to the City.

Mr. Wheeler said this house did not have the structural capability nor was it financially reasonable to be taken elsewhere for affordable housing.

Board Member Edgar would like to give it 90 days to see if anyone wanted the house. There was discussion regarding the burden on the City to do so.

There was no public comment.

Chair Ferry closed the public hearing.

The HRB thought the house should be demolished due to its condition except Board Member Edgar.

A motion was made by Board Member Green, seconded by Board Member Powell, to approve GLUA-23-00031/ HR-23-00010 Demolition of the Clara Fields House- 408 McLoughlin Blvd with conditions. The motion carried by the following vote:

Aye: 3 – Board Member Powell, Board Member Green, and Board Member Ferry

Nay: 1 – Board Member Edgar

6. Work Session: Improving the Historic Review Approval Process-#7 Revisit HRB Policy #12 Solar Panels - Literature Review and Public Outreach Approach

Ms. Robertson-Gardiner said solar panel installations on visible elevations of historic buildings was becoming more acceptable. This was a change from the past when the view was all solar panels must be shielded from view to meet the Secretary of the Interior's standards for rehabilitation. Oregon City created a new solar panel policy that required all solar panels on main public viewing roofs to be reviewed by the HRB. If the Board wanted to revise the policy, staff proposed a public outreach strategy for historic homeowners and neighborhood associations to express their opinions. Following community feedback and HRB recommendations, revisions to the policy might be made and the revised policy would be presented to the City Commission in late spring or summer of 2024 and later adopted by the HRB at a public meeting. She explained the process and timeline and asked for HRB direction.

There was discussion regarding whether or not to make changes to the policy, concern with being too liberal on what was allowed, HRB continue to review all requests, example of what the city of Denver did, objective vs. subjective standards, what should be addressed in the current policies to give more clarity, and identifying standards that could be approved by staff and what needed to come to HRB.

There was consensus to continue the discussion to the January meeting. The Board did not think it was a Type I discussion but wanted design guidelines for alterations and a one pager on solar panels for Type III reviews. Staff would come back with scenarios for what the policy allowed for Type I and Type III. They would hold off on public input until there was a clearer direction. The Board also wanted to discuss the minimum solar power needed to make a project pencil and when a solar study would be helpful for the Board to make a determination. It could also be that the panels on the back thirds or back halves of buildings could be a Type I review.

7. Communications

Ms. Robertson-Gardiner gave an update on the McLoughlin Boulevard Phase III project. There would be a virtual open house on December 6. HRB interviews for

upcoming vacancies were being scheduled.

Board Member Edgar thought an additional pedestrian walkway across Highway 99E was critical.

Ms. Robertson-Gardiner thanked those who were going off the Board for their work. She hoped the Board could meet in person in January.

8. Adjournment

Chair Ferry adjourned the meeting at 8:21 PM.



City of Oregon City

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

Meeting Minutes

Historic Review Board

Tuesday, November 24, 2015

7:00 PM

Commission Chambers

1. Call to Order

The meeting was called to order at 7:00 p.m.

2. Public Hearings

HR 15-04 151 Molalla Avenue

Chair Metson called the public hearing to order for HR 15-04 and HR 15-05. He read an opening statement. For HR 15-04, he asked the Board members to declare any conflicts of interest or ex parte contact and there were none. Members Claire Met, Robert Siewert, and Derek Metson had visited the site.

Christina Robertson-Gardiner, Planner, presented her staff report using a PowerPoint presentation. She stated that 151 Molalla Avenue is a landmark, which is a designated structure outside the City's historic districts, is in a mixed-use corridor zone, and is an existing single-family house. A request had been made by Jaclyn McNeill to expand the home to provide a massage therapy bed studio as a home occupation, which is an allowed use. The owner identified the back carport on the property as the space to expand the home for the studio. The carport is mostly a free-standing building and because it is a substantial change from its existing use, a land use application was required. Ms. Robertson-Gardiner reviewed the plans for the addition. She stated that the applicant had provided a very compatible design that would add value to the house and the district. All applicable building code and inspection requirements would apply, and all siding, doors and windows shall be wood, unless approved otherwise by the Historic Review Board. She stated there were no parking concerns.

Jaclyn McNeill, applicant and owner of 151 Molalla Avenue, appeared before the Board. She described the proposed use for business and personal use. She stated no plumbing would be installed at this time, but left the possibility open for the future. She explained the roof slope currently runs down to the gutter of the house and is seamed together. The existing cement floor will be utilized as foundation, and wood beams currently in place will be maintained in the design.

Chair Metson referred to the horizontal lap siding and noted that it goes up and then terminates suddenly. It appeared that the fascia board on the other side starts thin and then widens. He asked Ms. McNeill what the plan was for the siding and fascia board. She replied they would install a board to close in any gaps, unless the Board had other recommendations. Mr. Baysinger said typically the fascia board ran parallel with the roof pitch. Ms. McNeill said the fascia board would be different from the siding. Ms. Robertson-Gardiner suggested a condition of approval to ensure the construction would be done according to the Board's determinations. Ms. McNeill said she would be willing to construct the wall according to the requirements.

Chair Metson ask if the wood trim had miter cuts, and Ms. McNeill replied yes and that they planned to follow the house's design as much as possible for a consistent look.

Ms. Robertson-Gardiner stated two suggested conditions of approval: 1) The applicant to utilize a consistent width to the fascia board; 2) The applicant shall design the trim to match the main house to the extent practicable. The Board agreed with the conditions.

There was no further testimony from staff or the public.

Jonathan Stone asked if the configuration of the double doors in the drawing was accurate. Ms. McNeill replied there was a 12-15 foot distance from the French doors to the space in the back. Mr. Stone asked the Board if it preferred a certain style for the door, since the drawing did not indicate French doors, but Ms. McNeill verbally indicated the double doors were French doors. Ms. Robertson-Gardiner stated the requirement was for a wood door, but the Board could add an additional condition if desired. She suggested a condition to include a half light side door and full light french doors, and the Board agreed.

Motion by Ken Baysinger, second by Robert Siewert, to approve HR 15-04 for 151 Molalla Avenue with three conditions.

HR 15-05 302 Madison Street

Chair Metson asked which Board members visited the site and Ken Baysinger, Robert Siewert, Claire Met, and Derek Metson responded yes. Chair Metson asked if there were any Board members who had a conflict of interest, and Chair Metson said he did and asked Vice Chair Stone to preside over the meeting.

The hearing statement had been read with the previous agenda item and the public hearing opened.

Christina Robertson-Gardiner, Planner, presented the staff report with PowerPoint presentation for the review of 302 Madison St., HR 15-05. She stated the applicant proposed to enlarge the garage located in the front of the house on the property. An easement on the side of the garage precludes the garage from expanding into that area. Because of this, the applicant requires two preservation incentives. The City's engineering division reviewed the application for the preservation incentives. 1) To allow an accessory building in front of a house; 2) To allow a garage less than 20 feet and to be built in the front yard setback. The proposed design includes the expanded garage just slightly in front of the house, and the drawings show that three sides of the garage would be expanded to allow for a small two-car garage. The wood garage door is one door that appears to break up the mass by its design. She stated that Denyse McGriff of the McLoughlin neighborhood provided a comment on the application, questioning whether the garage door was appropriate. Ms. Robertson-Gardiner responded that she felt comfortable with the proposed design and that the garage door was reasonable. The design does not need to be exactly the same look as the house, so long as the door is not a completely inappropriate architectural style. The garage should not be the primary architectural element of the lot; the historical house should be the primary, and in this case, she felt that would be the final result. She proposed approval of the preservation incentive and asked that photos of the current garage be provided for the City's file. She stated that technically a demolition is not needed because the present garage consists only of walls that will be taken down. She stated the lot is in the geologic hazards overlay, and she included a cautionary condition for this purpose.

Derek Metson was present on the applicant's behalf for 302 Madison St. He stated the current walls would be removed, and the new walls would expand 30 inches north and south. Currently, the front of the garage where the retaining walls come out is 30 inches from the property line. The garage would be expanded 5 feet in width and 5 feet in depth backwards to accommodate a 2-car garage. He requested the 3-foot setback to be decreased to as little as a zero lot line setback because it provided distance from the geologic hazard overlay and reduced the cut as much as possible. The existing house first floor finished floor is 10' above the finished floor elevation of the garage. He stated the house is an Italian 8 style, which is a dressed up vernacular. It is not a bungalow. The garage was drawn to complement the house. Two windows would be installed on the north side. He distributed Exhibit A, options for garage doors. He selected a garage door that was similar to the house's existing front door. The garage door was one piece but was panelized by design to appear like a carriage door without carriage straps. Mr. Metson stated that the new flat roof of the garage would be within one foot of the old garage roof height.

Ms. Robertson-Gardiner offered an amendment to condition #2, adding "...up to a zero foot front yard setback."

Ms. Met asked if the garage would be painted the same as the house, and Mr. Metson said yes.

Ms. Robertson-Gardiner stated that the design guidelines for new construction ideally say that garage doors should be 8-10 feet and additional feet would be considered on a case-by-case basis. Her findings in the staff report addressed the constraints and why the door was allowed to be 16 feet and how it was mitigated by the choice of the design. The applicant mitigated the garage door size by the quality of the design and materials.

Motion by Claire Met, second by Robert Siewert, to approve HR 15-05 with an amendment to Condition #2 on the setback.

3. Communications

Ms. Robertson-Gardiner announced the December 5, 2015 tree lighting ceremony. She stated that Public Works will be holding a celebration for the elevator and she asked for volunteers to help with the event.

Ms. Robertson-Gardiner announced she will begin working full time on the Willamette Falls Legacy Project and will be hiring a half-time preservation planner who will be present at the HRB meetings. She will continue to review HRB applications.

Ms. Met announced that a clean-up at the cemetery following the vandalism will be held from 9:00 am - noon on November 25, 2015.

4. Adjournment

Chair Metson adjourned the meeting at 8:05 p.m.



CITY OF OREGON CITY

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

Staff Report

To: Historic Review Board **Agenda Date:** September 24, 2024
From: Molly Gaughran, Assistant Planner

SUBJECT:

GLUA-24-00021: HR-24-00010 - Barlow Corridor Adjustment (13663 Holcomb Blvd)

STAFF RECOMMENDATION:

Staff recommends approval of HR 24-00010, for Barlow Trail realignment as part of the proposed building addition at 13663 Holcomb Blvd; Clackamas County tax map 2-2E-29DA, tax lots 02102 and 02103 in Oregon City, OR 97045, subject to the Conditions of Approval listed in this staff report.

EXECUTIVE SUMMARY:

The city has reviewed development applications within the Barlow Road Corridor a bit differently over the years. Subdivisions that require no adjustments and provide a visual corridor on the map do not require review by the Historic Review Board. When the visual corridor requires an adjustment, the Board has approved the adjustment through a Type III Land Use hearing and, in some cases, has required mitigation. With this proposal, the applicant has proposed to adjust the centerline of the corridor by 15 feet to allow an addition to a previous industrial building. Staff finds that this approach is reasonable as the visual corridor is retained, the abutting neighbor is not adversely affected based on the steep abutting topography, and the fact that the construction of Highway 213 has greatly altered the last section of the corridor. Staff has provided a condition requiring offsite mitigation at a mutually agreed location if the Board wishes to require it. If the Board does not want to require mitigation, the Board can choose to remove that condition from their decision.

1. The applicant must obtain all required land use reviews and building permits for this proposal through separate applications to the City. The Historic Review Board's decision is confined to adjusting the location of the Barlow Road visual corridor.
2. The applicant is required to provide one interpretive mitigation sign either on their property visually seen from the Right of Way or within the Public Right of Way somewhere along the Oregon City section of the Barlow Road Corridor. An alternate location that can be seen from the Right of Way on another private property abutting the Corridor may be allowed if their first two locations cannot be met. Any sign installation in the Public Right of Way will be coordinated with the Public Works Department and will become a city-owned sign. The sign shall be a minimum of 2 feet by 3 feet. Sign materials shall consist of metal, wood, or plexiglass. The final sign location and interpretive language shall be submitted to staff for

review and approval before installation. The mitigation sign must be installed or approved for installation before the application obtains a final Certificate of Occupancy for the proposed additional.

BACKGROUND:

Project Description:

This application proposes an adjustment to the existing designated Barlow Road Visual Corridor that is currently mapped between two of the existing buildings on this site to construct the proposed adjoining addition. The adjustment would relocate the centerline of the corridor fifteen feet to the south. Adjustment to the corridor would enable the construction of a 2,099 sq ft. building addition that will connect two existing buildings located on the site.

Site – 13663 Holcomb Blvd.

The existing 1.57-acre site is located within the Mixed-Use Downtown (“MUD”) zoning district and contains three existing buildings as a part of a lawful nonconforming industrial use. Twenty-seven paved parking spaces currently exist on the site. The site is mostly clear and level except for the eastern and southern portions of the wooded property and contains a geological hazard zoning overlay. This property contains a portion of the Barlow Road Historic Corridor (“the Corridor”), subject to Historic Review. This property is not within a historic district or conservation area, nor is it a historic landmark.

The area of the proposed addition between the two buildings at the southeast portion of the site is designated as a portion of the Barlow Road Historic Corridor. However, it does not currently meet the width of the designated corridor. The view corridor was also compromised by the construction of HWY 213 at this segment with the 30’ of fill that was imported.

Oregon Trail-Barlow Road Historic Corridor

The Oregon Trail-Barlow Road historic Corridor is a thirty-foot-minimum corridor that shall connect with the open visual corridor on adjacent properties. *Minor adjustments* from the adopted road line have previously been approved through a Type III Historic Review Board Public Hearing. Under the minor adjustment process, the centerline of the road identified in the 1993 Barlow Trail Map shall remain located within the visual corridor unless an amendment to the adopted map is made through a Type IV Amendment.

In 1992 and 1993, Clackamas County sponsored an inventory project for the Corridor, which led to a more accurate alignment (See Exhibit 4). In 2007, the City Commission formally adopted the 1993 maps as the maps associated with the Barlow Road Overlay District.

NEXT STEPS:

OPTIONS:

1. Approve the proposal with recommended conditions.

2. Approve the proposal with revised conditions.
3. Deny the proposal, close the record, and continue until October 22, 2024 to adopt the final findings.
4. Continue the hearing to October 22, 2024 and provide direction to the applicant on additional information needed. The record stays open.



STAFF REPORT AND RECOMMENDATION HISTORIC REVIEW BOARD SEPTEMBER 24, 2024

FILE NO.: GLUA-24-00021 / HR-24-00010: Historic Review Board

HEARING DATE: On September 24, 2024, the City of Oregon City Historic Review Board will conduct a public hearing at 7:00 p.m. at the Robert Libke Public Safety Building, 1234 Linn Ave, Oregon City.

APPLICANT: Todd Iselin
Iselin Architects, PC
1307 7th Street,
Oregon City, OR 97045

OWNER: Josh Sharp (Managing)
NRG Holdings, LLC
13663 Holcomb Blvd,
Oregon City, OR 97045

REQUEST: The applicant is seeking approval through the Historic Review for the realignment of the Barlow Trail Corridor as part of a commercial building addition proposal

LOCATION: 13663 Holcomb Blvd., Oregon City, OR 97045
Clackamas County Map 2-2E-29DA, Tax lot -02102

REVIEWER: Molly Gaughran, Assistant Planner, mgaughran@orccity.org

CRITERIA: Administration and Procedures are set forth in Chapter 17.50, Chapter 17.40, Historic Overlay District in Chapter 17.40, of the Oregon City Municipal Code. The City Code Book is available on-line at www.orccity.org.

This application is subject to the Administration and Procedures section of the Oregon City Code set forth in Chapter 17.50. The application and all supporting documents submitted by or on behalf of the applicant are available for inspection at no cost at the Oregon City Planning Division, 695 Warner Parrott Road, during regular business days (9 am- 4pm). Copies of these materials may be obtained for a reasonable cost. The staff report, with all the applicable approval criteria, will also be available for inspection seven days prior to the hearing. Copies of these materials may be obtained for a reasonable cost in advance. Any interested party may testify at the public hearing and/or submit written testimony at or prior to the close of the record by the Historic Review Board. Notice of the Historic Review Board's decision shall be sent to the applicant and to those persons submitting comments and providing a return address.

Any party who participated in the Historic Review Board proceedings may appeal the Historic Review Board's decision by filing a notice of appeal as required by OCMC 17.50.190. Any issue



that is intended to provide a basis for appeal must be raised before the close of the Historic Review Board's proceeding, in person or by letter, with sufficient specificity to afford the City Commission and the parties an opportunity to respond to the issue. Failure to raise an issue with sufficient specificity will preclude any review of that issue. Parties with standing may appeal the decision of the City Commission to the Land Use Board of Appeals. The procedures that govern the hearing will be posted at the hearing and are found in OCMC Chapter 17.50 and ORS 197.763.

Staff Recommendation and Conditions of Approval

The city has reviewed development applications within the Barlow Road Corridor a bit differently over the years. Subdivisions that require no adjustments and provide a visual corridor on the map do not require review by the Historic Review Board. When the visual corridor requires an adjustment, the Board has approved the adjustment through a Type III Land Use hearing and, in some cases, has required mitigation. With this proposal, the applicant has proposed to adjust the centerline of the corridor by 15 feet to allow an addition to a previous industrial building. Staff finds that this approach is reasonable as the visual corridor is retained, the abutting neighbor is not adversely affected based on the steep abutting topography, and the fact that the construction of Highway 213 has greatly altered the last section of the corridor. Staff has provided a condition requiring offsite mitigation at a mutually agreed location if the Board wishes to require it. If the Board does not want to require mitigation, the Board can choose to remove that condition from their decision.

1. The applicant must obtain all required land use reviews and building permits for this proposal through separate applications to the City. The Historic Review Board's decision is confined to adjusting the location of the Barlow Road visual corridor.
2. The applicant is required to provide one interpretive mitigation sign either on their property visually seen from the Right of Way or within the Public Right of Way somewhere along the Oregon City section of the Barlow Road Corridor. An alternate location that can be seen from the Right of Way on another private property abutting the Corridor may be allowed if their first two locations cannot be met. Any sign installation in the Public Right of Way will be coordinated with the Public Works Department and will become a city-owned sign. The sign shall be a minimum of 2 feet by 3 feet. Sign materials shall consist of metal, wood, or plexiglass. The final sign location and interpretive language shall be submitted to staff for review and approval before installation. The mitigation sign must be installed or approved for installation before the application obtains a final Certificate of Occupancy for the proposed additional.

BACKGROUND:



Site – 13663 Holcomb Blvd.

The existing 1.57-acre site is located within the Mixed-Use Downtown (“MUD”) zoning district and contains three existing buildings as a part of a lawful nonconforming industrial use. Twenty-seven paved parking spaces currently exist on the site. The site is mostly clear and level except for the eastern and southern portions of the wooded property and contains a geological hazard zoning overlay. This property contains a portion of the Barlow Road Historic Corridor (“the Corridor”), subject to Historic Review. This property is not within a historic district or conservation area, nor is it a historic landmark.

The area of the proposed addition between the two buildings at the southeast portion of the site is designated as a portion of the Barlow Road Historic Corridor, though it does not currently meet the width of the designated corridor. The view corridor was also compromised by the construction of HWY 213 at this segment with the 30’ of fill that was imported.

Oregon Trail-Barlow Road Historic Corridor

The Oregon Trail-Barlow Road historic Corridor is a thirty-foot-minimum corridor that shall connect with the open visual corridor on adjacent properties. *Minor adjustments* from the adopted road line have previously been approved through a Type III Historic Review Board Public Hearing. Under the minor adjustment process, the centerline of the road identified in the 1993 Barlow Trail Map shall remain located within the visual corridor unless an amendment to the adopted map is made through a Type IV Amendment.

In 1992 and 1993, Clackamas County sponsored an inventory project for the Corridor, which led to a more accurate alignment (See Exhibit 4). In 2007, the City Commission formally adopted the 1993 maps as the maps associated with the Barlow Road Overlay District.



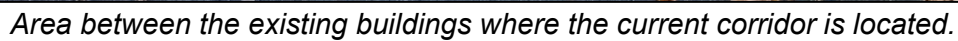
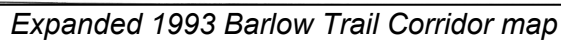
Vicinity Map



1993 Barlow Trail Corridor map



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

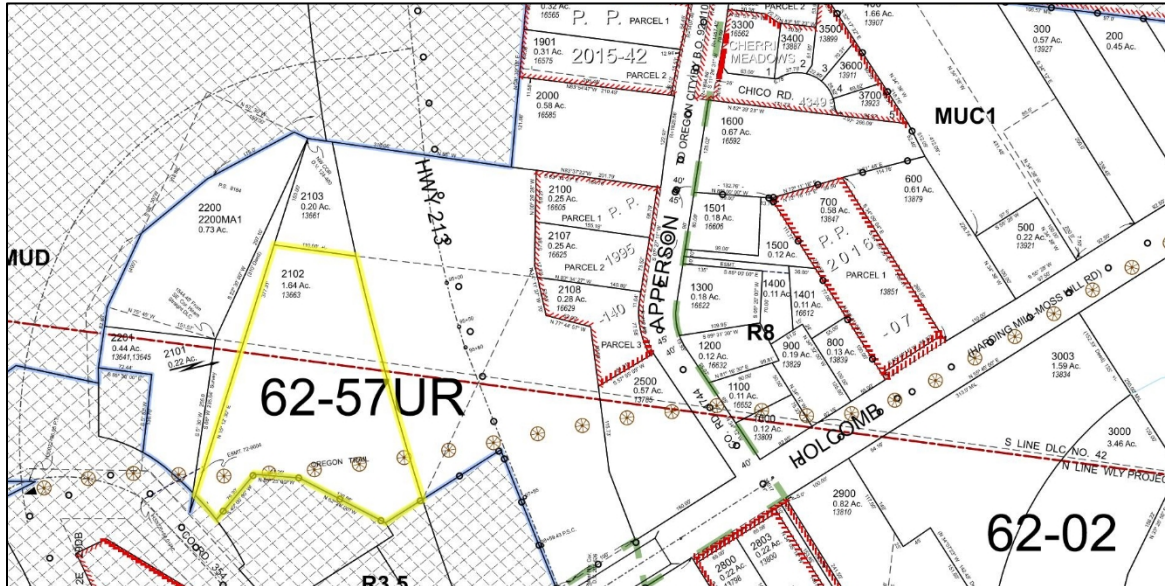




Steep wooded area to the south of existing buildings and parking.



Eastern property line abutting ODOT right-of-way. On the other side of the fence is a 24-30 ft uphill slope to Hwy 213.



Clackamas County tax map showing historic corridor (brown wagon wheels) and subject tax lot (yellow outline).

Project Description:

The applicant describes the project as follows:

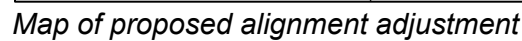
"The proposed project includes the construction of a 2,099 s.f. connecting addition between two buildings located at the northeast portion of the site and associated site work to comply with current zoning regulations for an expansion of a nonconforming use. Refer to Site Plan, Building Plan, and Elevations for the proposed work. Historic Review Board approval is being sought for an adjustment to the existing designated Barlow Road Visual Corridor that is currently delineated between two of the existing buildings on this site in order to construct the proposed adjoining addition."

The Oregon Trail-Historic Barlow Road crosses through the subject property. The applicant is seeking authorization from the Historic Review Board to adjust the alignment of the corridor. The applicant acknowledges that a 30-foot-wide corridor is required for the alignment. The applicant is not requesting that the width be reduced or modified in any way. The applicant is also not seeking permission to build an obstruction in the view corridor. Since a building already exists within the Corridor, the effect of the proposed adjustment would be that the area of buildings in the Corridor would be reduced.

This application proposes an adjustment to the existing designated Barlow Road Visual Corridor that is currently mapped between two of existing buildings on this site to construct the proposed adjoining addition. The adjustment would relocate the centerline of the corridor fifteen feet to the south. Adjustment to the corridor would enable the construction of a 2,099 sq ft. building addition that will connect two existing buildings located on the site.



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Map of steep slopes where the property abuts Hwy 213 and the properties to the south.



Notice of the proposal was sent to property owners within three hundred feet of the subject property and Park Place Neighborhood Association. Additionally, the property was posted with a Notice of Land Use sign with details about the proposal. Transmittals were sent to various City departments and other agencies regarding the proposed development plan. Relevant comments from City departments are addressed in this report as appropriate.

II. APPLICABLE STANDARDS AND FINDINGS

17.40.030.C. The following are designated within the historic overlay district:

1. The Canemah Historic District; the minimum boundaries of which are those designated by the United States Department of the Interior on the National Register of Historic Places as indicated in the city comprehensive plan.

2. The McLoughlin Conservation District; the surveyed buildings indicated by map in the comprehensive plan shall constitute the designated structures in the McLoughlin Conservation District, along with any structures designated through the Historic Review Board designation process since initial adoption of the comprehensive plan on March 13, 1980.

3. The Oregon Trail-Barlow Road Historic Corridor: properties identified in the 1993 Barlow Road Historic Corridor inventory of the Barlow Road by Clackamas County.

4. Designations undertaken pursuant to [Section 17.40.050](#). The established historic overlay district shall allow for the designation of two types of districts so that areas with a high concentration of historic structures are designated historic districts and areas with a lower concentration are designated conservation districts. Also allowed is the designation of structures of historic or architectural significance not located in an historic or conservation district as landmarks.

17.40.060 - Exterior alteration and new construction.

A. Except as provided pursuant to subsection I of this section, no person shall alter any historic site in such a manner as to affect its exterior appearance, nor shall there be any new construction in an historic district, conservation district, historic corridor, or on a landmark site, unless a certificate of appropriateness has previously been issued by the historic review board. Any building addition that is thirty percent or more in area of the historic building (be it individual or cumulative) shall be considered new construction in a district. Further, no major public improvements shall be made in the district unless approved by the board and given a certificate of appropriateness.

Applicable: The buildings on this site are not designated as historic; however, a proposal for construction that requires adjustment to a historic corridor has been submitted and is being reviewed by the Historic Review Board.

B. Application for such a certificate shall be made to the planning staff and shall be referred to the historic review board. The application shall be in such form and detail as the board prescribes.

Complies as Proposed: The applicant submitted the required materials.



- D. [1.] *The historic review board, after notice and public hearing held pursuant to Chapter 17.50, shall approve the issuance, approve the issuance with conditions or disapprove issuance of the certificate of appropriateness.*

Applicable: The proposal is being reviewed by the Historic Review Board.

2. *The following exterior alterations to historic sites may be subject to administrative approval:*
 - a. *Work that conforms to the adopted Historic Review Board Policies.*

Not Applicable: The proposal is not subject to administrative approval.

- H. *For construction of new structures in an historic corridor, the criteria to be used by the board in reaching its decision on the certificate of appropriateness shall include the following:*
1. *The purpose of the historic overlay district as set forth in Section 17.40.010;*
 2. *The policies of the city comprehensive plan;*
 3. *The impact on visible evidence of the trail;*
 4. *The impact on archaeological evidence when there exists documented knowledge of archeological resources on the property;*
 5. *The visual impact of new construction within the historic corridor; and*
 6. *The general compatibility of the site design and location of the new construction with the historic corridor considering the standards of subsection G of this section.*

While the Comprehensive Plan does not specifically mention the Barlow Road in one of its Goals and Strategies, the Board should consider the following Goal and Strategy to guide its decision.

CHAPTER 1:HEALTHY AND WELCOMING COMMUNITIES

GOAL 2 Acknowledge, protect, enhance, and commemorate Oregon City's historic, artistic, and cultural resource

POLICY 2.4 Identify and protect important artistic and cultural resources and historic amenities through programs, designation, interpretive signage, and other means to increase awareness and generate appreciation.

STRATEGY 2.4.A Support the preservation of Oregon City's historic resources through public information, advocacy and leadership within the community, and the use of regulatory tools and incentive programs.

Staff finds that the proposed finding and condition in the staff report provide a balanced approach for this, which meets the intent of the comprehensive plan.

The applicant provided the following justification:

"This is a secondary segment of the Barlow Road based on the 1993 Barlow Road Historic Corridor Westernmost Segment of the Oregon Trail Background Report and Management Plan prepared by Dr. Beckham for Clackamas County. No definitive or archaeological



remains of the Trail have been identified at or adjacent to this property. This actual road location is known to roughly follow the current Holcomb Blvd alignment for most of this lower segment based on County Road Records.

The actual Historic Barlow Road alignment below Eagle Creek to Abernethy Green is known to have varied greatly during the migration period and fewer than 15% of travelers that made it to Eagle Creek actually completed the final trek to Abernethy Green according to Dr. Beckham's research."

The County's Barlow Trail management plan identifies the segment of the Corridor on this property as a third-priority road segment, where the road has lost its original physical and environmental integrity (See Exhibit 5).

- I. The following standards apply to development within historic corridors:*
- 1. Within the Oregon Trail-Barlow Road historic corridor, a minimum of a thirty-foot wide-open visual corridor shall be maintained and shall follow the actual route of the Oregon Trail, if known. If the actual route is unknown, the open visual corridor shall connect within the open visual corridor on adjacent property.*
- 2. No new building or sign construction shall be permitted within required open visual corridors. Landscaping, parking, streets, driveways are permitted within required open visual corridors.*

Complies with Conditions:

The applicant provided the following justification:

"Oregon City Municipal Code requires a 30' wide visual corridor. The existing separation between the two buildings currently is approximately 20'-3" at the north and 34'-9" at the south, which does not conform with the minimum 30' width. Existing buildings are allowed to encroach within this "visual corridor", but no new buildings are allowed within this area. The existing building on the [southeast] side of the property encroaches approximately 2,050 s.f. into the "visual corridor" shown on County Tax maps."

The Board may alter the location of the Road as long as *"a minimum of a thirty-foot-wide open visual corridor be maintained and shall follow the actual route of the Oregon Trail, if known. If the actual route is unknown, the open visual corridor shall connect within the open visual corridor on adjacent property."*

The HRB previously found in 2013 that realignment of the Barlow Trail corridor was acceptable as long as the centerline of the 30-foot corridor is within the adopted, mapped 30-foot alignment (i.e. adjustment of up to 15 feet is acceptable). This finding was made for a small subdivision project where the size of the parcel was fairly small and layout options were limited (HR 13-05, see Exhibit 8). No mitigation was proposed or included in the 2013 proposal. In 2021, the Board found that the realignment of the Barlow Trail corridor was acceptable for the Serres Farm Subdivision. In the Serres Farm case, an interpretive kiosk and open space area were accepted as mitigating factors for a slightly larger deviation [than 15 feet] for a part of the Corridor (HR 21-13, see Exhibit 8).



Staff's recommendation will adhere to the precedent set by the 2013 HRB decision, recommending acceptance of an adjustment of the Corridor's centerline that does not exceed 15 feet. The Historic Review Board may find that mitigating factors, such as a new interpretive sign for the Corridor, should be included as a condition of approval of the adjustment.

CONCLUSION AND RECOMMENDATIONS:

Based on the analysis and findings as described above, staff concludes that the proposal can satisfy the standards and requirements as described in the Oregon City Municipal Code for The Barlow Road Historic Corridor, OCMC 17.40.060 with appropriate conditions.

Staff recommends approval of HR 24-00010, for Barlow Trail realignment as part of the proposed building addition at 13663 Holcomb Blvd; Clackamas County tax map 2-2E-29DA, tax lots 02102 and 02103 in Oregon City, OR 97045, subject to the Conditions of Approval listed in this staff report.

Exhibits

1. Vicinity Map
2. Applicant's Submittal
3. Public Comments
4. Barlow Road Inventory Project
5. Barlow Road Map
6. Tax map
7. HR-13-00005 Notice of Decision
8. HR-21-00013 Notice of Decision



LAND USE APPLICATION FORM

Type I (OCMC 17.50.030.A) ☐ Compatibility Review ☐ WRG ☐ Comm. Fac ☐ Lot Line Adjustment ☐ Non-Conforming Use Review ☐ Natural Resource (NROD) ☐ Verification ☐ Minor Site Plan & Design Review ☐ Extension of Approval ☐ Historic Review – Remodel ☐ Detailed Dev. Plan (DDP)	Type II (OCMC 17.50.030.B) ☐ Master Plan / PUD / GDP or Amendment ☐ Detailed Development Plan (DDP) ☐ Floodplain Review ☐ Geologic Hazard Overlay ☐ Minor Partition (<4 lots) ☐ Minor Site Plan & Design Review ☐ Non-Conforming Use Review ☐ Site Plan and Design Review / DDP ☐ Subdivision (4+ lots) ☐ Minor Variance ☐ Natural Resource (NROD) Review ☐ Public Improvement Modification ☐ Willamette Greenway ELD Process (OCMC 17.50.030.E) ☐ Expedited Land Division	Type III / IV (OCMC 17.50.030.C & D.) ☐ Annexation ☐ Code Interpretation / Similar Use ☐ Master Plan / PUD / GDP Amendment ☐ Conditional Use ☐ Comprehensive Plan / Legislative Amendment (Code /Map) ☐ Detailed Development Plan DDP ☒ Historic Review ☐ Municipal Code Amendment ☐ Parking Adjustment ☐ Variance ☐ Sign Variance ☐ Natural Resource (NROD) Review ☐ Zone Change (Text/Map) ☐ Willamette Greenway Legislative Action (OCMC 17.50.170) ☐ Legislative
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File Number(s): PA 23-00037	Application Date: 8-12-24
Project Name: Spectrum Woodworking Addition	
Proposed Land Use or Activity: Adjustment of Barlow Rd corridor easement	# of Lots Proposed (If Applicable): 0
Physical Address(es) of Site: 13663 Holcomb Blvd	
Clackamas County Map and Tax Lot Number(s): 2-2E-29DA TL 02102, 02103	

Applicant(s)

Applicant(s) Signature:		
Applicant(s) Name Printed: Todd Iselin/ Iselin Architects PC		Date: 8-12-24
Mailing Address: 1307 7th St, Oregon City, OR 97045		
Phone: 503-656-1942	Fax:	Email: todd@iselinarch.com

Property Owner(s) – See reverse for more than two Owners

Property Owner #1 NRG Holdings, LLC.		
Property Owner#1 Signature:		
Property Owner#1 Name Printed: Josh Sharp (Managing Member)		Date: 8/12/2024
Mailing Address: 13663 Holcomb BLVD Oregon City, OR 97045		
Ownership Address: 13663 Holcomb BLVD Oregon City, OR 97045		
Phone: 971-236-5300	Fax:	Email: josh@spectrumwoodworking.com

Property Owner #2		
Property Owner#2 Signature		
Property Owner#2 Name Printed:		Date:
Mailing Address:		
Ownership Address:		
Phone:	Fax:	Email:

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.

SPECTRUM WOODWORKING ADDITION

HISTORIC REVIEW APPLICATION FOR ADJUSTMENT TO MAPPED BARLOW ROAD VISUAL CORRIDOR

Applicant's Submittal
August 12, 2024

APPLICANT: Iselin Architects PC/ Todd Iselin
1307 7th St
Oregon City, OR 97045
todd@iselinarch.com
503-656-1942

OWNER: Spectrum Woodworking/ Josh Sharp
Name 13663 Holcomb Blvd.
Oregon City, OR 97045
josh@spectrumwoodworking.com
971-236-5300

REQUEST: 2,099 S.F. addition connecting two existing buildings to be used for manufacturing of custom casework and approximately 800 s.f. of upper level office area addition above existing office.

LOCATION: 13663 Holcomb Blvd.
Oregon City, OR 97045
Clackamas County Map 2-2E-29DA, tax lots 02102 and 02103

1. Existing Conditions

The existing 1.57 acre flag lot site is a non-conforming industrial complex based on current MUD zoning with 3 existing buildings used for manufacturing, storage and offices. The buildings are industrial type metal buildings with a small wood frame office portion on the largest of the three buildings. Buildings were erected between approximately 1975 and 1990 based on assessor's records. Twenty-seven paved parking spaces currently exist on the site. The site is mostly clear and level except for the eastern portion of the property which is wooded and designated as a geological hazard area. No development within this area is proposed. The adjacent property to the north slopes up 30' at a 60% slope to HWY 213. The area of the proposed connection between the two buildings at the north east portion of the site is designated as a portion of the historic Barlow Road view corridor; though it does not currently meet the width of the designated corridor. The view corridor was also compromised by the construction of HWY 213 at this segment with the 30' of fill that was imported.

2. Project Description

The proposed project includes the construction of a 2,099 s.f. connecting addition between two buildings located at the north east portion of the site and associated sitework to comply with current zoning regulations for an expansion of a non-conforming use. Refer to Site Plan, Building Plan and Elevations for proposed work.

Historic Review Board approval is being sought for an adjustment to the existing designated Barlow Road Visual Corridor that is currently delineated between two of the existing buildings on this site in order to construct the proposed adjoining addition.

3. Justification for Requested Adjustment to Visual Corridor location

- A. Oregon City Municipal Code requires a 30' wide visual corridor. The existing separation between the two buildings currently is approximately 20'-3" at the north and 34'-9" at the south, which does not conform with the minimum 30' width. Existing buildings are allowed to encroach within this "visual corridor", but no new buildings are allowed within this area. The existing building on the northeast side of the property encroaches approximately 2,050 s.f. into the "visual corridor" shown on County Tax maps.
- B. This is a secondary segment of the Barlow Road based on the 1993 Barlow Road Historic Corridor Westernmost Segment of the Oregon Trail Background Report and Management Plan prepared by Dr. Beckham for Clackamas County. No definitive or archaeological remains of the Trail have been identified at or adjacent to this property. This actual road location is known to roughly follow the current Holcomb Blvd alignment for most of this lower segment based on County Road Records.

The actual Historic Barlow Road alignment below Eagle Creek to Abernethy Green is known to have varied greatly during the migration period and fewer than 15% of travelers that made it to Eagle Creek actually completed the final trek to Abernethy Green according to Dr. Beckham's research.

- C. When this report was completed in 1993 construction of the Hwy 213/ I-205 was in the planning stages. Approximately 30' of fill was added directly to the north of the subject property. This construction has effectively eliminated any possible view corridor up or down Holcomb Blvd.
- D. The original report and visual corridor delineated in 1993 did not fully account for the topography of the Holcomb area. GIS and Lidar imaging were not available at that time. Reviewing the topographic data now readily available it appears that the likely route of the most western segment of the Barlow Road was more likely a bit less indirect than the straight line that was plotted since traversing cliffs and canyons were not likely by wagons. Refer to maps showing likely alternate routes based on topographical data now available.

4. Requested Adjustment to Visual Corridor location

- A. Rather than seeking a map amendment; which is an extremely time consuming and costly endeavor, the applicant is seeking to adjust the location of the "visual corridor" through this property to allow for the proposed construction. A precedent was set for this with a previously approved land use application for the construction of the Serres Woods Sub-division.
- B. Based on the previous Land Use decision Staff has recommended that we keep the visual corridor centerline within the currently mapped corridor. We are proposing to move the centerline of the new visual corridor to the east side of the current mapped corridor. Doing this will allow construction of the proposed building addition.
- C. The proposed adjustment will also reduce the amount that the existing building encroaches into the corridor by approximately 1500 s.f. to 522 s.f..
- D. The proposed realignment of this corridor will have no impact on the adjacent property to the east since it is located entirely within a steep slope/ geological hazard area where development is not feasible.

PHOTOS

View from Holcomb Blvd – Mapped Barlow Road corridor is within wooded area to right of driveway



View from existing Oregon Trail sign across Holcomb Blvd from Property



Existing Area between buildings proposed to be joined



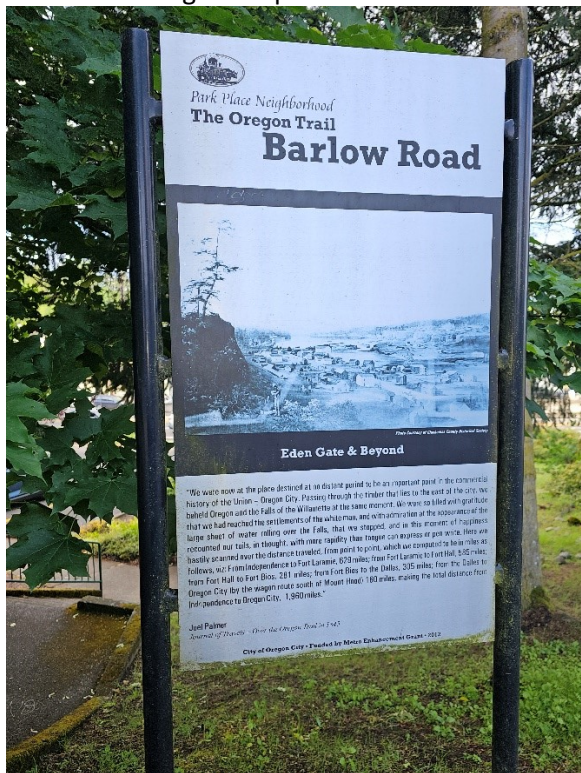
Wooded, steeply sloping area to east of existing Buildings



Back side of property with fence at ODOT right of way. ODOT property slopes 24'-30' up from fence to Hwy 213.

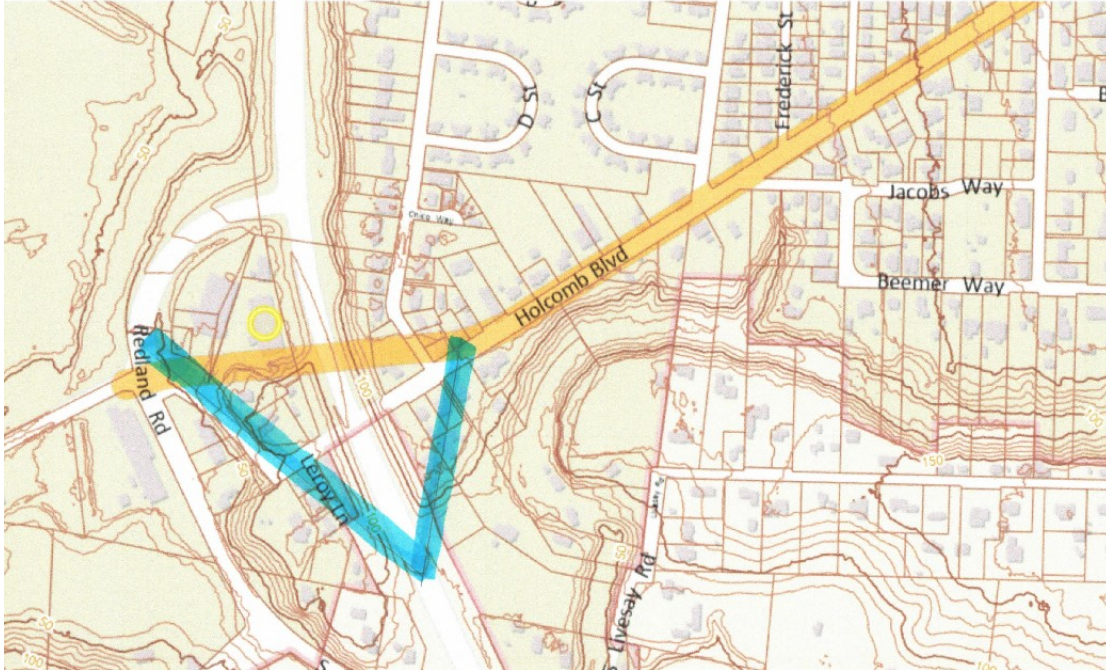


Existing Barlow Road sign at top of stair on Holcomb to Plaid Pantry Shopping Centre at Abernethy Rd



LIKELY ALTERNATE BARLOW TRAIL ROUTES TO ABERNETHY GREEN

Route 1 to avoid steep slope area near Abernethy Creek



Route 2 to avoid steep slope area below current Apperson Blvd



ZONING CODE SUMMARY

OREGON CITY MUNICIPAL CODE	
SITE AREA	68,452 S.F. (1.57 ACRES)
ZONING	MUD, MIXED USE DOWNTOWN (EXPANSION OF EXISTING NON-CONFORMING USE)
OVERLAY ZONES	GEO HAZARD, BARLOW TRAIL
ADJACENT ZONES	MUD, R3.5
SETBACKS	
REQUIRED	15' MINIMUM SIDE AND REAR TO RESIDENTIAL ZONE. 20' MAXIMUM FRONT OR REAR TO STREET

PROVIDED	NO CHANGE TO EXISTING SETBACK PROPOSED WITH ADDITIONS DUE TO TOPOGRAPHIC CONSTRAINTS.	
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LOT COVERAGE	EXISTING	76% (52,253 S.F.)
BUILDING + PAVING	PROPOSED	77% (52,673 S.F.)

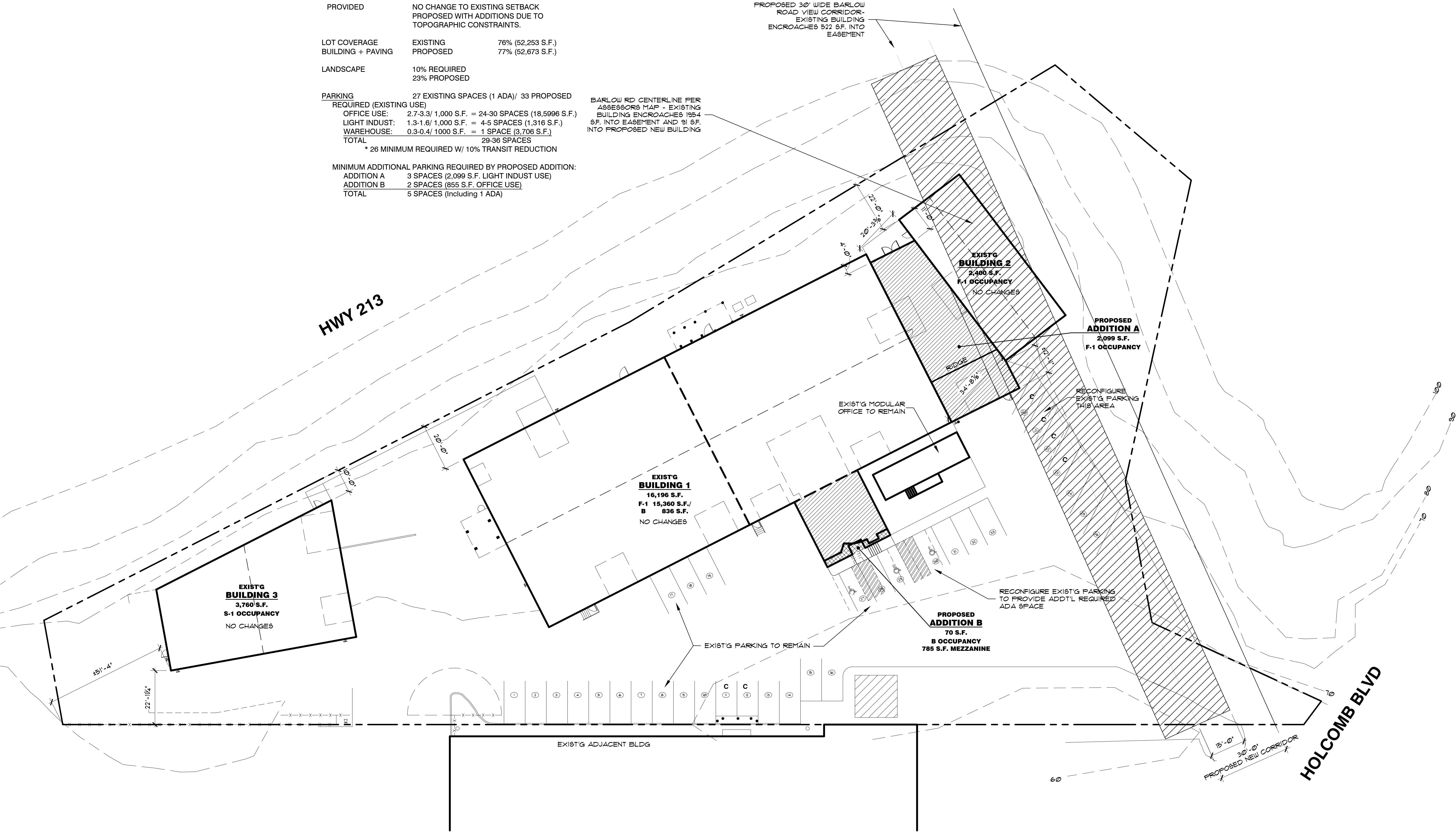
LANDSCAPE	10% REQUIRED
	23% PROPOSED

PARKING	27 EXISTING SPACES (1 ADA)/ 33 PROPOSED	
REQUIRED (EXISTING USE)		
OFFICE USE:	2.7-3.3/ 1,000 S.F.	= 24-30 SPACES (18,599 S.F.)
LIGHT INDUST:	1.3-1.6/ 1,000 S.F.	= 4.6 SPACES (1,316 S.F.)
WAREHOUSE:	0.3-0.4/ 1,000 S.F.	= 1 SPACE (3,706 S.F.)
TOTAL		29-36 SPACES
	* 26 MINIMUM REQUIRED W/ 10% TRANSIT REDUCTION	

MINIMUM ADDITIONAL PARKING REQUIRED BY PROPOSED ADDITION:		
ADDITION A	3 SPACES (2,099 S.F. LIGHT INDUST USE)	
ADDITION B	2 SPACES (855 S.F. OFFICE USE)	
TOTAL	5 SPACES (Including 1 ADA)	

BARLOW RD CENTERLINE PER
ASSESSORS MAP - EXISTING
BUILDING ENCROACHES 195.4
SF INTO EASEMENT AND 91 SF
INTO PROPOSED NEW BUILDING

PROPOSED 30' WIDE BARLOW
ROAD VIEW CORRIDOR-
EXISTING BUILDING
ENCROACHES 522 SF INTO
EASEMENT



PRELIMINARY SITE PLAN

1" = 200'



1307 Seventh Street
Oregon City, OR 97045
503-656-1942
www.iselinarchitects.com

NOT FOR
PRELIMINARY
CONSTRUCTION

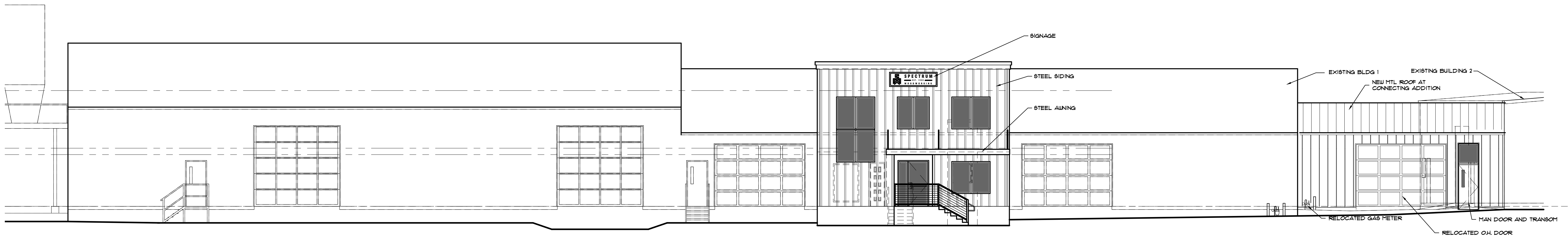


Proposed Additions for
Spectrum Woodworking
13663 S Holcomb Blvd
Oregon City, OR 97045

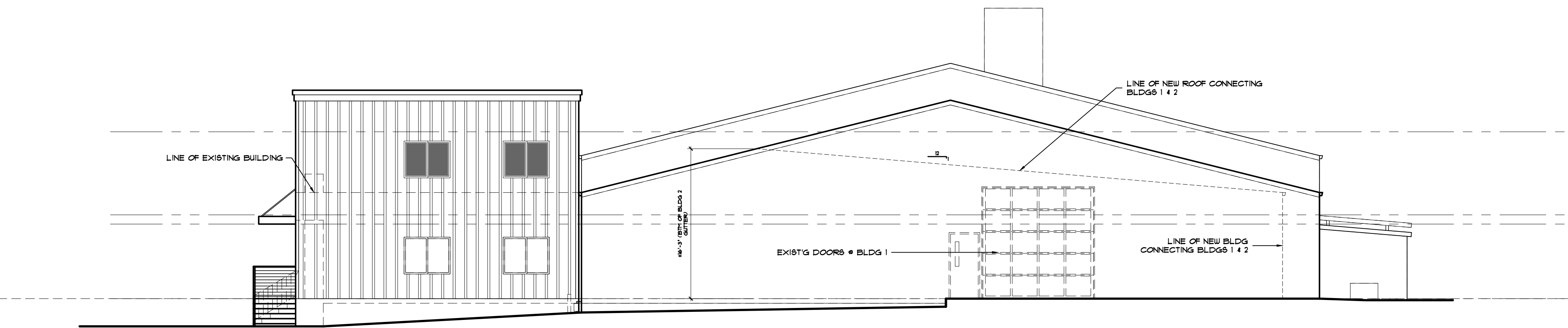
PROJ. NO. : 2342
FILE : A-SIT
DATE : 3/29/24

SHEET #
A1.1

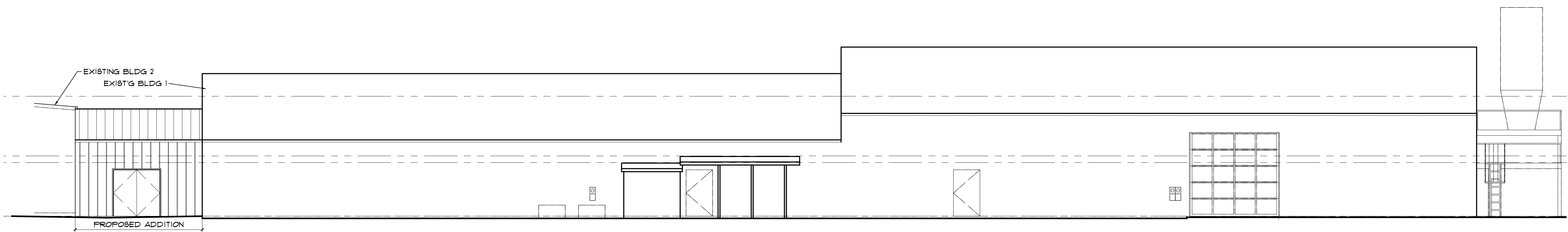
PRELIM SITE PLAN



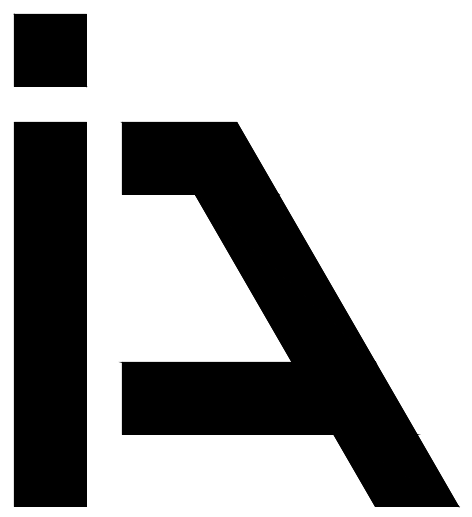
FRONT ELEVATION



RIGHT SIDE ELEVATION



REAR ELEVATION



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CONSTRUCTION



Proposed Additions for
Spectrum Woodworking

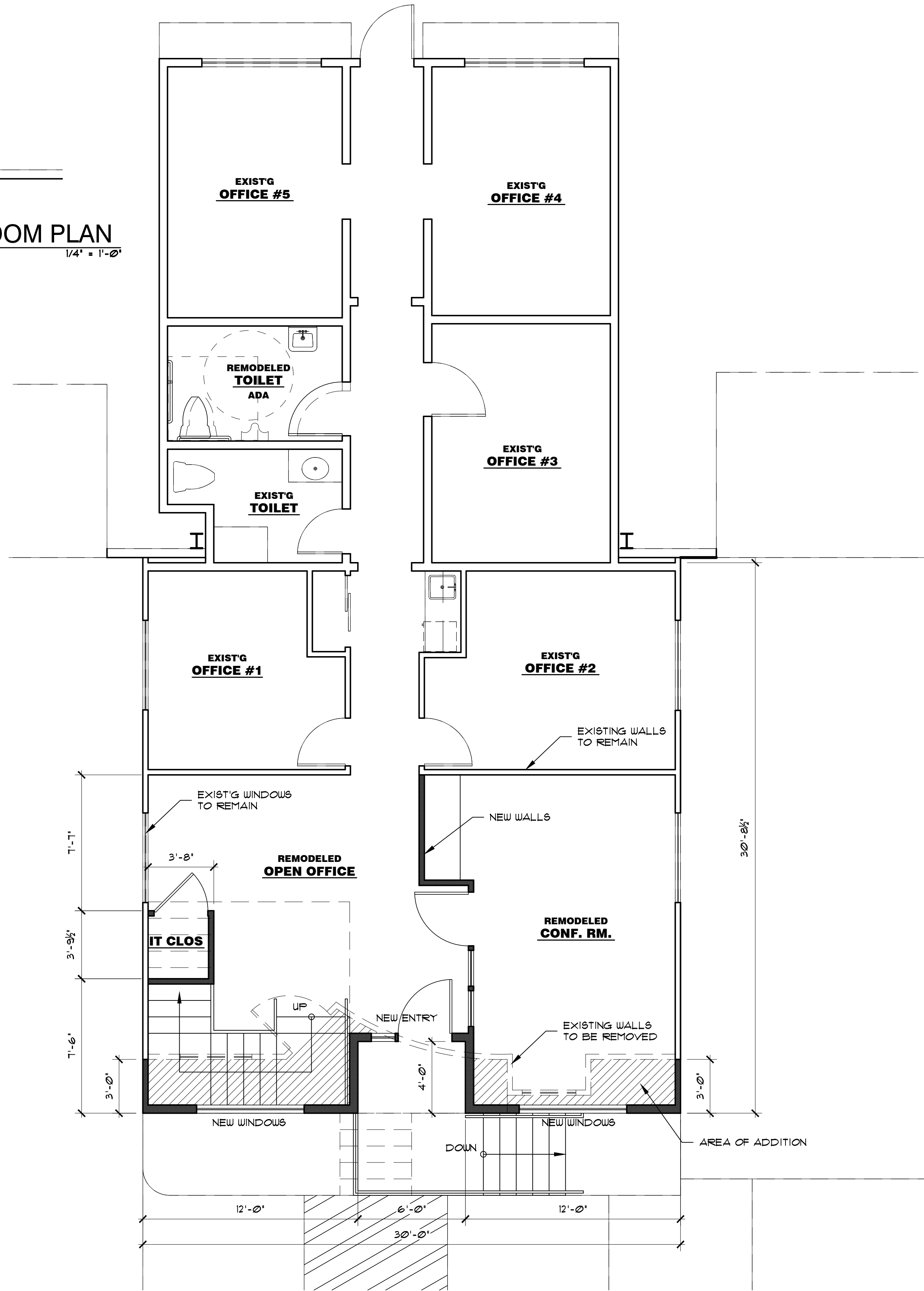
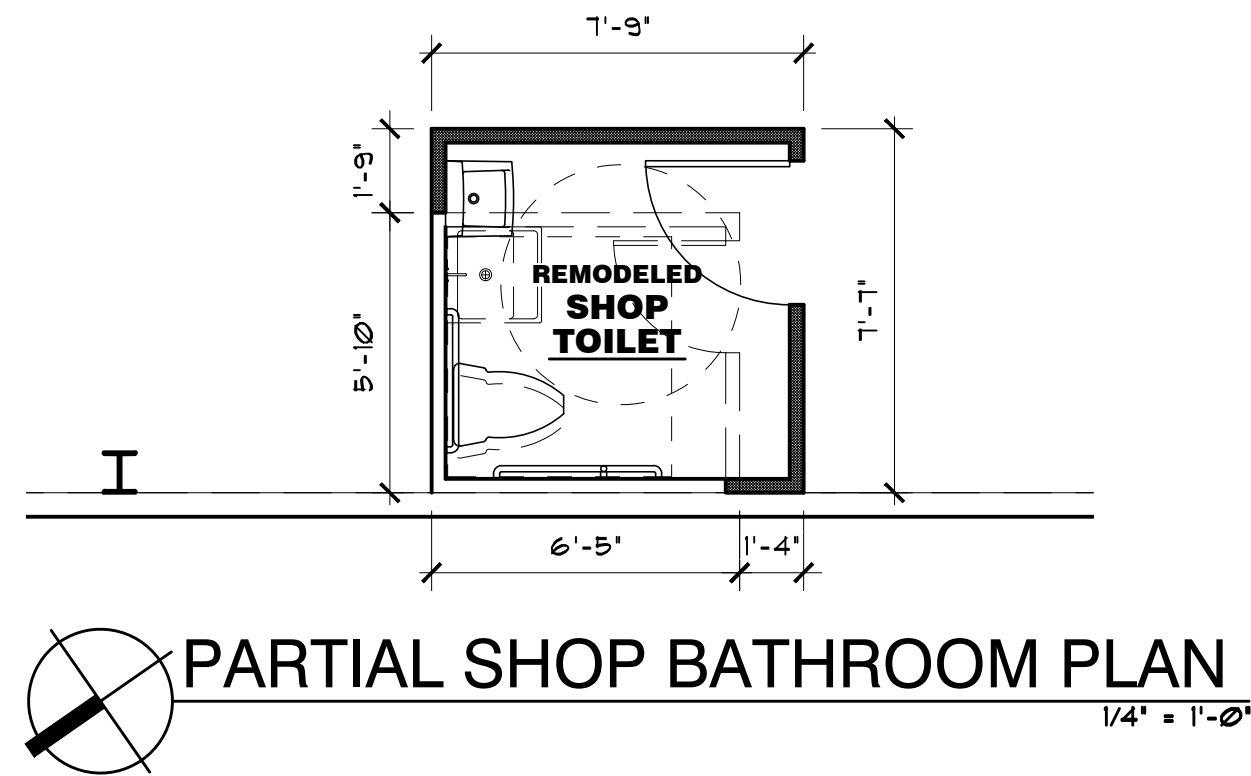
13663 S Holcomb Blvd
Oregon City, OR 97045

PROJ. NO. : 2342
FILE : X-XX
DATE : 3/29/24

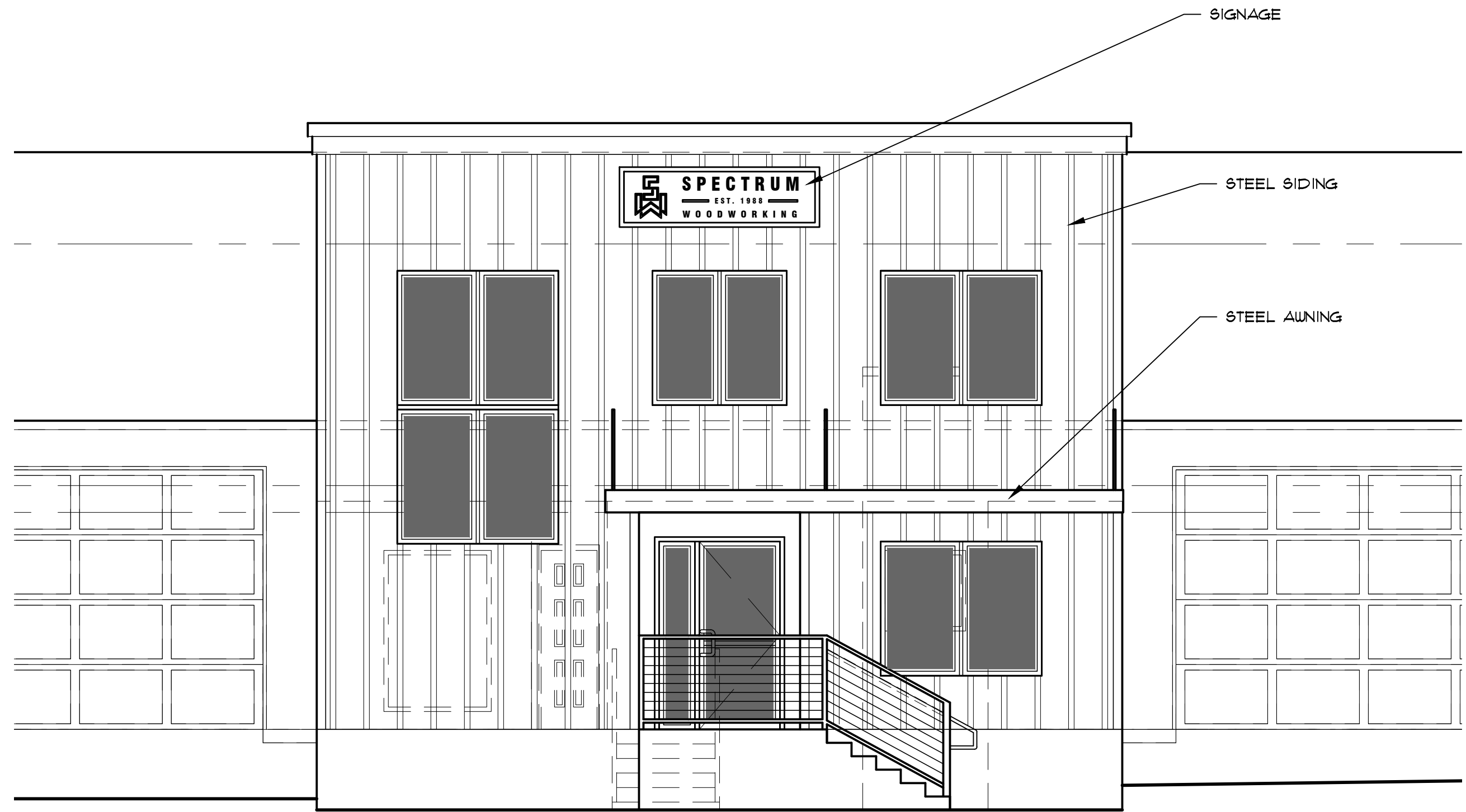
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D1

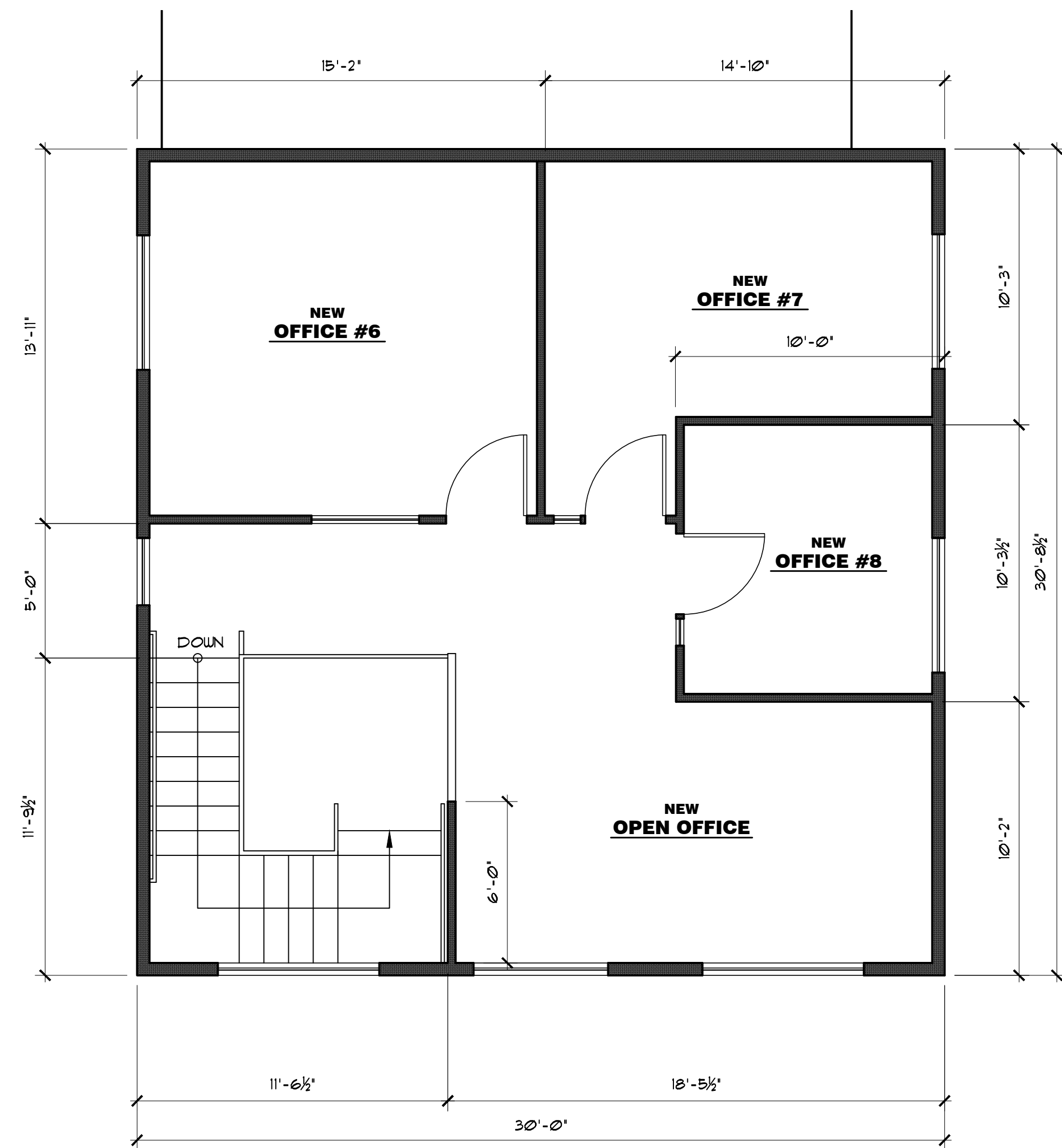
OVERALL ELEVATIONS



PARTIAL MAIN LEVEL FLOOR PLAN - OPTION A 70 Sq.Ft. Addition
1/4" = 1'-0"



PARTIAL FRONT ELEVATION- OPTION A
BLDG 1 1/4" = 1'-0"



UPPER LEVEL FLOOR PLAN - OPTION A 785 Sq.Ft.
1/4" = 1'-0"



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Oregon City, OR 97045

PROJ. NO. : 2342
FILE : X-XX
DATE : 3/29/24

SHEET #
D2
UPPER LEVEL ADDITION

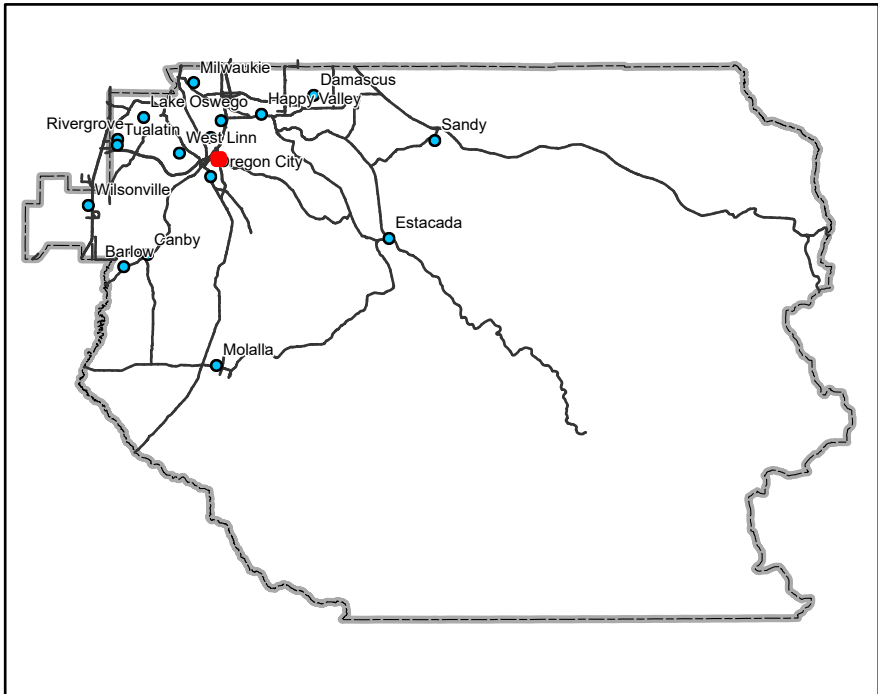
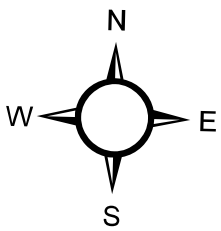
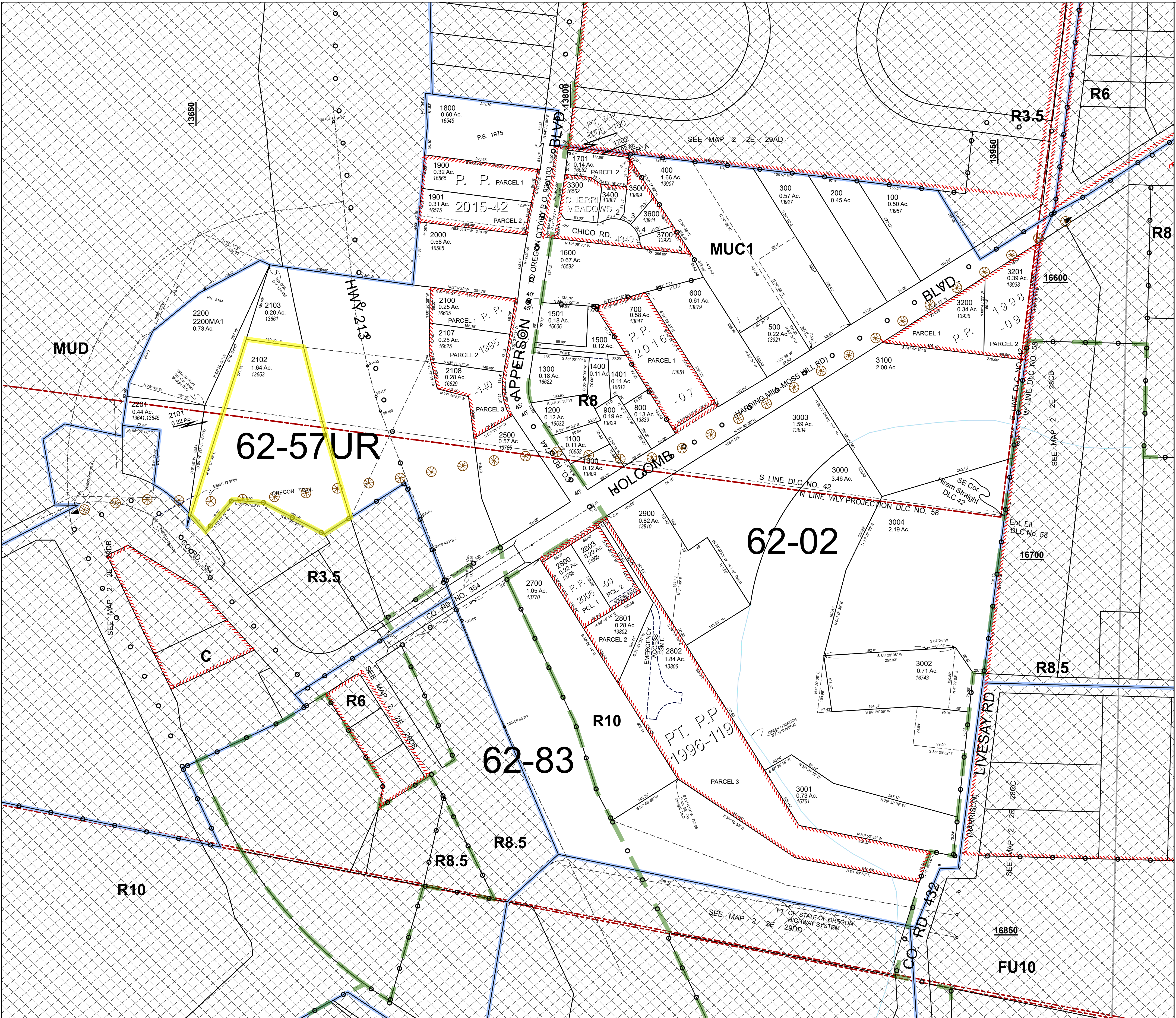
N.E. 1/4 S.E. 1/4 SEC.29 T.2S. R.2E. W. M.
CLACKAMAS COUNTY

1" = 100'

D. L. C.
HIRAM STRAIGHT NO. 42
GEORGE ABERNETHY NO. 58

Cancelled

2202
2203
2501
2701
2106
2090
2104
2105
2300
2400
2600
1700
3300
3300
3300
3400
702
701



THIS MAP IS FOR ASSESSMENT
PURPOSES ONLY

BARLOW ROAD INVENTORY PROJECT

Prepared For

CLACKAMAS COUNTY
DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

Prepared By

STEPHEN DOW BECKHAM
RICHARD C. HANES

Project Funded in Part By

OREGON STATE HISTORIC PRESERVATION OFFICE

August 20, 1992

PROJECT PRODUCTS

1. Introduction
2. Barlow Road Historic Context
3. Property Survey Reports
4. Barlow Road Site and Segment Management Summary Forms
5. Oregon Inventory of Historic Properties Forms
6. Barlow Road Multiple Resource National Register Nomination
7. Set of Clackamas County Property Maps with Barlow Road Centerline
8. Set of U.S.G.S. Topographic Quads with Barlow Road Centerline
9. Set of 1"=2640' Aerial Photos with Barlow Road Centerline
10. File of Black-and-White Photographs and Color Slides

Introduction

In September 1990 Clackamas County Department of Transportation and Development contracted with Stephen Dow Beckham and Richard C. Hanes to perform an inventory and assessment of the Barlow Road route between Summit Meadow and the townsite of Sandy in eastern Clackamas County. In October 1991, the project was extended to include the route to Oregon City. The inventory project was funded in part by a grant from Oregon State Historic Preservation Office.

The emigration of peoples from the East in the 1840s and 1850s is arguably the most important event in Oregon history, shaping the future social and economic patterns of the State. The Barlow Road thus was directly associated with this historic event and remnants of this road feature in the 1990s constitute a cultural resource of paramount importance.

To identify road remains and assess their current condition the researchers examined several sources of information and mounted a field survey along the route. Key information sources included results of previous Barlow Road route studies, information provided by interest groups and individuals, emigrant diaries, county and state road records, early land survey records and property owner contacts. The project corridor was divided into eleven route segments based on ownership patterns and physical environmental considerations. Project results, including 19 substantial segments of road remains and a number of other identified historic sites and twelve road segment National Register nominations, are listed in Table 1 in association with the eleven route segments. The following products resulted from the survey project:

1. Barlow Road Historic Context Statement. Based on guidelines developed by the National Park Service and the Oregon State Historic Preservation Office, a historic context statement was developed for the entire Barlow Road route in Clackamas County, from Summit Meadow to Oregon City. The context provides an overview of the historical importance of the route, establishes identification procedures, including a definition of the cultural resource property types expected or currently known, describes the important features of those property types, performs an evaluation of historic sites found by the inventory project, identifies data gaps and future research needs associated with the Barlow Road route, and lists management and protection measures available to the County.
2. Property Survey Reports. For each of the 251 properties surveyed during the inventory project, a brief report was produced providing key information for that property, describing expectations for that property and findings of the survey, and a summary of the route condition across the property.
3. Barlow Road Site and Segment Management Summary Form. For all 325 properties traversed by the Barlow Road route in addition to several properties near the route which contain associated historic sites, a management summary form is provided which summarizes condition of any road remains on the property, their importance and management potentials.
4. Oregon Inventory of Historic Properties Forms. For each road segment or associated historic site discovered by the inventory project, a State of Oregon site form is provided. Usually the individual road segments extend across multiple properties.

5. Barlow Road Multiple Resource National Register Nomination. For those historic properties determined eligible for the National Register of Historic Places based on criteria provided in the historic context, the researchers have drafted an individual National Register nomination. A Multiple Property nomination form was also produced to provide the background and justification for each of the individual historic properties.
6. Maps and Aerial Photos Marked with Barlow Road Route Centerline. A set of Clackamas County property maps and U.S.G.S. topographic quads were marked with the centerline of the route based on findings of the inventory project. In addition, a 1"=2640' set of color aerial photos was also marked with the centerline.
7. Photography. A file of black-and-white photos and negatives with a photo index together with color slides also resulted from the project.

The authors would like to acknowledge the important contributions of several persons and organizations to the inventory effort. Pam Hayden, Clackamas County, has provided invaluable support to the production of the various project products and helpful constructive critiques. Information was provided by Jim Tompkins of Beavercreek, Roy Schapler and Elwin Shibley of the Oregon-California Trail Association, Michael Jones of the Cascade Geographic Society, Don Hardesty of the University of Nevada-Reno, Claire Belsher of Portland, Joseph Brockway of Sandy, Clifton Glover of Eagle Creek, Elmore Mostul and Monte Rumgay of the Springwater area, Elisabeth Potter of the Oregon State Historic Preservation Office, and Dwight Smith and Tom Weatherford of the Oregon Department of Transportation. Volunteer field assistance was provided by Earl Hopkins and Herb Flick. Chief volunteer assistant Clyde Woodard of Welches has been especially helpful in making numerous contacts and providing support on the field surveys. Numerous property owners provided enthusiastic and very knowledgeable contributions to the identification of road remains and associated historic sites. Key contributions were also made by the late Ann Beckman of Government Camp and Melvin Hanneberg of Sandy.

Table 1. Inventoried route segments, identified historic sites and nominated/listed National Register properties resulting from the Barlow Road Inventory Project

<u>Route Segments</u>	<u>Historic Sites (excluding structures)</u>	<u>National Register Properties</u>
Summit Meadow	Vickers Cemetery	none
Government Camp	East Govt. Camp Road Segment West Govt. Camp Road Segment Pioneer Cache Site	Government Camp Segment (east + west)
Rhododendron	East Rhododendron Road Segment West Rhododendron Road Segment Lamoreaux Log Building/Meadow Pioneer Meadow	Rhododendron Segment (east only)
South Bank	Faubion Road Segment Wemme to Wildwood Road Segment Wildwood Log House Sandy River Crossing Campsite	Faubion Segment Wemme Segment Wildwood Segment ¹
North Bank	Rock Corral Road Segment	Rock Corral Campsite ¹
Devils Backbone	D. Backbone Ascent Road Segment Devils Backbone Road Segment Sievers Pioneer Gravesite Marmot Townsite Sievers Emigrant Campsite	Devils Backbone Segment (includes Sievers Pioneer Gravesite)
Sandy River Crossing	Sandy River Crossing Road Segment Vaeretti Emigrant Campsite Cliffside Cemetery Revenue Cemetery Sandy Ridge Road Segment	Sandy River Crossing Segment Cliffside Cemetery Revenue Cemetery Sandy Ridge Segment
Forrester	Deep Creek Road Segment Sandy Ridge Cemetery Forrester Cemetery Jackknife Road Segment	Deep Creek Segment Forrester Cemetery
Feldheimer	Philip Foster Farm Eagle Creek Road Segment Feldheimer Road Segment	Philip Foster Farm Feldheimer Segment
Springwater	Gerber Road Segment Logan Pleasantview Cemetery Clear Creek Road Segment	Gerber Segment Logan Pleasantview Cemetery
Holcomb	Moss Hill Road Segment Moss Hill Gravesite Holcomb Valley Road Segment	Moss Hill Segment

¹ Previously listed in the National Register

THE BARLOW ROAD, CLACKAMAS COUNTY, OREGON:
A HISTORIC CONTEXT

1845-1919



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Prepared for: Clackamas County Department of Transportation and
Development, Oregon City, Oregon

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Barlow Road, Clackamas County, Historic Context 1845-1919

HISTORIC OVERVIEW

Introduction

The present document identifies and describes the historic context for the Barlow Road emigrant route as it occurs on private and public non-U.S. Forest Service lands in Clackamas County, Oregon. The context was identified by the major national importance of the emigrant route and its subsequent regionally important role in settlement. This role persisted in many areas until its ultimate passage into public ownership with associated major realignments and improvements. Consequently, three themes are of primary interest under the Oregon Theme category as defined by the Oregon State Historic Preservation Office (1989: 2). These themes are "Immigration," "Regional Settlement," and "Land Travel."

Temporal Boundaries: 1845 - 1919

The temporal boundaries begin with the initial "Immigration" theme date of 1845, when the route was first traversed by its blazers and builders with the intent of finding an overland passage for emigrant parties arriving from the United States as an alternate to the Columbia River Gorge water route from The Dalles to the Willamette Valley. The ending date is 1919, the year the "administration" of the route was transferred from private parties to the state government and also the general period when the route underwent unprecedented improvements to enhance automobile travel between Oregon City and Sandy and to the Mt. Hood resorts thus marking the end of the "Land Travel" theme and complete the "Regional Settlement" along the route.

Spatial Boundaries

The spatial boundaries of the study area essentially constitute a discontinuous corridor with the east terminus at Summit Meadow high in the Cascades and the western terminus near sea level at the townsite of Oregon City. The discontinuity owes to the exclusion of U.S. Forest Service lands which were addressed in a previous study (Beckham 1978). The various individual segments of the corridor are: Summit Meadows; the communities of Government Camp, Rhododendron and Faubion; and, an essentially continuous segment from Zigzag to Oregon City. The study area lies completely within Clackamas County and passes through the incorporated communities of Government Camp, Rhododendron, Wemme, Sandy, Eagle Creek and Oregon City. The centerline of the route is shown on a series of topographic maps in Appendix 1. The width of the corridor is highly variable (ideally 600 feet with 300 feet to each side of a reconstructed emigrant road centerline) depending on the natural and built environment from point to point. The boundary contains wagon road remains where they still remain, the approximate route where road remains are no longer observable, locations of early residences along this travel route, pioneer gravesites established along the road, and facilities established along the route to service pioneers and early travelers prior to 1920.

The information upon which this historic context is based is derived primarily from the 1990-92 Barlow Road Inventory Project. A summary of the project's findings is presented in Appendix 2. Detailed results of the project contain sensitive property owner and site location information and

are on file with Clackamas County. These records constitute four data sets: (1) a set of Oregon Inventory of Historic Property site forms for each of the nine individual site segments found; (2) Property Survey Reports for each property field inspected; (3) a set of management summary forms for each of the 325 properties located along the Barlow Road route; and, (4) a set of Clackamas County property maps marked with the centerline of the Barlow Road.

Historical Background

The Setting

The Barlow Road is the last overland segment of the Oregon Trail. Opened in 1845, only two years after the first, major emigration of 1843, for seven decades this route served emigrants traveling overland into western Oregon and Washington or, ultimately, later generations moving east of the Cascades and provided access to numerous residential settlements and the developing recreational industry facilities of the Mt. Hood area. Overland emigration commenced in the 1840s because of several factors. American settlers in that decade had pressed to the far edge of the eastern woodlands. Committed to speculation in lands and uncertain about the potentials of the open prairies, where Indians, buffalo, fires, and storms posed existential threats, many responded favorably to the prospects of Oregon Territory.

The publicity was good. The reports of William Slacum, an American government spy who visited Oregon in 1837, of the Wilkes expedition which examined the region in 1841, and of John C. Fremont, who traveled the Oregon Trail in 1843 gave scientific authority to the good reports in the lectures and letters of missionaries and fur seekers who had lived in the region. Washington Irving's Astoria (1836) and Adventures of Captain Bonneville (1837) as well as the widely-read journals of Lewis and Clark (1814) had inspired interest in the region. Fremont's flowing narrative, accompanied by a series of handsome maps drawn by Charles Preuss, appeared as free documents issued by the Government Printing Office in 1845 and validated the fondest of hopes about Oregon.

Other factors were also at play. The United States entered a major depression in 1837. This economic downturn caught many debtors and pushed them to the verge of bankruptcy. Some hoped to sell out, cover their losses, and start over again on the Pacific Slope. The reportedly healthy climate of the Pacific Northwest beckoned to those beset with malarial fevers and the ague, seasonal afflictions in the Mississippi Valley. Adventure drew the young and carefree. The prospect of a four to six month trek and making do in a new land had considerable appeal for those with limited responsibilities. The lure of free land, touted in publicity about a series of bills introduced in the 1840s by Sen. Lewis Linn of Missouri, inspired others to take their chances on Oregon. When the Oregon Donation Act of 1850 passed, it confirmed the hopes of those who had dreamed of free land and spurred others to rush westward to secure claims before the law expired in 1855. The Oregon Treaty of 1846 settled the question of sovereignty. The United States acquired title to the 49th parallel of lands from the Rockies to the Pacific. Settlers now knew they were to remain Americans if they moved to Oregon.

A series of historical factors running deep in the history of the mid-nineteenth century frontier thus inspired thousands to set out, as one phrased it, "for the sundown diggings of the West." The discovery of gold in California in 1848 and a succession of rushes to new finds of gold and silver further contributed to the flow of travelers on the overland trails. The Barlow Road, as a primary

emigrant land route across the Cascade Range, drew countless thousands of travelers and played an integral, nationally important role in the transportation history of the American West.

As the main emigrant era passed and settlement spread out from the Willamette Valley into the Cascade foothills, a new industry was introduced to the region catering to the recreationists. Beginning during the latter period of non-motorized vehicle travel in the 1880s, entrepreneurs developed a series of resorts and rest stops, ultimately serving the new auto-tour traffic along the Barlow Road above Sandy during the first two decades of the 20th century. Descriptive accounts of this experience are provided in Ivan M. Woolley's Off to Mt. Hood: An Auto Biography of the Old Road (1959). This eastern segment of the Barlow Road was regionally significant for recreational use from 1884 to 1919 when finally replaced by the state-constructed Mt. Hood Loop Highway.

Regional Transportation Developments

The Barlow Road provides an excellent case study of the use and maintenance of overland transportation developments in early Oregon history. The progression from primitive wagon roads beginning in the 1840s to county market roads for automobiles in the 1920s occurred in conjunction first with the introduction of steamboat transportation and later with transcontinental railway systems. The importance of transportation in the economic development of Clackamas County has been underscored by a recent photographic summary (Kalani et al. 1987).

Early "settlement preceded establishment of effective government," including support of public transportation systems, no matter how modest (Schwantes 1990: 96). In the 1840s, prior to Barlow Road, overland transportation in the Oregon City area and the northern Willamette Valley consisted of seasonal short roads or tracks leading from farms to the nearest river landing. During the wetter months, "flooded lowlands, and swollen streams made wagon travel almost impossible" (Dicken and Dicken 1979: 77). In the 1840s the region was characterized by "abominable roads, uncertain shipping schedules, and distant markets" (Bowen 1978: 78). Many early settlers had come from areas in the United States where railroads and substantial roads were already established. Consequently, the primitive condition of travel was new to many and possibly deterred some emigrants from coming to Oregon upon learning of the conditions.

Concern about access externally from the Willamette Valley was an early issue with the Provisional Government of Oregon. The need to establish a wagon road into the Willamette Valley was identified by the Provisional Governor George Abernethy to the provisional legislature in December 1845 (Winther 1950: 113). Over 600 documents related to the need for improved transportation "in the form of bills, amendments to bills, legislative enactments, and petitions are found among records of the provisional government, 1843-1849" (Winther 1942: 384). In the mid-1840s, the Barlow Road was one of several wagon routes receiving support from the Provisional Government's Commission of Roads (Dicken and Dicken 1979: 78). Because of road development failures elsewhere in the Cascades, the Barlow Road has been labelled as the "first wagon road in Oregon" (Winther 1950: 115). Despite this initial achievement, it is likely very little improvement work was performed along the route by Foster and Barlow above Foster's land claim and by the early settlers west of Eagle Creek until the mid-1850s. Despite establishment of the early roads, settlers remained highly dependent upon water-based transportation until the 1880s (Winther 1942: 390).

The dire quality of overland transportation persisted through the 1850s as more settlers arrived and settlement expanded. As noted by Schwantes (1989: 19), "isolation was the fate of immigrant settlers." The exodus of residents to the California gold fields hindered the ability to improve transportation (as well as increase agricultural production). The territorial road commissioners did little more than establish general road routes and set minimal requirements for residents to take part in the road construction and maintenance program (Winther 1950: 124). For years even the best roads were primitive with steep grades and impassable locations with wet weather; they often simply served only as pack trails. Heavy rains in hilly areas routinely washed out the territorial roads (Dicken and Dicken 1979: 96).

By the early 1850s the growth in the Oregon economy placed increasing demands on improved transportation systems. Along the coast this included charting harbor entrances and estuaries and laying plans for lighthouses. In the interior the matter of grading and surfacing trails became a new priority. This "surfacing" was especially important on routes like the Barlow Road where travel in inclement weather often was impossible. Planked or corduroyed roads proved of temporary value since soil washed out from underneath (Dicken and Dicken 1979: 96). An alternative--an expensive one--was to lay milled planks as a road surface. Multnomah County made such an investment when in 1856 it completed a plank road from the productive Tualatin Valley via Canyon Way to Portland. Road making, bridge construction and ferry operation proved inseparable from the local economy's stability. For the most part, however, roads in the 1850s remained impassable during the rainy season (Winther 1950: 124, 384).

These dismal transportation conditions had economic repercussions. Although produce quickly became abundant in the late 1840s and the 1850s with the development of farming across the floor of the Willamette Valley, the economy remained poor with a lack of goods, cash, and markets (Johansen and Gates 1967: 212). Lack of both markets and viable means to transport commodities, some farmers left their crops to rot in the field (Fite 1966: 138). In fact, Bowen (1978: 89) noted that increases in agricultural production did not keep pace with population growth, perhaps largely owing to the poor transportation systems. With the limited markets available and poor transportation, the amount of improved acreage was less than 40 acres per farm. As time passed, few Oregonians filed in the 1860s and the 1870s on homesteads, owing, in part, that most good land with access to transportation and markets was already in the hands of claimants under the Donation Land Act. Even in 1900 the average size of farms in western Oregon was 100 to 150 acres (Fite 1966: 155).

Substantial public financing for roads began in 1859 with statehood. The state--securing sections 16 and 36 in each township--dedicated a percentage of proceeds from land sales to road and related transportation improvements. Still, private financing continued through the 1850s in spite of the labor intensive character of these activities. Terrain, climate, and vegetation remained major factors through the next few decades (Carey 1922: 682). During this period tens of thousands of American farmers chose prairie lands on the Great Plains rather than settling in the Pacific Northwest. Access to markets was undoubtedly a factor in those decisions. With the questionable usability of passes across the Coast and Cascade mountains, Oregon pioneers remained relatively isolated from regional markets. The Rockies and vast Great Basin further divided them from eastern sale opportunities, at least, until the construction of railroad systems. Oregonians felt a constant pressure to find quicker and better ways to get to market. Geography, however, dictated against such achievement until overcome by major construction and steam technology. Thus commercial wagon freighting never developed extensively in western Oregon. As a result, road development also moved slowly (Winther 1950: 126).

By the mid-1850s widespread stagecoach service linked communities across the Willamette Valley and provided direct connections south via the Umpqua and Rogue valleys to Sacramento. By 1853 the U. S. Topographical Engineers had surveyed and commenced construction on a wagon road via the Cowlitz watershed from Fort Vancouver to Fort Steilacoom on Pudget Sound. In 1855 the Topographical Engineers surveyed and constructed the Military Portage Road between Fort Vancouver and the Upper Cascades along the north bank of the Columbia River. This route improved transportation through the Gorge and helped link the Walla Walla country to the region west of the Cascade Mountains. These improvements and the development of traces across passes in the Cascade Range in Washington Territory began to diminish use of the Barlow Road. In 1860 the California Stage Company, part of the Butterfield system between California and the East Coast, extended its service to Portland. This line thus avoided the Gorge and the Cascade Mountains and offered, at least for passengers, a through connection across the continent (Winther 1950: 263).

The development of steamboat and portage services in the Gorge of the Columbia River also had important impact on use of the Barlow Road. In 1850 entrepreneurs established a north bank portage system between the Upper and Lower Cascades. They steadily improved this route from mule-drawn cart on a tramway to a full portage system with warehouses, inclines, hotels, and steamboat connections. In 1855 Joseph Ruckel and Harrison Olmstead launched a competing portage operation along the Oregon shore from the Upper Cascades to the mouth of Tanner Creek. At the Middle Cascades they constructed an incline and warehouse to served steamboats in those months when vessels could ascend beyond the upper end of Bradford Island. These improvements competed with the Barlow Road. They created relatively safe, efficient, and speedy connections for both passengers and freight. Cost for services, however, was the major element. The portage companies literally charged "all the traffic would bear" (Gill 1924).

In 1860 the Oregon Steam Navigation Company consolidated portage interests in the Gorge. The clever manipulations of Capt. John Ainsworth and his partners led to a takeover of the Bradford & Company operations on the north bank of the Columbia and, at the same time, purchase of the Ruckel and Olmstead line along the Oregon shore. Ainsworth then traveled to California, purchased a small locomotive, the "Oregon pony," obtained track, shipped materials to the Gorge, and constructed in 1862 a portage railroad along the base of the cliffs from Tanner Creek east to present Cascade Locks, Oregon. With its steamboats and Gorge railroad, the O. S. N. Company emerged during the Civil War as the region's transportation monopoly. The discovery of gold in Idaho and Montana in 1862 and the rushes to that region fueled the flow of goods and passengers and confirmed the value of the company's investments. The Barlow Road thus by the Civil War became the "poor man's" route or trace, perhaps more useful for livestock drovers. It was an arduous, time-consuming, but cheaper alternative to the Columbia Gorge (Minor and Beckham 1987 : 3-29; Poppleton 1908: 274-304).

During the years 1845-59 water-based transportation developed steadily. Entrepreneurs constructed or imported steamboats to ply Pudget Sound and the tidal sections of the Columbia and Willamette rivers. The rise of the Oregon Steam Navigation Company in the 1860s confirmed the need for an integrated transportation system linking water and land routes. The company flourished until its sale to the Oregon Railway and Navigation Company in 1880 and that firm's ambitious expansion programs to secure transcontinental rail service (Johansen 1941). The Barlow Road did not figure in the calculus of these new energies. A seasonal route with limited potential of profits, the old emigrant trace across the Cascades provided scant competition for those

pulling down vast profits from the flow of commodities and passengers via the Gorge.

In the 1870s, however, new factors had impact on the maintenance and use of the Barlow Road. By 1868 settlers had commenced moving to the Crooked River and Ochoco region of Central Oregon. Others had filed on lands in the Klamath Basin. In the 1870s a rush of claimants poured into the well-watered remnant lakes of south-central and southeastern Oregon. These settlers had one viable product--livestock fed on the lush meadow grass of the oasis settings in Oregon's high desert country. The eastward flow of settlers to this new frontier and the westward flow of their cattle, sheep, and horses to markets brought new use to the Barlow Road. In spite of its mud and length, it was the cheaper alternative to the expensive transit of the Gorge (Oliphant 1968: 128; Fite 1966: 150).

Developers had long considered a north-south railroad from the Columbia River to the Sacramento Valley. Those dreams led to the organization of the Oregon & California Railroad Company and a burst of construction in the early 1870s. Hopes for a West Coast system, however, foundered in the Panic of 1873. The O & C suspended construction in Roseburg and, for a decade, coped with freighters and stagecoach operators to bridge the uncompleted miles in its lines. The completion of the O & C and the securing of connections east via the Columbia Plateau in the 1880s, however, drew the Pacific Northwest into the national economy and a post-frontier world (Schwantes 1990: 207).

Railroads stimulated a great population influx in the 1880s, probably leading to the numerous road surveys in Clackamas County by Meldrum in the 1890s. Still, wagons continued to provide a fundamental means of transportation in rural Oregon until automobiles arrived after the turn of the century, but now more capital was available for development of public roads. Travel during the rainy season continued to be slow, depending on how many trees had fallen and how flooded the streams were. The lengthy sections of corduroyed road were so rough that passengers had to be tied to their seats (Winther 1950: 301). At a "Good Roads" convention in Portland in 1896 it was stated that no "good" wet weather roads yet existed in Oregon (Dicken and Dicken 1979: 114). Some surveyed roads were little more than tracks, passable only during dry weather.

In sum, the need for improved transportation was critical until the coming of railroads. Until that time, "the construction of corduroy, graveled and plain dirt roads, the building of bridges, the establishment ferry service, and extension of steamship communication occupied the efforts" of the early settlers (Winther 1950: 302). "As a whole, the history of transportation before 1890 had a profound effect upon the lives of people who lived in and helped to build an important region — the Pacific Northwest" (Winther 1950: 302). Despite the primitive nature of travel characterized by the Barlow Road for over a half century of use, it was still hailed by contemporaries for its historic role in the settlement of Oregon (Barlow 1902).

It was not until the advent of autos after 1910 that a road improvement boom was effective in significantly enhancing year round travels (Dicken and Dicken 1979: 139). Until 1917 it was still the primary focus of counties to grade and drain roads with little surfacing (Dicken and Dicken 1979: 140). Of the 37,000 miles of road inventoried in Oregon in 1914, 32,000 were unsurfaced. With passage of the Federal Aids Act of 1916, Federal matching funds began to be made available for road construction (Dicken and Dicken 1979: 140). By 1914 an agricultural boom period was underway (Speulda 1990: 18). In 1919, the State law addressed the funding of a county market road system that was designed to enhance automobile travel and introduced the modern road construction era in Clackamas County. Associated with these occurrences was the transition in road

construction techniques in the 1910s in Clackamas County from the mule-pulled slipscrapers to "pull graders" powered by crawler tractors (Kalani et. al 1987). During the 1920s Clackamas County built about 40 market roads using state tax dollars to acquire rights-of-way and building and maintaining roads.

Emigrant Experiences

For the first time, and often for the only time in their lives, dozens of Oregon Trail travelers sensed they were participating in history and recorded their experiences in diaries or journals. Others after the fact felt that their transit of the continent was sufficiently significant to dictate or write their reminiscences of their travel experience. These primary accounts, supplemented by a few letters, serve as a time machine to describe the route, conditions, time, and trials of travel on the Barlow Road.

The cast of characters who passed over this road and wrote of their experiences is a window to Oregon history. Joel Palmer, one of the principal explorers laying out the route with Samuel K. Barlow in 1845, published his detailed diary as *Journal of Travels Beyond the Rocky Mountains* (1847). Palmer recounted the frustrations and hard labor necessary to drag wagons to the Barlow Creek watershed and the decision to cache possessions and proceed by horseback and foot to the Willamette Valley until axemen could open a trace through the Zigzag and Sandy watersheds the following year. Palmer returned to the East, emigrated with his family to Oregon, and served from 1853-56 as Superintendent of Indian Affairs.

Other travelers included Abigail Scott Duniway, an 1852 emigrant, who turned her Oregon Trail diary into *Captain Gray's Company* (1859), one of Oregon's first novels. Duniway was one of a distinguished family. Her brother, Harvey Scott, served for decades as editor of the *Oregonian*. She founded *The New Northwest*, a newspaper dedicated to the cause of suffrage, traveled and lectured widely, authored poems and essays, and ultimately helped Oregon women secure the right to vote in 1912. Esther Ruth Lockhart, an 1852 traveler of the Barlow Road, became the first white woman to settle on Coos Bay and was the first school teacher on Oregon's southern coast. William J. Watson, an 1849 emigrant, turned his diary into the *Journal of an Overland Journey to Oregon*, one of several guidebooks which served later travelers. [See Appendix 3 for selections from the diaries of Barlow Road travelers in the project area.]

Most travelers over the Barlow Road shared a similar experience. If possible, they camped overnight at Gate Creek or Tygh Valley. They attempted to rest their livestock and lighten their loads by abandoning any unneeded items. Early the next day they set out for a long drive up the eastern slopes of the Cascades to reach White River where they camped along the western bank below the mouth of Barlow Creek. If all went well, the next day they advanced to the upper reaches of Barlow Creek and camped in the deep forest east of Barlow Pass. After about 1860 a forest fire in that area created what emigrants called "The Deadening," a site subsequently known as Devil's Half Acre. The third day travelers pressed over Barlow Pass and descended to Summit Meadow. Their livestock were desperately hungry but found only "sour" sedges or browse of cut willow and alder limbs.

The fourth day often proved a trial: the transit of the boggy lower slopes of Mount Hood where, in 1849, the U.S. Army's Mounted Riflemen were compelled to abandon their heavily-loaded wagons and cache military supplies at what later became known as Government Camp. If a slow wagon got in the way, or if oxen died, as was sometimes the case, travelers might be caught on the

one-way trace on Laurel Hill and have to spend the night literally in the middle of the road. If lucky, however, they made the difficult descent of Laurel Hill and passed down the Zigzag drainage to camp at a small clearing near the present Rhododendron, or, by the 1870s, near the Tollgate just east of that community. The fifth day involved a long drive but usually good road. By 1848 most travelers took the south bank route, passing down the south bank of the Sandy River to above its confluence with the Salmon River. There they forded to the north bank, passed through heavily forested Mensinger Bottom, ascended the Devil's Backbone, and pushed on to the second crossing of the Sandy River. And on the sixth day -- provided all had gone well -- they ascended the hillside to present Sandy and drove on to Philip Foster's farm at Eagle Creek.

The diaries of travelers confirm a number of variations on this pattern of travel. Some began their transit of the Barlow Road with such jaded teams that they could not keep up so swift a pace. Others were compelled to abandon their wagons when their livestock died and walked the last miles with their few possessions into western Oregon. Some who traveled only on horseback made an even more rapid transit of the Barlow Road. [Appendix 3 illustrates the range of experiences.]

A History of the Development and Improvements of the Barlow Road Course

Introduction

Use of the original Barlow Road route in its entirety, as pioneered in 1845 and used by wagons in 1846, was short-lived. According to emigrant diaries, the difficult north bank route from present-day Rhododendron to just above Brightwood was largely abandoned by late summer of 1847 in favor of crossing the Zigzag River at the Rhododendron location. Henceforth the road followed the south bank of the Zigzag and Sandy rivers past present-day Wildwood Park before crossing to the north bank. From there the emigrants followed the original 1846 route along the north bank of the Sandy River, passing over Devils Backbone by generally following the current Marmot Road alignment, crossing the Sandy a second time near the later location of Revenue's Bridge, and then generally following the later route of Ten Eyck Road, Tupper Road, and the Sandy-Woodburn Highway to Philip Foster's farmstead at Eagle Creek. From Foster's farmhouse to Oregon City, the route is now followed by Doty Road to Felhammer's Ford on the Clackamas River, Feldhammer Road, Springwater Road and Baker's Ferry Road to Clear Creek, and then Dick Drive, Holcomb Road and Abernethy Road. The above description gives the appearance that much of the old road has evolved as a primary part of the current road network. However, given the changes in modes of transportation (from wagons to motor vehicles), increased knowledge of local geography (particularly hydrologic factors), and enhanced road construction techniques, numerous significant alterations in the route were made through time.

Maintenance and improvement of the many segments of the Barlow Road course in Clackamas County were addressed variously. Maintenance of the route west of Philip Foster's was first left to local residents and later to governmental entities. The entrepreneurial efforts on the road east of Foster's enjoyed a much higher history of visibility, but probably were no more effective in making the route functional.

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Focusing first on the route east of Foster's and later east of Sandy, several organizations attempted maintenance and development for profit. Efforts toward establishment of a passable, and profitable, road began in 1846 with Samuel Barlow and Philip Foster as the road charter holders. Barlow soon leased to others in 1848, including Foster and Joseph Young, a nearby neighbor of Foster's on the Barlow Road near the Feldheimer Ford on the Clackamas River. Maintenance was

apparently minimal to the dismay of emigrants through the 1850s. In 1858, Foster, Francis Revenue, Stephen Coalman and Samuel Hiple organized the "Cascade Bridge and Toll Road Company." Coalman, a nearby resident of Revenue's in the late 1800s, remained a key figure in Barlow Road management for 40 years (Gruel 1975: 20-21). Upon statehood in 1859, the road company reincorporated as the "Mount Hood and Barlow Toll Road Company." In 1862 it was replaced by the "Mount Hood Wagon Road Company" which soon was replaced by the "Cascade Road and Bridge Company" in 1864, incorporated by Joseph Young, Egbert Olcott, Stephen Coalman, Frederick Sievers and Francis Revenue, all property owners along the route east of the Clackamas River. In 1882, the road was deeded to the "Mt. Hood and Barlow Road Company" which apparently had sufficient capital to open successfully the south bank segment between Sandy and the Salmon River thus avoiding the Devils Backbone. During the 1890s the legality of collecting tolls on the undeeded road was debated, but the tolls persisted. Henry Wemme purchased the road shortly after the turn of the century, and, with the advent of more intensive automobile traffic, he opened the road to free travel in 1915. Shortly after Wemme's death in 1917, the road was deeded to the State of Oregon in 1919 at the time the Mount Hood Loop Highway east of Sandy superceded it.

The various tollgates were part of the entrepreneurial effort. From 1846 to 1870 the tollgate location varied among Gate Creek east of Mt. Hood (1846-1852), Francis Revenue's Donation Land Claim (1853-1865), and the Summit House at Summit Prairie (1866-1870). After 1870 until 1915 when toll ceased to be collected, the tollgate was located a short distance east of Rhododendron.

The many revisions to the route both east and west of Foster's by the territorial government and county are described below.

General Land Office Plats

The General Land Office plat maps provide essentially the first depiction available of the early road courses. The routes were apparently without substantial realignment since their initial establishment in the mid-1840s, though in some cases petitions for change had been submitted by settlers prior to the plat surveys. The means for reestablishing already blazed routes were minimal during this period of early settlement. Until 1849 the settlers were under a provisional government which offered no services regarding assistance in the development of transportation routes. The subsequent territorial government, operative through the 1850s, actually offered little more than approval of petitioned routes. The earliest land subdivision survey along the route was in 1852 for the township (T2S, R2E) containing Oregon City. Two roads are identified leading east through the Holcomb Hill area, the "Oregon City to Foster's" road representing the emigrant route, and the "Oregon City to Mattoon's Mills" road, located less than 1/2 mile to the south linking Oregon City to farms and mills to the southeast. A portion of the latter road closely approximates the current Holcomb Road alignment. An 1852 territorial road survey (X-88) realigned the Mattoon's Mills road, in essence more fully creating modern day Holcomb Road and supplanting the Barlow Road course west of Clear Creek. As a result, most of the Barlow Road route between Clear Creek and Oregon City likely saw use by emigrant traffic only between 1846 and 1852 before abandonment. It is also likely the emigrant route only served as a road for a very brief time before 1846 since settlement did not spread eastward from Oregon City until about the time of the Barlow Road establishment as described below. The original road course probably followed previous American Indian and pioneer trails through the hilly and wooded area.

The region from Clear Creek eastward to Sandy (T2S, R3 & 4E; T3S, R3 & 4S) was surveyed by

La Fayette Cartee in 1855. The survey in the Springwater area from Clear Creek to the Feldheimers Ford on the Clackamas River reveals a number of roads serving the early settlements by 1855. Besides the Barlow Road, there existed precursors to modern day Springwater Road, a portion of Hattan Road and a number of roads leading to the south. East of the Clackamas River, road development appears less advanced, particularly east of Eagle Creek toward Sandy where the Barlow Road is the only road identified by the surveyors. The major road from Philip Foster's northward toward Milwaukie is not shown at this time.

East of Sandy, the initial cadastral surveys occurred gradually later in time as settlement more slowly progressed eastward up the Sandy River drainage. In 1860 surveyors in the Devils Backbone area (T2S, R5E) identified only the "Road from Willamette Valley to the Dalles," and in 1872 farther east toward Brightwood (T2S, R6E) the only existing route was the "Road from Portland to the Dalles" which followed the original Barlow Road route on the north bank of the Sandy River. In 1882, the initial survey in the Welches area (T2S, R7E) identified the "Old Toll Road Across Cascade Mountains" on the north bank of the Sandy and Zig Zag rivers and the "Old Barlow Road" on the south bank. By 1898, only the south bank route, called "Mt. Hood Toll Road," was shown in the Rhododendron vicinity.

Territorial and County Road Surveys

Upon initial settlement of Oregon in the 1840s and the continued spread of settlements from the Willamette Valley into the surrounding woodland areas through the next few decades, the importance of road development and maintenance became paramount for farmers to transport goods to markets and to ports for shipment. Therefore, it was in the interest of the settlers to petition for formal survey and recognition of road courses to facilitate the use of public funding and/or public labor support as provided by law to maintain the routes and for formal public recognition of the courses.

As highlighted by the settlement patterns described above, different demands on a road network occurred west of Philip Foster's claim across predominantly level farm lands than the mountainous terrain to the east. Therefore, the discussion of developments in the road course after 1850 will be organized in two sections based upon this geographic and settlement distinction. In addition, demands for road improvement in the two regions were stimulated by different factors. West of Foster's, petitions to the territorial government and early county government in the 1850s and 1860s were, from the beginning, stimulated to increase access of settlements to markets; in other words they were settlement-oriented. East of Foster's, petitions which began in the 1860s were stimulated by the commercial interest to improve travel over the toll road through the Cascades. However, as settlement occurred between Foster's and Sandy through the 1860s and roads were established from the rapidly growing town of Portland to Sandy, the function of the road between Sandy and Foster's became more settlement oriented rather than long distance travel. For this reason the route segment between Foster's and Sandy actually represents a transition area, consisting of rolling farmland with reasonable early access to major transportation routes. The factor of enhancing travel to the Mt. Hood area continued to dominate the route east of Sandy into and through the twentieth century.

Oregon City to Springwater Settlements.

As early as April, 1851, settlers east of Oregon City began petitioning for improved roads to their farms and mills. On April 4, Almond Holcomb and a number of other settlers petitioned for a newly aligned road from Abernethy Bridge in Oregon City to a Clackamas River crossing

at Joseph Church's mill in the present Barton area, downstream from Feldheimers Ford. From the river it was to continue toward Philip Foster's and an intersection with the "Mounthood road." In response to the petition, a survey (Territorial Road X-88) was performed in February, 1852. The 1852 plat map for the township indicates the new road was apparently not established until after that summer. Based on the survey notes for X-88, as plotted in 1980 by the county surveyors office, this route established the current Holcomb Road alignment, essentially realigning the Barlow Road to the south as much as 1/2 mile in some locations. The survey established Holcomb Road all the way east to Hattan Road with a now abandoned but still identifiable segment following a ravine to the point of intersection. Apparently this ravine was avoided by the initial emigrant route because of its wet and narrow character. As evidenced by several bank cuts along the lower ravine segment, some degree of "construction" activity was necessary to extend the road directly down the ravine to Hattan Road, avoiding going over the Moss Hill area. This expansion of Holcomb Road continued to be shown on a 1934 Metsker map for the area. Today, long term residents in the Clear Creek and Springwater area recall traveling to Oregon City earlier in this century by the now-abandoned western segment of Holcomb Road. A short distance east of Hattan Road the new 1852 road course apparently joined the Barlow Road alignment at the crossing of Clear Creek. Unfortunately, the very brief territorial road survey notes do not make reference to existing developments along the route. Apparently, this early survey did establish a river crossing at the Barton area, possibly just downstream from the current bridge location according to long-term local residents.

Other early road concerns by the settlers are reflected by the 1853 petition for Territorial Road X-57 from the "Springwater Settlement area" to Oregon City. No maps or field notes are present in county files indicating no actual survey of such a route at that time. In 1864 another alteration of the Barlow Road route was proposed from John Foster's claim eastward along the current Bakers Ferry Road route to Charles Chase's settlement near present Barton Bridge, then crossing the river to intersect the road from Philip Foster's to Portland. Again, no map or field notes are present indicating the petition may not have been acted upon. By 1866 another survey was performed establishing yet another crossing of the Clackamas River between Clear Creek and Feldheimers Ford. The route (Road No. 10) established much of the current Springwater Road alignment by crossing the Clackamas River at "Grim's Ford" about a mile east of the mouth of Clear Creek, joining the current Springwater Road alignment at the sharp bend in the road one mile east of Clear Creek, then progressing southeastward to Harding's Mill (now known as Fishers Mill). The surveyors noted crossing the "lane between Arthur and Wheeler" which is likely the old emigrant route upon which William Arthur and Solomon Wheeler had established their donation land claims. The location of the intersection in the survey appears to be in the vicinity of the current Springwater Road and Bakers Ferry Road intersection. Like Feldheimers, there is no bridge today in vicinity of the Grim's Ford location.

In the following year (1867) the above-mentioned road between Wheeler's and William Arthur's was the subject of a survey itself. A survey for County Road No. 14 constituted "alteration of road leading from Philip Foster's, to Oregon City, commencing near S. Wheelers, and running to E. bank of Clear Creek" across "Arthur's Prairie." As described in the notes, the proposed revision extended from an existing "road in the vicinity of Solomon Wheelers thence to the Northeast corner of M. G. Wills land thence on the line between Dr. John Welch and the said Wills land to the western Side of Present improvements. Thence on a Southwest course to the Clear Creek Hill there intersecting with the old road." The petitioners of Pedigo, Isaac Foster and Brammer found "the Ground Better and the Labor Princeply done towards Opening it for travel" on July 16, 1867. It is also of interest that the petitioners claimed to have satisfied the requirement of one day per

service of residents toward improvement of the transportation system by stating that, "We certify that we were occupied one day each in the above work." A listing of 1867 "Arthurs Prairie" residents was provided as signatories to the petition. Unfortunately, the map and notes are too sketchy to be more useful in identifying the original route and the Welch and Wills property locations are not shown on maps.

Another extensive survey was performed in the 1880s between Foster's and the Baker's Ferry area. In 1883, a survey for County Road No. 207 was performed extending from near the Eagle Creek crossing of the Barlow Road "following the north bank of the Clackamas River to a crossing in the Barton area, then reestablishing the 1852 surveyed portion of Bakers Ferry Road before joining the old emigrant route west of Foster Creek before coursing northward, crossing lower Clear Creek and terminating at the Clackamas River crossing just downstream from the mouth of Clear Creek. This alignment further establishes the Barton crossing and Bakers Ferry Road avoiding Feldheimers Ford and Eagle Creek crossing and only corresponding to the old emigrant road between Clear Creek and Foster Creek.

Called the "Crisswell and Milwaukie Road" in 1894, Springwater Road was resurveyed with minor realignments (Road No. 429). A more comprehensive resurvey of the Springwater settlement area was performed by County Road survey no. 514 in 1900. Included in the resurvey were the "Crisswell and Milwaukie Road" (current Springwater Road), "Harding Mill and Springwater Settlement Road" (current Harding Road), and "Bakers Ferry and Eagle Creek Road" (Bakers Ferry Road). Also identified was Gerber Road. Essentially the modern day road network was now established and the original Barlow Road route was largely abandoned in this region. A description of the state of the road system the previous fifty or more years was provided by surveyor Meldrum in 1900 who noted that the original survey had "been poorly established of perishable material . . . with nothing left to mark its location on the ground other than the roadway as opened and travelled." No remarks are made about crossing the old emigrant route in the area which the surveyors must have done. Meldrum had previously made similar remarks on another survey (County Road No. 511) in the area in 1899 by noting a "present travelled road probably not on any survey."

The Abernethy Road location along the north bank of Abernethy Creek appears established by 1852 with only minor alterations occurring afterward. An example is County Road survey no. 245 in 1885 which indicates the route was labelled Holcomb Road to a point west of the current Redland Road intersection where it was joined by Abernethy Road from the southeast. The 1885 survey more closely established the current intersection location.

Foster's to Feldheimer's.

Beginning in 1867, attention began to be paid to the portion of the original emigrant route between Foster's and Feldheimers. The segment west of Foster's across Eagle Creek and the Clackamas River was reestablished as part of the County Road No. 18 survey. In June 1867, residents requested a "good" road commencing at Cutting's Mill south of the Barlow Road, extending northward to the "Oald Emigrant Road" and following the old road at "Feldhamer's" crossing of the Clackamas River onto Philip Foster's. "Feldhamer's" place was shown on the right "east" bank of the Clackamas River (contrary to homestead records which places it on the west bank in 1872) and "Hoss Heven Road to Oregon City" following the top edge of the upper river terrace west of the river along the current Springwater Road alignment. After crossing the river to the east the surveyed road generally follows the current Doty Road alignment across Eagle Creek to Foster's. The survey notes mention a bridge at the Eagle Creek crossing and intersecting a "county road

leading to Portland" 31 chains (less than 1/2 mile) before terminating at Foster's. Other establishments noted along the route include Asa Stone's, and A. and C. P. Mattoon's south of the intersection of the proposed road with Barlow Road on the west bank of the Clackamas River, Lynn's on the east bank of the Clackamas, J. Young's on the upper terrace of the east side of the Clackamas, Githens' between Clackamas River crossing and Eagle Creek crossing, and Foster's and Burnett's at present day Eagle Creek community.

Later in 1878 Feldhammers Road on the west bank of Clackamas River was further reestablished by County Road No. 146 survey. Based on an 1878 petition by Feldhammer, the survey of "Felshammer Road" ran from the west bank of the Clackamas River at "Feldhamer Ferry" in a southwest direction to the intersection of the "old road" across the southeast corner of "Waterburry claim." According to Clackamas County Surveyor Dexter Milne in a 1980 letter, Road No. 146 is a 1878 "re-establishment of a segment of former Road No. 18, established in 1867 which itself confirmed a pre-existing road." Therefore, there exists a "legal connection" of present Feldheimer Road to former Road No. 18. In 1898, another resurvey was performed for the Doty Road segment west of Foster's as County Road #492 survey, described as "the survey of a road leading from the Foster and Milwaukie road near Eagle Creek P.O. To a junction with the Heiple road." The alignment basically follows today's route as already established by previous surveys, crossing Eagle Creek where "a steel wagon skein at N. end of bridge" is noted, and continuing across much of the flat between the Eagle Creek and Clackamas River crossings to where it approaches the descent to Feldheimers Ford.

Foster's to Sandy and the South Bank Route.

In the continuing effort to establish a profitable toll road across the Cascades to the Willamette Valley settlements, Philip Foster petitioned in 1861 for an improved emigrant road from his farm eastward through Sandy to the Salmon River. Based on the field notes of the resulting 1862 survey of Territorial Road X-9, the segment from Foster's to Sandy followed closely the emigrant road alignment. At Sandy, the proposed course followed the south bank of the Sandy River joining the "old emigrant" route near the mouth of the Salmon River close to the upper Sandy River crossing established in 1847. No mention of a preexisting road course is noted by the surveyors east of Sandy and the petition states,

Being no permanently located road through this district of country, and knowing it to be of great importance to the traveling community as well as to ourselves . . . and we would further say, as the Road now runs it crosses the Sandy River twice making it very difficult (sic) even at a low stage of water, and entirely impassible through the Spring and a portion of the summer months as we now propose to locate the Road it does not cross any large streams and passes upon much better ground and much shorter in distance.

According to the petition, costs of locating the new road would be borne by Foster. Apparently capital was insufficient successfully to develop the course east of Sandy as the proposed south bank route does not appear on the 1872 plat for T2S, R6E. Settlements noted by the 1862 survey along the lower segment between Foster's and Sandy include, in order from Foster's, St. Johns, J. Wilson, and Wm. Johnston. Unfortunately, the half of the map from Tickle Creek south of Sandy to the Salmon River is missing from the County files. Other road improvement activity east of Philip Foster's in 1861 was also represented by the survey of Territorial Road X-13. This route, which followed along the west bank of Deep Creek generally conforming to the current Howlett and Judd road alignments, connected new settlements between Deep Creek and Eagle Creek to the "Foster's

to Milwaukie" road (established after 1855). This road established a more direct route to developing urban markets without winding along the emigrant route through Foster's. The route crossed the "Emigrant Road" at approximately the current Highway 211-Judd Road intersection. Later in 1872, a petition and an application for County Road No. 58 sought to realign the road across Philip Foster's claim from the "terminus of the Milwaukie Road at Philip Foster's" to "the Old Road" from Foster's to the Salmon River." No map or survey notes are available for this application.

The sought after south bank route east of Sandy was again surveyed as County Road No. 100 in 1876. The route was proposed to extend from "Gidises's Store" in Sandy to the mouth of the Salmon River. The route was apparently not entirely completed until 1884 though the west end was established for some distance later to be revised by County Road No. 195 survey in 1881. The survey affected a one mile segment of road immediately east of Sandy.

Another major resurvey of the "Foster County Road" between Foster's and Sandy was performed in 1884 establishing County Road No. 241. This appears to be the first survey of this major Barlow Road route segment since the 1862 survey petitioned by Foster. Surveyor Meldrum mentions in his 1884 notes that, "The field notes of the original survey of the Foster road are so obscure that it is almost impossible to identify any portion of said survey and it would seem that but a small portion of the road was often upon the original survey." This statement brings into question the accuracy of the 1862 survey records in depicting the actually traveled course. It may be that the travelled routes did not always follow the surveyed alignments, particularly when little development was employed. The 1884 survey began on a hillside a short distance south of Deep Creek and terminated at the Sandy Post Office. Deviations between the new re-established route and the old route are depicted on the survey map though some of the deviations may be exaggerated. The surveyor's notes mention the "proposed site of new bridge over deep Creek," running "along corduroy road - ascending Deep Creek hill," and following "Along traveled road" immediately north of Deep Creek and on several other segments toward Sandy. There is also mention of crossing "Tickey (Tickle) Creek along South side of bridge." The accuracy of the "Old Foster Road" depicted in the survey sketch is questionable due to lack of conformance with the early plat survey notes. It may be reflecting the previous surveyed route rather than the actual traveled route. This segment of the Barlow road route was ultimately replaced by Market Road 33 and later by State Highway 211 in the twentieth century.

The first major step toward developing a modern road between Eagle Creek and Sandy had its beginning in 1919. In that year the State of Oregon passed a law creating a fund for aiding counties in the construction of market roads. The funds were expended by counties using construction plans and specifications provided by the State. Improvements consisted of grading, re-shaping and widening (Oregon State Highway Commission 1920: 43). County Market Road #33 replaced the previous, more primitive road. Though following the same general route, a number of deviations from the existing alignment were introduced as shown by a 1927 Metsker map. This county road course is still evident today as part of existing roads and abandoned roadbeds.

The County Market Road funding law was superceded by creation of the State secondary highway system in 1931. The 47 mile-long "Woodburn-Mt. Hood Loop" secondary state highway, including the Eagle Creek to Sandy segment, was one of three highways established in Clackamas County by 1933 (another was the "Cascade" highway). However, most roadwork emphasis through the 1930s along this segment was maintenance of the previously established market road with probably little change in actual alignment. The current alignment of State Highway 211 was

largely established in 1946 and 1947, which was mostly new alignment (Smith 1992).

Sandy to Sandy Bridge.

The segment of the Barlow Road between Sandy townsite and Sandy Bridge at Revenue's was apparently not "established" by resurvey until County Road No. 79 survey performed in 1874. The major route segment identified as "Road Survey of the Sandy Bridge & Portland Road" essentially revised the prior Territorial Road X-56 from Portland to Sandy and includes a rough sketch of the "Barlow Road" extending down the ridge to the north from Sandy to the "Ford" past "Frenchman's House" (Revenue's). This survey document further indicates that the Barlow Road route was still located on the north bank of the Sandy River. A more detailed survey of the Sandy to Sandy bridge segment was not performed until 1885 by a survey for County Road No. 256. This survey was performed approximately a year after completion of the south bank Salmon River road from Sandy and the original Barlow Road route is now labelled "Oregon City and Sandy Road." The survey sketch shows a grist mill on the south bank of Cedar Creek near the west shoulder of the road and a school house farther south near the hair-pin curve at the base of Sandy ridge. The two mile road alignment "follows the present traveled" route from the "south end of new bridge" at Revenue's to the top of Sandy ridge at "Menigs Store" where an intersection is shown with the new "Barlow Road" extending to the southeast and Chase Road extending westward through Sandy. Other establishments in Sandy identified by the 1885 survey along Chase Road include "Revenue Store," "Sandy P. O.," "Otto Scholley," "Dr. Ingraham," and "H.B. Chase."

North Bank Segment, including Devils Backbone.

As described above, settlement came later for the section of road above the second Sandy River crossing (Phase I of the Barlow Road Inventory Project) than the valley bottomlands between Sandy and Oregon City. Consequently, the first survey of the Barlow Road route in this area was not until 1873 when settlers petitioned for establishment of County Road No. 68, identified as the "Portland & Cascade Road". This occurred eight years after the tollgate was moved eastward from Revenue's to Summit Meadows. The spread of settlements along Devils Backbone had made the feasibility of operating a tollroad in the area untenable. Consequently, a settlement orientation to transportation demands replaced the previous tollroad business orientation. The route surveyed began at the Multnomah County line northwest of Sandy and crossed the Sandy River several miles downstream of Revenue's bridge. It ascended Devils Backbone west of the emigrant course before the joining the "Old Road" alignment on top of Devils Backbone near the Branham farmstead. From there the surveyors notes indicate the "Old Emigrant" road was followed to the "Rock Corral" location on the north bank of the Sandy River. Several establishments were noted immediately along the Barlow Road section of the route, including Chapman, Branham, Gio, Sievers, Wilcoxsen, J. Moore and Philip Moore. A list of residents in the area is provided by the April 1873 petition to the County. The segment of the Barlow Road from the intersection with the above Portland & Cascade Road southwest to Revenue's bridge was formally reestablished six years later in 1879 as County Road No. 155. Apparently some minor deviations from the emigrant route were made as indicated by the survey notes which stated,

To grant a change of road. Said change commencing at the end of the Bridge on north side of Sandy river running on the best and most practiceable rout to the top of the Bluff near Bacon's Black Smith Shop thence the nearest best and most practicable rout to the East line of George Hoffman's land claim where the County road (No. 68) crosses it.

Hoffman had acquired the previous Branham place in the intervening six years. Other settlements

along this segment in 1879 besides Hoffman and Bacon include McGugen (apparently replacing Chapman), and Harris (between Bacon and McGugen at the base of the Devils Backbone south-facing hillside). Thus, by 1880 surveys for County Road Nos. 68 and 155 had incorporated the Barlow Road into the county road system between the second Sandy River crossing near Revenue's and the Rock Corral area on the north bank with only minimal alterations at the ascent of Devils Backbone from the Sandy River bridge.

With establishment of the "new" Barlow Road on the south bank of the Sandy River from Sandy to the Salmon River by 1885, further improvements to the north bank route of the original Barlow Road were sought in 1886. It is likely the alterations were to enhance access of the settlements at the east end of Devils Backbone and the north bank of the Sandy River to the new south bank route. Survey No. 259, titled "Road Resurvey of Old Barlow Road," began on the top of the Devils Backbone (west of Frederick Sievers' homestead) in the "Old Barlow Road" roadbed and extended eastward, deviating in places from the old roadbed "on account of steep grades and washouts." This survey established much more closely the current Marmot Road alignment. Deviations from the old road alignment include a segment beginning east of Kyler's house (located across the road from the previous Gio place) in the east portion of Section 11 south of the old roadbed to near Sievers' house in Section 12, then following the "present travelled road, down grade on S. hillside" between Sievers and Aschoff's (the former Wilcoxsen place) where it again left the old road course to the south downslope to Herrick's place (previously J. Moore's place) at the base of Devils Backbone. From there the road survey basically followed the old roadbed crossing a small bridge just south of Herrick's where a culvert is in place now and past Rock Corral to a possibly new bridge spanning the Sandy River, near the present Marmot Bridge. Upon crossing the bridge the route coursed another 1/4 mile toward the southeast where it intersected the newly established "Barlow Toll Road" segment following the south bank of the Sandy River. Other establishments on the north bank during this survey included R. D. Alexander, Philip Moore and the "Widow's Ranch" just east of Moore's. The Devils Backbone route's place in history was noted in a resurvey of a road extending west of the emigrant route in 1890 which referred to the old ridgetop route as the "Sandy Bridge and Backbone Road known as the old Barlow Road".

Formal survey and improvements of the north bank route east of Marmot Bridge, including the original 1845-46 route following the north bank of the Sandy River from near the mouth of the Zigzag River to the Brightwood area, did not occur until much later. A county road survey in 1910 noted following the "emigrant road" as closely as possible immediately downstream from the original first crossing near Faubion. The south bank route from Brightwood east to Government Camp received its major revisions in 1919 with the survey of the Mt. Hood Loop Highway and its construction in the next two years (see 1920 Mt. Hood Loop Highway, Sandy-Forest Boundary, Clackamas County, Oregon State Highway Department Drawing #3B20-7).

Summary

By 1900 the original Barlow Road route between Brightwood and Oregon City (including the Devils Backbone segment) was well integrated into the county road network and better defined by formal survey. East of Brightwood the route was superceded by the Mt. Hood Loop Highway by the early 1920s. Although decades of improvement and maintenance have continued to present, the "pioneer" character of the transportation system as a whole had been well replaced and abandoned, primarily only recorded in the memories of descendents of early county residents in the area and various early survey notes.

Early Settlements along the Barlow Road Course

Between 1842 and 1846, Oregon City grew from just a handful of individuals to a town of 500 population (Johansen and Gates 1967: 212; O'Donnell 1991: 50). Consequently, east of George Abernethy's donation land claim at Oregon City, most of the earliest claims were first settled contemporaneously with the earliest Oregon Trail migration and establishment of the Barlow Road. Based upon the "settled claim" dates provided in the donation land claim patent documents, the only settler prior to the first emigrant arrivals in 1846 along the route were William Arthur (1843), located on lower Clear Creek, and a person by the name of McSwain at the later Philip Foster location at Eagle Creek. Several settlers arrived in 1846 and 1847, including: Philip Foster, John Foster, Nathan Mack, Ambrose Foster and Robert Arthur in the Springwater area; Horace Baker and Mark Hatton on Clear Creek; and, George Weston between the Clackamas River and Eagle Creek. Other settlers arrived in 1848 and 1849, appearing in the 1850 census records. These included: Solomon Wheeler east of Clear Creek and Joseph Church on the Clackamas River below Feldheimers Ford in 1848; and, Almond Holcomb near Oregon City, Isaac Foster in the Springwater area and John Glover near Eagle Creek in 1849. By 1853, when Francis Revenue pushed settlement to the Sandy River along the route, other pioneers had settled east of Abernethy including: John Thomas (1852) and John Moore (1854) to the west and east of Holcomb, respectively; Caleb Tracy (1853), William Harper (1853), Thomas Waterbury (1853) and Zachary Norton (1853) in the Springwater area; Joseph Young (1852) and Egbert Olcott (1851) east of the Clackamas River near Feldheimers Ford; and, James Foster (1852) and James Brown (1853) just east of Philip Foster's.

Emigrant diaries concerning the last 20 miles of the emigrant route provide some unique forms of information not normally provided by this source on the previous 2,000 miles of the journey. That is settlement information. Beginning with Joel Palmer's observation upon arriving in 1845 to "a house at the foot of the hill . . . The claim was held by a man named McSwain." From there Palmer followed the north bank of the Clackamas River where he arrived at "Mr. Hatche's" a short distance from the river crossing where an Indian village was located. From there Oregon City was only a short distance. Some time between 1845 and 1847 Philip Foster obtained McSwain's squatter's claim and the farmstead became a landmark on the emigrant road. Numerous references and descriptions of Foster's place were recorded in emigrant diaries in subsequent years, early on being the first settlement encountered on the route and then later as settlement spread eastward along the route still holding the status of being the first settlement arrived at in the Willamette Valley. It always constituted a major crossroads to various destinations.

The next emigrant reference to a settler along the Barlow Road was by Benjamin Cleaver in 1848 who described after passing by Foster's camping between Eagle Creek and the Clackamas River "at the side of a small buggy Prairie near a farm" he attributed to "Mr. Weston's." According to records, George Weston had settled the donation land claim in 1847. That a number of settlers had become established along the Barlow Road between Philip Foster's and Oregon City by the late 1840s is indicated by William Watson who noted in 1849, "passing several deserted colonies we encamped at the residence of Mr. Hensley." This entry also underscores the lure of the California goldfields which significantly retarded settlement and economic growth of Oregon for awhile.

The occurrence of settlers east of Foster's apparently began in 1852 when Jared Fox referred to a "garden & house" one mile before arriving at Foster's, which he noted was "heretofore known as the first house." The newness of the evidence of settlement is reflected by Fox, "This was a new beginning and afforded nothing." Fox continued by writing, "We were advised to go to the next

or 3rd house . . . which is one mile further, a man by name of Church" who had a mill on the Clackamas River downstream from Feldheimer's crossing. According to records, Joseph Church had the claim since 1848. As is evident by a number of other 1852 diary entries, Philip Foster's was still the first settlement of substance encountered by the emigrants and still anticipated by the emigrants. For instance, Enoch Conyers noted, "We started early this morning for Foster's ranch, which we are told is only six miles from this camp." Conyers also noted, "passing several farmhouses" between Foster's and Oregon City, but along the north bank route of the Clackamas River and not the Barlow Road through Springwater area.

The new settlement in 1852 east of Foster's must have become more substantial in 1853 and new settlements were being established farther east yet along the emigrant route. In 1853, Amelia Knight wrote, "passed one new made claim this evening (Revenue's claim) . . . it is three miles to the first farm." The latter reference is likely the new settlement noted the previous year east of Foster's. By 1854, Francis Revenue's claim had become a settlement of substance as Philip Condit wrote, "Traveled over the Backbone to the last crossing of the Sandy and camped near the first dwelling house we found in the Cascades. Here we found . . . civilization." Interestingly, though Foster's farm may not be the first settlement after 1851, it was still regarded the first encountered in the Willamette Valley as reflected by Kerns in 1852, "we reached Foster's, the first house in the Willamette Valley, after getting out of the Cascade mountains."

The later diaries of Butler in 1878 and Stevens in 1881 highlighted the progress of settlement along the route. On August 14, 1878, Butler wrote, "Crossed a sandy bridge, came to a store (probably Meinig's Store at Sandy) . . . Farms all most all along the road." On July 7, 1881, Stevens wrote after passing through Sandy, "We have been passing farms every short distance, and the country as far as we can see is dotted with fields and houses. They have some nice homes and farms here . . . We are now about 10 miles from Portland."

A pattern of settlement is evident along the route. The area east of Oregon City receiving the earliest interest in settlement was along lower Clear Creek and eastward along current Bakers Ferry Road. Between 1843 and 1847 eight claims were settled in what became know as the "Springwater Settlement area" and the need for improved access to markets quickly developed. As noted for many areas of the American West, "the spread of settlement was so great in most communities that strictly pioneer conditions did not last very long" (Fite 1966: 220).

A second wave of settlement occurred between 1848 and 1853, focused largely along the Clackamas River in the Feldheimer Ford area, the hills between Oregon City and the Springwater area, and a few "outlyer" settlements in the hills east of Philip Foster's with Francis Revenue being easternmost. By 1854 the route between Abernethy's and Philip Foster's was wholly settled with Moss Hill on the west side of Hattan Road being the lone exception. This pattern conforms with observations by Bowen (1978: 3) that "by 1850, when the first period of immigration was complete, settlement had spread throughout the Willamette Valley." Early settlement in this area was by donation land claim except for Mathis Kirchem and Ludwig Feldheimer who first appear in the 1860 census records and subsequently received homestead entry patents in 1869 and 1872 respectively. The Moss Hill location was not patented until 1884 by Caroline Carr who did not appear in the census records through 1870. Many of the settlers west of Foster's appeared in the 1850 census and almost all were enumerated in the 1860 census. The original Barlow Road route between Clear Creek and Oregon City likely served these farmsteads for only a brief few years before being significantly realigned by 1853. Additionally, settlement quickly expanded away from the emigrant route in the 1840s with new spur roads appearing to serve the farms and mills.

The country east of Philip Foster's represents a hilly landscape on the perimeter of the Willamette Valley province. Settlement toward the Sandy area and across Devils Backbone to Mensingers Bottom was much slower with only a handful of donation land claims settled by 1855. Most settlement in this region occurred through later cash entry and homestead entry patents with only a few of these settlers first appearing in the 1870 census records. A number of patents were granted in the 1870s between Philip Foster's and Frederick Sievers' homestead on top of Devils Backbone, largely reflecting initial settlement in the late 1860s and early 1870s on tillable land along the middle Sandy River course. Patents were granted for most of the remaining parcels along this segment of the route and eastward to Mensingers Bottom in the 1880s, probably reflecting 1870s and early 1880s settlement. Settlement along the Barlow Road route east of Mensingers Bottom toward Summit Prairie generally began in the 1880s with patents being acquired from the 1890s up to 1919. Although settlement was later east of Foster's, the former emigrant route played a more substantial role through longer use in the settlement process, particularly east of Francis Revenue's up to the Mt. Hood area. A major factor for this increased role is the more confining character of surrounding terrain along the route on either side of the Backbone ridgeline and the Sandy River stream course, which inhibited the spread of settlement and significant realignment of the original road course.

The census records of 1850 and 1860 provided insight into the general character of pioneers settling along the emigrant route. Not surprisingly, the sequence of households provided in 1850 confirms that Joseph Meek, census enumerator, headed along the Barlow Road from Philip Foster's farm at Eagle Creek generally westward to A. B. Holcomb's. The 1860 census enumerated an increased number of residents whose properties were traversed or lay close to the Barlow Road. The early settlement east of Clear Creek in the Springwater and Eagle Creek areas consisted almost entirely of farmers. In contrast, those settling west of Clear Creek to Oregon City and immediately along the banks of the Clackamas River were skilled and unskilled laborers. The farmers probably engaged primarily in subsistence agriculture at first with some sale of cereal crops to local grist mill operators or to Oregon City exporters.

The census recorders also provide insight into the origination of Barlow Road settlers. Of the 25 adults counted in 1850 immediately along the route, twelve states were represented as their birthplaces with Kentucky and Virginia providing five each. The other 15 persons originated from 10 different states, a considerable scattering. However, when considering the birthplace of their children prior to migration to Oregon Territory, a very different pattern emerges. Of the six families with children born in the United States, five families have offspring born in Illinois and Missouri. The only family with children from a state other than Missouri or Illinois is the Philip Foster family who, with a child from Maine, did not come by way of the Oregon Trail but by ship.

The 1860 census records show somewhat similar migration patterns, with a broad birthplace distribution of the adults, but a stronger representation of the Missouri/Illinois region among the children. By 1870 the patenting and sale of lands makes correlation between census records and property locations increasingly tenuous and by 1880 the census confirms that articulation between land records and census records is highly problematic. However, the land use pattern, fixed by the 1850s, does not change much throughout the study period and, to some extent, persists to the present as a primary land use.

A pattern typical of the Willamette Valley in general is represented. Families arriving had already migrated at least once before, often from the eastern states to the Midwest before embarking again.

As noted by some historians, it is likely that only the Pacific Ocean prevented these families from perhaps moving again as settlement grew in the Oregon frontier.

In sum, as a route of travel and commerce, the Barlow Road naturally served settlers spreading out from the Willamette Valley. In a short period from 1841 to 1847 settlers covered nearly the entire floor of the main valley and, in 1850, transformed their provisional land claims into filings at the General Land Office. By the early 1850s newly arriving settlers were compelled to turn to more marginal, forested lands. In 1853, for example, Francis Revenue and his family settled on the south bank of the Sandy River opposite the western end of the Devil's Backbone. Revenue was the easternmost donation land claimant in the Sandy watershed.

Passage of the Homestead Act (1862) encouraged successive waves of settlers to seek sites for stump farms along the margins of the Barlow Road. The land records (i.e., Historical Index at the Bureau of Land Management) confirm a pace of settlement of approximately six miles per decade. In other words, by the 1860s and the 1870s settlers were seeking claims, erecting cabins, and clearing lands on the Devil's Backbone east of the second Sandy River crossing at Revenue's. They were settling in Township 2 South, Range 5 East, Willamette Meridian. In the 1880s settlers were on the eastern edge of the Devil's Backbone and taking lands between Marmot and Mensinger Bottom. In the 1890s settlers were filing on claims between the Salmon River and the mouth of the Zigzag. Between 1890 and 1905 a few selected lands along the Zigzag River. Horace Campbell, Charles Cutting, Oliver C. Yocum, A. B. Hammond and Grant Mills had even decided to try the high country at Summit Meadow and Government Camp. For these people the Barlow Road had become a market road. They used it to travel back and forth to the Willamette Valley to sell their farm surpluses, to seek seasonal labor, and to purchase needed supplies. Even when the Barlow Road moved to the south bank and extended by the 1880s west from the mouth of Salmon River to Sandy, Oregon, the settlers on the Devil's Backbone continued to use the old trace as their way of travel to and from the settlements.

Historic Themes, Events, and Sites

A single theme -- overland emigration -- dominates the history of the Barlow Road. For the years 1845 to 1865 the bulk of migration was westward bound. After 1865, however, the road acquired increasing use for transportation of livestock to the ranges of central Oregon or to the markets of western Oregon. This use is poorly documented but occurred as a cost-saving to drovers who avoided the fares on steamboats or use of the portage at the Cascades of the Columbia. Stock use probably diminished in the early 1880s with construction of the Oregon Railway and Navigation Company railroad through the Columbia Gorge. The Barlow Road also was used as a travel corridor for a new generation of settlers moving east over the Cascades into central and eastern Oregon.

Portions of the Barlow Road, such as the segment from near the mouth of Salmon River to Government Camp, gained increasing use in the years 1884-1919 for tourist-related land travel, the third theme topic for this study. The construction of facilities to serve travelers and recreation seekers confirms this use. These developments, frequently destroyed by fire, included: Summit House at Summit Meadow, Lamoreaux Cabin (prior to 1907), Three Ring Road Cabin (prior to 1912), Aschoff's Mountain House Hotel (1902-1920s), Welches Resort Hotel (1905-1917), Rhododendron Inn (1910-1946), and the Arrah Wanna Hotel (1912-1915). Of these structures only the Lamoreaux Cabin and Three Ring Road Cabin -- the two least known or documented facilities -- are standing in 1991.

The section of the road from Summit Meadow to Sandy once had four primary historical sites associated with the road's operation during the era of emigrant use. Each served as the site of a toll collecting station:

1. Francis Revenue farm, 1853-65
2. Summit Meadow, 1866-70 [Mt. Hood National Forest, 1991]
3. Two-Mile Camp, 1871-78 [a site three miles east of Rhododendron on the Mt. Hood National Forest, obliterated by reconstruction of Highway 26]
4. Tollgate [a site at Tollgate Campground near Rhododendron, Mt. Hood National Forest, 1991]

Very few emigrant diaries examined for this project speak to any of these sites.

The historic site most prominently referenced by emigrants was Philip Foster's farm at Eagle Creek. The Foster place was the first glimpse of civilization to emigrants until 1854 and constituted a major point of dispersal of the newly arrived emigrants beginning in 1846. This donation land claim marks a transition to the second theme of this study, "Regional Settlement." A number of structures located immediately along the route date prior to 1920 and are associated with early settlement along the road. These specific remaining structures receive no mention in the diaries.

Another site of interest is the former community of Marmot, Oregon. In 1883 Johann Adolf Aschoff, a German immigrant, brought his family to this site. He erected the Mountain House Hotel, a general store with small post office, several cabins, and, ultimately, a "museum." The Aschoff collection consisted primarily of natural history specimens: deer horns, skins of bear, panther, and fawns, pressed plants, and curios, including the brace Aschoff wore after he broke his neck. Marmot, Oregon, dated, however, to the period after the opening of the emigrant travel route west of the Salmon River via Cherryville Hill to Sandy, Oregon. Thus, though it developed on the eastern end of the Devil's Backbone on the traces of the original Barlow Road, the townsite was not associated primarily with emigrant use of the route. Therefore, the former townsite marks the transition to the third theme -- land travel associated with recreational use of the emigrant route. The construction of Highway 26 in the 1920s was the death knell for Marmot. Recreation seekers preferred the new road to the old plank route via the Devil's Backbone. Marmot's modest fortunes faded with the aging Adolf Aschoff's last few years of tenure.

With increased availability of cheaper mass-produced automobiles to the general public in the 1910s, the Barlow Road was decreasing in its service to the public. The first Annual Report (1914) of the Oregon State Highway Engineer noted a desire to have a "good road" from Portland to Mt. Hood, patterned after the Tacoma to Mt. Ranier road. In 1919, the Barlow Road was deeded to the State of Oregon, but not without question of existing route location and condition (see Appendix 4). Also in 1919, state highway survey crews began assessing possible route locations from Sandy toward Government Camp and in 1920 a route choice was made. During the same period time, passage of the market road act financed improvements between Sandy and Oregon City. With the beginning of the grading and surfacing in the early 1920s of the new highway route from Gresham to Government Camp and the market road from Eagle Creek to Sandy, the role of Barlow Road serving as a regionally important route came to a close. The new Mt. Hood Loop Highway was completed to Government Camp by the end of 1923. A corresponding change in recreational interest toward facilities in the Government Camp area marked the close of the early period of Mt. Hood recreational development as well.

There are no known cultural resources connected to the Barlow Road between Summit Meadow and Oregon City associated with ethnic or religious groups.

Gaps in the Historic Record

The toll books for the operation of the Barlow Road are mostly missing except for a few years early in the twentieth century. Although a considerable number of people have expressed interest in potential genealogical research in such records, the toll keepers were not interested in nor did they record the names of travelers. Their mission was simple -- extract, if possible, payment in specie or in goods as a toll from those traveling the road. It is highly unlikely that additional toll records remain in private hands. The statistical record of use of the Barlow Road thus remains largely undocumented and is in no way comparable to the detailed records of travel for the years 1871-96 for the other, primary trans-Cascade route, the Oregon Central Military Wagon Road. For the OCMW Road there are detailed, annual compilations which include counts of every man, woman, child, cow, horse, mule, and sheep and enumerations of up to as many as 269 primary destinations in a travel season.

Diaries of travel for the Barlow Road are concentrated in the years 1845-54. Approximately 95% of the primary accounts of use of the route fall within the first nine years (or 12% of the period) it was open as a toll road. A rigorous review of bibliographies and libraries specializing in Western Americana has not yielded significant leads to suggest any change in this distribution of primary materials.

Interviews with knowledgeable persons assisted measurably in helping locate extant trail ruts, but most informants are removed at least one, if not two or more generations from the period of westward-bound emigrant use of the Barlow Road. The eldest oral informant, Carolina Vaeretti Hauser, age 102, recalled traces of the road on her parent's homestead when she was a child in the 1890s, but to discuss the presence of rope-burned trees on the western margin of the Devil's Backbone turned to the oral accounts of her father who saw such features when he first homesteaded there (see Appendix 5). In other words, the informants of the 1990s are so significantly removed by time and experience from the emigrant use of this road that their information is either hearsay, data based on their own reading or research, or is an awareness of probable road features based on their having lived in the vicinity of the road traces. It is not anticipated that further oral interviews will substantially enhance the understanding of the location or use of this segment of the route.

Related Study Units

Under the Oregon Theme scope of study are several other related themes including: 19th and 20th century rural architecture, prehistoric land use, farming, industry, and recreation. Each of these related themes is briefly discussed below.

1. Associated with the early "Regional Settlement" theme is the "Architecture" theme in which various architectural styles of residences and barns were introduced for over a half century from the 1850s to the 1910s (Speulda 1990).
2. The "Farming" and "Industry" themes address the economic bases sustaining the new,

largely rural, settlements. The economic foundation included raising crops, creating pastureland, commercial logging and lumber milling.

3. It is likely much of the early emigrant route followed long established Native American trails, traversed landforms attractive for prehistoric settlement, and passed productive resource production areas. Several substantial Native American sites have been the focus of archaeological investigations along the route (Woodward 1974). The Barlow Road route essentially constitutes a long transect across various environmental settings from near the crest of the Cascade Mountain Range to the banks of the Willamette Valley. Along this transect should be found various levels of settlement (from river terraces to ridgelines) and resource extraction locations (root and berry gathering areas, fisheries, hunting areas, etc.).
4. As use of the route increased through the late 1800s and early 1900s, recreational use of the Sandy River and Zigzag River corridors and Mt. Hood area escalated. The "Land Travel" in this study considers locations immediately associated with the traveled route, but many other recreational facilities also came into existence outside the study area. Indeed, recreational use of the Hoodland corridor and Mt. Hood area would constitute another theme.

IDENTIFICATION

Previous Studies within the Study Area

Studies regarding cultural resource values within the study area have been varied. In regard to the Barlow Road itself, studies have been most numerous by many private individuals and organizations who, for various reasons, have special interests in the pioneer route. A previous study by Clackamas County focused on this body of information. The project led to the 1988 Maps of the Barlow Road: Mt. Hood to Oregon City, Clackamas County document which established a beginning point for the more recent Barlow Road Inventory Project. The private local interest also led to several published accounts of the route, including: Barlow Road (1985) by the Wasco and Clackamas County historical societies; two publications by the Sandy Historical Society (1973, 1985); a 1970 article by a Barlow Road property owner, Ginny Brewster, in Mountain Magazine; a 1972 article by Roy Meyers; and, a series of articles on the Oregon Trail by Jim Tompkins of Beavercreek. The Cascade Geographic Society of Rhododendron has also recently produced and sponsored unpublished reports on various aspects of the route. An early manuscript concerning one of the Barlow Road themes is a lengthy unpublished and uncirculated document written by Emma White, daughter of Adolf Aschoff. The text is based on interviews with Aschoff in the late 1920s shortly before his death. This narrative concerns the early history of Marmot and the Devils Backbone area. The document is in the possession of Ginny Brewster.

Besides the U.S. Forest Service assessment of the Barlow Road route across Forest lands referenced above, several other professional efforts have focused on the Barlow Road route within the study area. From 1956 to 1959, Oregon State Highway engineers studied the route through use of maps, pioneer diaries and field inspections. The highway department subsequently published a booklet of strip maps in 1959. In 1970, in response to increased public interest, the Oregon Parks and Recreation Section initiated a study of the Oregon Trail route across the state. In an attempt to identify remnants of the emigrant route, aerial photography along the route was taken in 1971 and various locations were visited, including locations within the study area. The products of the study, led by Greg Morley with assistance from Claire Belcher, were a set of topographic maps and aerial photos with much of the Oregon Trail route recorded on them. However, apparently because of funding or time limitations, the aerial photos for the Barlow Road were not interpreted and marked.

In 1972 the State's study was incorporated into a national study of the Oregon Trail by the U.S. Bureau of Outdoor Recreation (BOR). This latter study resulted in a 1974 report, "The Oregon Trail...A Potential Addition to the National Trails System". The BOR study was also aided by Percy Brown of the now-defunct Bureau of Land Management's Portland Service Center who utilized the General Land Office surveyor notes to a limited extent. He noted, however, that use of the notes was "very tedious and time consuming". Following passage of legislation designating several segments of the Oregon Trail as a National Historic Trail, the U. S. National Park Service produced a 1981 management and use plan complete with relatively detailed maps identifying the trail route. Information for the route location was largely based on input from local interests referred to above. Also in the 1970s, the U.S. Bureau of Land Management place two locations along the Barlow Road route on the National Register of Historic Places. Associated with these nominations was a soil study at the Rock Corral Site to determine if intensive use of the parcel had occurred (n.d.). The soil chemistry measurements did indicate intensive human or animal use of the parcel, but the association with emigrant travel has yet to be affirmed.

A proposed highway widening project along State Highway 26 in the 1980s led to identification of cultural resources in the project area along the south bank segment of the emigrant route from Rhododendron to Wildwood, including an intensive study of the Barlow Road segment in the area (see addendum by Dwight Smith to the 1986 Oregon Department of Transportation report). Most recently, the Governor-appointed Oregon Trail Advisory Council conducted a study of the status of the Oregon Trail in Oregon, including the Barlow Road, and produced a report identifying interpretive potentials and preservation needs for the route (1988).

Other more broadly focused, development-related cultural resource surveys in the study area include a 1979 survey of the north bank by Randy Mason associated with a proposed bank revetment project (SHPO Report #896), and surveys at proposed timber sale units on Devils Backbone in 1987 by the Bureau of Land Management (SHPO Report #8308) and in 1988 by the U.S. Forest Service (SHPO Report #9293). None of these surveys identified cultural resources within their project boundaries, though the more recent Forest Service report did identify a segment of the Barlow Road near one timber sale unit.

The most comprehensive study regarding historic structures in the region is an ongoing inventory since the early 1980s sponsored by Clackamas County. The Barlow Road corridor intersects several study units in the inventory including: Sandy-Boring; Carver, Eagle Creek, and Fischers Mill; and, Hoodland. A number of structures within the Barlow Road historic context area have been identified and coordination has been established between the Barlow Road Inventory Project and the County's historic structure inventory effort.

One project involving excavation of prehistoric archaeological deposits was conducted by John Woodward of Mt. Hood Community College in 1972 at 35CL2, on the north bank of the Sandy River near the emigrant river crossing northeast of the townsite of Sandy and at other locations in close proximity to the route (Woodward 1974, 1977). Information from the excavation was included in a 1974 dissertation through the Department of Anthropology, University of Oregon (see pages 17-19 and 244).

Excavations at Euro-American settlement locations along Barlow Road consist of archaeological work at Horace Baker's cabin on Clear Creek (Woodward 1974). Archaeological investigations elsewhere in the West have begun to define characteristics of assemblages representative of emigrant activities while in transit (Hawkins and Madsen 1990; Hardesty 1987; Crabtree 1968; Woodward 1990). A number of other sources are available for characterizing emigrant assemblages including wagon parts (Horn 1974; Potter 1991; Capps 1990; O'Donnell 1991:19). Archaeological investigations of historic period settlements in western Oregon dating from the mid-1840s to 1900 are few (Adams 1991; Chance and Chance 1974; Minor et. al 1981; Sanders et. al 1983; Speulda 1988; Speulda et. al 1987; Steele 1977, 1979). Woodward's (1974) excavations at selected prehistoric sites along Barlow Road have also yielded a number of early historic period artifacts.

Other Related Thematic Studies

Several other thematic studies have assessed transportation routes across the Cascade Range between western and central Oregon. Development of the Oregon Central Military Wagon Road and the Willamette Valley-Cascade Mountain Wagon Road (Santiam Road) was funded in the 1860s by federal land grants to private road companies. The Columbia Gorge Highway, Oregon's

first paved road, was built 1912-1914 by local subscription and state funding. A listing of the studies is provided below.

Beckham, Stephen Dow

1981 The Oregon Central Military Wagon Road: A History and Reconnaissance. 2 vols. Heritage Research Associates Report No. 6 submitted to the Willamette National Forest, Eugene, Ore.

Burwell, Gale

1982 Scott Wagon Road: A Reconnaissance. Willamette National Forest, Eugene, Ore.

Gronowski, Nancy H., and Jeanette Kloos

1987 A Study of the Historic Columbia River Highway. Oregon Department of Transportation, Salem, Ore.

Guminski, Cynthia, Robert Brodsky, and Michael Gilmore

1983 The Santiam Wagon Road: An Historic Preservation Study. Department of Planning, Public Policy, and Management, University of Oregon, report submitted to Willamette National Forest, Eugene, Ore.

Ochi, Diane

1983 Columbia River Highway Options for Conservation and Reuse. National Park Service. Cascade Locks: Columbia River Highway Project.

Smith, Dwight

1984 Columbia River Highway Historic District. Oregon Department of Transportation, Salem, Ore.

Stutesman, John K.

1983 Santiam Wagon Road Evaluation Report, Part 2: Physical Description. Willamette National Forest, Eugene, Ore.

Property Types

Property types are defined as "a grouping of individual properties characterized by common physical and/or association attributes." The three primary themes of this context have several key property types associated with them that allow linking the theoretical historic context to actual historic properties. The "Immigration" theme property types include wagon road remains, pioneer campsites, pioneer graves, cache sites, tollgates and supply sources. The "Regional Settlement" theme consists of farmsteads which today primarily include residences and barns. The "Land Travel" theme property types are "stage" stops/resorts and ferries. Character defining features and evaluation criteria are provided below for each of these property types. The information provided is based partly on data generated by the Barlow Road Inventory Project (for road remains and cache features in the project area) and partly on predictive projections for several resource types based on emigrant diary entries (for campsites and temporary supplies sources), historical documentation (for permanent supplies sources, tollgates, farms and ferries), informant interviews (for gravesites) and natural environment observations made during the field survey.

Most of these property types are very low in visibility making identification difficult in the western Oregon vegetation. Even in regard to previously existing buildings, the weathering of structural remains has been significant with the combination of seasonal snowfall, high regional rainfall and vegetative encroachment into unmaintained structures making these property types low visibility in character as well. This inherent characteristic of low visibility may, in turn, detract from the current physical condition of the resources due to inadvertent destruction and their posing minor impediment to subsequent development. As noted above, the built property types were normally made of wood, thus also detracting from long-term preservation due to weathering and arson.

Most property types with sufficient integrity would qualify for National Register designation primarily through Criteria A, association with important events and Criteria D, having important information value. A limited number would qualify under Criteria B, association with important individuals. For example, emigrant road remains are related to a major stage of growth and non-Indian settlement in the Nation under Criteria A. The two associational-oriented criteria involve predominant reliance on readily visible attributes which highlight the relationship of the property to the event. The National Register criteria specify seven aspects of integrity: location, design, setting, workmanship, materials, feeling and association. The importance of each aspect of integrity is defined for each property type.

Some property types are more complex than others. For example, farmsteads reflect certain agrarian technological systems and social relations that, particularly in the earlier time periods, made use of a number of distinct outbuildings and features. Also, the various property types in some cases can be considered in combination as historic districts, particularly the road remains with other geographically-associated property types, including gravesites/cemeteries, cache sites, pioneer campsites, ferries, resorts and supplies sources. These expressions in combination may be viewed as components of historic landscapes reflecting cumulative cultural alterations of the natural landscape in a given area. The Barlow Road Inventory Project is essentially a study of historic vernacular landscapes, recording the distribution of roads, farms, cemeteries and camps used by the common folk of early Clackamas County in their daily lives. Through the intervening 70 or more years of the context time period, the landscape went through a natural to cultural transformation. For the sake of simplicity, each property type is considered here as an individual element.

Wagon road remains:: This property type is the most important for the "Immigration" theme. The road route is illustrative of the technology of the day in terms of functional capabilities of the wagons and ability of persons to clear and maintain the route. The route, as verified by the road remains, also best interprets the hardships and physical environmental features with which the emigrants had to contend. Wagon road remains associated with the primary emigrant period (1845-1865) constitute a structure built with minimal tool and through substantial use. The eligibility of these properties to the National Register would primarily be under Criteria A, association with important events, however, important research questions also exist so that Criteria D may commonly apply as well. Those questions include:

- (1) How does the location and various other attributes of the roadbed and alignment reflect technologies employed in establishing and maintaining a frontier roadbed during the peak period of emigrant use?

- (2) What kinds of engineering technologies were employed to make improvements through time as reflected by earthworks, roadcuts and other enhancements?
- (3) What is the evolution of transportation technology in western Oregon (horse use to automobiles) from 1845 to 1919?
- (4) What was the nature of capital investments for financing road maintenance and construction activities?
- (5) What was the impact of the road route on settlement patterns; how are settlements geographically arranged in relation to the route?

For the property to qualify under Criteria D, it must have features, artifacts or other physical remains that make up the most interpretable repository of archaeological information about the wagon road property types. The site must have integrity, be datable and capable of being specifically linked to the emigrant theme.

Character defining features identifiable through basic field observations include: narrow treeless corridors through woodland settings; linear areas of compacted soil often creating visible breaks in the natural contour of traversed landforms; linear swales and ruts within the soil surface; linear earthen berms along old road shoulders; and, linear discontinuous boulder alignments in rocky areas where boulders were rolled aside as they surfaced and impeded traffic. Though many segments of the route in western Oregon were "corduroyed" (wooden planks, often of cedar, placed in the roadbed primarily in particularly wet areas to enhance travel) remains of planking (wooden planks, or nails if used in that segment) need not persist for the segment to be of importance today. The road segment must retain the visual appearance of a "primitive" road. Thus important aspects of integrity for road remains to be considered significant under Criteria A must include "feeling" (including physical features, such as "primitiveness" of road and retention of rural setting), "location" (confirmed through historic documentation), "design" (combination of elements that create the form of the structure and reflect related historic functions and technologies, such as wagon width, hand tool clearance methods, and road segments traversing straight up slopes since wagons can not readily traverse slopes), "setting" (referred to above as physical environment associations reflecting the basic conditions under which the property was created and the extend of present day encroachments), "association" (remains are sufficiently intact to convey the property's historic character), and, to a lesser extent, "materials" (indigenous materials such as compacted earthen roadbed and earthen shoulders with boulders in some locations rolled aside). Because feeling and association are based on individual perceptions, at least one of the other aspects of integrity must be present for the property to be considered important. For Criteria D, the aspects of association, materials and workmanship must retain substantial integrity.

Abandonment of certain segments of the route has resulted in natural deterioration or destruction through subsequent development. The 'best example' of wagon remains would be a multiple combination of the above features with the specific contributing features depending upon the physical environment at specific locations. The width of the roadbed should be approximately 8 to 10 feet. The depth of swales or height of berms would be variable depending on the length of use and various soil attributes. Naturally, variations of the above characteristics can occur depending on impacts from subsequent development and natural erosion. Consequently, the minimum level requirement for road remains which retains characteristics in common with the 'best example' should include at least two of the above criteria. Environmental relationships of

the road in the generally mountainous western Oregon region east of Sandy are predominantly stream terraces and the top of ridges. From Sandy to Oregon City "high ground" was sought across flat terraces and through hilly areas, avoiding narrow stream bottoms and boggy areas.

Pioneer campsite : This property type is important to the 1845 to 1865 "Immigration" theme. Through the last segment of the overland Oregon Trail route, the emigrants were often quite weary and the livestock in terrible condition. The campsites, though frequently depleted of grass for livestock grazing in this area, provided a brief respite in the last days of the journey. The very low visibility of these properties in the western Oregon setting has likely detracted from preservation because of destruction from agricultural, residential and road development. Unlike the Road Remains property type, these properties would not normally be eligible to the National Register under Criteria A, association with important events, unless substantially visible, or unless it is directly associated with specific road remains significant under Criteria A and could be considered a contributing resource by enhancing the relationship between the other property and the important historical event. Criteria D, importance due to information value, would more commonly apply if the focus (ability to interpret archaeological remains) of the site is sufficient to address relevant research questions including:

- (1) What was the class, origin, ethnic association and gender of travelers as reflected by historic period artifacts found through excavation?
- (2) What were the main characteristics of camping behavior during the last few days of the journey? Can localized geographic arrangements of activities in the camps be identified in the archaeological record? Do these reflect ethnic backgrounds of the travelers? Did ethnic association or presence of families determine choice of campsite locations or influence distinct settlements within a camp? Did family groups stay in certain areas more often?
- (3) What is the distribution of campsite locations (linear versus clustered camping)?

Character defining features include a light, but definable, artifact scatter of items dating to the appropriate time period and indicating portability of goods. The 'best example' would be a buried deposit of historic pioneer artifacts minimally disturbed by post-depositional processes other than recurrent pioneer use through 1865 without more recent artifactual debris or features deposited or built on top of it. Artifacts should reflect the three basic use categories of (1) personal items (non-perishable clothing parts such as cut shell buttons), (2) transportation items (metal wagon and harness parts, oxen/horse shoes and nails, etc.) and, (3) subsistence-related items (pertaining to preparation, disposal and consumption, such as earthenware decorated with isolated clusters of sprigs of flowers popular in the mid-19th century). The last category may be represented least since the latter days of the journey are being reflected and few items may be left for consumption. The artifacts would strongly reflect the portability required of emigrant travel, particularly over the last few days of the four to six month journey in addition to worn wagon, yoke and harness parts. Artifact types should reflect origins of emigrant families and the types of items transported throughout the journey. They should be discarded in a pattern reflective of emigrant camp activities at this point of the journey. The minimum level requirement should include sufficient population of items to accurately date the site to pioneer use and be reflective of highly mobile site use.

Important aspects of integrity for Criteria A application include "location", "setting" and "association". For Criteria D, important aspects of integrity are "design", "materials" and "association". Environmental associative characteristics include natural openings (meadows and historic fire clearings), nearby water sources (springs, seeps and streams), and near-level ground (stream terraces or ridgetops).

Cache sites: The storage of goods along emigrant roads was a common activity during the migration West. Caching provided an alternative to simply dumping without intent or hope of retrieving the belongings. The decision to cache was usually associated with the desire to increase the rate of travel or the decreased capability of the deteriorating vehicles or fatigued animals to continue carrying heavy loads. Some caching was done by peoples other than emigrants along the early routes, such as military personnel in 1849 in the Government Camp area. Character defining features for cache locations would include open pits where the goods had been removed and surface depressions where the goods were not removed and still remain or where the pits were loosely backfilled. Important aspects of integrity for Criteria A "location", "setting" and "association". Important aspects of integrity under Criteria D would be "location", "design" and "materials". For eligibility under Criteria D, the site must potentially contain information that can answer some of the following questions,

- (1) What kinds of things were considered more expendable than others? Is there a repetitiveness of certain items which may reflect the mind-set of the emigrants toward adapting to their new environment?
- (2) What types of materials were the emigrants transporting and how do they reflect the broader cultural context in which items circulated?
- (3) How does the pattern of cache occurrences illustrate the difficulties of travel along certain segments of trail?

Pioneer gravesites: This property type is important to the "Immigration" and "Regional Settlement" themes. One prevalent aspect of life on the trail was coping with death, an experience common among the thousands of people who migrated over the route. On this last segment of the Oregon Trail route situated in proximity to "civilization," the remains of pioneer settlers were often placed in the same gravesites as the emigrants, in some places sooner and in others later. The pioneer graves represent an important facet of emigrant trail life and early settlement. There exists a variation in the property type between marked cemeteries and unmarked graves. The unmarked sub-type can be one of the most obscure property types for identifying in the field. Because of the low visibility, this sub-type it is subject to inadvertent impacts much like the campsite property type. Marked locations are subject more often to continuing upkeep and maintenance, including replacement of grave markers and infilling of modern graves. The rural regionalization of pioneer cemeteries reinforces the agrarian attitudes of the Barlow Road settlers. The eligibility of this property type will primarily be under Criteria A, association with important events, but may also involve secondarily Criteria B, association with important persons, and Criteria D, information value. The National Register of Historic Places, however, excludes cemeteries from nomination in most cases. Relevant research questions include:

- (1) What can human remains of pioneers reveal about disease, life-expectancy and other causes

- of death, such as accident types, in the western frontier?
- (2) What do grave goods illustrate concerning circulation of goods and the spiritual character of the pioneers?
 - (3) What do grave markers and human remains reveal concerning the role of gender and ethnicity in the settlement of western Oregon?

Character defining features include: one or more gravemarkers identifying pioneers associated with early Barlow Road use; rock cairns; a perimeter fence erected more recently by knowledgeable persons or simply an unused parcel of land historically set aside, as indicated by vegetation or other physical characteristics, for protection of the reported gravesite; and, presence of human remains and/or grave goods attributable to the pioneer period. The last feature, presence of human remains, will usually only be identified through inadvertent exposure by some earth disturbing activity such as construction or natural erosion. The 'best example' is a marked cemetery with gravestones intact containing sufficient information in regard to the buried individuals. The minimum level of field assignment to this type would be an isolated stand of trees of 150 years or older in a pattern suggesting avoidance for many years. Usually oral history or some form of archival information is needed to attribute a location to this resource type at the minimum level. Relevant aspects of integrity for Criteria A and B would include "location", "design" (for marked cemeteries), "setting" and "association". For Criteria D, only the aspect of "association" is required. The cemeteries considered eligible must meet special criteria considerations in addition to being an integral part of the larger Barlow Road historic context statement themes. The applicable criteria considerations are "C" (associated residences and farms are not preserved and the gravesite is the most substantial link to the historically important person) and "D" (the cemeteries contain graves of a number of persons whose activities determined the course of events in local history, and the cemetery dates to the early period in the geographical and cultural context). Environmental associative characteristics are commonly areas of sufficient soil deposition away from active erosion features, located a short distance from the road route.

Tollgates: This property type is important to both the "Immigration" and "Land Travel" themes. The tollgates marked the first effort at subsidizing maintenance of a route through the mountainous and densely wooded region east of Sandy and early on served to introduce the new arrivals to entrepreneurs of the region. Like emigrant campsites, eligibility of this property type would normally involve Criteria D, information value, since visibility is quite low due to the lack of any known standing structures or above ground features. Important research questions should focus more on the tollgate keeper rather than the facility, and would include:

- (1) What is the household character of tollgate keeper households (families versus adult males only)?
- (2) How do household articles reflect the role of the tollgate keeper in society in general (such as economic status)?
- (3) Are technological changes associated with changes in the tollgate location, perhaps reflecting differing relationships between the keepers and the patrons in different time periods?

Since tollgate facilities have been subject to weathering factors and subsequent road development, character defining features would include archaeological deposits containing artifacts diagnostic

of habitation dating to the period of tollgate use. Similar to the campsite property type, the 'best example' would include buried archaeological deposits minimally disturbed by post-depositional processes and reflective of the immigration or recreation time periods. The minimum level requirement should consist of an archaeological record containing sufficient integrity and information to provide important insight regarding the tollkeeper household and spatial geographic arrangement of a tollgate facility. Important aspects of integrity under Criteria D would include "location", "design" and "materials".

Supply sources: This property type is important to the "Immigration" theme. After the six month journey from the East and the difficult trek over the Cascade Range, the emigrants were frequently out of supplies and desperate for fresh food. These supply source properties provided for these needs none too soon from the perspective of the emigrants and provided initial interaction between emigrants and persons settled in the new territory. There appear to be two types of emigrant supply sources. Permanent sources were established residential settlements where food was produced and merchandise brought from the valley. Temporary source camps were likely tents erected during the late summer/early fall arrival of the emigrant parties. The more visible properties of this type would be eligible under Criteria A, association with important events, and commonly under Criteria B, association with important persons (such as Philip Foster). Where intact archaeological deposits are present, Criteria D, information value, would also apply. Relevant research questions are:

- (1) What role do these facilities play in the economic geography of the region during the period of contact with emigrants?
- (2) How do remains of the settlements reflect regional marketing networks? Do types of goods and prices change from one level of distribution (permanent versus temporary) to another?
- (3) How does the hierarchy of sizes of supply points reflect the geography of settlement sizes?
- (4) What is the character of the household associated with the supply sources (size of household; age and sex composition)? What were the gender roles of the supply source occupants? Was the composition of supply source occupants stable?
- (5) What variety of services were provided by the supply sources?
- (6) What were the ties of the supply sources to regional/national marketplaces?
- (7) What consumption patterns of the pioneers are reflected in the archaeological record?

Character defining features are different for the two types. The permanent subtype would include buildings and/or archaeological deposits containing artifacts dating to the peak emigrant time period. The temporary sub-type would only leave behind archaeological deposits. Where archaeological deposits are found, artifact types should include artifacts dating to the emigrant period (including most items listed for the campsite property type), and possibly containing parts of containers that held goods sought by the emigrants while still on the road near the end of their journey. The more relevant aspects of integrity for listing under Criteria A and B include "location", "setting", and "association". For listing under Criteria D, they include "location", "design", "materials" and "association".

Farmsteads: This property type is important to the "Regional Settlement" theme of 1846 to 1919. Establishment of farms and residences spread eastward along the route from Oregon City beginning in the late 1840s and proceeding toward Mt. Hood after the turn of the century. The earliest settlements are no longer represented by standing remains, but likely persist as archaeological sites. A description of the general character of typical initial settlements and earliest historic landscapes gives clues to likely archaeological "fingerprints" (O'Donnell 1991: 46, 121). The evolution of the physical characteristics of agrarian establishments has also been recently elaborated with the appropriate emphasis on "farm groups" and landscapes (Speulda 1989). Standing structures still do persist from the later 1800s. The more visible properties of this type would be eligible for the National Register primarily under Criteria A, association with important events, in this case association with a regionally important industry. Criteria B, association with important persons, may also apply. In regard to archeological deposits, Criteria D, information value, would primarily apply. Recent literature on method and theory in historical archaeology has offered definition of a number of scholarly research questions particularly relevant to this property type (Schuyler 1978; Hardesty 1980; Spencer-Wood 1987; Deagan 1988; Deetz 1988; Leone and Potter 1988; Seasholes 1990; Stein 1990; Wilson 1990). These research questions include:

- (1) What were the gender roles of proving-up the homestead and its continued success?
- (2) What was the role of wage earners in assisting the economical success of the homesteads and other land claims?
- (3) What was the role of ethnicity (the names associated with the homesteads indicate a broad range of backgrounds)?
- (4) To what extent was agriculture practiced?
- (5) Were there specific lifestyles associated with homestead successes or failures?
- (6) What role did the rural settlements play in the development of frontier market economies of western Oregon? What is the amount of manufactured commodities from afar relative to "folk" items produced locally and how does this reflect greater dependency on a national market place?
- (7) How did rural society evolve in its adaptation to localized and variable environmental conditions from Oregon City to Government Camp? What were the changing land use patterns in agriculture as related to settlement? What was the duration and variability of homestead settlement in a particular area? What were the alterations of the historic landscape pattern through time?
- (8) Did specific status groups evolve? If so, what were their household size and compositions, age, education, social and physical mobility, and length of time settled in the rural environment?
- (9) What were common household compositions and their income strategies? Structure of social and political relations associated with rural economic production?

(10) Are there changing patterns of production and consumption practices, and increased material standardization through time? Particularly, what was the impact of transportation changes on the inventory of material cultural available to rural inhabitants?

(11) Are economic cycles apparent? What efforts were made to enhance productivity?

Stage stops/resorts: This property type is important to the 1884 to 1919 "Land Travel" theme. This time period marks the beginning of a recreation industry that primarily serves the City of Portland area and is increasingly important to the region today. The properties associated with this theme therefore represent the pioneering efforts of this historical development. The more visible properties of this type would be eligible for the National Register primarily under Criteria A, association with important events, in this case association with a regionally important industry. Criteria B, association with important persons, may also apply. In regard to archeological deposits, Criteria D, information value, would primarily apply. Relevant research questions are:

- (1) How does the facility reflect expansion of the capitalistic marketplace into new regions (frontier marketplace)? What was the scale of operations? Were the operations diversified or specialized? What contributed to success or failure of a recreational facility, such as associated lifestyles? Did a facility serve as a destination resort or as a rest stop?
- (2) What were the ties to the regional/national marketplace?
- (3) What was the class of patrons, such as their socio-economic standing, as represented by status markers in the archaeological record? What were the consumption patterns of the patrons and the long-term occupants?
- (4) How was the organization of living space arranged between patrons and occupants? What was the geographic distribution of activities within the resort?
- (5) Was the recreational facility associated with a household (size, age and sex composition)?

Character defining features can be substantial, including still extant standing structures constructed during the first two decades of the 20th century or archaeological deposits containing artifacts (table and cook ware; cabin furniture; early auto parts) dating to the time period. The 'best example' consists of a complex of structures including main residence, lodge building and barn/garage. The minimum level requirement would consist of intact archaeological deposits specified above. Relevant aspects of integrity would be the similar to the supply source property type.

Ferries: The more important properties of this type would be eligible for the National Register primarily under Criteria A, association with important events. Research questions associated with Criteria D eligibility would be much the same as the tollgate property type. Character defining features would be very limited for this resource type. The 'best example' consists of a nearby residence of the ferry operator and pilings along the river bank providing a mooring for the ferry. The minimum level requirement would simply consist of the mooring remains. Environmental associative characteristics would be with major streams and rivers. This association serves also to detract from the long-term preservation of the property type, particularly weathering through long term exposure to water and destruction due to historic flood episodes.

Important aspects of integrity for Criteria A would include "location," "design," "setting," "feeling," and "association".

Distributional Patterns of Property Types

Property types associated with the three historic context themes differ in their geographic distribution, both in density of occurrence and location. The distribution of each is considered below.

Wagon road remains : Though the wagon road was once a continuous linear cultural feature across the landscape, modern-day remnants occur in a discontinuous manner. The current distribution is determined by land use activities imposed since the close of the emigrant period, including enhancement of the road for overland travel, and natural erosion, most notably the 1964 flood of the Sandy River. Remains are found in locations (1) unattractive for agricultural development, (2) where extensive residential development has not occurred, (3) where subsequent road improvements has resulted in abandonment of the original roadbed, (4) not susceptible to intensive tractor logging, and (5) which has not been substantially altered by the 1964 flood.

Pioneer campsites : Campsite locations used by emigrants appear to occur immediately on the Barlow Road route according to emigrant diaries. Little effort was made to wander very far off the route for any purpose. It is possible that just about every reasonably flat parcel of land was used at least once by an emigrant party for either overnight stays, or simply nooning. The diaries do suggest a general periodicity to the locations of the more commonly used campsites. These locations are primarily near river crossings (Zigzag River at Rhododendron; Sandy River east of Brightwood and northeast of Sandy) and on ridgetop locations following difficult ascents that proved wearisome to the wornout emigrants and their teams.

Cache sites : Cache sites created by emigrants, as opposed to military use during the emigrant period, would likely form a distinctive pattern of occurrence. Cache locations would be situated along road segments that appeared to the emigrant to be within a reasonable distance from the ultimate destination of the party making later retrieval likely. They would more likely occur in areas where travel was particularly difficult, or immediately ahead of such areas, unless the physical deteriorating condition of the wagon or team was the principal factor for reducing the load. The segment of route from Sandy to Oregon City would be considered very low probably of having cache features due to its proximity to civilization which provided other means to pioneers for salvaging treasured cargo. The likelihood of cache feature occurrences would begin to increase along the Barlow Road toward the east from Sandy with the highest zone of probability occurring between Laurel Hill and the east slope of the Cascades. Only one cache site is known at present along the Barlow route in Clackamas County, that being at Government Camp. Other sites are likely.

Pioneer gravesites : Emigrant gravesite locations are likely situated a short distance from the traveled route, primarily at locations with some soil deposition to allow below ground burial, though this factor is not mandatory. Given the high attrition rate attributed to emigrant travel over the Oregon Trail, it is possible that gravesites are situated more or less continuously along the route (Rieck 1991). Because of the unmarked nature of most of these sites, a distribution pattern can not be readily reconstructed.

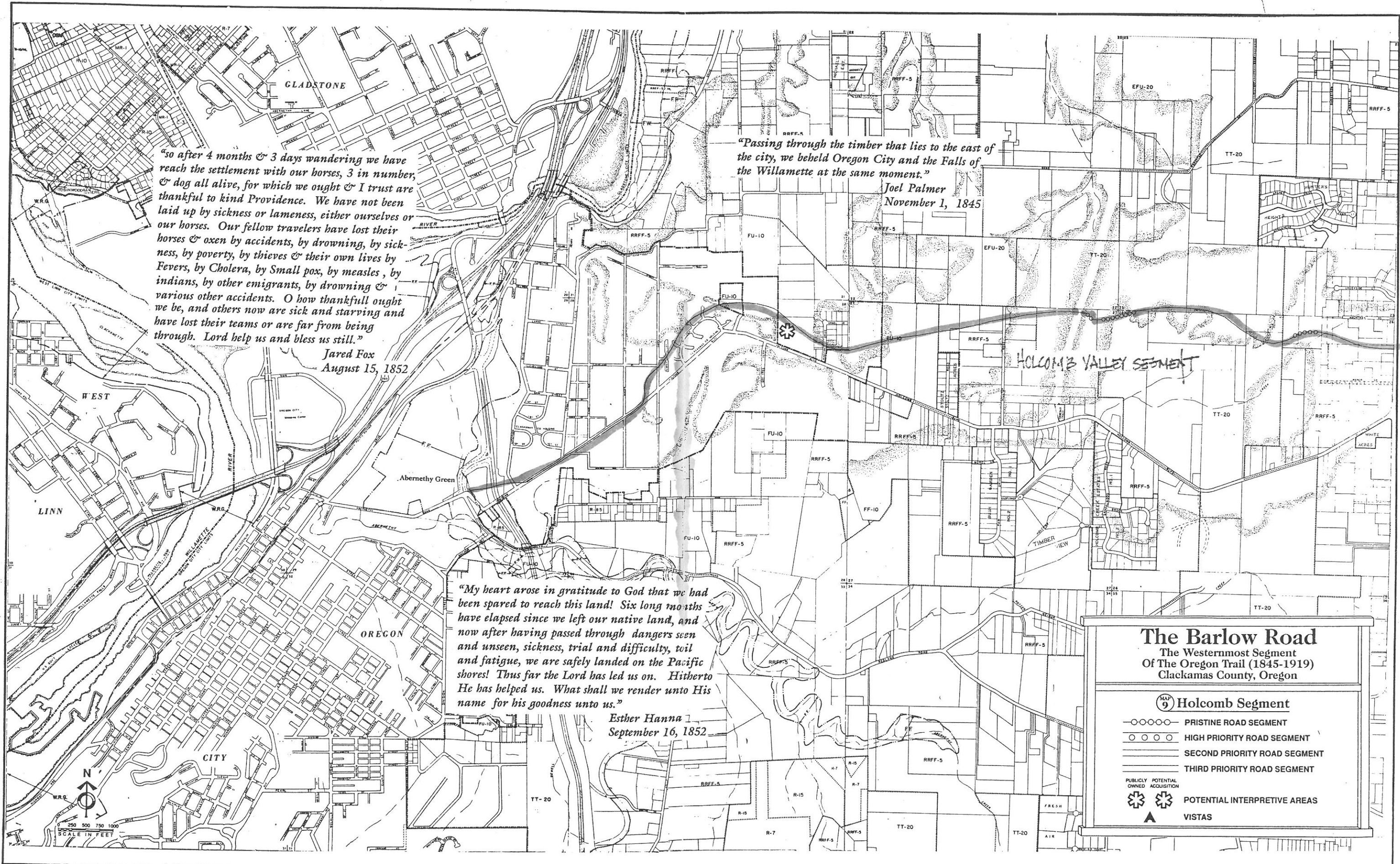
Tollgates : The placement of tollgates along the Barlow Road was largely dependent on the restrictive character of travel along certain road segments, thus not allowing parties or individuals to avoid the location of a tollgate. Only four tollgate locations are known for the Barlow Road in Clackamas County and only one of those is located on present-day private lands within the geographic boundary of this historic context. That is the Revenue tollgate near the second Sandy River crossing which operated from 1853 to 1865. Consequently, the distribution pattern of this resource type is limited.

Supply sources : The two sub-types of supply sources have differing distributional patterns. Permanent sources for the primary emigrant period are limited to the last segment of Barlow Road from the second Sandy River crossing to Oregon City. Most notable are Philip Foster's place, established since the beginning of use of the Barlow Road, and the Revenue place, which provided the emigrants supplies after 1853. The temporary sources may have been present in various locations along the Barlow Road above the second Sandy River crossing after 1850. Most notably is a supply source just prior to the first Sandy River crossing east of the Brightwood townsite according to an 1853 diary entry. It is likely that temporary supply sources became associated with common campsites late in the emigrant period, thus having a similar distributional pattern, and, conversely, the establishment of settlers along the route in the 1860s became the choice for some campsite locations.

Farmsteads : Because of the overwhelmingly prominent rural character of settlement along the Barlow Road, early settlements were more broadly spaced and older toward Oregon City. This patterning was a function of the date of settlement and acreages available by current land law: 320 acres per person for those in Oregon by 1850; 160 acres per person for those settled by 1855; and, 80 acres per person allocated by the 1862 Homestead Act. Therefore, the spacing pattern reflected the larger land claims early in time during settlement of the Eagle Creek to Oregon City area. Settlements above Sandy are later, smaller and of less agrarian orientation the farther east toward Mt. Hood.

Stagestops/resorts : Land traveler services would be limited to the upper segment of the Barlow Road route above the townsite of Sandy. As the first significant road improvements occurred late in the 1800s, particularly the road from Portland to Sandy, the service locations would progressively become established further east on the route.

Field visibility of the above property types vary greatly. However, due to the rapid deterioration of structures when abandoned in the western Oregon climate, even built resources quickly transform into an archaeological deposit. Methods used to conduct field surveys are provided below which were first developed and implemented for the eastern segment (Phase 1) of the Barlow Road in Clackamas County for the 1990-91 project and continued for the second phase of the project from Sandy to Oregon City.



"so after 4 months & 3 days wandering we have reach the settlement with our horses, 3 in number, & dog all alive, for which we ought & I trust are thankful to kind Providence. We have not been laid up by sickness or lameness, either ourselves or our horses. Our fellow travelers have lost their horses & oxen by accidents, by drowning, by sickness, by poverty, by thieves & their own lives by Fevers, by Cholera, by Small pox, by measles, by indians, by other emigrants, by drowning & various other accidents. O how thankfull ought we be, and others now are sick and starving and have lost their teams or are far from being through. Lord help us and bless us still."

Jared Fox
August 15, 1852

"Passing through the timber that lies to the east of the city, we beheld Oregon City and the Falls of the Willamette at the same moment."

Joel Palmer
November 1, 1845

"My heart arose in gratitude to God that we had been spared to reach this land! Six long months have elapsed since we left our native land, and now after having passed through dangers seen and unseen, sickness, trial and difficulty, toil and fatigue, we are safely landed on the Pacific shores! Thus far the Lord has led us on. Hitherto He has helped us. What shall we render unto His name for his goodness unto us."

Esther Hanna
September 16, 1852

The Barlow Road

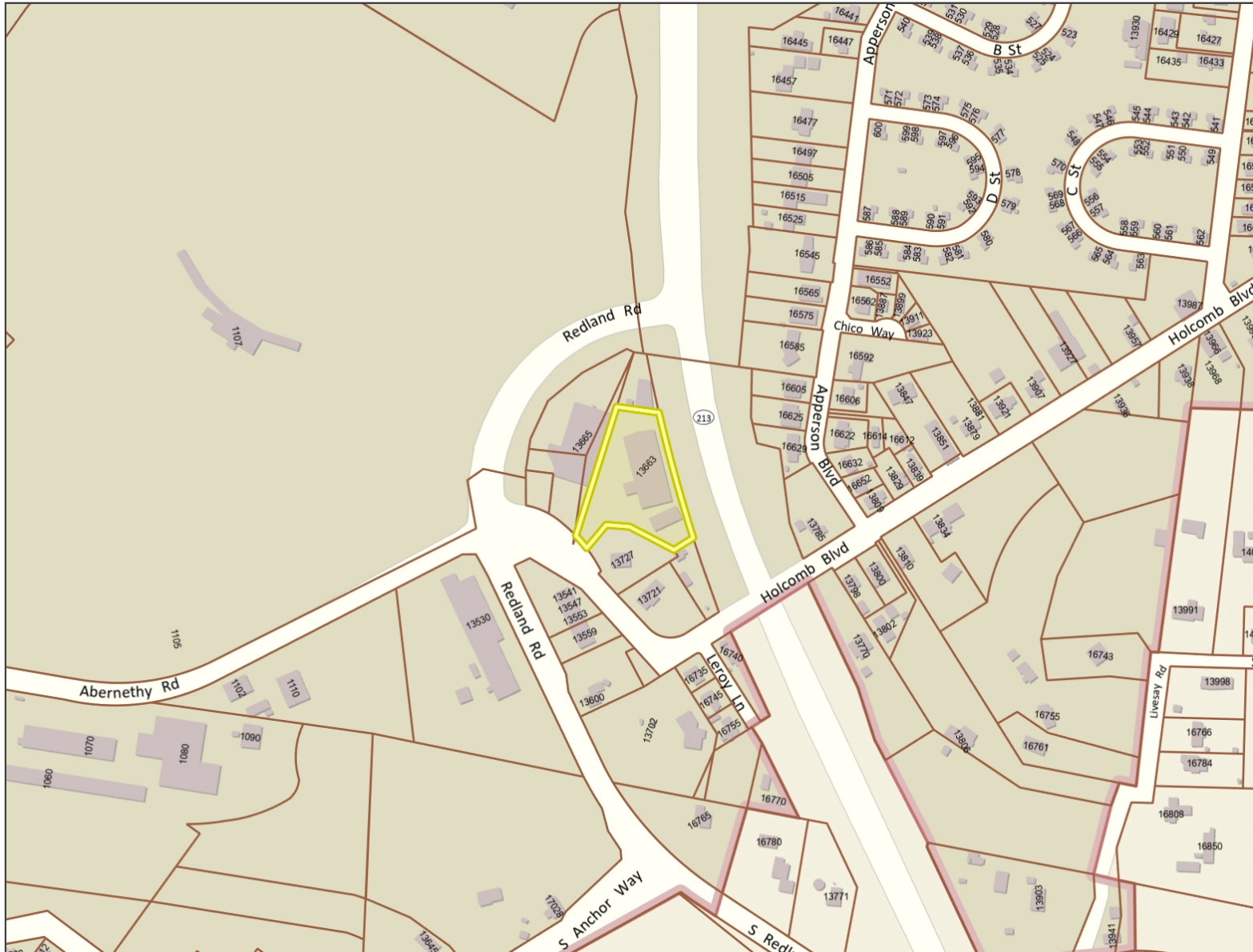
The Westernmost Segment
Of The Oregon Trail (1845-1919)
Clackamas County, Oregon

MAP 9 Holcomb Segment

- ○ ○ ○ ○ PRISTINE ROAD SEGMENT
- ○ ○ ○ ○ HIGH PRIORITY ROAD SEGMENT
- SECOND PRIORITY ROAD SEGMENT
- THIRD PRIORITY ROAD SEGMENT

- PUBLICLY OWNED POTENTIAL ACQUISITION
- * * * * * POTENTIAL INTERPRETIVE AREAS
- ▲ VISTAS

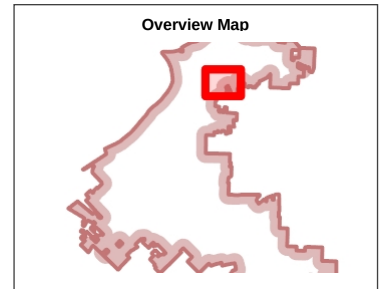
Oregon City GIS Map



Legend

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

Notes



0 400 800 Feet

1: 4,800



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.

Map created 9/3/2024

City of Oregon City
PO Box 3040
625 Center St
Oregon City
OR 97045
(503) 657-0891
www.orc.org





Notice of Decision

December 5, 2013

FILE NO.: HR 13-05

HEARING DATE: Tuesday, November 26, 2013
7:00 p.m. City Commission Chambers
City Hall
625 Center Street
Oregon City, Oregon 97045

APPLICANT: John Marquardt
/OWNER: P.O. Box 1928
Vancouver, WA 98685

REQUEST: The applicant is seeking approval to amend the location of the Barlow Corridor on the subject site in association with a 6-lot Subdivision (Planning file TP 13-05)

LOCATION: 14297 Holcomb Boulevard
Oregon City, Oregon 97045
Clackamas County Map 2-2E-28BD, Tax Lot 900
(zoned “R-8” Single-Family Dwelling District)

REVIEWER: Christina Robertson-Gardiner AICP, Planner

CRITERIA: **The criteria for reviewing the Location of the Barlow Road is set forth in Chapter 17.40 and of the City Code.**

DECISION OF THE HISTORIC REVIEW BOARD: This matter came before the Oregon City Historic Review Board on November 26, 2013 and after deliberation the Historic Review Board voted 4-0 to conditionally approve the applicant’s request to amend the location of the Barlow Corridor on the subject site in association with a 6-lot Subdivision and provide a lot width reduction to lots 4 and 5.

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, preliminary planned unit development plans, variances, code interpretations, similar use determinations and those rezonings upon annexation under Section 17.06.050 for which discretion is provided. In the event that any decision is not classified, it shall be treated as a Type III decision. The process for these land use decisions is controlled by ORS 197.763. Notice of the application and the planning commission or the historic review board hearing is published and mailed to the applicant, recognized neighborhood association and property owners within three hundred feet. 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 or the historic review board, all issues are addressed. The decision of the planning commission or historic review board is appealable to the city commission, on the record. **Notice of appeal of any Type II, Type III or IV decision must be received in writing by the planning division within fourteen calendar days from the date notice of the challenged decision is provided to those entitled to notice.** Late filing of any appeal shall be deemed a jurisdictional defect and will result in the automatic rejection of any appeal so filed. The city commission decision on appeal from the historic review board or the planning commission is the city’s final decision and is appealable to LUBA within twenty-one days of when it becomes final.

The application, decision, and supporting documents are available for inspection at the Oregon City Planning Division located at 221 Molalla Avenue, Oregon City, OR 97045, (503) 657-0891, between the hours of 8am and 1pm. Copies of these documents are available (for a fee) upon request.

Conditions of Approval.

1. A plat restriction shall be placed on the subdivision indicating the requirements of *OCMC 17.40.060-G - Oregon Trail-Barlow Road Historic Corridor* and the location of the Barlow Road easement as layout in Option 1 on the applicable lots.
2. The Historic Review Board approves the reduction of the lot widths on lots 4 and 5 as part of the Historic Preservation Incentive process. The Board found that unique lot configuration and location of the Barlow Road hampers the ability to redevelop the lot to the zoned density.

A city-recognized neighborhood association requesting an appeal fee waiver pursuant to 17.50.290(C) must officially approve the request through a vote of its general membership or board at a duly announced meeting prior to the filing of an appeal.



**STAFF REPORT
HISTORIC REVIEW BOARD
November 26, 2013**

FILE NO.: HR 13-05

HEARING DATE: Tuesday, November 26, 2013
7:00 p.m. City Commission Chambers
City Hall
625 Center Street
Oregon City, Oregon 97045

**APPLICANT:
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Clackamas County Map 2-2E-28BD, Tax Lot 900
(zoned “R-8” Single-Family Dwelling District)

REVIEWER: Christina Robertson-Gardiner AICP, Planner

CRITERIA: **The criteria for reviewing the Location of the Barlow Road is set forth in Chapter 17.40 and of the City Code.**

PROCESS: The Historic Review Board shall make the decision on all Type III permit applications. Once the HRB makes a decision on the Type III application, that decision is final unless appealed to the City Commission in accordance with Section 17.50.190. If appealed, the City Commission decision is the City’s final decision on the Type III application.

IF YOU HAVE ANY QUESTIONS ABOUT THIS DECISION, PLEASE CONTACT THE PLANNING DIVISION OFFICE AT (503) 657-0891.

BASIC FACTS:

The site Identified as 14297 Holcomb Boulevard and identified as Clackamas County Map 2-2E-28BD, Tax Lot 900. The property is zoned "R-8" and the Comprehensive Plan is Designated is "LDR" Low Density Residential. This application was approved by the Historic Review Board in 2007 (HR 07-05). The development application expired and the applicant has returned for an approval of the previous proposal. The associated subdivision request (TP 13-05) is currently under Type II staff review.

The applicant is seeking approval for a 6-lot subdivision on a property which the Oregon Trail-Historic Barlow Road crosses through. The approximate alignment of the existing centerline negatively affects the buildability of two-thirds of the project. The applicant acknowledges that a 30 foot wide unobstructed view corridor is required for the alignment and is not requesting that width to be reduced or modified in any way. The applicant is also not seeking permission to build an obstruction in the view corridor. To the best of the applicant's knowledge, there is no visible evidence of the trail or documentation regarding archaeological significance. The applicant is seeking authorization from the city planning staff and the Historic Review Board to adjust either, only the outside boundaries of the view corridor (and not the centerline) in such a way that the centerline remains in place but the view corridor itself shifts to the west or the entire centerline of the view corridor such that the alignment of the view corridor remains in the center of the easement but is shifted to the west. The applicant is not requesting that the boundaries of the view corridor be moved off of the property. The focus for applicant's request is help create a more functional building layout for the new single family residences that will be constructed as part of the proposed development. The proposed re-alignment will ensure that there are no obstructions as mentioned in this code section.

One procedural issue that has been addressed since the 2007 approval relates to which map the Barlow Road Overlay District regulates. An earlier 1988 Map was approved as part of the creation of the Barlow Road Overlay District. However, it was found that the subsequent and more detailed 1993 study was not adopted by the City Commission, which shows a slightly different alignment. The Barlow Road designation shown on the Clackamas County Tax Maps is associated with the 1993 Maps. As a result of HR 07-05, The Oregon City- City Commission formally adopted the 1993 maps as the maps associated with the Barlow Road Overlay District as lay out in OCMC 17.40.060

The applicant is also requesting an incentive be applied to allow for compatible development of the property. The applicant is requesting a minor adjustment of the dimensional standards of the underlying zone. The applicant has proposed two lots that are 56' in width when the underlying zone requires 60' wide lots. The existence of the historic corridor on-site impacts the lots by pushing the proposed residences deeper into the lot which then takes away from the look of a consistent streetscape.

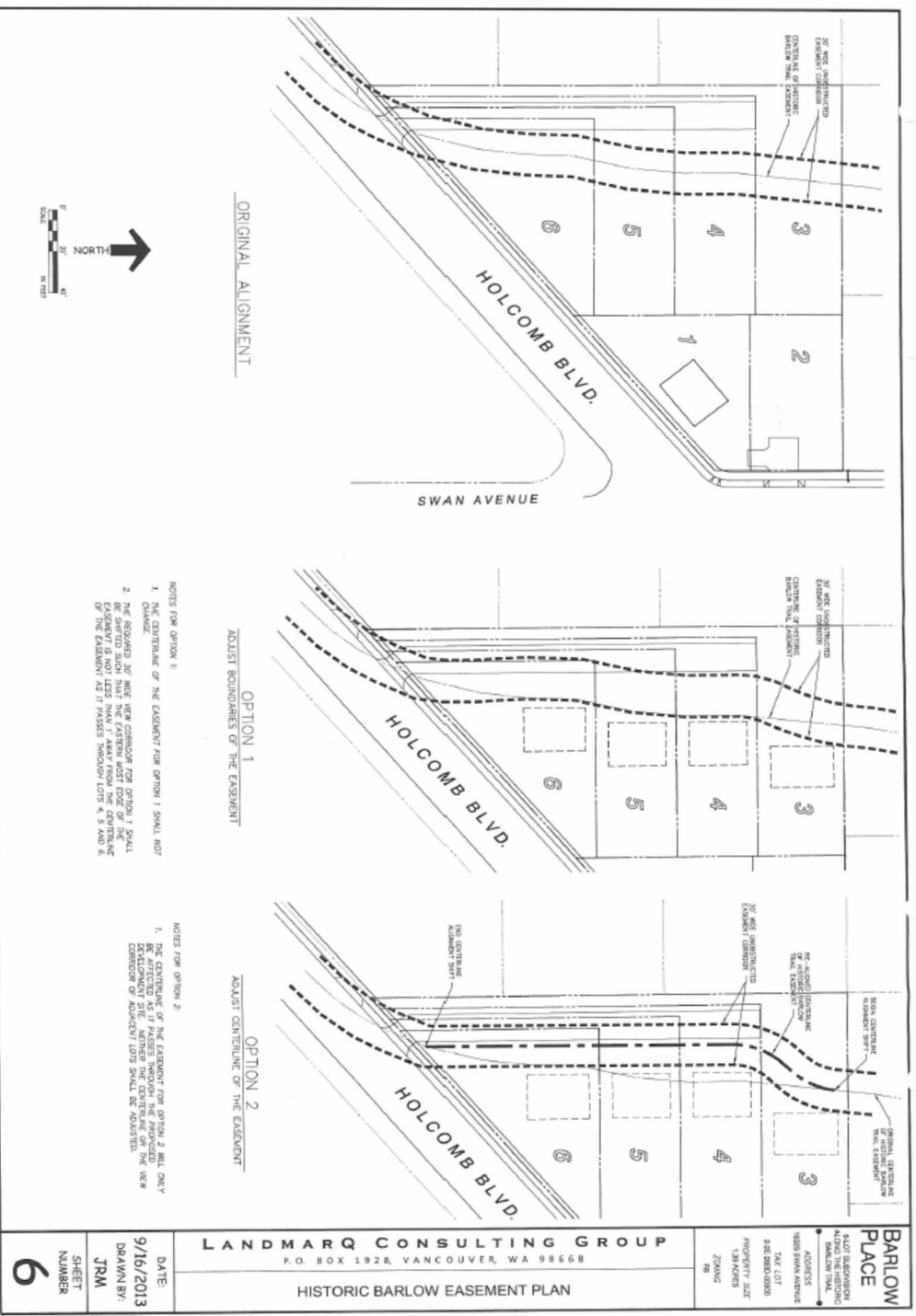
The dimensional standards in the "R-8" District are as follows:

- Front yard: fifteen minimum depth.
- Attached and detached garage: twenty feet minimum depth from the public right-of-way where access is taken, except for alleys. Garages on an alley shall be setback a minimum of five feet in residential areas.
- Interior side yard: seven feet minimum width for at least one side yard; nine feet minimum width for the other side yard.

- Corner side yard: fifteen feet minimum width.
- Rear yard: twenty feet minimum depth.
- Garage Standards. See Chapter 17.20, Residential Design Standards.
- G. Maximum Building Coverage. See Chapter 17.20, Residential Design Standards.

Notice of the proposal was sent to property owners within three hundred feet of the subject property and Park Place Neighborhood Association. Additionally, the property was posted with a Notice of Land Use sign with details about the proposal. Transmittals were sent to various City departments and other agencies regarding the proposed development plan. Relevant comments from City departments are addressed in this report as appropriate.

The Park Place Neighborhood Association did not submit formal comments relating to the HR application.



ANALYSIS AND FINDINGS: The Applicant shall meet Barlow Road development standards, outlined in 17.40.060-G.

OCMC 17.40 –Barlow Road

It is determined that this project was subject to the Barlow Road Historic corridor with the H3 corridor configuration found on the tax assessor maps

G. The following standards apply to development within historic corridors:

- 1. Within the Oregon Trail-Barlow Road historic corridor, a minimum of a thirty-foot-wide open visual corridor shall be maintained and shall follow the actual route of the Oregon Trail, if known. If the actual route is unknown, the open visual corridor shall connect within the open visual corridor on adjacent property.*
- 2. No new building or sign construction shall be permitted within required open visual corridors. Landscaping, parking, streets, driveways are permitted within required open visual corridors.*

H. In rendering its decision, the board's decision shall be in writing and shall specify in detail the basis therefore.

Per OCMC 17.40.030(C) Designated.

The following are designated within the historic overlay district:

- 1.The Canemah Historic District; the minimum boundaries of which are those designated by the United States Department of the Interior on the National Register of Historic Places as indicated in the city comprehensive plan.
- 2.The McLoughlin Conservation District; the surveyed buildings indicated by map in the comprehensive plan shall constitute the designated structures in the McLoughlin Conservation District, along with any structures designated through the Historic Review Board designation process since initial adoption of the comprehensive plan on March 13, 1980.
- 3.The Oregon Trail-Barlow Road Historic Corridor: properties identified in the 1993 Barlow Road Historic Corridor inventory of the Barlow Road by Clackamas County.**
- 4.Designations undertaken pursuant to [Section 17.40.050](#). The established historic overlay district shall allow for the designation of two types of districts so that areas with a high concentration of historic structures are designated historic districts and areas with a lower concentration are designated conservation districts. Also allowed is the designation of structures of historic or architectural significance not located in an historic or conservation district as landmarks.

Finding

While the lot is subject to review of the Barlow Road, the Board may alter the location of the Road as long as *"a minimum of a thirty-foot-wide open visual corridor be maintained and shall follow the actual route of the Oregon Trail, if known. If the actual route is unknown, the open visual corridor shall connect within the open visual corridor on adjacent property.* Staff finds that the applicant has submitted a proposal that allows for an open visual corridor to be created that connect to an existing Barlow Road easement to the north. Staff also finds that the proposed offset does not compromise the visual corridor and by placing it adjacent a future Right-of Way and public easement area, the road can be accessed by the public. While both options look very similar, staff recommends that the HRB require the applicant to utilize Option 1, which keeps the center line of the 1993 map on the 30 foot easement. This was the version approved in 2007.

17.40.065 Historic preservation incentives.

A. Purpose. Historic preservation incentives increase the potential for historically designated properties to be used, protected, renovated, and preserved. Incentives make preservation more attractive to owners of locally designated structures because they provide flexibility and economic opportunities.

B. Eligibility for Historic Preservation Incentives. All exterior alterations of designated structures and new construction in historic and conservation districts are eligible for historic preservation incentives if the exterior alteration or new construction has received a certificate of appropriateness from the Historic Review Board per OCMC 17.50.110(c).

Finding: The applicant is prospering to build new homes in the Barlow Road Historic Corridor and thus, is eligible for the incentive.

C. Incentives Allowed. The dimensional standards of the underlying zone as well as for accessory buildings (OCMC 17.54.100) may be adjusted to allow for compatible development if the expansion or new construction is approved through historic design review.

Finding : The applicant is requesting an incentive be applied to allow for compatible development of the property. The applicant is requesting a minor adjustment of the dimensional standards of the underlying zone. The applicant has proposed two lots that are 56' in width when the underlying zone requires 60' wide lots. The existence of the historic corridor on-site impacts the lots by pushing the proposed residences deeper

D. Process. The applicant must request the incentive at the time of application to the Historic Review Board.

Finding: The preservation Incentive was listed in the public notice.

Analysis: Staff generally agrees with the measured approach the applicant has taken to achieve an efficient subdivision layout that visually connects the Barlow Road corridor with the Taxlot lot to the north and Holcomb Blvd to the south. Staff has no objections to this request.

CONCLUSION AND RECOMMENDATIONS:

Based on the analysis and findings as described above, staff concludes that the proposal can satisfy the standards and requirements as described in the Oregon City Municipal Code for The Barlow Road Historic Corridor, OCMC 17.40.060 with appropriate conditions.

Staff recommends approval of HR 13-05, A parcel located at 14297 Holcomb Boulevard, Oregon City, Oregon 97045 Clackamas County Map 2-2E-28BD, Tax Lot 900 (zoned "R-8" Single-Family Dwelling District)), subject to the Conditions of Approval listed below: subject to the Conditions of Approval listed below:

CONDITIONS OF APPROVAL HR 13-05

1. A plat restriction shall be placed on the subdivision indicating the requirements of *OCMC 17.40.060-G - Oregon Trail-Barlow Road Historic Corridor* and the location of the Barlow Road easement as layout in Option 1 on the applicable lots.

Exhibits

1. Vicinity Map
2. Applicant's Submittal
3. 1993 Barlow Road Map



LAND USE APPLICATION FORM

Type I (OCMC 17.50.030.A)

- ☐ Compatibility Review
- ☐ Lot Line Adjustment
- ☐ Non-Conforming Use Review
- ☐ Natural Resource (NROD) Verification

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): TP-13-05/HR-13-05

Proposed Land Use or Activity: SUBDIVISION

Project Name: BARLOW PLACE Number of Lots Proposed (If Applicable): 6

Physical Address of Site: 16325 SWAN AVENUE

Clackamas County Map and Tax Lot Number(s): 2S 2E 28BD 00900

Applicant(s):

Applicant(s) Signature: Mac Even

Applicant(s) Name Printed: MAC EVEN

Date: _____

Mailing Address: P.O. Box 2021, GRESHAM, OR 97030

Phone: 503-348-3602

Fax: _____

Email: mac@evenbetterhomes.com

Property Owner(s):

Property Owner(s) Signature: John Marquardt

Property Owner(s) Name Printed: HOLCOMB BLVD. LLC

Date: 9/24/13

Mailing Address: P.O. Box 1928, VANCOUVER, WA 98668

Phone: 360-901-2299

Fax: _____

Email: john.marquardt@comcast.net

Representative(s):

Representative(s) Signature: John Marquardt

Representative (s) Name Printed: John MARQUARDT

Date: 9/24/13

Mailing Address: P.O. Box 1928, VANCOUVER, WA 98668

Phone: 360-546-5263

Fax: _____

Email: john.landmarq@gmail.com

All signatures represented must have the full legal capacity and hereby authorize the filing of this application and certify that the information and exhibits herewith are correct and indicate the parties willingness to comply with all code requirements.



OREGON CITY

Permit Receipt

RECEIPT NUMBER 00026971

Account Number: 016868

Paid: 10/18/2013

Applicant: HOLCOMB BLVD LLC

Cashier: pwalter

Type: check # 4269

Description: October 2013

Notes: Jadee, LLC

Permit Number	Fee Description	Amount
HR-13-0005	4332 Historic Review Board	50.00
TP-13-0005	4332 Subdivision Fee	5,946.00
TP-13-0005	4138 Mailing Labels	15.00
TP-13-0005	4346 Traffic Impact Study Fee	1,047.00
Total:		\$7,058.00

Land Use Application

For a Six Lot Subdivision

BARLOW PLACE SUBDIVISION

AT

16325 Swan Avenue
Oregon City, OR 97045

Tax lot 900 of Tax Map 2S 2E 28BD

Submitted to:

**City of Oregon City
Community Development Department**

September 22, 2013

Applicants:

Even Better Homes

Landmarq Consulting Group

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INTRODUCTION

GENERAL INFORMATION

OWNER:	HOLCOMB BLVD. LLC Manager: John Marquardt P.O. Box 1928 Vancouver, WA 98668
APPLICANT	EVEN BETTER HOMES P.O. Box 2021 Gresham, OR 97030 Contact: Mac Even Email: mac@evenbetterhomes.com
APPLICANT'S REPRESENTATIVE:	LANDMARQ CONSULTING GROUP P.O. Box 1928 Vancouver, WA 98668 Contact: John Marquardt Phone: (360) 546-5263 Email: john.landmarq@gmail.com
APPLICANT'S ENGINEER:	KITTREDGE ENGINEERS, LLC 6565 SW 207 th Avenue, Aloha, OR 97007 Phone: (503) 708-3942
APPLICANT'S TRAFFIC CONSULTANT:	LANCASTER ENGINEERING 321 SW 4 TH AVENUE Portland, OR 97204 Phone: (503) 248-0313
APPLICANT'S GEOTECHNICAL ENGINEER:	RAPID SOIL SOLUTIONS 3915 Plum St. Portland, OR Phone: (503) 816-3689
TAX MAP:	2-2E-28BD-00900
CURRENT SITE ADDRESS:	16325 Swan Ave
PREVIOUS SITE ADDRESS:	14297 Holcomb Blvd.
SITE LOCATION:	Located at the northwest corner of the intersection at Holcomb Blvd. and Swan Ave.
ZONING:	R-8
COMPREHENSIVE PLAN:	Low Density Residential
PROJECT AREA:	1.39 acres
COMMUNITY PLAN:	Park Place Neighborhood Association
NEIGHBORHOOD MEETING:	August 19 th , 2013

EXISTING SITE CONDITIONS AND SUMMARY OF PROPOSAL

The existing piece of property is located on the northwestern corner of the intersection at Holcomb Blvd. and Swan Avenue. It is a spacious 1.39 acre lot which currently contains one single family residence and several other accessory structures. The lot is irregularly shaped. It is narrowest along the eastern property line and widest along the west. Currently, the existing house and accessory structures are congregated towards the eastern portion of the lot and the bulk of the western portion of the lot is open lawn. There are about a dozen significant trees on site and the ground has a natural and consistent slope from the northeast corner at an approximate elevation of 228 feet to the southwest corner which has an approximate elevation of 206 feet. The site has frontage along both, Holcomb Blvd. and Swan Avenue. Frontage improvements, including street widening, concrete curb, a planter strip and a concrete sidewalk have already been completed by the city as part of the Holcomb Boulevard enhancement project in an effort to improve pedestrian access along Holcomb Blvd. Also included in the frontage improvements were connections to the existing sanitary sewer system and storm drain in the form of a new manhole for the sanitary sewer and a catch basin along the curb line for the storm drain. On the corner of Holcomb and Swan a fire hydrant was relocated for fire protection.

The area around the lot is mostly developed with the most recent being a three parcel partition occurring on the lot adjacent to this one directly to the west. To the north are larger single family lots, to the south is a large lot with a church and to the south east is a subdivision with smaller lots. The site has historical significance as the Barlow Road is mapped across the western portion of the site, traversing the site in a north-south direction.

The proposed development is a six (6) lot subdivision with one of the lots retaining the existing house. All of the accessory structures will be cleared from the lot. It is anticipated that a large percentage of the significant trees will be saved. There are a number of them in close proximity to the existing house and it is expected that these will remain in an undeveloped portion of the lot. The existing house will share an access from Swan Avenue with one of the new residences. The other four lots will all take their access from a shared driveway along the western property line from Holcomb Blvd. This point of access will serve as an interim access for the four lots until such time as a final street can be completed to the west, through the adjacent three parcel partition in an existing easement which is deemed to also become a public right-of-way and ending in Hunter Avenue. This future road will terminate on the project site in a hammerhead style turn around, which will be designed to meet the local fire department standards and provide the necessary public street frontage for the four new lots.

The site will be graded to mimic the natural drainage pattern and the grading work will be limited to what is necessary for the construction of the new residences. It is not anticipated that any significant grades or retaining walls will be present after the site construction is completed. The existing house will retain all of its current utility connections. The necessary utilities for the other five lots will be provided by connections to the surrounding utilities. An existing sanitary sewer line is present in an easement north of the property to serve the two northern-most lots. The remaining three lots in the western portion of the property will get their sanitary sewer service from a manhole that was placed as part of the frontage improvements along Holcomb Blvd. Water service for the five new lots is expected to come from the service line in Swan Avenue as that is the one that has been preliminarily identified to have the most suitable pressure. Storm drainage will most likely not include very much retention on-site as a Geotechnical report (included in this narrative) has determined that there is very little ground saturation available from the soils on site. The drainage system is expected to treat the existing run-off and release

it into the available storm drain in the public right-of-way. The applicant expects to work with the city on suitable storm drain alternatives.

As mentioned previously, the historic Barlow Road alignment crosses the site in a north-south direction along the western region of the site. The applicants understand that associated with this alignment is a 30 foot unobstructed view corridor. To better facilitate a straight-forward lot configuration to this irregularly shaped parcel, the applicants are requesting to either shift the view corridor for the easement such that the eastern line of the corridor is one foot away from the centerline of the easement or shift the location of the centerline of the historic Barlow Road alignment to the west of its current location. The applicant fully appreciates the historic significance of the easement and hopes to minimize the impacts of an adjustment by having gradual changes proposed as opposed to any kind of major shift. The proposed development is set-up to ensure that the view corridor can naturally remain unobstructed. By allowing a change, the development would have a more uniform look as opposed to an uneven appearance with the front building facades.

TITLE 12; STREETS, SIDEWALKS AND PUBLIC PLACES

CHAPTER 12.04 – STREETS, SIDEWALKS AND PUBLIC PLACES

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

- A. The city has jurisdiction and exercises regulatory management over all public rights-of-way within the city under authority of the City Charter and state law by issuing separate public works right-of-way permits or permits as part of issued public infrastructure construction plans. No work in the public right-of-way shall be done without the proper permit. Some public rights-of-way within the city are regulated by the State of Oregon Department of Transportation (ODOT) or Clackamas County and as such, any work in these streets shall conform to their respective permitting requirements.**

Response: *The applicant understands the provisions set forth in this section and agrees not to proceed with any work in the public right-of-way without obtaining the proper permit from the appropriate jurisdiction.*

- B. Public rights-of-way include, but are not limited to, streets, roads, highways, bridges, alleys, sidewalks, trails, paths, public easements and all other public ways or areas, including the subsurface under and air space over these areas.**

Response: *The applicant understands what designates a public right-of-way.*

- 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.**

Response: *The applicant recognizes the city's jurisdiction and acknowledges their regulatory management over whatever public right-of-ways are adjacent to the project.*

- 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 and permits.**

Response: *The applicant agrees that they will not occupy or encroach a public right-of-way without the proper permits from the city.*

- E. The exercise of jurisdiction and regulatory management of a public right-of-way by the city is not official acceptance of the right-of-way, and does not obligate the city to maintain or repair any part of the right-of-way.**

Response: *The applicant acknowledges the provisions set forth in this section.*

12.04.010 Construction specifications—Improved streets.

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. The curb shall be constructed at the same time as the construction of the sidewalk and shall be located as provided in the ordinance authorizing the improvement of said street next proceeding unless otherwise ordered by the city commission. Both sidewalks and curbs are to be constructed according to plans and specifications provided by the city engineer.

Response: *The applicant is not proposing to build any streets with this application. All frontage improvements have already been made along the existing right-of-ways of Holcomb Blvd. and Swan Avenue and a public street is planned for the future when the development of new streets ends at a hammerhead turn-around along the west property line. At that time, the public street will be built to city standards.*

12.04.020 Construction specifications—Unimproved streets.

Sidewalks constructed on unimproved streets shall be constructed of concrete according to lines and grades established by the city engineer and approved by the city commission. On unimproved streets curbs do not have to be constructed at the same time as the sidewalk.

Response: *There are no unimproved streets proposed with this development*

12.04.025 Street design—Curb cuts.

- A. To assure public safety, reduce traffic hazards and promote the welfare of pedestrians, bicyclists and residents of the subject area, such as a cul-de-sac or dead-end street, the decision maker shall be authorized to minimize the number and size of curb cuts (including driveways) as far as practicable where any of the following conditions are necessary:
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.

Where the decision maker determines any of these situations exist or may occur due to approval of a proposed development, driveway curb cuts shall be limited to those widths as approved by the public works street standard drawings. Shared residential driveways shall be limited to twenty-four feet in width adjacent to the sidewalk and property line and may extend to a maximum of thirty feet abutting the street pavement to facilitate turning movements. Non-residential development driveway curb cuts in these situations shall be limited to those widths as approved by the public works street standard drawings or as approved by the city

engineer upon review of the vehicle turning radii based on a professional engineer's design submittal.

Response: *There are no curb cuts proposed with this development. Existing curb cuts exist for the proposed driveways accessing Holcomb Blvd. and Swan Avenue. Curb cuts for the future development of the public street in the turn-around will meet city standards.*

- B. 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 and preferably twenty feet back into the lot as measured from the current edge of street pavement to provide for controlling gravel tracking onto the public street. The hard surface may be concrete, asphalt, or other surface approved by the city engineer.**

Response: *There are no curb cuts proposed in the development plan. The proposed site plan calls for driveways that will all be adequate enough to meet the provisions of this section.*

- C. It shall be a code violation to drive vehicles, trailers, boats, or other wheeled objects across a sidewalk or roadside planter strip at a location other than an approved permanent or city-approved temporary driveway approach. Damages caused by such action shall be corrected by the adjoining property owner.**

Response: *The applicant agrees that there will be no vehicles of the nature described above driven over locations that are not approved driveway approaches.*

- D. It shall be a code violation to place soil, gravel, wood, or other material in the gutter or space next to the curb of a public street with the intention of using it as a permanent or temporary driveway. Damages caused by such action shall be corrected by the adjoining property owner.**

Response: *The applicant agrees that there will be no material of the nature described above placed to create a temporary driveway*

- E. Any driveway built within a public street or alley right-of-way shall be built and permitted per city requirements as approved by the city engineer.**

Response: *The site plan for the proposed development only calls for driveways that will meet the city requirements.*

- F. Exceptions. The public works director reserves the right to waive this policy in certain instances, if it is determined through written findings that it is in the best interest of the public to do so. Examples of allowable exceptions include:**

- 1. Corner properties or properties adjacent to more than one street frontage provided at least one on-street parking space on each frontage remains available after the installation of a second driveway.**
- 2. Special needs for disabled access.**

3. When the size of the lot or the length of the street frontage is adequate to support more than one driveway, the installation of a driveway will result in the loss of no more than one on-street parking space and there is no shortage of on-street parking available for neighboring property.

In no case shall more than two driveways be allowed on any single family residential property.

Response: The applicant is not expecting to require any special exceptions for driveways.

- G. Appeals. Decisions made by the public works director are final unless appealed in writing to the transportation advisory committee for review and recommendation to the city commission.

Response: The applicant understands the appeals process

- H. Failure to Comply. Failure to meet the intent of this section shall be a violation of this Code and enforceable as a civil infraction.

Response: The applicant intends to meet the intent of this code section.

12.04.030 Maintenance and repair.

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

Response: The applicant understands the provisions of this code section and will adhere to it as long as they are the legal owner of the property.

12.04.031 Liability for sidewalk injuries.

- A. The owner or occupant of real property responsible for maintaining the adjacent sidewalk shall be liable to any person injured because of negligence of such owner or occupant in failing to maintain the sidewalk in good condition.
- B. If the city is required to pay damages for an injury to persons or property caused by the failure of a person to perform the duty that this ordinance imposes, the person shall compensate the city for the amount of the damages paid. The city may maintain an action in a court of competent jurisdiction to enforce this section.

Response: There is existing sidewalk along the frontages of Holcomb Blvd. and Swan Ave. which the applicant intends to maintain in a state of good repair for as long as he is the owner of the property. The applicant understands they may be held liable and required to pay damages for their failure to do so if deemed reasonable to do so in a court of competent jurisdiction.

12.04.032 Required sidewalk repair.

- A. When the public works director determines that repair of a sidewalk is necessary he or she shall issue a notice to the owner of property adjacent to the 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.
- C. The public works director shall cause a copy of the notice to be served personally upon the owner of the property adjacent to the defective sidewalk, or the notice may be served by registered or certified mail, return receipt requested. If after diligent search the owner is not discovered, the public works director shall cause a copy of the notice to be posted in a conspicuous place on the property, and such posting shall have the same effect as service of notice by mail or by personal service upon the owner of the property.
- D. The person serving the notice shall file with the city recorder a statement stating the time, place and manner of service or notice.

Response: The applicant agrees to follow the due process outlined in this code section if a repair to the existing sidewalk is deemed necessary by the public works director

12.04.033 City may do work.

If repair of the sidewalk is not completed within ninety days after the service of notice, the public works director shall carry out the needed work on the sidewalk. Upon completion of the work, the public works director shall submit an itemized statement of the cost of the work to the finance director. The city may, at its discretion, construct, repair or maintain sidewalks deemed to be in disrepair by the public works director for the health, safety and general welfare of the residents of the city.

Response: *The applicant understands that repair of a sidewalk adjacent to the property may be done by the city per the provisions set forth in this code section and that he may receive an itemized statement of the cost of the work.*

12.04.034 Assessment of costs.

Upon receipt of the report, the finance director shall assess the cost of the sidewalk work against the property adjacent to the sidewalk. The assessment shall be a lien against the property and may be collected in the same manner as is provided for in the collection of street improvement assessment.

Response: *The applicant understands the assessment of costs for sidewalk repairs*

12.04.040 Streets—Enforcement.

Any person whose duty it is to maintain and repair any sidewalk, as provided by this chapter, and who fails to do so shall be subject to the enforcement procedures of Chapters 1.16, 1.20 and 1.24. Failure to comply with the provisions of this chapter shall be deemed a nuisance. Violation of any provision of this chapter is subject to the code enforcement procedures of Chapters 1.16, 1.20 and 1.24.

Response: *The applicant fully intends to maintain the sidewalks in a state of good repair to avoid being deemed a nuisance.*

12.04.045 Street Design—Constrained local streets and/or rights-of-way.

Any accessway with a pavement width of less than thirty-two feet shall require the approval of the city engineer, community development director and fire chief and shall meet minimum life safety requirements, which may include fire suppression devices as determined by the fire marshal to assure an adequate level of fire and life safety. The standard width for constrained streets is twenty feet of paving with no on-street parking and twenty-eight feet with on-street parking on one side only. Constrained local streets shall maintain a twenty-foot wide unobstructed accessway. Constrained local streets and/or right-of-way shall comply with necessary slope easements, sidewalk easements and altered curve radius, as approved by the city engineer and community development director.

Table <u>12.04.045</u>		
STREET DESIGN STANDARDS FOR LOCAL CONSTRAINED STREETS		
	Minimum	Required
Type of Street	Right-of-way	Pavement Width
Constrained local street	<u>20 to 40</u>	<u>20 to less than 32 feet</u>

Response: *The proposed access for lots 3-6 off of Holcomb Blvd. will be paved asphalt driveway and will be 20' wide. There are no constrained streets planned for with this development.*

12.04.050 Retaining walls—Required.

Every owner of a lot within the city, abutting upon an improved street, where the surface of the lot or tract of land is above the surface of the improved street and where the soil or earth from the lot, or tract of land is liable to, or does slide or fall into the street or upon the sidewalk, or both, shall build a retaining wall, the outer side of which shall be on the line separating the lot, or tract of land from the improved street, and the wall shall be so constructed as to prevent the soil or earth from the lot or tract of land from falling or sliding into the street or upon the sidewalk, or both, and the owner of any such property shall keep the wall in good repair.

Response: *The existing grades on site are very gradual in nature and the applicant intends to develop the lots with needing retaining walls. If retaining walls are deemed to be necessary to facilitate the proposed development, the applicant will design and construct them to meet the provisions of this code section.*

12.04.060 Retaining walls—Maintenance.

When a retaining wall is necessary to keep the earth from falling or sliding onto the sidewalk or into a public street and the property owner or person in charge of that property fails or refuses to build such a wall, such shall be deemed a nuisance. The violation of any provision of this chapter is subject to the code enforcement procedures of Chapters 1.16, 1.20 and 1.24.

Response: *The applicant expects to complete the project without using retaining walls. If a retaining wall is required, the applicant will construct the necessary retaining wall to avoid being deemed a nuisance.*

12.04.070 Removal of sliding dirt.

It shall be the duty of the owner of any property as mentioned in Section 12.04.050, and in case the owner is a nonresident, then the agent or other person in charge of the same, to remove from the street or sidewalk or both as the case may be, any and all earth or dirt falling on or sliding into or upon the same from the property, and to build and maintain in order at all times, the retaining wall as herein required; and upon the failure, neglect or refusal of the land owner, the agent or person in charge of the same to clean away such earth or dirt, falling or sliding from the property into the street or upon the sidewalk, or both, or to build the retaining wall, shall be deemed guilty of a misdemeanor.

Response: *The applicant will take the appropriate actions to ensure that all dirt is removed from the streets and/or sidewalks.*

12.04.080 Excavations—Permit required.

It shall be unlawful for any person to dig up, break, excavate, disturb, dig under or undermine any public street or alley, or any part thereof or any macadam, gravel, or other street pavement or improvement without first applying for and obtaining from the engineer a written permit so to do.

Response: *The applicant will obtain all necessary permits to complete any necessary excavation necessary to complete the project.*

12.04.090 Excavations—Permit restrictions.

The permit shall designate the portion of the street to be so taken up or disturbed, together with the purpose for making the excavation, the number of days in which the work shall be done, and the trench or excavation to be refilled and such other restrictions as may be deemed of public necessity or benefit.

Response: *The applicant understands the permit restrictions and will ensure they are adhered to.*

12.04.095 Street Design—Curb Cuts.

To assure public safety, reduce traffic hazards and promote the welfare of pedestrians, bicyclists and residents of the subject area, such as a cul-de-sac or dead-end street, the decision maker shall be authorized to minimize the number and size of curb cuts (including driveways) as far as practicable where any of the following conditions are necessary:

- A. To provide adequate space for on-street parking;
- B. To facilitate street tree planting requirements;
- C. To assure pedestrian and vehicular safety by limiting vehicular access points; and
- D. To assure that adequate sight distance requirements are met.

Where the decision maker determines any of these situations exist or may occur due to approval of a proposed development, single residential driveway curb cuts shall be

limited to twelve feet in width adjacent to the sidewalk and property line and may extend to a maximum of eighteen feet abutting the street pavement to facilitate turning movements. Shared residential driveways shall be limited to twenty-four feet in width adjacent to the sidewalk and property line and may extend to a maximum of thirty feet abutting the street pavement to facilitate turning movements. Non-residential development driveway curb cuts in these situations shall be limited to the minimum required widths based on vehicle turning radii based on a professional engineer's design submittal and as approved by the decision maker.

Response: *The proposed development plan only calls for shared private driveways for access all of the lots. There are existing curb cuts that were constructed with the frontage improvements which have been spaced to maximize safe entrance to the road. Lots 3-6 will not have curb cuts until such time that the proposed future public street in the turn-around is constructed. At that time, the curb cuts will be placed in accordance with the provisions of this code section.*

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 application is filed. The city commission may adopt and modify the City of Oregon City Public Works Pavement Cut Standards by resolution as necessary to implement the requirements of this chapter.

Response: *The applicant understands they are responsible to restore all conditions to their existing state after any excavations, which may have impacted them, have been made.*

12.04.110 Excavations—Nuisance—Penalty.

Any excavation in violation of this chapter shall be deemed a nuisance. Violation of any provision of this chapter is subject to the code enforcement procedures of Chapters 1.16, 1.20 and 1.24.

Response: *The applicant fully intends to avoid being deemed a nuisance by not violating the provisions of this chapter.*

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 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 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 Chapter 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 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 commission.

Response: *The applicant does not intend to create any permanent obstructions to the public right-of-way. If any action associated with the development of this project is deemed to create a permanent obstruction, the applicant will apply for, per the requirement listed above, and obtain any permits required.*

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 Chapter 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.

Response: *The applicant does not intend to create any temporary obstructions to the public right-of-way. The frontage improvements for this project have already been completed and it is expected that there is ample room on the unfinished lot to place any objects that would be considered a temporary obstruction to the public 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 commission.

Response: *The applicant understands the fee process for obtaining a right-of-way permit for obstructions.*

12.04.130 Obstructions—Sidewalk sales.

- A. It is unlawful for any person to use the public sidewalks of the city for the purpose of packing, unpacking or storage of goods or merchandise or for the display of goods or merchandise for sale. It is permissible to use the public sidewalks for the process of expeditiously loading and unloading goods and merchandise.
- B. The city commission may, in its discretion, designate certain areas of the city to permit the display and sale of goods or merchandise on the public sidewalks under such conditions as may be provided.

Response: *There are no sidewalk sales planned in conjunction with the development of this project.*

12.04.140 Obstructions—Nuisance—Penalty.

Any act or omission in violation of this chapter shall be deemed a nuisance. Violation of any provision of this chapter is subject to the code enforcement procedures of Chapters 1.16, 1.20 and 1.24.

Response: *The applicant fully intends to not violate the code sections regarding obstructions in order to avoid being deemed a nuisance.*

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.

Response: *There are no street or alley vacations in the development plan for this project.*

12.04.160 Street vacations—Restrictions.

The commission, upon hearing such petition, may grant the same in whole or in part, or may deny the same in whole or in part, or may grant the same with such reservations as would appear to be for the public interest, including reservations pertaining to the maintenance and use of underground public utilities in the portion vacated.

Response: *There are no street or alley vacations in the development plan for this project.*

12.04.170 Street design—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 plan 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 must be reviewed and approved by the city engineer prior to construction. All streets, driveways or storm drainage connections to another jurisdiction's facility or right-of-way must be reviewed by the appropriate jurisdiction as a condition of the preliminary plat and when required by law or intergovernmental agreement shall be approved by the appropriate jurisdiction.

Response: *The applicant understands the review process for street and utility design for the city and agrees to submit construction plans for review by the city engineer prior to construction. There are no impacts to other jurisdictions facilities or right-of-way expected with the development of this project.*

12.04.175 Street design—Generally.

The location, width and grade of street shall be considered in relation to: existing and planned streets, topographical conditions, public convenience and safety for all modes of travel, existing and identified future transit routes and pedestrian/bicycle accessways, and the proposed use of land to be served by the streets. The street system shall assure an adequate traffic circulation system with intersection angles, grades, tangents and curves appropriate for the traffic to be carried considering the terrain. To the extent possible, proposed streets shall connect to all existing or approved stub streets that abut the development site. Where location is not shown in the development plan, the arrangement of streets shall either:

- A. Provide for the continuation or appropriate projection of existing principal streets in the surrounding area and on adjacent parcels or conform to a plan for the area

approved or adopted by the city to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical;

- B. Where necessary to give access to or permit a satisfactory future development of adjoining land, streets shall be extended to the boundary of the development and the resulting dead-end street (stub) may be approved with a temporary turnaround as approved by the city engineer. Access control in accordance with section 12.04.200 shall be required to preserve the objectives of street extensions.

Response: *The proposed future public street from Hunter Avenue will terminate at the project site and will not continue on to adjacent parcels. The proposed layout of the project site negates connecting streets to adjoining parcels for continuation.*

12.04.180 Street design—Minimum right-of-way.

All development shall provide adequate right-of-way and pavement width. Adequate right-of-way and pavement width shall be provided by:

- A. Complying with the street design standards contained in the table provided in Chapter 12.04. The street design standards are based on the classification of streets that occurred in the Oregon City Transportation System Plan (TSP), in particular, the following TSP figures provide the appropriate classification for each street in Oregon City: Figure 5-1: Functional Classification System and New Roadway Connections; Figure 5-3: Pedestrian System Plan; Figure 5.6: Bicycle System Plan; and Figure 5.7: Public Transit System Plan. These TSP figures from the Oregon City Transportation System Plan are incorporated herein by reference in order to determine the classification of particular streets.

Table <u>12.04.020</u> STREET DESIGN STANDARDS		
Type of Street	Maximum Right-of-Way Width	Pavement Width
Major arterial	124 feet	98 feet
Minor arterial	114 feet	88 feet
Collector street	86 feet	62 feet
Neighborhood Collector street	81 feet	59 feet
Local street	54 feet	32 feet
Alley	20 feet	16 feet

- B. The applicant may submit an alternative street design plan that varies from the street design standards identified above. An alternative street design plan may be approved by the city engineer if it is found the alternative allows for adequate and safe traffic, pedestrian and bicycle flows and transportation alternatives and protects and provides adequate multi-modal transportation services for the development as well as the surrounding community.

Response: *The proposed development plan only calls for a shared driveway at this time. The applicant is proposing a future ROW width of 38 feet to accommodate a 28' wide turn-around at the end of the proposed future street from Hunter Avenue.*

12.04.185 Street design—Access control.

- A. A street which is dedicated to end at the boundary of the development or in the case of half-streets dedicated along a boundary shall have an access control granted to the city as a city controlled plat restriction for the purposes of controlling ingress and egress to the property adjacent to the end of the dedicated street. The access control restriction shall exist until such time as a public street is created, by dedication and accepted, extending the street to the adjacent property.
- B. The city may grant a permit for the adjoining owner to access through the access control.
- C. The plat shall contain the following access control language or similar on the face of the map at the end of each street for which access control is required: "Access Control (See plat restrictions)."
- D. Said plats shall also contain the following plat restriction note(s): "Access to (name of street or tract) from adjoining tracts (name of deed document number[s]) shall be controlled by the City of Oregon City by the recording of this plat, as shown. These access controls shall be automatically terminated upon the acceptance of a public road dedication or the recording of a plat extending the street to adjacent property that would access through those Access Controls."

Response: *There will not be any half streets or streets dedicated to end at a project boundary in the development that will need Access control. The future turn-around will be developed at the same time as the full future public street from Hunter Avenue and will be completely land-locked by the development.*

12.04.190 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 ten 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.

Response: *There are no public streets proposed with this project that would require aligning centerlines. The centerline for the proposed future turn-around will be perpendicular to the future street from Hunter Avenue.*

12.04.195 Minimum street intersection spacing standards.

- A. All new development and redevelopment shall meet the following Public Street Intersection Spacing Standards:

Table 12.04.040—Public Street Intersection Spacing Standards

	Distance in Feet between Streets of Various Classifications								
	Between Arterial and Arterial	Between Arterial and Collector	Between Arterial and Neighborhood Collector	Between Arterial and Local Street	Between Collector Street and Collector Street	Between Collector Street and Neighborhood Collector	Between Collector and Local Street	Between Neighborhood Collector and Local Street	Between two adjacent Local Streets
Measured along an Arterial Street	1320	800	600	300	600	300	150	150	150
Measured along a Collector Street	800	800	600	300	600	300	150	150	150
Measured along a Neighborhood Collector Street	800	600	300	300	300	150	150	150	150
Measured along a Local Street	600	600	300	300	300	150	150	150	150
Note: With regard to public intersection spacing standards, the same distances apply to both major arterial and minor arterial streets. In this table, the term "arterial" applies to both major arterial and minor arterial streets.									

or

- B. A lesser distance between intersections may be allowed, provided appropriate mitigation, in the judgment of the city engineer, is provided to ensure that the reduction in intersection spacing will not pose a safety hazard.**

Response: *There are no public streets intersections proposed with this project.*

12.04.200 Street design—Constrained local streets and/or rights-of-way.

Any accessway with a pavement width of less than thirty-two feet shall require the approval of the city engineer, community development director and fire chief and shall meet minimum life safety requirements, which may include fire suppression devices as determined by the fire marshal to assure an adequate level of fire and life safety. The standard width for constrained streets is twenty feet of paving with no on-street parking and twenty-eight feet with on-street parking on one side only. Constrained local streets shall maintain a twenty-foot wide unobstructed accessway. Constrained local streets and/or right-of-way shall comply with necessary slope easements, sidewalk easements and altered curve radius, as approved by the city engineer and community development director.

Table <u>12.04.045</u>		
STREET DESIGN STANDARDS FOR LOCAL CONSTRAINED STREETS		
	Minimum	Required
Type of Street	Right-of-Way	Pavement Width
Constrained local street	<u>30</u> to 40 feet	20 to less than 32 feet

Response: *There will be no proposed constrained streets in the proposed development.*

12.04.205 Intersection level of service standards.

When reviewing new developments, the City of Oregon City requires all relevant intersections to be maintained at the minimum acceptable Level Of Service (LOS) upon full build-out of the proposed development. The minimum acceptable LOS standards are as follows:

- A. For signalized intersection areas of the city that are located outside the Regional Center boundaries a LOS of "D" or better for the intersection as a whole and no approach operating at worse than LOS "E" and a v/c ratio not higher than 1.0 for the sum of critical movements.
- B. For signalized intersections within the Regional Center boundaries a LOS "D" can be exceeded during the peak hour; however, during the second peak hour, LOS "D" or better will be required as a whole and no approach operating at worse than LOS "E" and a v/c ratio not higher than 1.0.
- C. For unsignalized intersection throughout the city a LOS "E" or better for the poorest approach and with no movement serving more than twenty peak hour vehicles operating at worse than LOS "F" will be tolerated for minor movements during a peak hour.

Response: *There are no proposed intersections with this project.*

12.04.210 Street design—Intersection angles.

Except where topography requires a lesser angle, streets shall be laid out to intersect at angles as near as possible to right angles. In no case shall the acute angles be less than eighty degrees unless there is a special intersection design. An arterial or collector street intersecting with another street shall have at least one hundred feet of tangent adjacent to the intersection unless topography requires a lesser distance. Other streets, except alleys, shall have at least fifty feet of tangent adjacent to the intersection unless topography requires a lesser distance. All street intersections shall be provided with a minimum curb return radius of twenty-five feet for local streets. Larger radii shall be required for higher street classifications as determined by the city engineer. Additional right-of-way shall be required to accommodate curb returns and sidewalks at intersections. Ordinarily, intersections should not have more than two streets at any one point.

Response: *There are no proposed intersections with this project.*

12.04.215 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 city's applicable planned minimum design or dimensional requirements. Where such streets fail to meet these requirements, the decision-maker shall require the applicant to make proportional improvements sufficient to achieve conformance with minimum applicable design standards required to serve the proposed development.

Response: *The existing streets that are adjacent both had the frontage improvements completed by the city as a part of the Holcomb Boulevard enhancement project. Included in these improvements were pavement widening, curb and gutter, a planter strip and a sidewalk. The frontage improvements were completed to city standards, to the best of the applicant's knowledge. Also included in the frontage improvements were the necessary curb cuts and driveway aprons and connections to the existing utilities. The applicant understands street trees may still need to be planted as part of this development.*

12.04.220 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 must first determine that it will be practical to require the dedication of the other half of the street when the adjoining property is divided or developed. Where the decision maker approves a half street, the applicant must construct an additional ten feet of pavement width so as to make the half street safe and usable until such time as the other half is constructed. Whenever a half street is adjacent to property capable of being divided or developed, the other half of the street shall be provided and improved when that adjacent property divides or develops. Access control as described in [Section] 12.04.200 may be required to preserve the objectives of half streets.

Response: *There are no half streets proposed for this project. The applicant is proposing a private driveway be permitted for vehicular access to lots 3-6.*

12.04.225 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 unstable soils, wetland, natural or historic resource areas, dedicated open space, existing development patterns, or arterial access restrictions. When permitted, cul-de-sacs and permanent dead-end streets shall have a maximum length of three hundred fifty feet, as measured from the right-of-way line of the nearest intersecting street to the back of the cul-de-sac curb face, and include pedestrian/bicycle accessways as provided in Section 17.90.220 of this code and Chapter 12.24. This section is not intended to preclude the use of curvilinear eyebrow widening of a street where needed to provide adequate lot coverage.

Where approved, 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. Permanent dead-end streets other than cul-de-sacs shall provide public street

right-of-way/easements sufficient to provide turn-around space with appropriate no-parking signs or markings for waste disposal, sweepers, and other long vehicles in the form of a hammerhead or other design to be approved by the decision maker. Driveways shall be encouraged off the turnaround to provide for additional on-street parking space.

Response: *There are no cul-de-sacs or dead-end streets proposed for this project. The applicant is proposing a private driveway be permitted for vehicular access to lots 3-6.*

12.04.230 Street design—Street names.

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

Response: *There are no streets to be named in the proposed development. All lots will be accessed from existing streets.*

12.04.235 Street design—Grades and curves.

Grades and center line radii shall conform to the standards in the city's street design standards and specifications.

Response: *There are no public streets designed with this project.*

12.04.240 Street design—Development abutting arterial or collector street.

Where development abuts or contains an existing or proposed arterial or collector street, the decision maker may require: access control; screen planting or wall contained in an easement or otherwise protected by a restrictive covenant in a form acceptable to the decision maker along the rear or side property line; or such other treatment it deems necessary to adequately protect residential properties or afford separation of through and local traffic. Reverse frontage lots with suitable depth may also be considered an option for residential property that has arterial frontage. Where access for development abuts and connects for vehicular access to another jurisdiction's facility then authorization by that jurisdiction may be required.

Response: *There are no public streets designed with this project. The development plan calls for shared private driveways to access Holcomb Blvd. (a minor Arterial) and Swan Avenue (a collector).*

12.04.245 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.

All crosswalks shall include a large vegetative 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 decision maker

may approve an alternative design that achieves the same standard for constrained sites or where deemed unnecessary by the city engineer.

Response: *There are no public streets designed with this project.*

12.04.255 Street design—Alleys.

Public alleys shall be provided in 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. The corners of alley intersections shall have a radius of not less than ten feet.

Response: *There are no alleys included with this project.*

12.04.260 Street design—Transit.

Streets shall be designed and laid out in a manner that promotes pedestrian and bicycle circulation. The applicant shall coordinate with Tri-Met where the application impacts transit streets as identified on Figure 5.7: Public Transit System Plan of the Oregon City Transportation System Plan. Pedestrian/bicycle access ways shall be provided as necessary in conformance with the requirements in Section 17.90.220 of this code and Chapter 12.24 to minimize the travel distance to transit streets and stops and neighborhood activity centers. The decision maker may require provisions, including easements, for transit facilities along transit streets where a need for bus stops, bus pullouts or other transit facilities within or adjacent to the development has been identified.

Response: *There are no public streets included in the project.*

12.04.265 Street design—Planter strips.

All development shall include vegetative planter strips that are five feet in width or larger and located adjacent to the curb. This requirement may be waived or modified if the decision maker finds it is not practicable. The decision maker may permit constrained sites to place street trees on the abutting private property within 10 feet of the public right-of-way if a covenant is recorded on the title of the property identifying the tree as a city street tree which is maintained by the property owner. Development proposed along a collector, minor arterial, or major arterial street may use tree wells with root barriers located near the curb within a wider sidewalk in lieu of a planter strip, in which case each tree shall have a protected area to ensure proper root growth and reduce potential damage to sidewalks, curbs and gutters.

To promote and maintain the community tree canopy adjacent to public streets, trees shall be selected and planted in planter strips in accordance with Chapter 12.08, Street Trees. Individual abutting lot owners shall be legally responsible for maintaining healthy and attractive trees and vegetation in the planter strip. If a homeowners' association is created as part of the development, the association may assume the maintenance obligation through a legally binding mechanism, e.g., deed restrictions, maintenance agreement, etc., which shall be reviewed and approved by the city attorney. Failure to properly maintain trees and vegetation in a planter strip shall be a violation of this code and enforceable as a civil infraction.

Response: *There are no public streets designed with this project. The public street improvements, which included planter strips have already been completed by the city and were done so in accordance to city standards, to the best of the applicant's knowledge. The applicant will ensure that appropriate measures are established to ensure that street trees are properly cared for.*

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 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 Design Drawings provide other design details, in which case the requirements of this chapter and the Public Works Street Design Drawings shall be complied with. In the case of work within ODOT or Clackamas County rights-of-way, work shall be in conformance with their respective construction standards.

Response: *There are no public streets designed with this project. The street improvements within the adjacent public right-of-ways have already been completed by the city of Oregon City and were completed to the city's standards. The applicant is proposing a private driveway be permitted for vehicular access to lots 3-6.*

12.04.280 Violation—Penalty.

Any act or omission in violation of this chapter shall be deemed a nuisance. Violation of any provision of this chapter is subject to the code enforcement procedures of Chapters **1.16**, **1.20** and **1.24**.

Response: *The applicant will ensure that all applicable code sections of this chapter are adhered to with respect to the design parameters of the site as well as during construction of the site improvements.*

CHAPTER 12.08 – PUBLIC AND STREET TREES

12.08.010 Purpose.

The purpose of this chapter is to:

- A. Develop tree-lined streets to protect the living quality and beautify the city;
- B. Establish physical separation between pedestrians and vehicular traffic;
- C. Create opportunities for solar shading;
- D. Improve air quality; and
- E. Increase the community tree canopy and resource.

Response: *The applicant understands the purpose of this chapter.*

12.08.015 Street tree planting and maintenance requirements.

- A. One street tree shall be planted for every thirty-five feet of property frontage. The tree spacing shall be evenly distributed throughout the total development frontage. The community development director may approve an alternative street tree plan if site or other constraints prevent meeting the placement of one street tree per thirty-five feet of property frontage.
- B. The following clearance distances shall be maintained when planting trees:
 - 1. Fifteen feet from streetlights;
 - 2. Five feet from fire hydrants;
 - 3. Twenty feet from intersections;
 - 4. A minimum of five feet (at mature height) below power lines.
- C. All trees shall be a minimum of two inches in caliper at six inches above the root crown and installed to city specifications.
- D. All established trees shall be pruned tight to the trunk to a height that provides adequate clearance for street cleaning equipment and ensures ADA complaint clearance for pedestrians.

Response: *As part of this development, street trees will be planted, as required in all planter strips within the public right-of-way. Per the requirements of this section, the development will include 9-10 trees along Holcomb Blvd., 1-2 trees along Swan Avenue and possibly 3-4 trees along the private road for lots 3-6 that will be the turn-around for the future public road. The trees will be the appropriate size and species and will be planted according to the rules of this section.*

12.08.020 Street tree species selection.

The community development director may specify the species of street trees required to be planted if there is an established planting scheme adjacent to a lot frontage, if there are obstructions in the planting strip, or if overhead power lines are present.

Response: *The applicant intends to work with the city to plant a tree that will work within the confines and constraints of the surrounding planter strip*

12.08.025 General tree maintenance.

Abutting property owners shall be responsible for the maintenance of street trees and planting strips. Topping of trees is permitted only under recommendation of a certified arborist, or other qualified professional, if required by city staff. Trees shall be trimmed appropriately. Maintenance shall include trimming to remove dead branches, dangerous limbs and to maintain a minimum seven-foot clearance above all sidewalks and ten-foot clearance above the street. Planter strips shall be kept clear of weeds, obstructing vegetation and trash.

Response: *The applicant acknowledges the criteria of the code section and will comply as it is applicable.*

12.08.030 Public property tree maintenance.

The city shall have the right to plant, prune, maintain and remove trees, plants and shrubs in all public rights-of-way and public grounds, as may be necessary to ensure public safety or to preserve and enhance the symmetry or other desirable characteristics of such public areas. The natural resources committee may recommend to the community development director the removal of any tree or part thereof which is in an unsafe condition, or which by reason of its nature is injurious to above or below-ground public utilities or other public improvements.

Response: *The applicant acknowledges the criteria of this code section and will not interfere with decisions of the community development director regarding maintenance of trees within public property.*

12.08.035 Public tree removal.

Existing street trees shall be retained and protected during construction unless removal is specified as part of a land use approval or in conjunction with a public facilities construction project, as approved by the community development director. A diseased or hazardous street tree, as determined by a registered arborist and verified by the City, may be removed if replaced. A non-diseased, non-hazardous street tree that is removed shall be replaced in accordance with the Table 12.08.035.

All new street trees will have a minimum two-inch caliper trunk measured six inches above the root crown. The community development director may approve off-site installation of replacement trees where necessary due to planting constraints. The community development director may additionally allow a fee in-lieu of planting the tree(s) to be placed into a city fund dedicated to planting trees in Oregon City in accordance with Oregon City Municipal Code 12.08.

Table 12.08.035

Replacement Schedule for Trees Determined to be Dead, Diseased or Hazardous by a Certified Arborist		Replacement Schedule for Trees Not Determined to be Dead, Diseased or Hazardous by a Certified Arborist	
Diameter of tree to be Removed (Inches of diameter at 4-ft height)	Number of Replacement Trees to be Planted	Diameter of tree to be Removed (Inches of diameter at 4-ft height)	Number of Replacement Trees to be Planted
Any Diameter	1 Tree	Less than 6"	1 Tree
		6" to 12"	2 Trees
		13" to 18"	3 Trees
		19" to 24"	4 Trees
		25" to 30"	5 Trees
		31" and over	8 Trees

Response: *There are no public trees that will be removed as part of this project. The applicant will provide the required street trees for the planter strips in Holcomb Blvd. and Swan Avenue.*

12.08.040 Heritage Trees and Groves.

- A. **Purpose.** Certain trees, because of their age, species, natural resource value, ecological or historical association, are of special importance to the city. These trees may live on private or public property.
1. The purpose of this chapter is to recognize, foster appreciation and provide for voluntary protection of Heritage Trees.
 2. In particular, the following trees are shall be considered significant, and therefore eligible for heritage tree nomination in Oregon City, if they meet the minimum size requirements of the table below:

Tree Eligibility based on Size

Species	Common Name	Size (d.b.h)
Quercus garryana	Oregon white oak	8"
Pseudotsuga menziesii	Douglas-fir	18"
Thuja plicata	Western red cedar	12"
Pinus ponderosa	Ponderosa pine	12"
Taxus brevifolia	Western yew	6"
Other deciduous and horticultural tree species		20"
Other evergreen and conifer trees		18"

B. Recommendation.

- 1. Any citizen may recommend tree(s) to be designated as a Heritage Tree or Grove. If the proposed Heritage Tree or Grove is located on property other than city property or public right-of-way under city jurisdiction, the recommendation shall be submitted by the property owner or accompanied by the property owner's written consent. If the proposed Heritage Tree or Grove is located on city property or public right-of-way under city jurisdiction, the recommendation shall be submitted to the community development director; if the recommendation is consented to by the city, the community development director shall submit the recommendation to the city commission.**
- 2. Recommendation shall be made on such form as required by the community development director. The recommendation form shall include a narrative explaining why the tree qualifies for Heritage Tree or Grove status pursuant to the definition in subsection 1. and the written consent of the property owner as described in subsection 1. of this section.**

C. Review Process.

- 1. The city commission shall review all Heritage Trees and Grove recommendations at a public meeting. Notice of the meeting shall be provided to the recommending applicant, the property owner (unless the recommended tree or grove is located on public right-of-way under city jurisdiction, in which event notice shall be given to the community development director), the chair of any recognized neighborhood association in which the tree or grove is located, and the parks and recreation advisory committee (PRAC), if applicable.**
- 2. Staff shall prepare a report for the city commission analyzing whether the tree or grove complies with the requirements for designation.**
- 3. After considering the staff report and any testimony by interested persons, the city commission shall vote on the recommendation.**
- 4. Following approval by the city commission:**
 - a. If the tree or grove is located on private property, the designation shall be complete upon the property owner's execution of a covenant running with the land suitable for recordation by the city. The covenant shall describe the subject property, generally describe the location of the heritage tree or grove, and covenant that the tree or grove is protected as a "Heritage Tree" or "Heritage Grove" by the City of Oregon City and is therefore subject to special protection as provided in this Title.**
 - b. If the tree or grove is located on public right-of-way, the designation shall be complete upon the Staff's listing of the tree or grove on the city Heritage Tree and Grove records.**
 - c. If the tree or grove is located on the public right-of-way, the city shall condition any future property owner-requested vacation of the public right-of-way upon the execution of a covenant in accordance with subsection a.,**

above, which shall be recorded by the city upon the vacation of the right-of-way.

D. Criteria.

- 1. The city commission may designate a tree or grove as a Heritage Tree or Heritage Grove if the commission determines that the following criteria are met:**
 - a. The tree or grove is of landmark importance to the City of Oregon City due to age, size, species, horticultural quality or historic importance; or**
 - b. It is listed as a State Heritage Tree, as designated by the state division of forest resources; or**
 - c. It is a rare species, or provides a habitat for rare species of plants, animals or birds; and**
 - d. The tree is not irreparably damaged, diseased, hazardous or unsafe, or the applicant is willing to have the tree treated by an arborist and the treatment will alleviate the damage, disease or hazard;**

E. Protection of Heritage Trees and Groves.

- 1. No Heritage Tree or Grove may be removed, topped, or otherwise altered unless permitted by this section.**
- 2. An application to remove a Heritage Tree or Grove shall demonstrate that the burden imposed on the property owner, or, if the tree is located within the public right-of-way under city jurisdiction, then the burden imposed on the city by the continued presence of the tree outweighs the public benefit provided by the tree. For the purposes of making this determination, the following tree impacts shall not be considered unreasonable burdens on the property owner, or if appropriate, the city:**
 - a. View obstruction;**
 - b. Routine pruning, leaf raking and other maintenance activities; and**
 - c. Infrastructure impacts or tree hazards that can be controlled or avoided by appropriate pruning or maintenance.**
- 3. Unless the tree is permitted to be removed due to poor health or hazard pursuant to Section 12.08.042, the applicant shall be required to mitigate for the loss of the tree pursuant to Table 12.08.042.**
- 4. Any person who removes a Heritage Tree or Grove in violation of this chapter shall be subject to the penalties provided in this chapter.**

F. Recognition of Heritage Trees and Groves.

1. A Heritage Tree plaque may be designed and furnished by the city to the property owner, or if the tree is in the public right-of-way, to the appropriate city official, of a designated Heritage Tree or Grove. The city may charge a fee to cover the costs of the providing the plaque. The plaque shall be posted at a location at or near the tree or grove and, if feasible, visible from a public right-of-way.
2. The community development director shall maintain a list and map of designated Heritage Trees and Groves.

G. Removal of Heritage Tree or Grove Designation.

1. A Heritage Tree or Grove may be removed from designation if it dies or is removed pursuant to this chapter. If removed from private property, the city shall record a document extinguishing the covenant.

Response: *At this time, no heritage trees or heritage groves are known to be on-site. The applicant does acknowledge the requirements, criteria and processes identified in this code section and agree to work within them if it is deemed applicable to the proposed development.*

12.08.045 Gifts and funding.

The City of Oregon City may accept gifts, which are specifically designated for the purpose of planting or maintaining trees within the city. The community development director may allow a fee in-lieu of planting the tree(s) to be placed into a city fund dedicated to planting trees in Oregon City. The community development director may determine the type, caliper and species of the trees purchased with the fund. The cost of each tree may be adjusted annually based upon current market prices for materials and labor as calculated by the community development director. A separate fund shall be established and maintained for revenues and expenditures created by activities specified in this chapter. The natural resources committee shall have authority on behalf of the city to seek grants and alternative funding for tree projects. Funds from such grant awards shall be administered by the city pursuant to this section.

Response: *If it was deemed to be the best alternative for tree planting for the development, the applicant would consider the fee-in-lieu option in order to meet the street tree requirements and acknowledges the authority of the community development director to determine the type, caliber and species of tree that was purchased.*

12.08.050 Violation—Penalty.

The violation of any provision of this chapter shall be constitute a civil infraction, subject to code enforcement procedures of Chapter 1.16 and/or Chapter 1.20.

Response: *The applicant understands that violating the provisions of this chapter constitute a civil infraction.*

TITLE 13; PUBLIC SERVICES

CHAPTER 13.04 – WATER SERVICE SYSTEM

13.04.010 Application for service.

When water service is requested where connection of the premises to the city mains is required, applications must be made on printed forms furnished by the water office, signed by the owner, or agent of the premises to be served, and the applicant must state fully and truly all the purposes for which water may be required, and must agree to conform to the rules and regulations that are now in force or may hereafter be adopted for the proper operation of the water system. The charges for supplying a water service connection shall be in accordance with a schedule of charges adopted by the city commission. All new water service connections shall be metered.

Response: *The applicant agrees to submit the necessary applications to obtain new water service and agrees that all new service connections shall be metered.*

13.04.020 Use by applicant only.

No person supplied with water from the city mains will be entitled to use it for any purpose other than that stated in his application, or to supply in any way other persons or families.

Response: *The applicant agrees to not use water supplied from the city main in any purpose that would vary from their application and to not provide water for other persons or families.*

13.04.030 Permits—Renewal—Change of service.

- A. The city issues engineering permits for water line work in the right-of-way either as a separate public works permit or as part of overall issued public infrastructure construction plans. The various fees for these permits are approved and modified from time to time by the city commission. Failure to meet the conditions of the issued permit shall constitute a violation of the Municipal Code.

Response: *The applicant intends to meet the conditions of the issued permit for the purposes of constructing the water line*

- B. When permits for renewal or change of service are granted, the old service will be shut-off and disconnected at the main by employees of the city. The charge for same shall be the reasonable costs as determined by administrative policy.

Response: *The applicant understands that old services will be shut-off and disconnected at the main by city employees and will not attempt to do so.*

13.04.040 Service pipe—Approval.

Service pipes, of all sizes, within or without the premises, whether for domestic, commercial or fire protection purposes, must be approved by the city.

Response: *The proposed service for new water services will be part of the engineering documents that will be reviewed by the city for construction approval.*

13.04.050 Service pipe—Installation.

The installation of all service pipes from the main to a point at the curb line shall be made by employees of the water department.

Response: *The applicant agrees to not install water service pipes from the main service line to the point behind the curb and that it shall be done by the city.*

13.04.060 Stopcock and shutoff box.

A stopcock of approved pattern and material will be placed, and protected by means of a suitable box, which will be furnished and installed by the water department.

Response: *The applicant that the city shall provide and install stopcocks.*

13.04.070 Stop and waste cocks.

Just inside the basement wall a stop and waste cock of approved pattern, protected from frost, must in all cases be placed in a convenient location, by means of which the pipes in the building may be drained at night during freezing weather. If the building is not provided with a basement, the stop and waste cock must be placed near the outside wall thereof. All stores and offices in the building must have separate shutoffs.

Response: *No buildings within this development shall have basements.*

13.04.080 Service pipes—Repair and protection.

The service pipe, within the premises, and throughout its entire length to the curb cock must be kept in repair, and protected from freezing at the expense of the owner, who shall be responsible for all damages resulting from leaks or breaks in the service pipe.

Response: *The applicant agrees to keep all service pipes he is responsible for in good repair and protected from freezing.*

13.04.090 Temporary disconnection.

Should it be desired to discontinue the use of all water supplied to the premise for a period of not less than fifteen days, notice must be given, and payment in full of all arrears made at the water office. The water will then be turned off, and turned on again on application, without charge; provided however, no remission of rates will be made for a period of less than fifteen days.

Response: *The only water service that will exist at the time of construction is the service to the existing house. If for some reason, that service needs to be interrupted per the provisions of this code section, the applicant will provide notice and cover all arrears.*

13.04.100 Service for each house.

Hereafter, a separate service direct to the tap in the main, will be required for each house that is to be supplied with water; provided that when there are two houses on an inside lot the service shall be divided at the curb, and a separate meter provided for each place to be so supplied. Where two or more separate residential or business buildings are presently served by a single service the water superintendent may require separate meter installations wherever possible.

Response: *All new residences that are proposed with this development plan will have their own separate water service and meter that will be connected directly to the main. Currently, the only building on the property has its own individual service which will remain and will not need to be separated.*

13.04.110 Discontinuance—Defective fixtures.

Water will not be furnished where there are defective or leaking faucets, toilets or other fixtures, or where there are toilets or urinals without self-closing valves, or tanks without self-acting float valves; and when such may be discovered the water superintendent shall have authority to immediately install a meter.

Response: *The property currently contains a single family residence with only one kitchen and one bathroom. To the best of the applicant's knowledge, there are no defective fixtures.*

13.04.120 Plumber's report.

Plumbers doing any work by which additional water may be drawn from the city mains, must report the same at the water department as soon as the work is completed, or within twenty-four hours thereafter.

Response: *The applicant agrees to report any work which a plumber on-site would draw additional water from the city main.*

13.04.130 Shut-off for repairs.

The water may at any time be shut off from the mains without notice, for repairs or other necessary purposes, and the city will not be responsible for any consequent damages. Water for steam boilers for power purposes will not be furnished by direct pressure from the city mains; tanks for holding an ample reserve of water shall always be provided by the owners of the boilers. While water is temporarily shut off from the mains, the hot water faucets should be kept open by the occupants of the premises to allow the steam to escape from the water heater, and should damage result to meters by reason of steam or hot water, the owner shall be charged for repairs.

Response: *The property currently contains a single family residence with only one kitchen and one bathroom. The owners of the premises will be responsible to ensure proper steps are taken if a water main is shut off without warning.*

13.04.140 Right-of-entry.

Agents of the water department may have free access at proper hours of the day to all parts of the building and premises in which water may be delivered from the city mains, for the purpose of inspecting the condition of the pipes and fixtures and the manner in which the water is used, and for the purpose of fixing water rates for the premises.

Response: The applicant agrees with this code section.

13.04.150 Emergency regulations.

Under emergency conditions the city manager may enforce such regulation of the use of water as conditions require.

Response: The applicant agrees with this code section.

13.04.160 Water for building purposes.

Water for building purposes may be obtained at the rates herein prescribed.

Response: The applicant agrees with this code section.

13.04.170 Fire protection pipes.

Pipes to be used for fire purposes only will be allowed within buildings only where such pipes are entirely disconnected from those used for any other purposes, and have a separate connection to the mains. The connection with the city main must be made as prescribed in Sections 13.04.050 and 13.04.060.

Response: The proposed development will be for single family residences for which the applicant does not intend to install or provide pipes for fire protection.

13.04.180 Use of meters.

- A. The superintendent of the water department shall have the right at any time to attach a meter to, or detach a meter from the service pipe of such places and of such places only, as he may deem best; and where water is supplied through a meter to charge for the quantity of water used or measured at the regular established meter rates. When a meter fails to register accurately, the charge shall be according to the average quantity used daily, as shown by the meter when in order.
- B. The water superintendent shall immediately install a meter for any unmetered consumer who is found guilty of violating any of the rules and regulations of the water department.
- C. Any householder desiring metered water service may obtain the service by making written application to the city for the installation of a meter and by agreeing to pay for the quantity of water used or measured at the regular established meter rates.

Response: *The applicant agrees with this code section with respect to the use of meters.*

13.04.190 Ownership of meters.

All meters, except such as are required to be purchased by the water users, shall be and remain the property of the city, and may be removed whenever the superintendent may decide to do so.

Response: *The applicant acknowledges the authority of the city and the superintendent with respect to the ownership of water meters.*

13.04.200 Use of private water and city water.

Buildings supplied with water other than that furnished by the city, may obtain city water at meter rates; provided, that no physical connection shall in any way, directly or indirectly exist between the private system and the city's water system. When a connection is found to exist the water will be shut off.

Response: *There shall be no buildings or premises that are a part of the proposed development plan that will use water other than that which is provided by the city main.*

13.04.210 Testing and correcting meters.

When any consumer whose water supply is metered shall make a complaint that the bill for any particular month is excessive, the water superintendent will, upon request, have the meter reread.

Response: *The applicant agrees with this code section with respect to billing and metering disputes.*

13.04.220 Failure to comply with rules.

Should anyone fail to comply with the rules and regulations established as conditioned to the use of water, or to pay the water rates at the time and manner hereafter provided, the water may be shut off until payment is made of the amount due with five dollars in addition for the expense of turning the water on.

Response: *The applicant agrees with this code section and does not intend to fail to comply with the rules and regulations for the use of water. If the applicant does fail to comply, they agree to pay the required fees to reinstate service.*

13.04.230 Authority to turn on water.

After the water has been shut off at the curb cock, if it should be turned on by any person other than an employee of the water department, the water will be again shut off, a section of the service pipe removed, and service will not be furnished until the arrears, current month and an additional charge for the reasonable cost of disconnection and resumption of service, as determined by administrative policy, are paid.

Response: *The applicant agrees to not turn on any water service that has been turned off by an employee of the city water department.*

13.04.240 Water charged to premises.

All charges for furnishing water within the city shall be chargeable to the premises where water is supplied. Whenever any charge for furnishing water shall not be paid on or before the fifteenth day following the due date shown on the billing, the same shall become delinquent and shall be subject to discontinuance of service. Written notice of shutoff of water shall be given by mail at least fifteen days in advance of such shutoff. After water service has been discontinued, water shall not again be furnished until all outstanding charges shall have been paid in full. All charges for furnishing water or for services relating to the furnishing of water shall be a lien on the property to which the water or water services are supplied. Enforcement of the lien may be commenced at any time after the charge or charges are delinquent for thirty days by suit in equity following the procedures for foreclosure of a mortgage.

Response: *The applicant agrees with this code section.*

13.04.250 Applications.

Applications for permits to connect premises with the city water system, or requests to turn off water, shall, in all cases, be in writing and signed by the owner, lessee, or agent of the premises to be served.

Response: *The applicant agrees with this code section and will ensure that the appropriate signatures are on all applications for water service.*

13.04.260 Water rates.

- A. **Water Rates in City.** The rates for water furnished by the city to each user within the city limits shall be established by city commission resolution.
- B. **Water Rates Outside City.** The rates for water furnished by the city to each user outside of the city limits shall be one and one-half times the rate charged to users within the city limits.
- C. **Senior Citizen or Disabled Rates.** The principal residence of a person sixty-five years of age or older or certifiable disabled, residing in a residence with a three-quarter-inch meter may qualify for a special user rate if meeting certain income criteria as established by city commission resolution. Senior or disabled citizens requesting the special user rate shall make annual written application for this rate and shall certify as to meeting the income criteria established by the city commission.

Response: *The applicant agrees with this code section. All proposed residences that are part of the development application are within the city limits.*

13.04.270 Meter sizes.

The minimum meter sizes shall be as follows:

<u>Unit</u>	<u>Size in Inches</u>
1 unit	$\frac{3}{4}$

2—4 units	1 (or two ¾" for duplexes)
5—10 units	1-½
11—30 units	2 disc
31—50 units	2 compound

All services shall have the proper size meters as designated by the water superintendent and approved by the city manager on existing and future meter installations, and the user shall pay the minimum charge per Section 13.04.260 above for large-size meters.

Response: *All water services for the proposed development will be for 1 unit and will therefore have a ¾" meter size.*

13.04.280 Water rates for hardship and handicapped users.

The commission may grant water users under sixty-five years in hardship and handicap cases the same adjusted minimum water rates applicable to senior citizens and under their same restrictions.

Response: *The applicant is not expecting to require hardship rates.*

13.04.300 Cost participation.

In the event it is necessary for any developer to extend a city water main larger than necessary to serve the particular development, the city may agree to participate with the developer in the excess cost, said cost participation may be paid from the water fund.

Response: *The applicant does not intend to extend a city watermain as part of this development plan.*

13.04.310 Water connection—Required.

- A. All new residences, other new buildings, or any other new use requiring domestic water must be connected to the city water service if the same is available at the time of construction and prior to the use thereof.**

Response: *The applicant intends to connect the required water services for the five new residences being planned for with this development to the city water main as they will require domestic water service.*

- B. All residential and other uses connected to a public water supply system must be connected to the city system within sixty days of the city water being made available. In the event the existing meter or tap does not meet city standards, required modifications will be performed by the city and the reasonable costs thereof as determined by administrative policy shall be paid by the user. These costs shall be in lieu of the connection charge ordinarily imposed.**

Response: *The existing water mains that are expected to be the connection points for the new water services already exist within the public right-of-way. The applicant will work within their power to ensure all water connections are made in a timely manner.*

13.04.315 Definitions.

The following definitions shall apply to this chapter:

"Back-flow" means any reversal of the normal flow of water from the distribution system that may allow contamination or pollution of the public water supply and render it nonpotable.

"Back-flow prevention device" means any devices or methods approved by the appropriate regulatory agencies for use in the prevention of back-flow.

"Contamination" means an impairment of the quality of water that creates an actual hazard to the public health through poisoning or through the spread of disease by sewage, industrial fluids, wastes, etc.

"Cross-connection" means any actual or potential piping connection or structural arrangement allowing the introduction of any liquid, gas, material or substance into any potable water system, thereby rendering it nonpotable.

"Distribution system" means the network of storage facilities, pumps, pipes, valves and other appurtenances between the source and the point of delivery of potable water in the public water system.

"Nonpotable water" means potable water that has been chemically, biologically or physically altered and thereby rendered unfit for human consumption.

"Point of delivery" means the terminal end of a service connection between the distribution system and the consumer's water system at which point the city of Oregon City loses its jurisdiction of and sanitary control over the potable water supply.

"Pollution" means an impairment of the quality of water to a degree that does not create a hazard to public health, but affects the aesthetic qualities of such water for domestic use.

"Potable water" means water from any source that has been investigated by the health agency having jurisdiction, and has been approved for human consumption.

"Public water supply" means the distribution system supplying potable water to the city of Oregon City consumers.

"Regulatory agencies" means one or more of the following agencies whose specifications and requirements, as presented in their associated publications are accepted as industry standards:

American Water Works Association—Standards C510, C511 and Manual M14.

American Water Works Association, Pacific Northwest Section—Cross-Connection Control Manual, Sixth Edition, December 1995.

Department of Human Services—OAR 333-61-025 (9), OAR 333-61-0070 (1), OAR 333-61-0071.

University of Southern California, Foundation for Cross-Connection Control and Hydraulic Research—Manual of Cross Connection Control, Ninth Edition, December 1993.

"Service connection" means the supply piping between the distribution system main and the consumer's water system, normally terminating at the downstream end of the water meter.

"Unprotected cross-connection" means any cross-connection which may exist that allows the introduction of any liquid, gas, material or substance into the public water supply, thereby rendering it nonpotable.

Response: *The applicant agrees with this code section.*

13.04.320 Control of cross-connections.

The city shall establish, maintain and monitor an on-going cross-connection control program which shall be administered by the public works director and/or their designated appointee(s). Information pertaining to the policies and procedures of the program can be obtained from the public works director.

Response: *The applicant does not expect that there will be any cross connections as part of this development plan*

13.04.330 Back-flow prevention devices.

The public water supply shall be protected from any existing and/or future unprotected cross-connections by the installation of a back-flow prevention device at or near the point of delivery according to standards and procedures established by one or more of the defined regulatory agencies. Back-flow prevention shall be required in circumstances where an unprotected cross-connection condition may exist. Failure to install an approved back-flow device or conduct a required annual test on a back-flow device shall result in denial or discontinuation of water service.

Response: *The applicant agrees with this code section.*

13.04.340 Standard construction specifications.

The workmanship and materials for any work performed under permits issued per this chapter shall be in accordance with the 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 Water Distribution System Design Standards provide other design details, in which case the requirements of this chapter and the Public Works Water Distribution System Design Standards shall be complied with.

Response: *The applicant agrees with this code section.*

CHAPTER 13.08 – SEWER REGULATIONS

13.08.010 Sewer connections—Required.

- A. All water closets, privies, sinks, bathtubs and drains containing or carrying sewerage in all houses located within the boundaries of any sewer district heretofore established or that may hereafter be established and in which persons are residing shall be connected with the public system of sewers, and within the time specified in the ordinance creating the sewer district.**
- B. It is unlawful for any person to reside in any house or upon any premises within the boundaries of any sewer district in the city, after the time specified for connecting the house or premises as provided in the ordinance establishing the sewer district in which the house or premises is located unless the house or premises has been connected with the sewer as provided in this section.**

Response: *The applicant intends to maintain the current sewer connection for the existing house and intends to connect the new houses to the public sewer main prior to inhabitation of the new residences.*

13.08.020 Connection required—Notice.

It shall be the duty of the chief of police to ascertain all houses and premises in the districts, whose owners have not complied with the ordinance providing for the connection of the privies, located therein or upon such premises, and to post a notice thereon, that it shall be unlawful for any person to reside in the house or upon the premises, while the water closets, sinks, bathtubs and drains used in connection with the house or premises, remain unconnected with the public sewer in such district.

Response: *The applicant agrees with this code section.*

13.08.030 Privies.

All property owners within a sewer district are required to close and properly fill with earth all privy vaults, cesspools and septic tanks within the time specified in the ordinance establishing the sewer district and hereafter it is unlawful for any property owner to dig or make use of any cesspool, privy vault or septic tank within any sewer district in which there has been a public sewer constructed to serve the premises.

Response: *There shall not be any privy vaults, cesspools or septic tanks as part of the proposed development.*

13.08.040 Engineer—Approval required.

All connections made with any public sewer or drain in the city shall be made according to the specifications made or approved by the engineer.

Response: *The proposed sanitary sewer connections to the main will all be included on the construction plans for the project which will be reviewed and approved by the city engineer prior to beginning construction*

13.08.050 Engineer—Permits.

- A. The city issues engineering permits for sewer line work in the right-of-way either as a separate Public Works permit or as part of overall issued public infrastructure construction plans. The various fees for these permits are approved and modified from time to time by the city commission. Failure to meet the conditions of the issued permit shall constitute a violation of the Municipal Code.**
- B. The engineer is authorized to grant such permits as he may deem necessary for allowing persons to tap the public sewers, and to make connections therewith; provided however, that the permit shall be granted on the express condition that the owner or tenant for whose benefit such connection shall be made, and each succeeding tenant shall in consideration of the privilege thereby granted, hold the city harmless for any loss or damage that may in any way result from or be occasioned by any such tap or connection.**

Response: *The applicant will incorporate all sewer line work necessary in the public right-of-way into the permit that is part of the overall issued public infrastructure construction plans. The current residence that is to remain on site will continue to use its existing connection. The two northern-most lots (lots 2 and 3) will connect to an existing sanitary sewer that is within a private sanitary sewer easement. The remaining three lots (Lots 4-6) will connect to a sanitary sewer manhole that was constructed as part of the frontage improvements for the Holcomb Blvd. improvements.*

13.08.060 Bond required.

No person shall be authorized by the engineer to do this work of making connections with any of the public sewers or drains until he has furnished and filed a surety company bond in the office of the recorder in the sum of five hundred dollars conditioned that he will indemnify and save harmless the city from all loss or damage that may be occasioned in any way by accident or the want of care or skill on his part in the prosecution of such work or that may be occasioned by reason of any opening by him made or caused to be made in a street, market place, or public ground in making of any public or private sewer or drain as aforesaid; and conditioned also that he will promptly at the proper time replace and restore the street and pavement over the opening to as good state and condition as he found it previous to the opening of the same, and that he will conform in all respects to the rules and regulations which may from time to time be established by the commission in relation to putting junctions and tapping of the sewers and drains.

Response: *The applicant agrees with the provisions of this code section and agrees to provide all necessary bonds and sureties.*

13.08.070 Acceptance of connection by city.

Each person so licensed who shall make connections with the sewers or drains, shall keep in repair and good order the whole of the work executed by him until the same is accepted by the engineer, or such other person as may be designated for that purpose, which acceptance shall be given in writing, and shall not be given until the expiration of one year after the completion of the work.

Response: *The applicant agrees with this code section and agrees to keep the whole of the work they are responsible for in good working order.*

13.08.080 Notification of engineer.

After the permit has been issued notice in writing must in all cases be left in the office of the engineer by the person who is about to make the connection with any sewer or drain, stating the time when the work will be ready for inspection previous to making the connection.

Response: *The applicant agrees to notify the engineer in writing stating when inspections are ready.*

13.08.090 Connections to existing work.

- A. No drain pipe can be extended from work previously done and accepted, or new connection at any time be made with such work unless previous notice of at least twenty-four hours is given to the engineer and permit issued.
- B. In case it shall be necessary to connect a drain or sewer pipe with a public sewer when no junction is left in the same, the new connection with the public sewer can only be made when an officer of the city, duly authorized, is present to see the whole of the work done.

Response: *The applicant agrees to notify the engineer per the requirements of this code section prior to making a new sewer connection or extending from an existing sewer main and agrees to have an officer of the city present as necessary.*

13.08.100 Barriers.

All openings and obstructions in any street must be carefully guarded by the person holding the permit authorizing such opening or obstructions at all times with sufficient barriers, and during the nighttime shall be indicated by colored lights, and such other precautions shall be taken as shall be necessary to guard the public against accidents, and at all times the work shall be so done as to cause the least inconvenience to property owners and the general public.

Response: *If it is necessary for the applicant to create an opening or obstruction in the street, the applicant will ensure all necessary precautions are taken to protect said opening or obstruction from the general public and will take all reasonable measures to avoid causing an inconvenience to adjacent property owners or the general public.*

13.08.110 Condition of fixtures.

It is unlawful for any person in possession of premises into which a pipe or other connection with the public sewers or drains has been laid for the purpose of carrying off animal refuse from privies or water closets, slops from kitchens, or other purposes, to allow the same to remain without good and perfect fixtures so attached as to allow a sufficiency of water to be so applied as to properly carry off such matters and to keep the same unobstructed.

Response: *The applicant agrees with this code section.*

13.08.120 Permit revocation.

Any person authorized to make connections with sewers or drains who shall be guilty of any violation of the provisions of this chapter shall be immediately deprived of his permit.

Response: *The applicant agrees with this code section and will work within their power to avoid any and all violations of the provisions of this chapter.*

13.08.130 Development and user charges.

The city may also establish connection charges and sewer user fees. The amounts of such charges and fees shall be set by resolution of the city commission. Any connection charge shall be no greater than the amount necessary to reimburse the city for its average cost in inspecting and installing connections.

Response: *The applicant agrees with this code section.*

13.08.140 Applications outside city limits.

An applicant owning property outside the city limits may apply for permission to connect with the sewer in like manner as one within the city limits and outside of a created sewer district.

Response: *The proposed development plan is completely within the city limits.*

13.08.150 Permit issuance—Connection supervision.

When permission is granted by the commission and the fees paid by the applicant a copy of the permit shall be given to the engineer who, at the expense of the applicant, shall superintend the connection of the sewer with the sewer system in the sewer district in which the privilege has been granted and upon the completion of the connection shall return the same to the recorder with his endorsement of the time and place of connection.

Response: *The applicant agrees to have an engineer under contract receive the permit and supervise the connection of the new sewer services and laterals to the existing sewer.*

13.08.160 Entry in lien record.

The recorder shall enter the permit in the docket of the city liens immediately following the entered matter which relates to the system of that sewer district to which permission to connect has been granted, and shall credit the fees paid to the general fund.

Response: *The applicant agrees with this code section.*

13.08.170 Private connections prohibited.

It is unlawful for any person to connect a private sewer from his property with a private sewer on any other property which is connected with the public sewers without first having made the foregoing application and paying the amount computed by the recorder, as the charge for the privilege, it shall also be unlawful to connect any lot or premises, either directly or indirectly, lying outside of the limits of a sewer district with any public sewer without first complying with the provisions of this chapter.

Response: *The applicant agrees with this code section and agrees not to connect a private sewer lateral from this project to a private sewer. The proposed development plan includes designs for a sanitary sewer system which connects laterals to a public system.*

13.08.180 Unlawful substances.

It is unlawful for any person to permit to be drained, any oils, greases, chemicals, liquids and substances which might be detrimental to the sewage treatment plant, into any sewer, drain or pipe leading to the plant from any premises in the city.

Response: *The applicant agrees not to allow any substances which might be detrimental to the sewerage plant into any sewer drain.*

13.08.190 Sanitary requirements.

In factories and workshops where there are fifteen persons or less of each sex, there shall be provided by the proprietor or owner one water closet for each sex, and one for each additional fifteen persons of each sex or minimum thereof. Toilets shall be separate in all cases. Every tenement or lodging house shall be provided with one water closet for every ten rooms or minimum thereof, and one sink for each floor. All residences and public halls shall be provided with at least one water closet and one sink.

Response: *There are no factories, workshops tenements, lodging houses or public halls being proposed with this project. The proposed residences will all have one or more bathrooms with at least one water closet and one sink.*

13.08.200 Collection.

The charges imposed by this chapter shall be charged against the occupants and/or owner of the affected premises and shall be collectible with and in the same manner as charges imposed for water service. Failure to pay the charges imposed by this chapter shall subject the user and the premises to the collection and lien provisions imposed for water charges.

Response: *The applicant agrees with this code section.*

13.08.210 STEP systems.

- A. "STEP system" which means a septic tank effluent pump system, meeting the standards and specifications of the city engineer (hereinafter "engineer"), shall be permitted as an alternative to the standard sewer used in the city. Such system shall be owned, operated, and maintained by the city as provided in this section.

- B. The engineer shall require, as a condition of approval of any STEP system that the property owner utilizing such system grant the city any easements, permits of entry, or licenses which are necessary or convenient for the construction, operation, or maintenance of the STEP system.**
- C. Generally, sewer service through normal sewer facilities (i.e. house sewer, laterals, trunks, and treatment plants) shall be provided when available. However, if service through such normal sewer facilities is unavailable, the engineer may permit use of a STEP system, on an interim basis, when such sewer service is determined by the engineer to be practical, and necessary or convenient to the use of the property proposed to be served or when such service is required by the city. The use of a STEP system is declared to be an interim service to served properties and each property owner shall provide the city with a nonremonstrance agreement, waiving all objections, jurisdictional or otherwise, to participation in the formation of a local improvement district to provide such normal sewer facilities in future. The city may record any such waiver of remonstrances in the deed records of the county.**
- D. Installation, operation, and, before acceptance by the city, maintenance of a STEP system shall be in accordance with the directions of the engineer and at the expense of the owner of the property serviced by such system. Upon installation, inspection and approval by the engineer, and acceptance by the city, the STEP system shall be owned by the city, which shall thereafter be responsible for maintenance of the system, except as provided in this section. No STEP system shall be accepted unless and until all easements, licenses, and permits necessary for control of the operation, use, and maintenance of such system have been granted. The city may record in the deed records of the county any such easement, license, or permit granted. It shall be the responsibility of the property owner to keep clean and maintain the building sewer from the building to the connection with the public sewer.**
- E. The costs of electricity necessary to operate the STEP system shall be borne by the property owner. Any STEP system which is rendered nonoperational by virtue of failure to pay for such costs shall cause the property benefited to be deemed unavailable for human habitation. The owner or occupier of the property served shall be entitled to written notice at least five days before a declaration by the city that the property is to be declared unavailable for occupancy and such person may request in writing a hearing before the city manager prior to such declaration. The decision of the city manager shall be final.**
- F. Subject to applicable constitutional limitation, the property owner shall permit entry on the site served for purposes of installation, maintenance, inspection, observation, measurement, sampling or testing of the STEP system. The property owner shall agree to such entry evidenced by a written permit of entry, as a condition precedent to the permit for the use of the STEP system.**
- G. The property owner shall be liable for damage to any portion of the STEP system if not caused by the city. The STEP system permit shall indicate that the owner agrees to assume such liability and such assumption shall be a condition precedent to issuance of the permit.**
- H. Application for use of a STEP system shall be made by the property owner or owners, who shall remain responsible for compliance with this section and**

permits thereunder. The property owner may delegate responsibility to the person occupying land for the duties imposed on the property owner under subsections D and G of this section. Such delegation shall be in writing in which the occupier of property accepts such responsibility filed with the engineer and shall be valid for such period as the delegee occupies the property, unless a shorter period is designated by the engineer. Thereafter, the property owner shall reassume responsibility.

- I. No provision of this section shall be construed to exempt an applicant for obtaining additional permits or meeting additional requirements of city, county, state or other appropriate public body with jurisdiction.

Response: *There are no STEP systems being proposed with this development. All new residences are planned to have an individual connection to a public sewer*

13.08.220 Violation—Penalty.

Any act or omission in violation of this chapter shall be deemed a nuisance. Violation of any provision of this chapter is subject to the code enforcement procedures of Chapters 1.16, 1.20 and 1.24.

Response: *The applicant agrees with this code section.*

13.08.230 Standard construction specifications.

The workmanship and materials for any work performed under permits issued per this chapter shall be in accordance with the 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 Sanitary Sewer Design Standards provide other design details, in which case the requirements of this chapter and the Public Works Sanitary Sewer Design Standards shall be complied with.

Response: *The applicant agrees with this code section. All construction plans will be reviewed by the city staff for adherence to all applicable codes and standards.*

CHAPTER 13.12 – STORMWATER MANAGEMENT

13.12.010 Purpose.

The purpose of this chapter is to define policies, minimum requirements, minimum standards and design procedures and permits for the construction and maintenance of stormwater conveyance and quantity and quality control facilities in order to:

- A. Minimize increased stormwater runoff rates from any new development so as to minimize the impact upon any downstream natural channel that may exist between the subject area and the Willamette or Clackamas Rivers;
- B. Prevent water runoff generated by development from exceeding the capacity of downstream stormwater facilities;
- C. Reduce stormwater runoff rates and volumes, soil erosion and nonpoint source pollution, wherever possible, from lands that were developed without the stormwater management controls required by this chapter;
- D. Prevent the uncontrolled or irresponsible discharge of stormwater from new development onto adjoining public or private property;
- E. Maintain the integrity of stream channels for their biological functions, as well as for drainage and other purposes;
- F. Have stormwater conveyance facilities of adequate design to manage all volumes of water generated in the contributing drainage area, for both the existing condition and the anticipated future condition;
- G. Have all stormwater facilities:
 - 1. Designed in a manner to allow economical future maintenance,
 - 2. If city owned or maintained, designed for maintenance with city owned equipment,
 - 3. Designed using materials that will ensure a minimum practical design life of seventy-five years, and
 - 4. Designed to have sufficient structural strength to resist erosion and all external loads (construction, traffic, seismic) which may be imposed;
- H. Establish maintenance easements with the owners of privately owned/maintained stormwater facilities to ensure an appropriate level of maintenance and to help minimize public safety hazards;
- I. Have all new stormwater facilities comply with applicable National Pollutant Discharge Elimination System (NPDES) requirements;
- J. Minimize the deterioration of existing watercourses, culverts, bridges, dams and other structures;

- K. Minimize increases in nonpoint source pollution; and
- L. Allow for periodic inspections of both private and public stormwater quantity control and quality control facilities to verify that they are functioning in substantial conformance with the approved design intent.
- M. Allow Issuance of engineering permits for stormwater work in the right-of-way or public easements either as a separate Public Works permit or as part of overall issued public infrastructure construction plans. The various fees for these permits are approved and modified from time to time by the city commission. Failure to meet the conditions of the issued permit shall constitute a violation of the Municipal Code. (Ord. 99-1029 §2 (part), 1999)

Response: *The applicant understands the purpose of this chapter and intends to follow the provisions of the code sections to the fullest extent that is reasonable for the development.*

13.12.020 Adoption of standards.

The city commission may establish and modify from time to time by resolution Public Works Stormwater and Grading Design Standards to implement the requirements of this chapter.

Response: *The applicant acknowledges that the public works stormwater and grading design standards may be modified by the city commission as is necessary to implement the requirements of this section.*

13.12.030 Superceding Oregon City Drainage Master Plan Appendix A.

The policies and standards of this chapter are intended to be consistent with the applicable sections of the Oregon City Drainage Master Plan dated January 1988, and applicable basin master plans, for land drainage and flood control within the Oregon City urban growth area, as adopted by the city. Appendix A of the Oregon City Drainage Master Plan dated January 1988 is superseded by the Public Works Stormwater and Grading Design Standards adopted by resolution and as amended from time to time.

Response: *The applicant acknowledges the provisions of this code section.*

13.12.040 Definitions.

Unless specifically defined below, words and phases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter it's most reasonable application.

"Applicant" means a person, party, firm, corporation or other legal entity that has applied for a development permit or approval.

"Biosolids" means solids derived from primary, secondary or advanced treatment of domestic wastewater that have been treated through one or more controlled processes that significantly reduce pathogens and reduce volatile solids or chemically stabilized solids to the extent that they do not attract vectors. This term refers to domestic

wastewater treatment facility solids that have undergone adequate treatment to permit their land application.

"Bulk petroleum storage" means storage of any type of bulk liquid petroleum or petroleum waste materials stored outside in multiple above ground storage tanks (AST). Multiple ASTs include two or more tanks that are either within the same secondary containment structure or within twenty feet of each other.

"Catch basin" means a structure, normally with a sump, for receiving drainage from a gutter or median and discharging the water through a conduit.

"City" means the city of Oregon City.

"City engineer" means the city engineering manager, their duly authorized representative(s), or the city's duly authorized representative(s) as designated by the city manager.

"Clearing" means surface removal of vegetation.

"Closed depression" means a low lying area, which has no, or such a limited, surface outlet that in most storm events acts as a retention basin, holding water for infiltration into the ground or evaporation into the air. By their nature, closed depressions may contain wetlands.

"Constructed wetlands" means wetlands developed as a water quality or quantity facility, subject to change and maintenance as such. These areas must be clearly defined and/or separated from naturally occurring or created wetlands.

"Construction" means any site altering activity, including but not limited to: grading, paving, utility construction, and building construction.

"Contributing drainage area" means the subject property together with the watershed contributing runoff to it.

"Conveyance" means a channel or conduit to move water from one point to another point.

"Culvert" means a hydraulically short conduit that conveys surface drainage in artificial or natural watercourses through a roadway embankment or past some other type of flow obstruction.

"Dam" means a water storage structure that may or may not meet Oregon Revised Statute (ORS) requirements for height and storage capacity. All such structures require professional engineer design. If the water storage structure exceeds the ORS criteria for height or storage capacity, then the Oregon State Water Resources Commission shall have approval authority.

"DEQ" means the Oregon Department of Environmental Quality.

"Development" means any land use decision or manmade change defined as buildings or other structures, mining, dredging, paving, filling or excavation. Development does not include the following: (1) stream enhancement or restoration projects approved by

the city; (2) farming practices as defined in ORS 30.930 and farm use as defined in ORS 215.203, except that buildings associated with farm practices and farm uses are subject to the requirements of this chapter; and (3) construction on lots in subdivisions meeting the criteria of ORS 92.040(2)(1995).

"Disturb" means man-made changes to the existing physical status of the land that are made in connection with development.

"Drainage feature" means any natural or man-made structure, facility, conveyance or topographic feature which has the potential to concentrate, convey, detain, retain, infiltrate or affect the flow rate of stormwater runoff.

"DSL" means the Oregon Division of State Lands.

"Easement" means the legal right to use a parcel of land for a particular purpose. It does not include fee ownership, but may restrict the owner's use of the land.

"Embankment" means a raised structure of earth, gravel or similar material above the surrounding grade.

"Engineer" means a registered professional engineer licensed by the state of Oregon.

"Engineer of record" means the project engineer who will affix his/her seal on project drainage plans and drainage analysis.

"Enhancement" means the process of improving upon the natural functions and/or values of an area or feature that has been degraded by human activity. Enhancement activities may or may not return the site to a predisturbance condition, but create/recreate processes and features that occur naturally.

"Erosion" means the movement of soil particles resulting from actions of water, wind or mechanical means.

"Excavation" means the mechanical removal of earth material.

"Fill" means any material such as, but not limited to, sand, gravel, soil, rock or gravel that is placed for the purposes of development or redevelopment.

"Floodplain" means the land area identified and designated by the United States Army Corps of Engineers, the Oregon Division of State Lands, the Federal Emergency Management Agency or city of Oregon City that has been or may be covered temporarily by water as a result of a storm event of identified frequency. It is usually the flat area of land adjacent to a stream or river formed by floods.

"Forebay" means an easily maintained, extra storage area provided near an inlet of a BMP to trap incoming sediments before they accumulate in a pond or wetland BMP.

"Fuel dispensing facilities" means the area (including fuel islands, above ground fuel tanks, fuel pumps, and the surrounding pad) where fuel is transferred from bulk storage tanks to vehicles, equipment, and/or mobile containers.

"Grading" means any excavating, filling, embanking or altering contours of earth material.

"Grubbing" means the removal of vegetative matter from below the surface of the ground, such as sod, stumps, roots, buried logs or other debris, and shall include the incidental removal of topsoil to a depth not exceeding twelve inches.

"Impervious surfaces" means a hard surface area which either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development. It can also be a hard surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, rooftops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel surfaces with compacted subgrade, packed earthen materials and oiled, macadam or other surfaces which similarly impede the natural infiltration of stormwater. Open, uncovered retention/detention facilities shall not be considered impervious surfaces.

"Inlet" means a connection between the surface of the ground and a drain or sewer for the admission of surface and stormwater runoff.

"Land disturbing activity" means any activity that results in a change in the existing soil cover (both vegetative and nonvegetative and both temporary and permanent) and/or the existing soil topography. Land disturbing activities include, but are not limited to, demolition, construction, paving, clearing, grading and grubbing.

"Lot" means a single unit of land that is created by a subdivision of land (ORS 92.010(3)). For the purposes of this chapter, the word "lot" includes "plot," "parcel," or "tract."

"Maintenance" means any activity that is necessary to keep a stormwater facility in good working order so as to function as designed. Maintenance includes complete reconstruction of a stormwater facility, if needed to return the facility to good working order. Maintenance also includes the correction of any problem on the site property that may directly impact the function of the stormwater facilities.

"Maintenance easement" means a binding agreement between the city and the person or persons holding title to a property served by a stormwater facility where the property owner promises to maintain certain stormwater facilities; grants the city the right to enter the subject property to inspect and make certain repairs, or perform certain maintenance procedures on the stormwater control facilities when such repairs or maintenance have not been performed by the property owner; and promises to reimburse the city for the cost should the city perform such repairs or maintenance.

"Mitigation" means the reduction of adverse effects of a proposed project by considering, in the following order: (1) avoiding the impact all together by not taking a certain action or parts of an action; (2) minimizing impacts by limiting the degree or magnitude of the action and its implementation; (3) rectifying the impact by repairing, rehabilitating or restoring the affected environment; (4) reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action by monitoring and taking appropriate measures; and (5) compensating for the impact by replacing or providing comparable substitute water quality resource areas.

"NPDES" means the National Pollutant Discharge Elimination System. A national permit system that covers discharges to waters of the United States and is enforced under the Federal Water Pollution Control Act, commonly known as the Clean Water Act.

"Nonpoint source pollution" means pollution from any source other than from discernible, confined and discrete conveyances, and includes, but is not limited to, pollutants from agricultural, silviculture, mining, construction, subsurface disposal and urban runoff sources.

"Oil/water separator" means a structure or device used to remove suspended, floating or dispersed oil and greasy solids from water.

"Off-site" means any area lying upstream of the site that drains onto the site and any area lying downstream of the site to which the site drains.

"On-site" means the entire property that includes the proposed development.

"Outlet" means a point of discharge of a culvert or other closed conduit.

"Owner or property owner" means the person who is the legal record owner of the land, or where there is a recorded land sale contract, the purchaser thereunder.

"Parcel" means a single unit of land that is created by a partitioning of land (ORS 92.010(7)).

"Partition" means the division of an existing land ownership into two or three parcels, within a calendar year, and is subject to approval under the Oregon City Municipal Code.

"Plans" mean the construction documents and specifications, including system site plans, storm drain plans and profiles, cross sections, detailed drawings, etc. or reproductions thereof, approved or to be approved by the city, county, or state. They will show the location, character, dimensions and details for the work to be done.

"Precipitation" means the process by which water in liquid or solid state falls from the atmosphere.

"Private stormwater facility" means a stormwater facility located on private property serving more than one structure and maintained by private property owners.

"Professional engineer" means a person who, by reason of his or her special knowledge of the mathematical and physical sciences and the principles and methods of engineering analysis and design, acquired by professional education and practical experience, is qualified to practice engineering as attested by his or her legal registration as a professional engineer in the state of Oregon.

"Project engineer" means the professional engineer responsible for the project, who will affix his/her seal on the project drainage plans and drainage analysis and supervise construction of the stormwater facilities. The project engineer shall be licensed in the state of Oregon and qualified by experience or examination.

"Public stormwater facility" means any stormwater facility in the public right-of-way or easement operated and maintained by the city, county or state.

"Record drawings" means a set of engineering or site drawings that show how the project was constructed and what materials were used. Record drawings are signed and dated by the project engineer.

"Restoration" means the process of returning a disturbed or altered area or feature to a previously existing natural condition. Restoration activities reestablish the structure, function, and/or diversity to that which occurred prior to impacts caused by human activity.

"Right-of-way" means all land, or interest therein, which by deed, conveyance, agreement, easement, dedication, usage or process of law is reserved for, or dedicated to, the use of the general public.

"Sedimentation" means the process of gravity deposition of water suspended matter; the process of depositing soil particles, clays, sands and other sediment, that were picked up by stormwater runoff.

"Solid waste storage area" means a place where solid waste containers are stored. Solid waste containers include trash compactors, solid waste dumpsters and garbage cans.

"Stormwater" means the surface water runoff that results from all natural forms of precipitation.

"Stormwater easement" means a legal encumbrance that is placed against a property's title to reserve specified privileges for the users and beneficiaries of the drainage facilities contained within the boundaries of the easement.

"Stormwater facility" means a component of a man-made drainage feature, or features designed or constructed to perform a particular function or multiple functions. Includes, but is not limited to, pipes, swales, ditches, culverts, street gutters, detentions basins, retention basins, wet ponds, constructed wetlands, infiltration devices, catch basins, oil/water separators and sediment basins. Stormwater facilities shall not include building gutters, downspouts, and drains serving one single-family residence.

"Stormwater management" encompasses "control," "developmental" and "maintenance" activities in which there is physical interaction with stormwater.

"Stormwater quality control" means the control of the introduction of pollutants into stormwater and the process of separating pollutants from stormwater. Stormwater quality control facilities include, but are not limited to, source controls, biofiltration/biofilter facilities, wet ponds, wetland forebays, oil/water separators, constructed wetlands and erosion and sedimentation control facilities.

"Stormwater quantity control" means the control of the rate and/or volume of stormwater released from a development site. Stormwater quantity control facilities include, but are not limited to, detention and retention facilities.

"Stream" means a body of running water moving over the earth's surface in a channel or bed, such as a creek, rivulet or river. It flows at least part of the year, including perennial and intermittent streams. Streams are dynamic in nature and their structure is maintained through build-up and loss of sediment.

"Street, private" means any street, road, or right-of-way that is not a public street, as defined in this chapter.

"Street, public" means a street or road dedicated or deeded for public use. For the purposes of this chapter, public street may include "alley," "lane," "court," "avenue," "boulevard," "cul-de-sac" and similar designations, and any county roads and state highways.

"Structure(s)" means a building or other major improvement that is built, constructed or installed, or manmade improvements to land that are used, or expected to be used, in the operation of a utility. It includes buildings, utility lines, manholes, catch basins, driveways and sidewalks. It does not include minor improvements, such as fences, utility poles, flagpoles or irrigation system components that are not customarily regulated through zoning codes.

"Subdivide land" means dividing an area or tract of land into four or more lots. This applies for an area or tract of land that existed as a unit or contiguous units of land under a single ownership at the beginning of the year.

"Subdivision" means either an act of subdividing land or an area or tract of land subdivided as defined in this section.

"Surface waters" mean stormwater accumulating on a surface (including natural and man-made) and draining in the direction of least resistance due to gravity.

"Waste discharges" mean any discharge that requires an NPDES permit, Water Pollution Control Facility (WPCF) permit or 401 Certification. The following are excluded from this definition:

1. Individual on-site sewage disposal systems subject to issuance of a construction-installation permit;
2. Domestic sewage facilities that discharge less than five thousand gallons per day under WPCF permit;
3. Biosolids land applied within agronomic loading rates pursuant to OAR Chapter 340, Division 50; and
4. Reclaimed domestic wastewater land applied at agronomic rates pursuant to OAR Chapter 340, Division 55

"Watercourse" means a channel in which a flow of water occurs, either continuously or intermittently, and if the latter with some degree of regularity. Such flow must be in a definite direction.

"Watershed" means a geographic unit defined by the flows of rainwater or snowmelt. All land in a watershed drains to a common outlet, such as a stream, lake or wetland.

"Wetlands" mean those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. Wetlands are

those areas identified and delineated by a qualified wetland specialist as set forth in the 1987 Corps of Engineers Wetland Delineation Manual.

Response: *The applicant acknowledges the definitions provided by the city that are applicable to this code section.*

13.12.050 Applicability and exemptions.

This chapter establishes performance standards for stormwater conveyance, quantity and quality.

Pursuant to each of the subsections below, proposed activities may be required to meet the performance standards for stormwater conveyance, stormwater quantity or stormwater quality.

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.

Response: *The proposed development plan will be subject to the provisions in this chapter given that stormwater will leave the site through underground conveyance and there will be stormwater that may enter the site from outside the parcel's limits.*

B. Stormwater Quantity Control. The stormwater quantity control requirements of this chapter shall apply to the following proposed activities, uses or developments:

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

thousand square foot measurement cumulates over any given seven year period;

4. An exemption to the stormwater quantity control requirements of this chapter will be granted in the following circumstances:
 - a. The development site discharges to a stormwater quantity control facility approved by the city engineer to receive the developed site runoff after verification that the facility is adequately sized to receive the additional stormwater, or,
 - b. The development site discharges to one of the following receiving bodies of water: 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 Chapter 17.42

Response: *The applicant intends to create more than 2000 square feet of impervious area so the stormwater quality control provisions of this chapter will apply.*

C. Stormwater Quality Control. The stormwater quality control requirements of this chapter shall apply to the following proposed activities, uses or developments:

1. **Category A. Activities subject to general water quality requirements of this chapter:**
 - a. The construction of four or more single-family residences;
 - b. Activities located wholly or partially within water quality resource areas pursuant to Chapter 17.49 that will result in the creation of more than five hundred square feet of impervious surface within the WQRA or will disturb more than one thousand square feet of existing impervious surface within the WQRA as part of a commercial or industrial redevelopment project. These square footage measurements will be considered cumulative for any given seven year period; or
 - c. Activities that create more than eight thousand square feet of new impervious surface for other than a single-family residential development. This eight thousand square foot measurement will be considered cumulative for any given seven year period;
 - d. An exemption to the stormwater quantity control requirements of this subsection will be granted if the development site discharges to a stormwater quality control facility approved by the city engineer to receive the developed site runoff after verification that the facility is adequately sized to receive the additional stormwater.

Response: *The proposed development will be subject to the general water quality requirements (Category A) The applicant intends to create 5 single family residences within the proposed development.*

2. **Category B. 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 contained in the Public Works Stormwater and Grading Design Standards:

- a. Fuel dispensing facilities;
- b. Bulk petroleum storage in multiple stationary tanks;
- c. Solid waste storage areas for commercial, industrial or multi-family uses;
- d. Loading and unloading docks for commercial or industrial uses; or
- e. Covered vehicle parking for commercial or industrial uses.

Response: *None of the uses described in this section will be part of the proposed development.*

- 3. **Category C. Clackamas River Watershed.** In addition to any other applicable requirements of this chapter, any development that creates new waste discharges and whose stormwater runoff may directly or indirectly flow into the Clackamas River is subject to additional requirements associated with Oregon Administrative Rules (OAR) 340-41-470 (Thee Basin Rule).

Response: *It is not expected nor confirmed that any stormwater runoff may directly or indirectly flow into the Clackamas River.*

13.12.060 Abrogation and greater restrictions.

Where the provisions of this chapter are less restrictive or conflict with comparable provisions of other portions of this code, regional, state or federal law, the provisions that are more restrictive shall govern. Where this chapter imposes restrictions that are more stringent than regional, state or federal law, the provisions of this chapter shall govern. However, nothing in this chapter shall relieve any party from the obligation to comply with any applicable federal, state or local regulations or permit requirements.

Compliance with this chapter and the minimum requirements, minimum standards, and design procedures as set forth in the city's adopted Public Works Stormwater and Grading Design Standards does not relieve the designer, owner, or developer of the responsibility to apply conservative and sound professional judgment to protect the health, safety and welfare of the public. It is not the intent of this chapter to make the city a guarantor or protector of public or private property in regard to land development activity.

Response: *The applicant acknowledges the provisions of this code section.*

13.12.070 Severability.

The provisions of this chapter are severable. If any section, clause, or phrase of this chapter is adjudged invalid by a court of competent jurisdiction, the decision of that court shall not affect the validity of the remaining portions of this ordinance.

Response: *The applicant acknowledges the provisions of this code section.*

13.12.080 Submittal requirements.

A. Timing and Scope of Required Submittal.

- 1. Applications subject to the stormwater conveyance requirements of this chapter shall include an engineered drainage plan and design flow calculation report submitted prior to, or contemporaneous with, submittal of an application for a building, land use or other city issued permit.**
- 2. Applications subject to the stormwater quantity and/or Category A quality requirements of this chapter shall include an engineered drainage plan and an engineered drainage report submitted prior to, or contemporaneous with, submittal of an application for a building, land use or other city issued permit.**
- 3. Applications subject to Category B water quality special management practices shall demonstrate compliance with the additional management practices for commercial, industrial and multi-unit dwelling land uses of the Public Works Stormwater and Grading Design Standards as part of the site plan and design review process.**
- 4. Applications subject to Category C water quality requirements for the Clackamas River Watershed are subject to OAR 340-41-470 (Three Basin Rule). No new discharges will be approved until a copy of a current DEQ permit, or written statement from DEQ that none is required, is on file with the city.**

Response: *The applicant is subject to the Category A requirements. The applicant agrees to submit a drainage plan prior to the issuance of a building permit. A preliminary drainage report is not included with the subdivision application because per the subdivision checklist, preliminary storm calculations are only required if water quality detention will be required. At this time, the applicant's engineer is in talks with the city to circumvent an on-site detention facility in lieu of paying for a portion of the improvements that are needed for an outfall that is downstream of the project site. This possibility is being explored due to the poor nature of the existing soil on-site, which is discussed in greater detail in the Geotechnical report.*

B. Required engineered drainage plans, drainage reports, and design flow calculation reports, which contain methods and proposed facilities to manage stormwater conveyance, quantity and/or quality, shall be prepared in compliance with the submittal requirements of the Public Works Stormwater and Grading Design Standards.

Response: *The required drawings will be included as part of the construction documents that are submitted for review by city engineering staff.*

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

Response: *The project site for this development is just one parcel. The applicant will obtain an approved plan from the city prior to beginning construction.*

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 management 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 Section 13.12.020
- C. Unless otherwise exempted by Section 13.12.050(B), the plan and report includes adequate stormwater quantity control facilities, so that when the proposed land development activity takes place, peak rates and volumes of runoff:
 - 1. Do not exceed the capacity of receiving drainage conveyance facilities;
 - 2. Do not increase the potential for streambank erosion; and
 - 3. Do not add volume to an off-site closed depression without providing for mitigation.
- D. Unless otherwise exempted by Section 13.12.050(C), the proposed development includes:
 - 1. Adequate stormwater quality control facilities, so that when the proposed land development activity takes place, the temperature and overall pollution level of stormwater runoff is no greater than the water entering. When no water enters a project, then stormwater runoff shall be compared to rain samples; and
 - 2. Stormwater quality control facilities which:
 - a. Are in compliance with applicable National Pollutant Discharge Elimination System (NPDES) requirements;
 - b. Minimize the deterioration of existing watercourses, culverts, bridges, dams and other structures; and
 - c. Minimize any increase in nonpoint source pollution.
- E. 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.
- F. Streambank erosion protection is provided where stormwater, directly or indirectly, discharges to open channels or streams. The postdevelopment peak stormwater discharge rate from a development site for the two year, twenty-four hour duration storm event shall not exceed fifty percent of the two year, twenty-four hour predevelopment peak runoff rate.

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

Response: *The applicant acknowledges that the engineered plans and drainage report will not be approved until they meet the provisions of this code section and fully intends to work with the city staff and within the city processes to gain the necessary approvals. Water quality for treatment of the run-off from impervious areas and roof drains will be handled by a cartridge type water quality device and released into the existing storm drain at a controlled rate. The applicant feels the best solution for the project and the city is to allow the applicant to assist with improving the outfall downstream where there is considerable flow from the system in the peak times of winter and erosion is occurring instead of creating an on-site detention facility for a development with only 6 lots.*

13.12.100 Alternative materials, alternative design and methods of construction.

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

Response: *The proposed development appears to have potential issues with on-site drainage so the applicant expects that alternative materials, designs and methods of construction may have to be considered. The applicant fully intends to work closely with a licensed professional engineer and the city staff to determine the best solutions for stormwater. At this point in the process, the applicant believes that the best solution for the project and the existing drainage system is to work with the city in improving the outfall downstream of the project site where it is reported that excessive flows occur during peak times of winter and the erosion of the outfall and surrounding banks is evident.*

13.12.110 Transfer of engineering responsibility.

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

Response: *The applicant intends to work with a licensed, professional engineer for all facets of the site development and who will be the engineer of record for the development plans. If the original engineer of record is unable to continue supporting the project in that capacity, the applicant will notify the city of the change and will include the required documentation.*

13.12.120 Standard Construction Specifications.

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

Response: *The applicant acknowledges the provisions of this code section and will work within their power and in conjunction with the city to ensure the workmanship and materials associated with the proposed development meet or exceed all appropriate codes and specifications.*

13.12.130 Administrative provisions.

An applicant shall submit the following additional items to the city and complete the following tasks prior to proceeding with construction of proposed development plans. These items include the following:

- A. Engineer's cost estimate (also may be known as engineer's opinion of probable construction cost);
- B. Plan check and inspection fees (as set by city resolution);
- C. 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);
- D. Preconstruction meeting (if required by some other provision of this code);
- E. Performance Assurance(s). Applicant must submit a letter of commitment, cash deposit or other form of assurance in form and substance satisfactory to the city engineer and city attorney, to cover the engineer's cost estimate for the construction of the stormwater facility. This is required to assure that the following are accomplished to the satisfaction of the city engineer:
 - 1. Work shown on the development plans is accomplished,
 - 2. Appropriate as-built/record drawings and electronic files are delivered to the city. (As-built drawings, or record drawings, will be on four-mil Mylar.) Electronic files shall be submitted per city engineer format requirements,
 - 3. Compliance with the criteria in this chapter and the Public Works Stormwater and Grading Design Standards, as well as with other city standards, ordinances, resolutions or rules,
 - 4. Permanent stabilization and/or restoration of the impact from the development,
 - 5. Fulfillment of all conditions of approval,

- 6. Payment of all outstanding fees,
- 7. Submittal of any required maintenance guarantee(s);
- F. Developer/engineer agreement for public works improvements;
- G. Land division compliance agreement (if applicable);
- H. Project engineer's certificate of completion;
- I. Operation and maintenance easement, if required by subsection A of this section (for an example see Appendix 2-3 of the Public Works Stormwater and Grading Design Standards);
- J. Details on individual items required by this subsection can be obtained by contacting the city's engineering division. Many items, such as the engineer's cost estimate and plan check and inspection fee, are frequently incorporated with other infrastructure improvements that are done with the development (such as street, sanitary sewer, and water).

Response: *The applicant agrees to provide all of the above listed material (as needed for the proposed development) prior to proceeding with construction.*

13.12.140 Maintenance of public stormwater facilities.

- A. Where proposed drainage patterns require stormwater facilities to receive stormwater runoff from public streets, the city shall be responsible for maintenance of those 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.

Response: *If the proposed development treats stormwater run-off from public streets, an access easement will be shown on the plans and will be recorded on the final plat to ensure the city has access for maintenance of said facility.*

- B. Responsibility for maintenance of stormwater management facilities including all landscaping, irrigation systems, and other stormwater facilities with sumps shall remain with the property owner/developer for two years (known as the warranty period). To ensure the facility landscaping is actively and properly maintained during this critical plant establishment time period, the owner/developer shall pay the city to maintain these facilities during this two-year warranty period; the owner/developer shall still be responsible for reimbursing the city for replacement trees, shrubs, and grass mixes during this two-year period. The owner/developer shall provide the city a separate two-year landscaping maintenance bond for one hundred ten percent of the landscaping cost. Transfer of maintenance of all other stormwater facilities shall occur when the city accepts the stormwater facility.

Response: *The applicant acknowledges the provisions of this code section and agrees to provide the required bond s and pay the required fees until the warranty period has expired..*

- C. The city will perform an inspection of the development's entire tributary, publicly maintained, stormwater system approximately forty-five days before the two-year warranty period expires. The stormwater system must be found to be in a clean, functional condition by the city engineer before acceptance of maintenance responsibility by the city.

Response: *The applicant acknowledges the provisions of this code section.*

13.12.150 Penalties and enforcement.

- A. The city is authorized to make inspections and take such actions as required to enforce the provisions of this chapter. The city has the authority to enter onto land for the purpose of inspecting site development activities or resulting improvements. City staff will make an effort to contact the property owner before entering onto that property.

Response: *The applicant acknowledges the provisions of this code section.*

- B. If the city engineer determines a site has any unpermitted or illegal facilities placed, constructed or installed on the site, then the city engineer shall notify the owner in writing directing the owner to submit a written plan (with construction drawings completed by a professional engineer, if otherwise required by this chapter) within ten calendar days. This plan (and drawings, if required) shall depict the restoration or stabilization of the site or correct the work that has adversely impacted adjacent or downstream property owners. The city engineer shall review the plan (and drawings, if required) for compliance with city standards and issue comments for correction, if necessary, or issue an approval to the owner. The city shall establish a fee by resolution for such review, with all costs borne by the owner. If the required corrective work constitutes a grading permit, then the city shall collect the appropriate grading permit fee.

Response: *The applicant acknowledges the provisions of this code section.*

- C. Any person, firm, corporation or entity violating any of the provisions of this chapter, whether they be the property owner, the applicant, the contractor or any other person acting with or without the authorization of the property owner or applicant, shall be subject to the code enforcement procedures of Chapters 1.16, 1.20 and 1.24

Response: *The applicant acknowledges the provisions of this code section.*

13.12.160 Hazardous conditions.

- A. **Determination and Notification.** If the city engineer determines that any excavation, embankment, erosion/sedimentation control or drainage facility is a safety hazard; endangers property; or adversely affects the safety, use or stability of a public way, water quality resource areas (pursuant to Section 17.49) or drainage course, the owner(s) of the subject property and/or the person or agent in control of the property shall be required to repair or eliminate the hazard in conformance with the requirements of this chapter and the Public Works Stormwater and Grading Design Standards. At the time that the city engineer makes the determination that a hazardous condition exists, the property owner

and/or person or agent in control of the property will be notified in writing that the hazard exists.

Response: *The applicant acknowledges the provisions of this code section and will work within their power to ensure there are no dangers or adverse effects created from excavation on-site.*

- B. Order to Correct.** The city engineer will order the specific work to be undertaken or will order that an engineering design be submitted for review and approval by the city engineer, and will specify the time periods within which the hazardous conditions be repaired or eliminated. In the event that the owner and/or the person or agent in control of the property fails to comply with this order, that person shall be subject to the code enforcement procedures of Chapters 1.16, 1.20, and 1.24

Response: *The applicant acknowledges the provisions of this code section.*

13.12.170 Permits from other jurisdictions.

- A.** The Oregon State Department of Environmental Quality (DEQ) currently issues NPDES permits for projects that cover areas of five acres or greater. No permit will be issued for projects of this size (or any other size as modified by DEQ) without a copy of said DEQ permit being on file with Oregon City. DEQ is responsible for policing its own permits, however, if city personnel observe conditions that are believed to be in violation of any such permit, and cannot get corrections made, the city will bring such conditions to the attention of the appropriate DEQ representatives.

Response: *The proposed development site is less than 5 acres.*

- B.** Projects often require Oregon State Division of State Lands (DSL) and/or United States Army Corps of Engineers (USACE) permit. If, in the city's opinion, 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.

Response: *The applicant is not expecting they will have to obtain a separate permit from either DSL or USACE. However, if it is determined that an additional permit is required from DSL or USACE, the applicant will file the permit with the city.*

- C.** Occasionally, projects may require Oregon State Department of Fish and Wildlife (ODFW) permits. No work will be authorized until the receipt of a copy of the ODFW permit. ODFW is responsible for policing its own permits, however, if city personnel observe conditions that are believed to be in violation of any such permit, and cannot get corrections made, the city will bring such conditions to the attention of the appropriate ODFW representatives.

Response: *The applicant is not expecting to have to obtain a permit from ODFW. However, if a permit is required from ODFW, the applicant will file said permit with the city.*

13.12.180 Violation—Penalty.

Any act or omission in violation of this chapter shall be deemed a nuisance. Violation of any provision of this chapter is subject to the code enforcement procedures of Chapters 1.16, 1.20 and 1.24.

Response: *The applicant acknowledges the provisions of this code section.*

TITLE 16; LAND DIVISIONS

CHAPTER 16.04 – GENERAL PROVISIONS AND ADMINISTRATION OF LAND DIVISIONS

16.04.010 Purpose.

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

- A. A sufficient supply of needed housing with satisfactory living conditions in new subdivisions that comply with Statewide Planning Goal 10 and implementing administrative rules, guidelines and statutes;
- B. The protection, conservation and proper use of the land;
- C. The timely and efficient extension of public facilities and services without excessive expenditure of public funds in accordance with Statewide Planning Goals 11 and 14 and their implementing administrative rules and guidelines;
- D. The simplification and greater accuracy of land descriptions;
- E. The protection of property owners from excessive assessment for future utility installations and to provide a means of ensuring that property owners pay only their fair share of the cost of providing public facilities and services;
- F. The protection of the health, safety and general welfare of the public;
- G. Increased consumer protection by assuring that only those lots which have met city requirements and have been lawfully created through subdivision or partition approval are allowed to be advertised for sale;
- H. Increased urban density and a livable design that achieves Metro-mandated requirements, while providing an enjoyable living and working environment; and
- I. Safe, direct and convenient pedestrian and bicycle access, where reasonably possible within, from and between residential, commercial, industrial and institutional developments and neighborhood activity centers in accordance with Statewide Planning Goal 12 and the implementing administrative rule.

Response: *The applicant acknowledges the provisions of this code section and intends for the proposed development to be an asset to the community. The proposed development will meet the provisions of this chapter.*

16.04.015 Fees.

- A. **Filing Fees.** The city commission shall establish by resolution a schedule of fees for all land division and engineering plan reviews, inspections, applications and appeals provided for under this title. Fees shall be structured to reflect the city's actual cost of providing the required services and must be paid in full at the time of application, along with all other required information and documents before the application to be deemed complete. Filing fees shall not be refundable or reimbursable except as provided in Section 17.50.290 of this Code.
- B. **Technical Plan Check and Inspection Fees.** The city commission shall establish by resolution a plan check and inspection fee. This fee shall be paid to cover the city's costs of reviewing plans and inspecting public improvements.
- C. **Other Fees.** The fees required by this chapter are in addition to any fees charged by any other department of the city and any other governmental entity with regulatory jurisdiction.

Response: *The applicant agrees to pay all of the required fees.*

16.04.020 Conditions of land division approval.

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

Response: *The applicant will adhere to all conditions of approval issued by the decision maker.*

16.04.025 Restrictions on sale of lots until process is complete.

- A. No person shall negotiate to sell any lot in a subdivision until a preliminary plat has been approved pursuant to this title.
- B. No person shall complete the sale of any lot in any subdivision until the final subdivision plat for the development has been approved under this title and properly recorded with the county.
- C. Parcels subject to the partition process under this title may be advertised, and sales negotiated, prior to preliminary partition plat approval; however, no sale of any such lot may be completed until the city has granted final partition approval under this title and the plat is properly recorded with the county.

Response: *The applicant agrees to not sell any of the newly created lots until such time that the final subdivision plat for the development has been approved and recorded with the county.*

16.04.030 Severability.

If any part of this title is for any reason held invalid or unconstitutional by a court of competent jurisdiction, that part shall be deemed separate from the balance of the title

and the invalidation of any part of this title shall not affect the validity or enforceability of any of the title's remaining portions.

Response: *The applicant acknowledges the provisions of this code section.*

16.04.035 Nuisance—Violations and penalties.

Any act, omission or use of property in violation of the requirements of this chapter shall constitute a nuisance, a civil infraction and a code violation subject to the code enforcement provisions of Chapters 1.16, 1.20 and 1.24.

Response: *The applicant acknowledges the provisions of this code section.*

CHAPTER 16.08 SUBDIVISIONS – PROCESS AND STANDARDS

16.08.010 Purpose and general provisions.

- A. **Applicability.** This chapter controls the process and approval standards applicable to subdivisions including Chapters 16.08, 12.04, 16.12, and 17.50 of the Oregon City Municipal Code as well as any other applicable chapters. A subdivision is defined as a single division of land into four or more lots within a calendar year.

Response: *The proposed development plan is for more than four lots so the applicant acknowledges it will be defined as a subdivision.*

- B. These applications shall generally follow a Type II process. However, if an applicant opts to process either application as an expedited land division, the city shall follow the decision-making process provided by state law and apply the applicable approval standards set forth in this code and elsewhere.

Response: *The applicant acknowledges that the application will follow a Type II process.*

- C. **Purpose.** The purpose of this chapter is to provide a speedy review and decision-making process with relatively clear and objective criteria indicating little discretion, with little opportunity to deviate from the city's dimensional standards. If an applicant wishes greater flexibility in lotting pattern or layout, phasing of development, or relief from dimensional or public improvement standards, the appropriate procedure would be a master plan under Chapter 17.65 or an additional application for a variance(s) under Chapter 17.60

Response: *The applicant acknowledges the provisions of this code section and does not anticipate having to prepare a master plan. If the applicant seeks relief from any of the dimensional or public improvement standards, it would be through a variance.*

- D. **Process Overview.** Subdivision review process requires a two-step process: preliminary and final plats. The preliminary plat, reviewed through a Type II process, provides all of the essential information about the proposal, including layout, number and pattern of lots, location of all existing structures and improvements, significant natural features, development schedule and any other required information. The final plat is a formal reproduction of the approved preliminary plat, including all conditions imposed by the decision-maker, submitted in recordable form. So long as the final plat does not deviate from the product approved in the preliminary plat, the city's review of the final plat shall be conducted through a Type I process. If the final plat deviates significantly from the approved preliminary plat, the final plat review shall be processed in the same manner as was the preliminary plat.

Response: *The applicant acknowledges the provisions of this code section and does not expect to have the final plat deviate from the preliminary plat.*

16.08.015 Preapplication conference required.

Before the city will accept a subdivision application, the applicant must schedule and attend a preapplication conference in accordance with Section 17.50.050. At a minimum, an applicant should bring to the preapplication conference a tax map of the subject tax lot(s) and surrounding tax lots, scale drawings of the proposed subdivision lotting pattern, streets, utilities and important site features and improvements, and a topographic map of the property.

Response: *The applicant has scheduled and attended a pre-application conference with city staff. The Pre-app was held on 7/17/2013 and was filed under the city's file number of PA 13-27.*

16.08.020 Preliminary subdivision plat application.

Within six months of the preapplication conference, an applicant may apply for preliminary subdivision plat approval. The applicant's submittal must provide a complete description of existing conditions, the proposed subdivision and an explanation of how the application meets all applicable approval standards. The following sections describe the specific submittal requirements for a preliminary subdivision plat, which include plan drawings, a narrative statement and certain tabular information. Once the application is deemed to be complete, the community development director shall provide notice of the application and an invitation to comment for a minimum of fourteen days to surrounding property owners in accordance with Section 17.50.090(A). At the conclusion of the comment period, the community development director will evaluate the application, taking into consideration all relevant, timely filed comments, and render a written decision in accordance with Chapter 17.50. The community development director's decision may be appealed to the city commission with notification to the planning commission.

Response: *The applicant acknowledges the provisions of this code section. An application for preliminary subdivision plat approval will be filed within the six-month time frame.*

16.08.025 Preliminary subdivision plat—Required plans.

The preliminary subdivision plat shall specifically and clearly show the following features and information on the maps, drawings, application form or attachments. All maps and site drawings shall be at a minimum scale of one inch to fifty feet.

- A. **Site Plan.** A detailed site development plan showing the location and dimensions of lots, streets, pedestrian ways, transit stops, common areas, building envelopes and setbacks, all existing and proposed utilities and improvements including sanitary sewer, stormwater and water facilities, total impervious surface created (including streets, sidewalks, etc.) and an indication of existing and proposed land uses for the site. If required by staff at the pre-application conference, a subdivision connectivity analysis shall be prepared by a transportation engineer licensed by the State of Oregon that describes the existing and future vehicular, bicycle and pedestrian connections between the proposed subdivision and existing or planned land uses on adjacent properties. The subdivision connectivity analysis shall include shadow plats of adjacent properties demonstrating how lot and street patterns within the proposed subdivision will

extend to and/or from such adjacent properties and can be developed meeting the existing Oregon City Municipal Code design standards.

Response: *A detailed site plan identifying all of the applicable criteria from this code section will be included with the submittal for preliminary subdivision plat approval.*

- B. Traffic/Transportation Plan.** The applicant's traffic/transportation information shall include two elements: (1) A detailed site circulation plan showing proposed vehicular, bicycle, transit and pedestrian access points and connections to the existing system, circulation patterns and connectivity to existing rights-of-way or adjacent tracts, parking and loading areas and any other transportation facilities in relation to the features illustrated on the site plan; and (2) a traffic impact study prepared by a qualified professional transportation engineer, licensed in the state of Oregon, that assesses the traffic impacts of the proposed development on the existing transportation system and analyzes the adequacy of the proposed internal transportation network to handle the anticipated traffic and the adequacy of the existing system to accommodate the traffic from the proposed development. The City Engineer may waive any of the foregoing requirements if determined that the requirement is unnecessary in the particular case.

Response: *A detailed site circulation plan identifying all of the applicable criteria from this code section will be prepared and included with the submittal for preliminary subdivision plat approval. A traffic impact study was completed for this project when it was originally filed under file number TP 07-04 and has been re-submitted.*

- C. Natural Features Plan and Topography, Preliminary Grading and Drainage Plan.** The applicant shall submit a map illustrating all of the natural features and hazards on the subject property and, where practicable, within two hundred fifty feet of the property's boundary. The map shall also illustrate the approximate grade of the site before and after development. Illustrated features must include all proposed streets and cul-de-sacs, the location and estimated volume of all cuts and fills, and all stormwater management features. This plan shall identify the location of drainage patterns and courses on the site and within two hundred fifty feet of the property boundaries where practicable. Features that must be illustrated shall include the following:

1. Proposed and existing street rights-of-way and all other transportation facilities;

Response: *All proposed and existing street right-of-ways will be shown on the Natural Features Plan and Topography, Preliminary Grading and Drainage Plan.*

2. All proposed lots and tracts;

Response: *The six proposed lots and a tract (if deemed necessary for an on-site stormwater facility) will be shown on the Natural Features Plan and Topography, Preliminary Grading and Drainage Plan.*

3. All trees proposed to be removed prior to final plat with a diameter six inches or greater diameter at breast height (d.b.h);

Response: *All trees that are expected to be removed in order to facilitate the proposed development plan that meet the requirements of this code section will be shown on the Natural Features Plan and Topography, Preliminary Grading and Drainage Plan.*

4. All natural resource areas pursuant to Chapter 17.49, including all jurisdictional wetlands shown in a delineation according to the Corps of Engineers Wetlands Delineation Manual, January, 1987 edition, and approved by the Division of State Lands and wetlands identified in the City of Oregon Local Wetlands inventory, adopted by reference in the City of Oregon City comprehensive plan;

Response: *There are no natural resource areas existing on the site.*

5. All known geologic and flood hazards, landslides or faults, areas with a water table within one foot of the surface and all flood management areas pursuant to Chapter 17.42

Response: *There are no known geologic and flood hazards, landslides or faults, areas with a water table within one foot of the surface or flood management areas existing on the site.*

6. The location of any known state or federal threatened or endangered species;

Response: *There is no known state or federal threatened or endangered species existing on the site.*

7. All historic areas or cultural features acknowledged as such on any federal, state or city inventory;

Response: *The centerline for the historic Barlow Trail does traverse the western portion of the site. The centerline will be shown on the plan.*

8. All wildlife habitat or other natural features listed on any of the city's official inventories.

Response: *There are no wildlife habitats or other natural features listed on the city's official inventories existing on the site.*

D. Archeological Monitoring Recommendation. For all projects that will involve ground disturbance, the applicant shall provide,

1. A letter or email from the Oregon State Historic Preservation Office Archaeological Division indicating the level of recommended archeological monitoring on-site, or demonstrate that the applicant had notified the Oregon State Historic Preservation Office and that the Oregon State Historic Preservation Office had not commented within forty-five days of notification by the applicant; and
2. A letter or email from the applicable tribal cultural resource representative of the Confederated Tribes of the Grand Ronde, Confederated Tribes of the Siletz, Confederated Tribes of the Umatilla, Confederated Tribes of the Warm Springs

and the Confederated Tribes of the Yakama Nation indicating the level of recommended archeological monitoring on-site, or 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.

Response: *The applicant acknowledges the provisions of this code section and agrees that proper notification of ground disturbance should be sent to the agencies identified in this code section. The applicant agrees to work with the aforementioned agencies within reason as to their impact on the proposed development plan.*

The community development director may waive any of the foregoing requirements if the community development director determines that the requirement is unnecessary in the particular case and that the intent of this chapter has been met.

16.08.030 Preliminary subdivision plat—Narrative statement.

In addition to the plans required in the previous section, the applicant shall also prepare and submit a narrative statement that addresses the following issues:

- A. **Subdivision Description.** A detailed description of the proposed development, including a description of proposed uses, number and type of residential units, allocation and ownership of all lots, tracts, streets, and public improvements, the structure of any homeowner's association, and each instance where the proposed subdivision will vary from some dimensional or other requirement of the underlying zoning district. For each such variance, a separate application will be required pursuant to Chapter 17.60, Variances;

Response: *The proposed development plan is for a 6 lot subdivision for single family residences. There is an existing house on the property which will remain as part of the development. Frontage improvements along Holcomb Blvd. and Swan Avenue have already been completed by the city as per the Holcomb Blvd. enhancement plan. The lot is an irregularly shaped lot and is split up such that two lots (1 and 2) cover the eastern portion of the property, nearest the intersection of Holcomb Blvd. and Swan Ave. and will share a single access off of Swan Avenue. The remaining four lots (lots 3-6) cover the western portion of the property and will be accessed by a private drive off of Holcomb Blvd. The driveway will remain private until such time that road improvements are completed from Hunter Avenue to the west and a public street terminates at the western border of the proposed development. At that time, a portion of the private drive will become public right-of-way and the access to Holcomb Blvd. will be closed. The applicant will file a variance pursuant to Chapter 17.60 if they should choose to deviate from the dimensional requirements.*

- B. **Timely Provision of Public Services and Facilities.** The applicant shall explain in detail how and when each of the following public services or facilities is, or will be, adequate to serve the proposed development by the time construction begins:

1. Water,

Response: *The city has identified multiple pressure zones for water in the public right-of-ways adjacent to the property. The proposed development plan will seek to connect to the pressure zone that is best suited for the needs of the subdivision. Separate water meters will be placed in the public-right-of-way for each residence. The applicant will coordinate with the fire marshal for the needs of fire protective services on-site.*

2. Sanitary sewer,

Response: *The existing house will retain its sanitary sewer connection. Lots 2 and 3 will be served by an existing sanitary sewer line in an easement just to the north of the property. Lots 4-6 will be served by a sanitary sewer manhole that was constructed as a part of the Holcomb Blvd. frontage improvements.*

3. Storm sewer and stormwater drainage,

Response: *The soils on-site have been found to not have any retention. The applicant will work with the city to determine the best solution for stormwater treatment and drainage.*

4. Parks and recreation,

Response: *There are no parks and/or recreation facilities included with the proposed development plan.*

5. Traffic and transportation,

Response: *A Traffic impact plan is included with the preliminary plat application. The frontage improvements were completed by the city per the city's development standards which should have improved traffic flow past the development.*

6. Schools,

Response: *The five additional lots may or may not have school age children. It is expected any school age children will attend local public schools and there is adequate space for such an anticipated minimal impact.*

7. Fire and police services;

Response: *The proposed development should meet all requirements for fire and police services.*

Where adequate capacity for any of these public facilities and services is not demonstrated to be currently available, the applicant shall describe how adequate capacity in these services and facilities will be financed and constructed before recording of the plat;

C. Approval Criteria and Justification for Variances. The applicant shall explain how the proposed subdivision is consistent with the standards set forth in Chapter 16.12, 12.04 and any other applicable approval standards identified in the

municipal code. For each instance where the applicant proposes a variance from some applicable dimensional or other numeric requirement, the applicant shall address the approval criteria from Chapter 17.60

Response: *No variances are being filed for the project development site. The applicant is requesting leniency for the lot widths for lots 4 and 5 through the incentives offered by the existence of the Historic Corridor on site and its impact to the available layout.*

D. Drafts of the proposed covenants, conditions and restrictions (CC&Rs), maintenance agreements, homeowner association agreements, dedications, deeds easements, or reservations of public open spaces not dedicated to the city, and related documents for the subdivision;

Response: *It is not yet known if there will be CC&R's, maintenance agreements, homeowner association agreements, or dedications with this project. There are expected easements that will be recorded on the final plat. It is not expected that there will be public open spaces as this is a small development. The applicant will record all required documentation with the final plat. .*

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

Response: *This project is not expected to require any phasing. All site work will be completed at the same time and all conditions of approval met before recording the final plat.*

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

Response: *The proposed development meets the density requirements as set forth and discussed in Chapter 16, section 12.232*

16.08.035 Notice and invitation to comment.

Upon the city's determination that an application for a preliminary subdivision plat is complete, pursuant to Section 17.50, the city shall provide notice of the application in accordance with requirements of Section 17.50 applicable to Type II decisions.

Response: *The applicant acknowledges that the city shall provide proper notification to the public of the proposed development*

16.08.040 Preliminary subdivision plat—Approval standards and decision.

The minimum approval standards that must be met by all preliminary subdivision plats are set forth in Chapter 16.12, and in the dimensional and use requirements set forth in the chapter of this code that corresponds to the underlying zone. The community development director shall evaluate the application to determine that the proposal does, or can through the imposition of conditions of approval, meet these approval standards. The community development director's decision shall be issued in accordance with the requirements of Section 17.50.

Response: *The applicant acknowledges the requirements set forth regarding Preliminary subdivision plats.*

16.08.045 Building site—Frontage width requirement.

Each lot in a subdivision shall abut upon a cul-de-sac or street other than an alley for a width of at least twenty feet.

Response: *The drawings for proposed development plan included in this application package demonstrate how all lots in the development meet or exceed this requirement.*

16.08.050 Flag lots in subdivisions.

Flag lots shall not be permitted within subdivisions except as approved by the community development director and in compliance with the following standards.

- A. Where the applicant can show that the existing parcel configuration, topographic constraints or where an existing dwelling unit is located so that it precludes a land division that meets the minimum density, lot width and/or depth standards of the underlying zone.
- B. If a flag lot is created, a joint accessway shall be provided unless the location of the existing dwelling unit prevents a joint accessway. A perpetual reciprocal access easement and maintenance agreement shall be recorded for the joint accessway, in a format acceptable by the city attorney.
- C. The pole portion of the flag lot shall connect to a public street.
- D. The pole shall be at least 8 feet wide for the entire length.
- E. The pole shall be part of the flag lot and must be under the same ownership as the flag portion of the lot.

Response: *Flag lots are being proposed for lots 3-5 as they would otherwise not have any frontage on the public right-of-way. They are designed to have a pole of 8' wide for the entire length and they do connect to Holcomb Blvd. A shared driveway, which will be in a perpetual reciprocal access easement with a maintenance agreement is being proposed for accessing the three flag lots.*

16.08.055 Final subdivision plat—Application requirements and approval standards.

The applicant shall apply for final subdivision plat approval within twenty-four months following approval of a preliminary subdivision plat. The applicant shall apply for final plat approval to the city and shall pay the applicable fees as set forth on the city's adopted fee schedule. The final subdivision plat is processed as an administrative decision by the city so long as the final subdivision plat is consistent with the approved preliminary subdivision plat as conditioned by the decision-maker.

- A. If the community development director determines that the final subdivision plat submitted by the applicant is not consistent with the approved preliminary

subdivision plat, the modified subdivision shall be subject to the same Type II process and review standards as were applicable to the preliminary subdivision plat. However, if such a review is necessary, the review shall be limited only to those aspects of the final subdivision plat that deviate from the approved preliminary subdivision plat. The decision-maker's original approval of all other aspects of the subdivision may be relied upon as a conclusive determination of compliance with the applicable standards.

- B. The community development director shall approve a final subdivision plat that is consistent with the approved preliminary subdivision plat, including any conditions attached thereto and required permits for access to facilities owned by another jurisdiction.

Response: *The applicant acknowledges the provisions of this section as they pertain to recording the final subdivision plat. The applicant agrees to pay all applicable fees and intends to record the plat within the required time frame of two years. The applicant further acknowledges that any deviations from the approved preliminary subdivision plat could result in a Type II process review and that the community shall approve the final plat once it has been deemed consistent with the approved preliminary subdivision plat.*

16.08.060 Filing and recording of final subdivision plat.

Following approval of the final subdivision plat, the applicant shall file with the county recording officer the confirmed and approved copy of the final subdivision plat together with all pertinent documents approved as to form by the city attorney.

Response: *The applicant agrees to file the required documentation with the county after approval of the final subdivision plat.*

16.08.065 Post-approval modifications to approved plat.

All modifications to a subdivision that has received final plat approval shall be applied for and processed in the same manner as was the original preliminary subdivision plat and subject to the same approval standards. However, the city is entitled to rely upon the prior decision and findings for those portions of the subdivision that the applicant does not propose to modify.

Response: *The applicant agrees to file for the same process for which the preliminary subdivision was approved if they wish to modify the final approved plat.*

CHAPTER 16.12 – MINIMUM IMPROVEMENTS AND DESIGN STANDARDS FOR LAND DIVISIONS

16.12.010 Purpose and general provisions.

All land divisions shall be in conformance with the policies and design standards established by this chapter and with applicable standards in the city's public facility master plan and city design standards and specifications. In reviewing applications for land division, the city engineer shall take into consideration any approved land divisions and the remaining development potential of adjacent properties. All street, water, sanitary sewer, storm drainage and utility plans associated with any land division must be reviewed and approved by the city engineer prior to construction. All streets, driveways or storm drainage connections to another jurisdiction's facility or right-of-way must be reviewed by the appropriate jurisdiction as a condition of the preliminary plat and when required by law or intergovernmental agreement shall be approved by the appropriate jurisdiction.

Response: *The applicant acknowledges the design standards for which the project must meet and that the city engineer will review the drawings for conformance to all applicable design standards and consideration of the proposed site development on adjoining properties. The proposed site development does not have any impact on any other jurisdiction.*

16.12.015 Street design—Generally.

Street design standards for all new development and land divisions shall comply with **Chapter 12.04—Street Design Standards.**

Response: *There are no public streets included on the current development plan. A future street will be built on-site to serve as a terminus to a future public street from Hunter Avenue.*

16.12.020 Blocks—Generally.

The length, width and shape of blocks shall take into account the need for adequate building site size, convenient motor vehicle, pedestrian, bicycle and transit access, control of traffic circulation, and limitations imposed by topography and other natural features.

Response: *The proposed development sits on the corner of an existing block. It is located on the corner of Holcomb Blvd, a minor arterial that runs in a Northeast-Southwest direction and Swan Avenue, a collector street that runs in a north-south configuration. The next closest street to the proposed development is Hunter Avenue to the west, which runs parallel to Swan Avenue. The property will not include a public street in between Swan Avenue and Hunter that would create another block.*

16.12.025 Blocks—Length.

Block lengths for local streets and collectors shall not exceed five hundred feet between through streets, as measured between nearside right-of-way lines.

Response: *As the proposed development is an irregularly shaped piece of property located on the corner of a minor arterial and a collector, it only has approximately 100 feet of property line along Swan which is a collector and there is no street planned along the north property line, therefore, this code section is not applicable to the proposed development plan.*

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.

Response: *There are no blocks being created with the proposed development as it will be completely landlocked in between two public streets, Swan Avenue and Hunter Avenue. A private driveway will serve the properties along the western portion of the property, therefore, the section on block widths is not applicable.*

16.12.035 Blocks—Pedestrian and bicycle access.

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

- 1. Where a new street is not practicable;**
- 2. Through excessively long blocks at intervals not exceeding five hundred feet of frontage as measured between nearside right-of-way lines; or**
- 3. Where the lack of street continuity creates inconvenient or out of direction travel patterns for local pedestrian or bicycle trips.**

Response: *When the proposed development plan is fully completed and the new public street is extended from Hunter Avenue and terminates in the hammerhead turnaround that is being proposed in this development, an inconvenient or out of direction travel pattern will be created for pedestrians wishing to quickly reach Holcomb Blvd. The applicant proposes to maintain the private driveway so it can be used for pedestrian and bicycle access to Holcomb Blvd.*

B. Pedestrian/bicycle accessways shall be provided:

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

4. To provide connections from cul-de-sacs or local streets to arterial or collector streets.

Response: *A pedestrian and bicycle accessway is available from the proposed shared driveway to access Holcomb Blvd. When the future development occurs and vehicular access is from the public street in the turn-around, the shared driveway can remain on site and continue to serve as an accessway for pedestrians and bicycles.*

- C. An exception may be made where the community development director determines that construction of a separate accessway is not feasible due to physical or jurisdictional constraints. Such evidence may include but is not limited to:
 1. That other federal, state or local requirements prevent construction of an accessway;
 2. That the nature of abutting existing development makes construction of an accessway impracticable;
 3. That the accessway would cross an area affected by an overlay district in a manner incompatible with the purposes of the overlay district;
 4. That the accessway would cross topography consisting predominantly of slopes over twenty-five percent;
 5. That the accessway would terminate at the urban growth boundary and extension to another public right-of-way is not part of an adopted plan.

Response: *No exceptions should be needed with regards to bicycle/pedestrian accessways.*

- D. Pedestrian/bicycle accessways shall comply with the development standards set out in Chapter 12.24 of this Code, with the ownership, liability and maintenance standards in Chapter 12.24 of this Code, and with such other design standards as the city may adopt.

Response: *The proposed accessway will comply with the required development standards.*

16.12.040 Building sites.

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

- A. Where property is zoned and planned for commercial or industrial use, the community development director may approve other widths in order to carry out the city's comprehensive plan. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.
- B. Minimum lot sizes contained in Title 17 are not affected by those provided herein.

Response: *The property is not zoned or planned for commercial or industrial use. The proposed building sites will be rectangular in shape, they will be for single-family, residential use which is appropriate for the primary use of the R8 zone and will be consistent with the required lot size provisions.*

16.12.045 Building sites—Minimum density.

All subdivision layouts shall achieve at least eighty percent of the maximum density of the base zone for the net developable area as defined in Chapter 17.04.

Response: *The proposed development is in the R8 zone. The*

16.12.050 Calculations of lot area.

A subdivision in the R-10, R-8, R-6, R-5, or R-3.5 dwelling district may include lots that are up to twenty percent less than the required minimum lot area of the applicable zoning designation provided the entire subdivision on average meets the minimum site area requirement of the underlying zone. The average lot area is determined by calculating the total site area devoted to dwelling units and dividing that figure by the proposed number of dwelling lots.

Accessory dwelling units are not included in this determination nor are tracts created for non-dwelling unit purposes such as open space, stormwater tracts, or access ways.

A lot that was created pursuant to this section may not be further divided unless the average lot size requirements are still met for the entire subdivision.

When a lot abuts a public alley, an area equal to the length of the alley frontage along the lot times the width of the alley right-of-way measured from the alley centerline may be added to the area of the abutting lot in order to satisfy the lot area requirement for the abutting lot. It may also be used in calculating the average lot area.

16.12.055 Building site—Through lots.

Through lots and parcels shall be avoided except where they are essential to provide separation of residential development from major arterials or to overcome specific disadvantages of topography of existing development patterns. A reserve strip may be required. A planting screen restrictive covenant may be required to separate residential development from major arterial streets, adjacent nonresidential development, or other incompatible use, where practicable. Where practicable, alleys or shared driveways shall be used for access for lots that have frontage on a collector or minor arterial street, eliminating through lots.

Response: *There are no through lots planned with this development.*

16.12.060 Building site—Lot and parcel side lines.

The lines of lots and parcels, as far as is practicable, shall run at right angles to the street upon which they face, except that on curved streets they shall be radial to the curve.

Response: *The proposed development plans show the proposed lot layout for the site. As far as it is practicable, the lot lines do run perpendicular to the streets. The one exception is with regards to the north-south lot line that separates the western lots from the eastern ones. That line is parallel to Swan Avenue but is not perpendicular to Holcomb Blvd. given that the existing street alignment for Holcomb Blvd is in a Northeast-Southwest direction.*

16.12.065 Building site—Grading.

Grading of building sites shall conform to the State of Oregon Structural Specialty Code, Chapter 18, any approved grading plan and any approved residential lot grading plan in accordance with the requirements of Chapter 15.48, 16.12 and the Public Works Stormwater and Grading Design Standards, and the erosion control requirements of Chapter 17.47.

Response: *The natural grade for the site is a very natural flow from the northeast to the southwest portions of the site which lends itself very well to the proposed development plan. The grades for the individual lots will mimic the natural grades and conform to the required codes.*

16.12.070 Building site—Setbacks and building location.

This standard ensures that lots are configured in a way that development can be oriented toward streets to provide a safe, convenient and aesthetically pleasing environment for pedestrians and bicyclists. The objective is for lots located on a neighborhood collector, collector or minor arterial street locate the front yard setback on and design the most architecturally significant elevation of the primary structure to face the neighborhood collector, collector or minor arterial street.

- A. The front setback of all lots located on a neighborhood collector, collector or minor arterial shall be orientated toward the neighborhood collector, collector or minor arterial street.**

Response: *There are only two of the proposed six lots that are located on a neighborhood collector, a collector or a minor arterial street. The existing house, which will be on lot 1 and a new residence on Lot 2 will both face Swan Avenue, which is classified as a collector on the city's transportation plan. The existing house currently has an address taken from Swan Avenue and the new residence is expected to do the same.*

- B. The most architecturally significant elevation of the house shall face the neighborhood collector, collector or minor arterial street.**

Response: *The existing house does not have an architecturally significant elevation as it is a simple, single story residence. The main entrance to the residence does face Swan Avenue, a collector. The most architecturally significant elevation for the new residence on lot 2 will face Swan Avenue.*

- C. On corner lots located on the corner of two local streets, the main façade of the dwelling may be oriented towards either street.**

Response: *The only corner lot for the proposed development plan is Lot 1 which will contain the existing residence. The front of the house will face Swan Avenue.*

D. All lots proposed with a driveway and lot orientation on a collector or minor arterial shall combine driveways into one joint access per two or more lots unless the city engineer determines that:

- 1. No driveway access may be allowed since the driveway(s) would cause a significant traffic safety hazard; or**
- 2. Allowing a single driveway access per lot will not cause a significant traffic safety hazard.**

Response: *The proposed development does include a combined driveway off of Swan Avenue, a collector for the purpose of serving the existing house on lot 1 and a new residence on lot 2. A single driveway is also planned for the interim access for lots 3 – 6 until such time as future development allows for the continuation of a new public street from Hunter Avenue to serve these lots. For the purposes of this development action, the proposed layout for driveway accesses is the best alternative for maximizing spacing between the driveway accesses and the nearest street intersection at Holcomb Blvd. and Swan Ave.*

E. The community development director may approve an alternative design, consistent with the intent of this section, where the applicant can show that existing development patterns preclude the ability to practically meet this standard.

Response: *There should be no alternative designs required for this development.*

16.12.075 Building site—Division of lots.

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

Response: *It is not expected that a redivision would be possible for any of the proposed lots in this development plan.*

16.12.080 Protection of trees.

Protection of trees shall comply with the provisions of **Chapter 17.41—Tree Protection.**

Response: *The applicant will address the protection of trees in Chapter 17.41.*

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

Response: *The applicant will be proposing an easement for the use of obtaining water service from Swan Avenue, which the applicant believes to be the most suitable water source, to lots 3 – 6. The applicant expects an easement may also be necessary for a storm drain pipe from the proposed road serving lots 3 – 6. Whatever utility easements are required will be provided based on approved final engineering drawings.*

B. Unusual Facilities. Easements for unusual facilities such as high voltage electric transmission lines, drainage channels and stormwater detention facilities shall be adequately sized for their intended purpose, including any necessary maintenance roads. These easements shall be shown to scale on the preliminary and final plats or maps. If the easement is for drainage channels, stormwater detention facilities or related purposes, the easement shall comply with the requirements of the Public Works Stormwater and Grading Design Standards.

Response: *There are no unusual facilities expected to be on site. If the city deems there to be an unusual facility on site, an easement for it will be included on the final plat and will comply with the appropriate standards.*

C. Watercourses. Where a land division is traversed or bounded by a watercourse, drainageway, channel or stream, a stormwater easement or drainage right-of-way shall be provided which conforms substantially to the line of such watercourse, drainageway, channel or stream and is of a sufficient width to allow construction, maintenance and control for the purpose as required by the responsible agency. For those subdivisions or partitions which are bounded by a stream of established recreational value, setbacks or easements may be required to prevent impacts to the water resource or to accommodate pedestrian or bicycle paths.

Response: *There are no known watercourses on the site.*

D. Access. When easements are used to provide vehicular access to lots within a land division, the construction standards, but not necessarily width standards, for the easement shall meet city specifications. The minimum width of the easement shall be twenty feet. The easements shall be improved and recorded by the applicant and inspected by the city engineer. Access easements may also provide for utility placement.

Response: *There are two shared access driveways proposed with this development. Both of which will be in an easement that will be recorded on the final plat and shall comply with all applicable codes and meet or exceed city specifications.*

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

Response: *There applicant will include, within reason, any easements that are deemed to be required for the purpose of resource protection by the community development director.*

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 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.**

Response: *There applicant agrees that no improvement work shall commence until construction plans have been reviewed and approved by the city engineer. There are no improvements associated with this development that are under another jurisdiction.*

- B. Improvements shall be constructed under the inspection and approval of the city engineer. Expenses incurred thereby shall be borne by the applicant and paid prior to final approval. Where required by the city engineer or other city decision-maker, the applicant's project engineer also shall inspect construction.**

Response: *The applicant agrees that all improvements shall be constructed under the inspection and approval of the city engineer and agrees to pay expenses that are within reason and pertain directly to the proposed development prior to final approval.*

- C. Erosion control or resource protection facilities or measures are required to be installed in accordance with the requirements of Chapter 17.49 and the Public Works Erosion and Sediment Control Standards. Underground utilities, waterlines, sanitary sewers and storm drains installed in streets shall be constructed prior to the surfacing of the streets. Stubs for service connections for underground utilities and sanitary sewers shall be placed beyond the public utility easement behind to the lot lines.**

Response: *The applicant agrees with the construction measures and methods identified in this code section.*

- D. As-built construction plans and digital copies of as-built drawings shall be filed with the city engineer upon completion of the improvements.**

Response: *The applicant agrees to file the required as-built construction plans and digital copies with the city engineer upon completion of the site improvements.*

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

Response: *The applicant acknowledges the city engineer's authority regarding hours of construction and access routes for construction equipment as stated in this code section.*

16.12.095 Same—Public facilities and services.

The following minimum improvements shall be required of all applicants for a land division under Title 16, unless the decision-maker determines that any such improvement is not proportional to the impact imposed on the city's public systems and facilities:

- A. **Transportation System.** Applicants and all subsequent lot owners shall be responsible for improving the city's planned level of service on all public streets, including alleys within the land division and those portions of public streets adjacent to but only partially within the land division. All applicants shall execute a binding agreement to not remonstrate against the formation of a local improvement district for street improvements that benefit the applicant's property. Applicants are responsible for designing and providing adequate vehicular, bicycle and pedestrian access to their developments and for accommodating future access to neighboring undeveloped properties that are suitably zoned for future development. Storm drainage facilities shall be installed and connected to off-site natural or man-made drainageways. Upon completion of the street improvement survey, the applicant shall reestablish and protect monuments of the type required by ORS 92.060 in monument boxes with covers at every public street intersection and all points of curvature and points of tangency of their center line, and at such other points as directed by the city engineer.

Response: *The proposed development plan supports all of the provisions of this code section. The adjacent streets of Holcomb Blvd. and Swan Avenue have already had their full frontage improvements completed by the city, per the city's development code. The remaining street upgrades on-site will be completed such that they allow for adequate interim vehicular, bicycle and pedestrian access by providing a private driveway access from Holcomb Blvd. until such time that the public road improvements are completed from an anticipated future development and the street then becomes a terminus for the public road and the private drive reverts to just a pedestrian and bicycle accessway. The site is laid out such that it will not negatively impact development on any adjoining parcels. No street improvements are included in the development plan.*

- B. **Stormwater Drainage System.** Applicants shall design and install drainage facilities within land divisions 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. All applicants shall execute a binding agreement to not remonstrate against the formation of a local improvement district for stormwater drainage improvements that benefit the applicant's property. Applicants are responsible for extending the 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, Chapter 13.12 and the Public Works Stormwater and Grading Design Standards.

Response: *The applicant's development plan will include the basis of a storm drainage plan which will be completed during the final design process and prior to construction. The applicant intends to work with the city engineering staff to determine the best solution for the site's drainage needs since the Geology report has identified little to no retention available on site with the native soils.*

- C. Sanitary Sewer System.** The applicant shall design and install a sanitary sewer system to serve all lots or parcels within a land division 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. All applicants shall execute a binding agreement to not remonstrate against the formation of a local improvement district for sanitary sewer improvements that benefit the applicant's property. Applicants are responsible for extending the city's sanitary sewer system to the development site and through the applicant's property to allow for the future connection of neighboring undeveloped properties that are suitably zoned for future development. The applicant shall obtain all required permits and approvals from all affected jurisdictions prior to final approval and prior to commencement of construction. Design shall be approved by the city engineer before construction begins.

Response: *All of the existing sanitary sewer main lines are in easily accessible locations for the proposed development. The existing house will retain its current service lateral. There is an existing sanitary sewer main in an easement to the north of the property which the applicant expects will be adequate to provide service for lots 2 and 3. Lots 4-6 will ultimately connect to an existing manhole that was constructed as part of the city's recent improvements along the Holcomb Blvd. right-of-way. All sanitary sewer improvements for the proposed development will be reviewed by the city engineer and approved prior to construction. The applicant will obtain all required permits for construction.*

- D. Water System.** The applicant shall design and install a water system to serve all lots or parcels within a land division in accordance with the city public works water system design standards, and shall connect those lots or parcels to the city's water system. All applicants shall execute a binding agreement to not remonstrate against the formation of a local improvement district for water improvements that benefit the applicant's property. Applicants are responsible for extending the city's water system to the development site and through the applicant's property to allow for the future connection of neighboring undeveloped properties that are suitably zoned for future development.

Response: *The existing water service meter will remain for the existing house unless the city staff deems it insufficient and require an upgraded meter. The applicant anticipates obtaining water service for all of the new residences from the watermain that exists in Swan Avenue. The applicant is aware of the different pressure zones in the area and believes that the main in Swan Avenue is the most adequate to serve the development. At this time, the applicant is not sure it would be beneficial to extend the water system through the development due to the existence of multiple water zones. The applicant's engineer of record for the proposed development will work with the city staff to determine the best solution to serve the development and ensure future needs are not constricted. The proposed improvements will all be designed to the appropriate codes and specifications.*

- E. Sidewalks.** The applicant shall provide for sidewalks on both sides of all public streets, on any private street if so required by the decision-maker, and in any special pedestrian way within the land division. Exceptions to this requirement may be allowed in order to accommodate topography, trees or some similar site constraint. In the case of major or minor arterials, the decision-maker may approve a land division without sidewalks where sidewalks are found to be dangerous or otherwise impractical to construct or are not reasonably related to the applicant's development. The decision-maker may require the applicant to provide sidewalks concurrent with the issuance of the initial building permit within the area that is the subject of the land division application. Applicants for partitions may be allowed to meet this requirement by executing a binding agreement to not remonstrate against the formation of a local improvement district for sidewalk improvements that benefit the applicant's property.

Response: *The public sidewalks along the property frontages adjacent to the Holcomb Blvd. and Swan Avenue right-of-ways have already been completed by the city. The proposed future public street will have sidewalk along one side as it will ultimately serve as a terminus for a future public street from Hunter Avenue.*

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

Response: *The applicant is not expecting there be any bicycle lanes required with this project. The existing driveway will serve as a bicycle route for lots 3-6 to obtain access to Holcomb Blvd.*

- G. Street Name Signs and Traffic Control Devices.** The applicant shall pay the city and the city installs street name signs at all street intersections. The applicant shall install traffic control devices as directed by the city engineer. Street name signs and traffic control devices shall be in conformance with all applicable city regulations and standards.

Response: *There are no street name signs or Traffic control devices that are expected to be a part of the proposed development.*

- H. Street Lights.** The applicant shall install street lights which shall be served from an underground source of supply. Street lights shall be in conformance with all city regulations.

Response: *There are no street lights included with the proposed development.*

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

Response: *Street trees were addressed in the above referenced chapter.*

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

Response: *The project surveyor will be responsible for ensuring there is a benchmark somewhere within the subdivision boundary*

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

Response: *The applicant shall make all necessary arrangements as mentioned in this code section.*

- L. Oversizing of Facilities.** All facilities and improvements shall be designed to city standards as set out in the city's facility master plan, public works design standards, or other city ordinances or regulations. Compliance with facility design standards shall be addressed during final engineering. The city may require oversizing of facilities to meet standards in the city's facility master plan or to allow for orderly and efficient development. Where oversizing is required, the applicant may request reimbursement from the city for oversizing based on the city's reimbursement policy and funds available, or provide for recovery of costs from intervening properties as they develop.

Response: *The applicant agrees to work with the city and discuss oversizing of required facilities at the time of final engineering and prior to construction.*

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

Response: *The applicant agrees to comply with the provisions for erosion control and mitigation.*

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 Chapter 12.04. 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.

Response: *This code section will not have any effect on the proposed development at this time as there are no public streets being commissioned by the city.*

- 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.

Response: *This code section will not have any effect on the proposed development at this time as there are no public streets being commissioned by the city.*

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 this section.
- B. Construction. The applicant shall construct the public improvements according to approved final engineering plans and all applicable requirements of this Code, and under the supervision of the city engineer. Under this option, the improvement must be complete and accepted by the city engineer prior to final plat approval.
- C. Financial Guarantee. The applicant shall provide the city with a financial guarantee in a form acceptable to the city attorney and equal to one hundred ten percent of the cost of constructing the public improvements in accordance with Oregon City Municipal Code Chapter 17.50. Possible forms of guarantee include an irrevocable or standby letter of credit, guaranteed construction loan set-aside, reserve account, or performance guarantee, but the form of guarantee shall be specified by the city engineer and, prior to execution and acceptance by the city, must be reviewed and approved by the city attorney. The amount of the guarantee shall be based upon approved final engineering plans, equal to at least one hundred ten percent of the estimated cost of construction, and shall be supported by a verified engineering estimate and approved by the city engineer.

Response: *The applicant agrees to complete whatever portion of the construction that is not covered by a financial guarantee (per the requirements in this code section) prior to applying to final plat approval.*

16.12.110 Minimum improvements—Financial guarantee.

When conditions of permit approval require a permittee to construct certain improvements, the city may, in its discretion, allow the permittee to submit a performance guarantee in lieu of actual construction of the improvement. Performance guarantees shall be governed by this section.

- A. Form of Guarantee. Performance guarantees shall be in a form approved by the city attorney. Approvable methods of performance 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. Timing of Guarantee. A permittee shall be required to provide a performance guarantee as follows:

- 1. After Final Approved Design by the City: 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 remaining 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: 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. This scenario applies for a fee-in-lieu situation to ensure adequate funds for the future work involved in design, bid, contracting, and construction management and contract closeout. In this case, the fee-in-lieu must be submitted as cash, certified check, or other negotiable instrument as approved to form by the city attorney.**

C. Duration of the 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.

Response: *If the applicant and the city agree that it is in the best interest of the proposed development to forego completion of a portion of the construction in lieu of a performance guarantee, the applicant agrees to abide by the provisions in described in this code section.*

TITLE 17; ZONING

CHAPTER 17.10 - R-8 SINGLE-FAMILY DWELLING DISTRICT

17.10.010 Designated.

This residential district is designed for areas of single-family homes on lot sizes of approximately eight thousand square feet.

Response: *The site development plans included with the application depict a proposed layout where the lots all exceed the requirement of 8,000 square feet except one. The applicant anticipates that one lot will be no less than 7,200 square feet which is within the 20% allowance of the required amount.*

17.10.020 Permitted uses.

Permitted uses in the R-8 district are:

- A. Single-family detached residential units;**
- B. Parks, playgrounds, playfields and community or neighborhood centers;**
- C. Home occupations;**
- D. 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);**
- E. 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;**
- F. Accessory uses, buildings and dwellings;**
- G. Family day care provider, subject to the provisions of Section 17.54.050;**
- H. Residential home per ORS 443.400;**
- I. Cottage housing.**

Response: *The applicant intends on building single family, residential houses on the proposed development which is an allowed use.*

17.10.030 Conditional uses.

The following conditional uses are permitted in this district when authorized by and in accordance with the standards contained in Chapter 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 facility;
- 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.

Response: *The applicant is not intending to build anything on site that is listed as a conditional use.*

17.10.040 Dimensional standards.

Dimensional standards in the R-8 district are:

- A. Minimum lot areas, eight thousand square feet;

Response: *All lots exceed the minimum lot area of 8,000 square feet except one. Lot 2 is expecting to be no less than the 20% of the minimum lot area.*

- B. Minimum lot width, sixty feet;

Response: *There are two lots (4 and 5) that do not meet the minimum lot width of 60'. The applicant will be requesting an incentive from the Historic Review Board for reducing the lot width due to the impact on the site from the Historic View corridor for the Oregon Trail-Barlow Road*

- C. Minimum lot depth, seventy-five feet;

Response: *All lots will meet or exceed the minimum lot depth.*

- D. Maximum building height, two and one-half stories, not to exceed thirty-five feet;

Response: *The new single family residences will be less than two and one-half stories.*

E. Minimum required setbacks:

1. Front yard, fifteen feet minimum setback,
2. Front porch, ten feet minimum setback,
3. Attached and detached garage, twenty feet minimum setback from the public right-of-way where access is taken, except for alleys. Detached garages on an alley shall be setback a minimum of five feet in residential areas.
4. Interior side yard, nine feet minimum setback for at least one side yard; seven feet minimum setback for the other side yard,
5. Corner side yard, fifteen feet minimum setback,
6. Rear yard, twenty feet minimum setback,
7. Rear porch, fifteen feet minimum setback.

Response: *All lots will meet or exceed the minimum required setbacks.*

F. Garage standards: See Chapter 17.20—Residential Design and Landscaping Standards.

Response: *All of the new residences will comply with the garage standards within the above referenced code section.*

G. Maximum lot coverage: The footprint of all structures two hundred square feet or greater shall cover a maximum of forty percent of the lot area.

Response: *The proposed structures will comply with the requirement of this code section.*

CHAPTER 17.40 – HISTORIC OVERLAY DISTRICT

17.40.010 Purpose.

It is declared as a matter of public policy that the protection, enhancement, perpetuation and use of improvements of special character or special historical or aesthetic interest or value is a public necessity and is required in the interest of the health, prosperity, safety and welfare of the people. The purpose of this chapter is to:

- A. Effect and accomplish the protection, enhancement and perpetuation of such improvements and of districts which represent or reflect elements of the city's cultural, social, economic, political and architectural history;
- B. Safeguard the city's historic, aesthetic and cultural heritage as embodied and reflected in such improvements and districts;
- C. Complement any National Register Historic districts designated in the city;
- D. Stabilize and improve property values in such districts;
- E. Foster civic pride in the beauty and noble accomplishments of the past;
- F. Protect and enhance the city's attractions to tourists and visitors and the support and stimulus to business and industry thereby provided;
- G. Strengthen the economy of the city;
- H. Promote the use of historic districts and landmarks for the education, pleasure, energy conservation, housing and public welfare of the city; and
- I. Carry out the provisions of LCDC Goal 5.

Response: *The Applicant acknowledges the purpose of this code section.*

17.40.030 Designated.

- A. The historic overlay district shall apply to the following:
 - 1. Historic districts, upon designation in accordance with this section;
 - 2. Conservation districts designated in accordance with this section;
 - 3. Landmarks as designated by this section; and
 - 4. Historic corridors designated in accordance with this section.

Response: *The historic Barlow trail passes through the proposed project site and the applicant wishes to adjust the boundaries of the proposed easement*

B. The boundaries of the historic districts, the boundaries of conservation districts, historic corridors, the location of buildings and structures in conservation districts and the location of landmarks shall be designated on a special city zoning map or maps.

C. The following are designated within the historic overlay district:

- 1. The Canemah Historic District; the minimum boundaries of which are those designated by the United States Department of the Interior on the National Register of Historic Places as indicated in the city comprehensive plan.**
- 2. The McLoughlin Conservation District; the surveyed buildings indicated by map in the comprehensive plan shall constitute the designated structures in the McLoughlin Conservation District, along with any structures designated through the Historic Review Board designation process since initial adoption of the comprehensive plan on March 13, 1980.**
- 3. The Oregon Trail-Barlow Road Historic Corridor: properties identified in the 1993 Barlow Road Historic Corridor inventory of the Barlow Road by Clackamas County.**
- 4. Designations undertaken pursuant to Section 17.40.050. The established historic overlay district shall allow for the designation of two types of districts so that areas with a high concentration of historic structures are designated historic districts and areas with a lower concentration are designated conservation districts. Also allowed is the designation of structures of historic or architectural significance not located in an historic or conservation district as landmarks.**

Response: *The Oregon Trail-Barlow Road Historic Corridor passes through the western portion of the property in a North-South direction.*

17.40.040 Citizen involvement.

A. The planning department shall be authorized to incur expenses in holding public workshops in the historic districts and conservation districts, distribute written information, show slides and answer questions on remodeling and rehabilitation of older buildings, and to educate the public in the need to comply with state and federal laws protecting or encouraging protection of antiquities and other related matters concerning historic preservation.

- B. Citizens making applications for district or landmark designations or for exterior alterations or new construction in an historic or conservation district, and historic corridor or on a landmark site may consult with and receive advice from the planning department staff concerning their applications.**

Response: *The applicant wishes to adjust the boundaries of the historic Barlow Trail view corridor to help facilitate the buildability of lots 3 – 6 on the proposed project. The applicant feels like this is a reasonable request as the centerline is considered to be approximate in nature and slightly adjusting the easement does not disrupt or neglect the historical integrity of the easement.*

17.40.050 Designation procedure—Application—Review.

- A. Institution of Proceedings.** The city commission, the planning commission, the historic review board, a recognized neighborhood group or any interested person may initiate the proceedings for designation of an historic or conservation district, landmark, or historic corridor as follows:
- 1. The city commission or the historic review board may initiate designation proceedings by sending a written proposal or application to the planning staff. Such proposal is not subject to any minimal information requirements other than a description of the boundaries of the area to be designated.**
 - 2. Any interested person or recognized neighborhood group may start designation proceedings by sending a written application to the planning staff.**
- B. Application Information.** The planning staff may specify the information required in an application and may from time to time change the content of that information, but at all times the planning staff shall require the following information:
- 1. The applicant's name and address;**
 - 2. The owner's name and address, if different from the applicant;**
 - 3. A description of the boundaries of the proposed district or a description of the proposed landmark;**
 - 4. A map illustrating the boundaries of the proposed district or the location of the proposed landmark;**
 - 5. A statement explaining the following:**
 - a. The reasons why the proposed district or landmark should be designated,**

- b. The reason why the boundaries of the proposed district are adequate and suitable for designation,
 - c. The positive and negative effects, if any, which designation of the proposed district or landmark would have on the residents or other property owners of the area.
 - C. The planning staff shall deliver a proposal or an application for the designation to the historic review board within thirty days after the day on which a proposal or application is received. The historic review board shall review the proposal on the application and prepare a written recommendation or decision approving or rejecting the proposed designation.
 - D. In preparing the recommendation or decision, the historic review board shall limit its review to:
 - 1. Whether the proposed district or landmark would serve the purpose of the historic overlay district as stated in Section 17.40.010; and
 - 2. Conformity with the purposes of the city comprehensive plan.
 - E. City Commission Review of District.
 - 1. The historic review board shall deliver a copy of its recommendation to the city commission within thirty days.
 - 2. The city commission shall hold a public hearing pursuant to procedures contained in Chapter 17.68
 - 3. After the hearing, the city commission may engage in one of the following actions:
 - a. Refuse to designate the proposed district; or
 - b. Designate the proposed district by a duly enacted ordinance; or
 - c. Remand the matter to the historic review board for additional consideration of a specific matter or matters.
 - 4. The city commission may limit itself to the proposed district, and as so modified, approve it. Enlargement of the proposed district shall require additional notice and public hearing. The commission may hold such hearing or hearings.

5. The approval or disapproval of the designation by the city commission shall be in writing and shall state the reasons for approval or disapproval.
6. Amendment or Rescission. The district designation may be amended or rescinded after the board and city commission have utilized the same procedures required by this title for establishment of the designation. The board shall give priority to designation of potential districts and landmarks indicated in the city comprehensive plan.

Response: *The applicant does not wish to designate anything of historical significance with this application. The applicant's intention with the proposed development plan is to request consideration for a slight modification of the parameters of the Oregon Trail-Barlow Road Historic Corridor.*

17.40.060 Exterior alteration and new construction.

- A. Except as provided pursuant to subsection I of this section, no person shall alter any historic site in such a manner as to affect its exterior appearance, nor shall there be any new construction in an historic district, conservation district, historic corridor, or on a landmark site, unless a certificate of appropriateness has previously been issued by the historic review board. Any building addition that is thirty percent or more in area of the historic building (be it individual or cumulative) shall be considered new construction in a district. Further, no major public improvements shall be made in the district unless approved by the board and given a certificate of appropriateness.
- B. Application for such a certificate shall be made to the planning staff and shall be referred to the historic review board. The application shall be in such form and detail as the board prescribes.
- C. 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.

D. 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.

1. The historic review board, after notice and public hearing held pursuant to Chapter 17.50, shall approve the issuance, approve the issuance with conditions or disapprove issuance of the certificate of appropriateness.

2. The following exterior alterations to historic sites may be subject to administrative approval:

- a. Work that conforms to the adopted Historic Review Board Policies.

E. For exterior alterations of historic sites in an historic district or conservation district or individual landmark, the criteria to be used by the board in reaching its decision on the certificate of appropriateness shall be:

1. The purpose of the historic overlay district as set forth in Section 17.40.010

2. The provisions of the city comprehensive plan;

3. The economic use of the historic site and the reasonableness of the proposed alteration and their relationship to the public interest in the structures or landmark's preservation or renovation;

4. The value and significance of the historic site;

5. The physical condition of the historic site;

6. The general compatibility of exterior design, arrangement, proportion, detail, scale, color, texture and materials proposed to be used with the historic site;

7. Pertinent aesthetic factors as designated by the board;

8. Economic, social, environmental and energy consequences; and

9. Design guidelines adopted by the historic review board.

F. For construction of new structures in an historic or conservation district, or on an historic site, the criteria to be used by the board in reaching its decision on the certificate of appropriateness shall include the following:

- 1. The purpose of the historic conservation district as set forth in Section 17.40.010**
- 2. The provisions of the city comprehensive plan;**
- 3. The economic effect of the new proposed structure on the historic value of the district or historic site;**
- 4. The effect of the proposed new structure on the historic value of the district or historic site;**
- 5. The general compatibility of the exterior design, arrangement, proportion, detail, scale, color, texture and materials proposed to be used in the construction of the new building or structure;**
- 6. Economic, social, environmental and energy consequences;**
- 7. Design guidelines adopted by the historic review board.**

G. For construction of new structures in an historic corridor, the criteria to be used by the board in reaching its decision on the certificate of appropriateness shall include the following:

- 1. The purpose of the historic overlay district as set forth in Section 17.40.010**
- 2. The policies of the city comprehensive plan;**
- 3. The impact on visible evidence of the trail;**
- 4. The impact on archaeological evidence when there exists documented knowledge of archeological resources on the property;**
- 5. The visual impact of new construction within the historic corridor; and**
- 6. The general compatibility of the site design and location of the new construction with the historic corridor considering the standards of subsection G of this section.**

H. The following standards apply to development within historic corridors:

- 1. Within the Oregon Trail-Barlow Road historic corridor, a minimum of a thirty-foot wide-open visual corridor shall be maintained and shall follow the actual route of the Oregon Trail, if known. If the actual route is unknown, the open visual corridor shall connect within the open visual corridor on adjacent property.**
- 2. No new building or sign construction shall be permitted within required open visual corridors. Landscaping, parking, streets, driveways are permitted within required open visual corridors.**

I. In rendering its decision, the board's decision shall be in writing and shall specify in detail the basis therefore.

J. Nothing in this section shall be construed to prevent the ordinary maintenance or repair of any exterior architectural features which does not involve a change in design, material or the outward appearance of such feature which the building official shall certify is required for the public safety because of its unsafe or dangerous condition.

K. The following exterior alterations may be made subject to the administrative procedures as outlined below: Construction of fences on historic sites. Exterior alterations, excluding additions, to incompatible structures in the Canemah Historic District.

- 1. A notice of the proposed certificate of appropriateness shall be mailed to the following persons:**
 - a. The applicant;**
 - b. All owners of property within three hundred feet of the property which is the subject of application;**
 - c. A recognized neighborhood association and a citizen involvement committee representative of the neighborhood involved, if the property which is the subject of the application lies wholly or partially within the boundaries of such organization.**
- 2. The failure of the property owner to receive notice shall not invalidate the action if a good faith attempt was made to notify all persons entitled to personal notice.**

3. Notice shall also be given by publication in a newspaper of general circulation in the area affected.
4. Within ten days of the issuance of notice of the proposed certificate of appropriateness, any person who has received personal notice pursuant to subdivision 1 of this subsection or who demonstrates sufficient interest in the outcome to participate in such proceedings, as determined by the historic review board, may request a public hearing before the historic review board.
5. Within forty-five days after a request for public hearing is made, a public hearing shall be held before the historic review board following procedures as established in Chapter 17.50
6. The historic review board shall then deny or approve the application, either with or without conditions, following procedures as established in Chapter 17.50
7. In the event no request for hearing is filed, the historic review board, through its chairperson and planning staff, shall issue a certificate of appropriateness in accordance with the notice given without further hearing.
8. The board may adopt policies for review of applications of certificates of appropriateness in the historic overlay district. Such policies shall be adopted only after notice and an opportunity to be heard is provided and shall include specific opportunity for comment by the planning staff, the planning commission, and the city commission. Such policies shall carry out the city's comprehensive plan, especially those elements relating to historic preservation. In the absence of such policies, the board shall apply such elements directly.

Response: *The applicant is seeking approval for a 6-lot subdivision on a property which the Oregon Trail-Historic Barlow Road crosses through. The approximate alignment of the existing centerline negatively affects the buildability of two-thirds of the project. The applicant acknowledges that a 30 foot wide unobstructed view corridor is required for the alignment and is not requesting that width to be reduced or modified in any way. The applicant is also not seeking permission to build an obstruction in the view corridor. To the best of the applicant's knowledge, there is no visible evidence of the trail or documentation regarding archaeological significance. The applicant is seeking authorization from the city planning staff and the Historic Review Board to adjust either, only the outside boundaries of the view corridor (and not the centerline) in such a way that the centerline remains in place but the view corridor itself shifts to the west or the entire centerline of the view corridor such that the alignment of the view corridor remains in the center of the easement but is shifted to the west. The applicant is not requesting that the boundaries of the view corridor be moved off of the property. The focus for applicant's request is help create a more functional building layout for the new single family residences that will be constructed as*

part of the proposed development. The proposed re-alignment will ensure that there are no obstructions as mentioned in this code section.

17.40.065 Historic preservation incentives.

- A. Purpose.** Historic preservation incentives increase the potential for historically designated properties to be used, protected, renovated, and preserved. Incentives make preservation more attractive to owners of locally designated structures because they provide flexibility and economic opportunities.
- B. Eligibility for Historic Preservation Incentives.** All exterior alterations of designated structures and new construction in historic and conservation districts are eligible for historic preservation incentives if the exterior alteration or new construction has received a certificate of appropriateness from the Historic Review Board per OCMC 17.50.110(c).
- C. Incentives Allowed.** The dimensional standards of the underlying zone as well as for accessory buildings (OCMC 17.54.100) may be adjusted to allow for compatible development if the expansion or new construction is approved through historic design review.
- D. Process.** The applicant must request the incentive at the time of application to the Historic Review Board.

Response: *The applicant is requesting an incentive be applied to allow for compatible development of the property. The applicant is requesting a minor adjustment of the dimensional standards of the underlying zone. The applicant has proposed two lots that are 56' in width when the underlying zone requires 60' wide lots. The existence of the historic corridor on-site impacts the lots by pushing the proposed residences deeper into the lot which then takes away from the look of a consistent streetscape.*

17.40.070 Demolition and moving.

- A.** If an application is made for a building or moving permit to demolish or move all or part of a structure which is a landmark or which is located in a conservation district or an historic district, the building inspector shall, within seven days, transmit to the historic review board a copy of the transaction.
- B.** The historic review board shall hold a public hearing within forty-five days of application pursuant to the procedures in Chapter 17.50
- C.** In determining the appropriateness of the demolition or moving as proposed in an application for a building or moving permit, the board shall consider the following:

1. All plans, drawings and photographs as may be submitted by the applicant;
 2. Information presented to a public hearing held concerning the proposed work;
 3. The city comprehensive plan;
 4. The purpose of this section as set forth in Section 17.40.010
 5. The criteria used in the original designation of the landmark or district in which the property under consideration is situated;
 6. The historical and architectural style, the general design, arrangement, materials of the structure in question or its fixtures; the relationship of such features to similar features of the other buildings within the district and the position of the building or structure in relation to public rights-of-way and to other buildings and structures in the area;
 7. The effects of the proposed work upon the protection, enhancement, perpetuation and use of the district, which cause it to possess a special character or special historic or aesthetic interest or value;
 8. Whether denial of the permit will involve substantial hardship to the applicant, and whether issuance of the permit would act to the substantial detriment of the public welfare and would be contrary to the intent and purposes of this section;
 9. The economic, social, environmental and energy consequences.
- D. The failure of the applicant to provide the information required by Subsection C.1.—9. shall be grounds for deeming the application incomplete.
- E. The board may approve or deny the demolition or moving request after considering the criteria contained in Section 17.40.070C. Action by the board approving or denying the issuance of a permit for demolition or moving may be appealed to the city commission by any aggrieved party, by filing a notice of appeal, in the same manner as provided in Section 17.50 for appeals. If no appeal of a demolition permit is filed, the building official shall issue the permit in compliance with all other codes and ordinances of the city.
- F. In any case where the city commission has ordered the removal or demolition of any structure determined to be dangerous to life, health or property, nothing contained in this title shall be construed as making it unlawful for any person,

without prior approval of the historic review board, pursuant to this title, to comply with such order.

Response: *The applicant is not requesting authorization to either demolish or move a building that has historical significance.*

CHAPTER 17.41 – TREE PROTECTION STANDARDS

17.41.010 Protection of trees—Intent.

The intent of this chapter is to ensure that new development is designed in a manner that preserves trees to the maximum extent practicable. As a requirement of any Type II land use application, the siting of structures, roadways and utility easements, shall provide for the protection of tree resources to the maximum extent practicable. This chapter applies to all subdivision, partition and site plan and design review applications.

Response: The applicant acknowledges the intention of the code in this chapter

17.41.020 Tree protection—Applicability.

1. Applications for development subject to Chapters 16.08 or 16.12 (Subdivision or Minor Partition) or Chapter 17.62 (Site Plan and Design Review) shall demonstrate compliance with these standards as part of the review proceedings for those developments.
2. For public capital improvement projects, the city engineer shall demonstrate compliance with these standards pursuant to a Type II process.
3. Tree canopy removal greater than twenty-five percent on sites greater than twenty-five percent slope, unless exempted under Section 17.41.040, shall be subject to these standards.
4. A heritage tree or grove which has been designated pursuant to the procedures of Chapter 12.08.050 shall be subject to the standards of this section.

Response: The proposed development plan is for a 6-lot subdivision, thus making it applicable to the code sections in this chapter.

17.41.030 Tree protection—Conflicting code provisions.

Except as otherwise specified in this section, where these standards conflict with adopted city development codes or policies, the provision which provides the greater protection for regulated trees or groves, as defined in Section 17.04, shall govern.

Response: The applicant acknowledges the governance of conflicting code sections.

17.41.040 Same—Exemptions.

These regulations are not intended to regulate normal cutting, pruning and maintenance of trees on private property except where trees are located on lots that are undergoing development review or are otherwise protected within the Natural Resource Overlay District (NROD) of section 17.49. These standards are not intended to regulate farm and forest practices as those practices are defined under ORS 30.930. Farm or forest resources. An applicant for development may claim exemption from compliance with these standards if the development site containing the regulated grove or trees was a designated farm or forest use, tree farm, Christmas tree plantation, or other approved timber use within one year prior to development application. "Forest practices" and

"forestlands" as used in this subsection shall have the meaning as set out in ORS 30.930. The community development director has the authority to modify or waive compliance in this case.

Response: *The applicant will not be claiming exemption from the code sections in this chapter.*

17.41.050 Same—Compliance options.

Applicants for review shall comply with these requirements through one or a combination of the following procedures:

- A. Option 1—Mitigation. Retention and removal of trees, with subsequent mitigation by replanting pursuant to Sections 17.41.060 or 17.41.070. All replanted and saved trees shall be protected by a permanent restrictive covenant or easement approved in form by the city.
- B. Option 2—Dedicated Tract. Protection of trees or groves by placement in a tract within a new subdivision or partition plat pursuant to Sections 17.41.080—17.41.100; or
- C. Option 3—Restrictive Covenant. Protection of trees or groves by recordation of a permanent restrictive covenant pursuant to Sections 17.41.110—17.41.120; or
- D. Option 4—Cash-in-lieu of planting pursuant to Section 17.41.130

Response: *The applicant anticipates pursuing either Option 1 or Option 4. The majority of the existing trees on site are near the site perimeter and the applicant feels that it is possible to minimize the impact on the trees within the development. The applicant also recognizes that some trees may be affected by the proposed development plan and expects to work with the city towards a fair and reasonable solution that is allowed for in either option 1 or Option 4.*

A regulated tree that has been designated for protection pursuant to this section must be retained or permanently protected unless it has been determined by a certified arborist to be diseased or hazardous, pursuant to the following applicable provisions.

Response: *The applicant will comply with the provisions of this code section as they pertain to regulated trees. At this time, it is not known to the applicant that any trees on-site have been designated for protection*

The community development director, pursuant to a Type II procedure, may allow a property owner to cut a specific number of trees within a regulated grove if preserving those trees would:

- 1. Preclude achieving eighty percent of minimum density with reduction of lot size; or
- 2. Preclude meeting minimum connectivity requirements for subdivisions.

Response: *The applicant has no knowledge of any regulated groves on the property.*

17.41.060 Tree removal and replanting—Mitigation (Option 1).

- A. Applicants for development who select this option shall ensure that all healthy trees shall be preserved outside the construction area as defined in Chapter 17.04 to the extent practicable. Compliance with these standards shall be demonstrated in a tree mitigation plan report prepared by a certified arborist, horticulturalist or forester or other environmental professional with experience and academic credentials in forestry or arboriculture. At the applicant's expense, the city may require the report to be reviewed by a consulting arborist. The number of replacement trees required on a development site shall be calculated separately from, and in addition to, any public or street trees in the public right-of-way required under section 12.08—Community Forest and Street Trees.

Response: *If the applicant chooses to mitigate for any trees that need to be removed in order to facilitate the proposed development plan, the applicant agrees to have a tree mitigation plan report prepared by a certified arborist.*

- B. The applicant shall determine the number of trees to be mitigated on the site by counting all of the trees six inch DBH (minimum four and one-half feet from the ground) or larger on the entire site and either:
1. Trees that are removed outside of the construction area, shall be replanted with the number of trees specified in Column 1 of Table 17.41.060-1. Trees that are removed within the construction area shall be replanted with the number of replacement trees required in Column 2; or
 2. Diseased or hazardous trees, when the condition is verified by a certified arborist to be consistent with the definition in Section 17.04.1360, may be removed from the tree replacement calculation. Regulated healthy trees that are removed outside of the construction area, shall be replanted with the number of trees specified in Column 1 of Table 17.41.060-1. Regulated healthy trees that are removed within the construction area shall be replanted with the number of replacement trees required in Column 2.

Table 17.41.060-1
Tree Replacement Requirements
All replacement trees shall be either:
Two-inch caliper deciduous, or
Six-foot high conifer

Size of tree removed (DBH)	Column 1 Number of trees to be planted. (If removed Outside of construction area)	Column 2 Number of trees to be planted. (If removed Within the construction area)
6 to 12"	3	1
13 to 18"	6	2
19 to 24"	9	3
25 to 30"	12	4

31 and over"	15	5
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Response: *If the applicant chooses to pursue this option, the applicant agrees to mitigate for the trees that are removed in the construction area as identified in Column 2. The applicant does not anticipate removing trees outside the construction area at this time.*

Steps for calculating the number of replacement trees:

1. Count all trees measuring six inches DBH (minimum four and one-half feet from the ground) or larger on the entire development site.
2. Designate (in certified arborists report) the condition and size (DBH) of all trees pursuant to accepted industry standards.
3. Document any trees that are currently diseased or hazardous.
4. Subtract the number of diseased or hazardous trees in step 3. from the total number of trees on the development site in step 1. The remaining number is the number of healthy trees on the site. Use this number to determine the number of replacement trees in steps 5. through 8.
5. Define the construction area (as defined in Chapter 17.04).
6. Determine the number and diameter of trees to be removed within the construction area. Based on the size of each tree, use Column 2 to determine the number of replacement trees required.
7. Determine the number and diameter of trees to be removed outside of the construction area. Based on the size of each tree, use Column 1 to determine the number of replacement trees required.
8. Determine the total number of replacement trees from steps 6. and 7.

Response: *Applicant acknowledges the steps in determining the number of trees that must be mitigated for and will follow the steps to determine the correct number of trees that would need to be replaced from the removal of existing trees from the construction area as specified in Table 17.04.060-1.*

17.41.070 Planting area priority for mitigation (Option 1).

Development applications which opt for removal of trees with subsequent replanting pursuant to section 17.41.050A. shall be required to mitigate for tree cutting by complying with the following priority for replanting standards below:

- A. First Priority. Replanting on the development site.
- B. Second Priority. Off-site replacement tree planting locations. If the community development director determines that it is not practicable to plant the total number of replacement trees on-site, a suitable off-site planting location for the remainder of the trees may be approved that will reasonably satisfy the objectives

of this section. Such locations may include either publicly owned or private land and must be approved by the community development director.

Response: *The applicant agrees with the hierarchy depicted in this code section and expects there will be a fair amount of room on-site for replanting.*

17.41.075 Alternative mitigation plan.

The community development director may, subject to a Type II procedure, approve an alternative mitigation plan that adequately protects habitat pursuant to the standards for the natural resource overlay district alternative mitigation plan, Section 17.49.190.

Response: *The applicant does not anticipate needing to pursue this alternative as it does not pertain to the proposed development plan.*

17.41.080 Tree preservation within subdivisions and partitions—Dedicated tract (Option 2).

- A. Applicants for new subdivision and partition plats may delineate and show the regulated trees or groves as either a separate tract or part of a larger tract that meets the requirements of subsection D. of this section.
- B. The standards for land divisions subject to this section shall apply in addition to the requirements of the city land division ordinance and zoning ordinance, provided that the minimum lot area, minimum average lot width, and minimum average lot depth standards of the base zone may be superseded in order to allow for a reduction of dimensional standards pursuant to Section 17.41.100 below.
- C. Prior to preliminary plat approval, the regulated tree or grove area shall be shown either as a separate tract or part of a larger tract that meets the requirements of subsection D. of this section, which shall not be a part of any parcel used for construction of a structure. The size of the tract shall be the minimum necessary as recommended by a consulting arborist to adequately encompass the dripline of the tree, protect the critical root zone and ensure long term survival of the tree or grove.
- D. Prior to final plat approval, ownership of the regulated tree or grove tract shall be identified to distinguish it from lots intended for sale. The tract may be identified as any one of the following:
 - 1. Private open space held by the owner or a homeowners association; or
 - 2. For residential land divisions, private open space subject to an easement conveying stormwater and surface water management rights to the city and preventing the owner of the tract from activities and uses inconsistent with the purpose of this document; or
 - 3. At the owners option, public open space where the tract has been dedicated to the city or other governmental unit; or
 - 4. Any other ownership proposed by the owner and approved by the community development director.

Response: *The applicant does not intend to pursue this option as the existing trees on-site do not fit the criteria.*

17.41.090 Density transfers incentive for tree protection tracts (Option 2).

- A. The purpose of this section is to allow dimensional adjustments within a regulated tree protection tract to be transferred outside said tract to the remainder of the site. This provision applies on-site and density shall not be transferred beyond the boundaries of the development site.
- B. Development applications for subdivisions and minor partitions that request a density transfer shall:
 - 1. Provide a map showing the net buildable area of the tree protection tract;
 - 2. Provide calculations justifying the requested dimensional adjustments;
 - 3. Demonstrate that the minimum lot size requirements can be met based on an average of all lots created, including the tree protection tract created pursuant to Section 17.41.080
 - 4. Demonstrate that, with the exception of the tree protection tract created pursuant to Section 17.41.080, no parcels have been created which would be unbuildable in terms of minimum yard setbacks;
 - 5. Meet all other standards of the base zone except as modified in section 17.41.100
- C. The area of land contained in a tree protection tract may be excluded from the calculations for determining compliance with minimum density requirements of the zoning code.

Response: *The applicant does not intend to pursue Option 2.*

17.41.100 Permitted modifications to dimensional standards (Option 2 only).

- A. An applicant proposing to protect trees in a dedicated tract pursuant to section 17.41.080 may request, and the community development director, pursuant to a Type II procedure, may grant a reduction to, the lot size, width, depth, and setbacks of the underlying zone district in approving a subdivision or partition if necessary to retain a regulated tree or grove in a tract, as long as the calculation of average lot size, including tree protection tracts, meet the minimum lot size for the zone. The applicant may choose to make the adjustments over as many lots as required. For example, the lot reduction could be spread across all the remaining lots in the proposed subdivision or partition or could be applied to only those needed to incorporate the area of the tree tract.

Table 17.41.100 A
Lot Size Reduction

ZONE	Min. Lot Size [sq. feet]	Min. Lot Width	Min. Lot Depth
R-10	5,000 sq. feet	50'	65'
R-8	4,000 sq. feet	45'	60'
R-6	3,500 sq. feet	35'	55'
R-5	3,000 sq. feet	30'	50'
R-3.5	1,800 sq. feet	20'	45'

Table 17.41.100 B
Reduced Dimensional Standards for Detached Single-Family Residential Units

Size of Reduced Lot	Front Yard Setback	Rear Yard Setback	Side yard Setback	Corner Side	Lot Coverage
8,000—9,999 square feet	15 feet	20 feet	7/9 feet	15 feet	40%
6,000—7,999 square feet	10 feet	15 feet	5/7 feet	15 feet	40%
4,000—5,999 square feet	10 feet	15 feet	5/5 feet	10 feet	40%
1,800—3,999 square feet	5 feet	15 feet	5/5 feet	10 feet	55%

Table 17.41.100 C
Reduced Dimensional Standards for Single-Family Attached or Two-Family Residential Units

Size of Reduced Lot	Front Yard Setback	Rear Yard Setback	Side yard Setback	Corner Side	Lot Coverage
3,500—7,000 square feet	10 feet	15 feet	5/0* feet	10 feet	40%
1,800—3,499 square feet	5 feet	15 feet	5/0* feet	10 feet	55%

***0 foot setback is only allowed on single-family attached units**

Response: *The applicant does not intend to pursue Option 2.*

17.41.110 Tree protection by restrictive covenant (Option 3).

Any regulated tree or grove which cannot be protected in a tract pursuant to Section 17.41.080 above shall be protected with a restrictive covenant in a format to be approved by the community development director. Such covenant shall be recorded against the property deed and shall contain provisions to permanently protect the regulated tree or grove unless such tree or grove, as determined by a certified arborist and approved by the community development director, are determined to be diseased or hazardous.

Response: The applicant does not intend to pursue Option 3.

17.41.120 Permitted adjustments (Option 3 Only).

- A. The community development director, pursuant to a Type II procedure, may grant an adjustment to the side, front and rear yard setback standards by up to 50 percent if necessary to retain a Regulated Tree or Grove through a restrictive covenant pursuant to this section. In no case may the side yard setback be reduce less than three feet. The adjustment shall be the minimum necessary to accomplish preservation of trees on the lot and shall not conflict with other conditions imposed on the property.
- B. The community development director, pursuant to a Type II procedure, may grant an adjustment to street standards, pursuant to adopted public works standards, in order to preserve a tree. This may include flexibility to redesign sidewalk and planter strip sizes and locations and allow placement of sidewalks and planter strips in an easement within private lots.
- C. The community development director, pursuant to a Type II procedure, may allow other adjustments in order to preserve any healthy tree that cannot be moved due to its size, but will contribute to the landscape character of the area and will not present a foreseeable hazard if retained.

Response: The applicant does not intend to pursue Option 3.

17.41.125 Cash-in-lieu of planting (tree bank/fund) (Option 4).

The applicant may choose this option in-lieu-of or in addition to Compliance Options 1 through 3. In this case, the community development director may approve the payment of cash-in-lieu into a dedicated fund for the remainder of trees that cannot be replanted in the manner described above.

- A. The cash-in-lieu payment per tree shall be as listed on the adopted fee schedule and shall be adjusted annually based on the Consumer Price Index (Index). The price shall include the cost of materials, transportation and planting.
- B. The amount of the cash-in-lieu payment into the tree bank shall be calculated as the difference between the value of the total number of trees an applicant is required to plant, including cost of installation and adjusted for Consumer Price Index, minus the value of the trees actually planted. The value of the trees shall be based on the adopted fee schedule.

Response: *The applicant would consider this option to be a viable alternative if Option 1 was not a viable option to support the best interest of the applicant and the proposed development plan.*

17.41.130 Regulated tree protection procedures during construction.

- A. No permit for any grading or construction of public or private improvements may be released prior to verification by the community development director that regulated trees designated for protection or conservation have been protected according to the following standards. No trees designated for removal shall be removed without prior written approval from the community development director.

Response: *The applicant acknowledges the provisions of this code section and agrees to not remove any trees, designated for removal, prior to written approval from the community development director.*

- B. Tree protection shall be as recommended by a qualified arborist or, as a minimum, to include the following protective measures:
1. Except as otherwise determined by the community development director, all required tree protection measures set forth in this section shall be instituted prior to any development activities, including, but not limited to clearing, grading, excavation or demolition work, and such measures shall be removed only after completion of all construction activity, including necessary landscaping and irrigation installation, and any required plat, tract, conservation easement or restrictive covenant has been recorded.
 2. Approved construction fencing, a minimum of four feet tall with steel posts placed no farther than ten feet apart, shall be installed at the edge of the tree protection zone or dripline, whichever is greater. An alternative may be used with the approval of the community development director.
 3. Approved signs shall be attached to the fencing stating that inside the fencing is a tree protection zone, not to be disturbed unless prior approval has been obtained from the community development director.
 4. No construction activity shall occur within the tree protection zone, including, but not limited to; dumping or storage of materials such as building supplies, soil, waste items; nor passage or parking of vehicles or equipment.
 5. The tree protection zone shall remain free of chemically injurious materials and liquids such as paints, thinners, cleaning solutions, petroleum products, and concrete or dry wall excess, construction debris, or run-off.
 6. No excavation, trenching, grading, root pruning or other activity shall occur within the tree protection zone unless directed by an arborist present on site and approved by the community development director.
 7. No machinery repair or cleaning shall be performed within ten feet of the dripline of any trees identified for protection.

8. Digging a trench for placement of public or private utilities or other structure within the critical root zone of a tree to be protected is prohibited. Boring under or through the tree protection zone may be permitted if approved by the community development director and pursuant to the approved written recommendations and on-site guidance and supervision of a certified arborist.
9. The city may require that a certified arborist be present during any construction or grading activities that may affect the dripline of trees to be protected.
10. The community development director may impose conditions to avoid disturbance to tree roots from grading activities and to protect trees and other significant vegetation identified for retention from harm. Such conditions may include, if necessary, the advisory expertise of a qualified consulting arborist or horticulturist both during and after site preparation, and a special maintenance/management program to provide protection to the resource as recommended by the arborist or horticulturist.

Response: *The applicant agrees to take any appropriate protective measures for the protection of the existing trees on-site during construction and all other provisions of this code section.*

- C. Changes in soil hydrology due to soil compaction and site drainage within tree protection areas shall be avoided. Drainage and grading plans shall include provision to ensure that drainage of the site does not conflict with the standards of this section. Excessive site run-off shall be directed to appropriate storm drainage facilities and away from trees designated for conservation or protection.

Response: *The site has a very natural drainage pattern that goes from the northeast corner to the southwest corner. The grading plans included with the construction plans will depict how the natural flow does not conflict with the provisions of this chapter.*

CHAPTER 17.50 – ADMINISTRATION AND PROCEDURES

17.50.010 Purpose.

This chapter provides the procedures by which Oregon City reviews and decides upon applications for all permits relating to the use of land authorized by ORS Chapters 92, 197 and 227. These permits include all form of land divisions, land use, limited land use and expedited land division and legislative enactments and amendments to the Oregon City comprehensive plan and Titles 16 and 17 of this code. Pursuant to ORS 227.175, any applicant may elect to consolidate applications for two or more related permits needed for a single development project. Any grading activity associated with development shall be subject to preliminary review as part of the review process for the underlying development. It is the express policy of the city that development review not be segmented into discrete parts in a manner that precludes a comprehensive review of the entire development and its cumulative impacts.

Response: The applicant acknowledges the purpose of this chapter.

17.50.030 Summary of the city's decision-making processes.

The following decision-making processes chart shall control the city's review of the indicated permits:

Table 17.50.030
PERMIT APPROVAL PROCESS

PERMIT TYPE	I	II	III	IV	Expedited Land Division
Compatibility Review	X				
Code Interpretation			X		
General Development Plan			X		
Conditional Use			X		
Detailed Development Plan ¹		X	X		
Extension		X			
Final Plat	X				
Geologic Hazards		X			
Historic Review			X		
Lot Line Adjustment and Abandonment	X				
Major Modification to a Prior Approval ²	X	X	X	X	X
Minor Modification to a Prior Approval	X				
Minor Partition		X			

Nonconforming Use, Structure and Lots Review	X	X			
Reconsideration	X				
Revocation				X	
Site Plan and Design Review		X			
Subdivision		X			X
Variance		X	X		
Zone Change & Plan Amendment				X	
Zone Change Upon Annexation with No Discretion	X			X	
Zone Change Upon Annexation with Discretion				X	
Natural Resource Exemption	X				
Natural Resource Review		X			

If any provision or element of the master plan requires a deferred Type III procedure, the detailed development plan shall be processed through a Type III procedure.

Response: *This application is for a 6-lot subdivision. The applicant acknowledges that it is a Type II process. The applicant will also be requesting a Historic review for the purpose of investigating options to mitigate the impacts of the Historic Corridor, Oregon Trail – Barlow Road on the project site as a Type III process.*

A major modification to a prior approval shall be considered using the same process as would be applicable to the initial approval.

- A. Type I decisions do not require interpretation or the exercise of policy or legal judgment in evaluating approval criteria. Because no discretion is involved, Type I decisions do not qualify as a land use, or limited land use, decision. The decision making process requires no notice to any party other than the applicant. The community development director's decision is final and not appealable by any party through the normal city land use process.
- B. Type II decisions involve the exercise of limited interpretation and discretion in evaluating approval criteria, similar to the limited land use decision-making process under state law. Applications evaluated through this process are assumed to be allowable in the underlying zone, and the inquiry typically focuses on what form the use will take or how it will look. Notice of application and an invitation to comment is mailed to the applicant, recognized active neighborhood association(s) and property owners within three hundred feet. The community development director accepts comments for a minimum of fourteen days and renders a decision. The community development director's decision is appealable to the city commission with notice to the planning commission, by any party with standing under ORS 227.175(10)(a)(c). The city commission decision is the city's final decision and is subject to review by the land use board of appeals (LUBA) within twenty-one days of when it becomes final.

- C. Type III decisions involve the greatest amount of discretion and evaluation of subjective approval standards, yet are not heard by the city commission, except upon appeal. In the event that any decision is not classified, it shall be treated as a Type III decision. The process for these land use decisions is controlled by ORS 197.763. Notice of the application and the planning commission or the historic review board hearing is published and mailed to the applicant, recognized neighborhood association(s) and property owners within three hundred feet. Notice 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 or the historic review board, all issues are addressed. The decision of the planning commission or historic review board is appealable to the city commission on the record pursuant to Section 17.50.190. The city commission decision on appeal is the city's final decision and is subject to review by LUBA within twenty-one days of when it becomes final, unless otherwise provided by state law.
- D. Type IV decisions include only quasi-judicial plan amendments and zone changes. These applications involve the greatest amount of discretion and evaluation of subjective approval standards and must be heard by the city commission for final action. The process for these land use decisions is controlled by ORS 197.763. At the evidentiary hearing held before the planning commission, all issues are addressed. If the planning commission denies the application, any party with standing (i.e., anyone who appeared before the planning commission either in person or in writing within the comment period) may appeal the planning commission denial to the city commission. If the planning commission denies the application and no appeal has been received within fourteen days of the issuance of the final decision then the action of the planning commission becomes the final decision of the city. If the planning commission votes to approve the application, that decision is forwarded as a recommendation to the city commission for final consideration. In either case, any review by the city commission is on the record and only issues raised before the planning commission may be raised before the city commission. The city commission decision is the city's final decision and is subject to review by the land use board of appeals (LUBA) within twenty-one days of when it becomes final.
- E. The expedited land division (ELD) process is set forth in ORS 197.360 to 197.380. To qualify for this type of process, the development must meet the basic criteria in ORS 197.360(1)(a) or (b). While the decision-making process is controlled by state law, the approval criteria are found in this code. The community development director has twenty-one days within which to determine whether an application is complete. Once deemed complete, the community development director has sixty-three days within which to issue a decision. Notice of application and opportunity to comment is mailed to the applicant, recognized neighborhood association and property owners within one hundred feet of the subject site. The community development director will accept written comments on the application for fourteen days and then issues a decision. State law prohibits a hearing. Any party who submitted comments may call for an appeal of the community development director's decision before a hearings referee. The referee need not hold a hearing; the only requirement is that the determination be based on the evidentiary record established by the community development director and that the process be "fair." The referee applies the city's approval standards, and has forty-two days within which to issue a decision on the appeal. The referee is charged with the general objective to identify means by which the application can satisfy the

applicable requirements without reducing density. The referee's decision is appealable only to the court of appeals pursuant to ORS 197.375(8) and 36.355(1).

Response: *The applicant acknowledges that a major modification to any approval granted per the original application for the proposed development plan will also be a Type II process.*

17.50.040 Development review in overlay districts and for erosion control.

For any development subject to regulation of Geologic Hazards under city code Chapter 17.44; Natural Resource under Chapter 17.49; Willamette River Greenway under Chapter 17.48; and erosion control under Chapter 17.47, compliance with the requirements of these chapters shall be reviewed as part of the review process required for the underlying development for the site.

Response: *The proposed development plan is not in any of the overlay districts mentioned in this code section.*

17.50.050 Preapplication conference.

- A. Preapplication Conference. Prior to submitting an application for any form of permit, the applicant shall schedule and attend a preapplication conference with City staff to discuss the proposal. To schedule a preapplication conference, the applicant shall contact the Planning Division, submit the required materials, and pay the appropriate conference fee. At a minimum, an applicant should submit a short narrative describing the proposal and a proposed site plan, drawn to a scale acceptable to the City, which identifies the proposed land uses, traffic circulation, and public rights-of-way and all other required plans. The purpose of the preapplication conference is to provide an opportunity for staff to provide the applicant with information on the likely impacts, limitations, requirements, approval standards, fees and other information that may affect the proposal. The Planning Division shall provide the applicant(s) with the identity and contact persons for all affected neighborhood associations as well as a written summary of the preapplication conference. Notwithstanding any representations by City staff at a preapplication conference, staff is not authorized to waive any requirements of this code, and any omission or failure by staff to recite to an applicant all relevant applicable land use requirements shall not constitute a waiver by the City of any standard or requirement.
- B. A preapplication conference shall be valid for a period of six months from the date it is held. If no application is filed within six months of the conference or meeting, the applicant must schedule and attend another conference before the city will accept a permit application. The community development director may waive the preapplication requirement if, in the Director's opinion, the development does not warrant this step. In no case shall a preapplication conference be valid for more than one year.

Response: *A Pre-application was held on July 17th, 2013 with city staff under file no. PA 13-27. A copy of the notes can be found under Exhibit A in this application package.*

17.50.055 Neighborhood association meeting.

- A. **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.
1. 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. Although not required for other projects than those identified above, a meeting with the neighborhood association is highly recommended.
 2. The applicant shall send, by certified mail, return receipt requested letter to the chairperson of the neighborhood association and the citizen involvement committee describing the proposed project. Other communication methods may be used if approved by the neighborhood association.
 3. A meeting shall be scheduled within thirty days of the notice. 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 hold their own meeting after six p.m. or on the weekend, with notice to the neighborhood association, citizen involvement committee, and all property owners within three hundred feet. If the applicant holds their own meeting, a copy of the certified letter requesting a neighborhood association meeting shall be required for a complete application. The meeting held by the applicant shall be held within the boundaries of the neighborhood association or in a city facility.
 4. 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.
 5. To show compliance with this section, the applicant shall submit a sign-in sheet of meeting attendees, a summary of issues discussed, and letter from the neighborhood association or citizen involvement committee indicating that a neighborhood meeting was held. If the applicant held a separately noticed meeting, the applicant shall submit a copy of the meeting flyer, a sign in sheet of attendees and a summary of issues discussed.

Response: *The chairperson of the neighborhood agreed that email was an acceptable alternative for communication. A meeting was held with the neighborhood Steering Committee on August 19th, 2007. A copy of the notes from the meeting discussion is included in the development application under Exhibit B.*

17.50.060 Application requirements.

A permit application may only be initiated by the record property owner or contract purchaser, the city commission or planning commission. If there is more than one record owner, then the city will not accept an application without signed authorization from all record owners. All permit applications must be submitted on the form provided by the

city, along with the appropriate fee and all necessary supporting documentation and information, sufficient to demonstrate compliance with all applicable approval criteria. The applicant has the burden of demonstrating, with evidence that all applicable approval criteria are, or can be, met.

Response: *The permit application is being initiated by the recorded owner of the property. The contract purchaser is identified as the applicant.*

17.50.070 Completeness review and one hundred twenty-day rule.

- A. Upon submission, the community development director shall date stamp the application form and verify that the appropriate application fee has been submitted. The community development director will then review the application and all information submitted with it and evaluate whether the application is complete enough to process. Within thirty days of receipt of the application, the community development director shall complete this initial review and issue to the applicant a written statement indicating whether the application is complete enough to process, and if not, what information must be submitted to make the application complete.**
- B. The applicant has one hundred eighty days from the date the application was made to submit the missing information or, on the one hundred eighty-first-day, the application shall be rejected and all materials (except one copy of the application) and the unused portion of the application fee returned to the applicant. If the applicant submits the requested information within the one hundred eighty-day period, the community development director shall again verify whether the application, as augmented, is complete. Each such review and verification shall follow the procedure in subsection A. of this section.**

The application will be deemed complete for the purpose of this section upon receipt by the community development director of:

- 1. All the missing information;**
 - 2. Some of the missing information and written notice from the applicant that no other information will be provided; or**
 - 3. Written notice from the applicant that none of the missing information will be provided.**
- C. Once the community development director determines the application is complete enough to process, or the applicant refuses to submit any more information, the city shall declare the application complete. Pursuant to ORS 227.178, the city will reach a final decision on an application within one hundred twenty calendar days from the date that the application is determined to be or deemed complete unless the applicant agrees to suspend the one hundred twenty calendar day time line or unless State law provides otherwise. The one hundred twenty-day period, however, does not apply in the following situations:**
- 1. Any hearing continuance or other process delay requested by the applicant shall be deemed an extension or waiver, as appropriate, of the one hundred twenty-day period.**

2. Any delay in the decision-making process necessitated because the applicant provided an incomplete set of mailing labels for the record property owners within three hundred feet of the subject property shall extend the one hundred twenty-day period for the amount of time required to correct the notice defect.
 3. The one hundred twenty-day period does not apply to any application for a permit that is not wholly within the city's authority and control.
 4. The one hundred twenty-day period does not apply to any application for an amendment to the city's comprehensive plan or land use regulations nor to any application for a permit, the approval of which depends upon a plan amendment.
- D. The one hundred twenty-day period specified in Section 17.50.070C. may be extended for a specified period of time at the written request of the applicant. The total of all extensions may not exceed two hundred forty-five calendar days.
- E. The approval standards that control the city's review and decision on a complete application are those which were in effect on the date the application was first submitted.

Response: *The applicant acknowledges the completeness review process and the provisions of the 120 day rule.*

17.50.080 Complete application—Required information.

Unless stated elsewhere in City code Titles 16 or 17, a complete application includes all the materials listed in this subsection. The community development director may waive the submission of any of these materials if not deemed to be applicable to the specific review sought. Likewise, within thirty days of when the application is first submitted, the community development director may require additional information, beyond that listed in this subsection or elsewhere in Titles 16 or 17, such as a traffic study or other report prepared by an appropriate expert. In any event, the applicant is responsible for the completeness and accuracy of the application and all of the supporting documentation, and the city will not deem the application complete until all information required by the community development director is submitted. At a minimum, the applicant must submit the following:

- A. One copy of a completed city application form that includes the following information:
 1. An accurate legal description, tax account number(s), maps and location of all properties that are the subject of the application;
 2. Name, address, telephone number and authorization signature of all record property owners or contract owners, and the name, address and telephone number of the applicant, if different from the property owner(s);
- B. A complete list of the permit approvals sought by the applicant;
- C. A current preliminary title report for the subject property(ies);

- D. A complete and detailed narrative description of the proposed development that describes existing site conditions, existing buildings, public facilities and services, presence of wetlands, steep slopes and other natural features, a discussion of the approval criteria for all permits required for approval of the development proposal that explains how the criteria are or can be met, and any other information indicated by staff at the preapplication conference as being required;
- E. Up to twenty-one legible copies of all reports, plans, site plans and other documents required by the section of this code corresponding to the specific approval(s) sought;
- F. At least one copy of the site plan and all related drawings shall be in a readable/legible eight and one-half by eleven-inch format for inclusion into the city's bound record of the application;
- G. Mailing labels for notice to all parties entitled under Section 17.50.090 to receive mailed notice of the application. The applicant shall use the names and addresses of property owners within the notice area indicated on the most recent property tax rolls;
- H. All required application fees;
- I. Annexation agreements (if applicable);
- J. Additional documentation as needed by the community development director.

Response: *The applicant fully intends to supply all of the specified materials in order to have the application deemed complete for review.*

17.50.090 Public notices.

All public notices issued by the city with regard to a land use matter, announcing applications or public hearings of quasi-judicial or legislative actions, shall comply with the requirements of this section.

- A. Notice of Type II Applications. Once the planning manager has deemed a Type II application complete, the city shall prepare and send notice of the application, by first class mail, to all record owners of property within three hundred feet of the subject property and to any city-recognized neighborhood association whose territory includes the subject property. Pursuant to Section 17.50.080G., 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 Section 17.50.100. The city's Type II notice shall include the following information:
 - 1. Street address or other easily understood location of the subject property and city-assigned planning file number;
 - 2. A description of the applicant's proposal, along with citations of the approval criteria that the city will use to evaluate the proposal;

3. A statement that any interested party may submit to the city written comments on the application during a fourteen-day comment period prior to the city's deciding the application, along with instructions on where to send the comments and the deadline of the fourteen-day comment period;
 4. A statement that any issue which is intended to provide a basis for an appeal must be raised in writing during the fourteen-day comment period with sufficient specificity to enable the city to respond to the issue;
 5. A statement that the application and all supporting materials may be inspected, and copied at cost, at city hall during normal business hours;
 6. The name and telephone number of the planning staff person assigned to the application or is otherwise available to answer questions about the application.
 7. The notice shall state that a city-recognized neighborhood association requesting an appeal fee waiver pursuant to Section 17.50.290C. must officially approve the request through a vote of its general membership or board at a duly announced meeting prior to the filing of an appeal.
- B. Notice of Public Hearing on a Type III or IV Quasi-Judicial Application.** Notice for all public hearings concerning a quasi-judicial application shall conform to the requirements of this subsection. At least twenty days prior to the hearing, the city shall prepare and send, by first class mail, notice of the hearing to all record owners of property within three hundred feet of the subject property and to any city-recognized neighborhood association whose territory includes the subject property. The city shall also publish the notice in a newspaper of general circulation within the city at least twenty days prior to the hearing. Pursuant to Section 17.50.080H., 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 Section 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 must 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 Section 17.50.290C. 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 city hall during normal business hours; and
 8. The name and telephone number of the planning staff person responsible for the application or is otherwise available to answer questions about the application.
- C. **Notice of Public Hearing on a Legislative Proposal.** At least twenty days prior to a public hearing at which a legislative proposal to amend or adopt the city's land use regulations or comprehensive plan is to be considered, the planning manager shall issue a public notice that conforms to the requirements of this subsection. Notice shall be sent to affected governmental entities, special districts, providers of urban services, including Tri-Met, Oregon Department of Transportation and Metro, any affected recognized neighborhood associations and any party who has requested in writing such notice. Notice shall also be published in a newspaper of general circulation within the city. Notice issued under this subsection shall include the following information:
1. The time, date and location of the public hearing;
 2. The city-assigned planning file number and title of the proposal;
 3. A description of the proposal in sufficient detail for people to determine the nature of the change being proposed;
 4. A statement that any interested party may testify at the hearing or submit written comments on the proposal at or prior to the hearing; and
 5. The name and telephone number of the planning staff person responsible for the proposal and who interested people may contact for further information.

Response: *The applicant will be for a 6-lot subdivision and will be for a Type II process. The applicant acknowledges all of the provisions applicable to a Type II process in this code section.*

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 one hundred-twenty-day period in a timely manner.

- B. **Number and Location.** The applicant must 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.

Response: *The applicant agrees to post the required notices on the proposed development site per the requirements of this code section.*

17.50.110 Assignment of decision-makers.

The following city entity or official shall decide the following types of applications:

- A. **Type I Decisions.** The community development director shall render all Type I decisions. The community development director's decision is the city's final decision on a Type I application.
- B. **Type II Decisions.** The community development director shall render the city's decision on all Type II permit applications, which are then appealable to the city commission with notice to the planning commission. The city's final decision is subject to review by LUBA.
- C. **Type III Decisions.** The planning commission or historic review board, as applicable, shall render all Type III decisions. Such decision is appealable to the city commission, on the record. The city commission's decision is the city's final decision and is subject to review by LUBA within twenty-one days of when it becomes final.
- D. **Type IV Decisions.** The planning commission shall render the initial decision on all Type IV permit applications. If the planning commission denies the Type IV application, that decision is final unless appealed in accordance with Section 17.50.190. If the planning commission recommends approval of the application, that recommendation is forwarded to the city commission. The city commission decision is the city's final decision on a Type IV application and is subject to review LUBA.
- E. **ELD.** The community development director shall render the initial decision on all ELD applications. The community development director's decision is the city's final decision unless appealed in accordance to ORS 197.375 to a city-appointed hearings referee. The hearings referee decision is the city's final decision which is appealable to the Oregon Court of Appeals.

Response: *The applicant will be for a 6-lot subdivision and will be for a Type II process. The applicant acknowledges all of the provisions applicable to a Type II process in this code section.*

17.50.120 Quasi-judicial hearing process.

All public hearings pertaining to quasi-judicial permits, whether before the planning commission, historic review board, or city commission, shall comply with the procedures of this section. In addition, all public hearings held pursuant to this chapter shall comply with the Oregon Public Meetings Law, the applicable provisions of ORS 197.763 and any other applicable law.

- A. Once the community development director determines that an application for a Type III or IV decision is complete, the planning division shall schedule a hearing before the planning commission or historic review board, as applicable. Once the community development director determines that an appeal of a Type II, Type III or Type IV decision has been properly filed under Section 17.50.190, the planning division shall schedule a hearing pursuant to Section 17.50.190
- B. Notice of the Type III or IV hearing shall be issued at least twenty days prior to the hearing in accordance with Section 17.50.090B.
- C. Written notice of an appeal hearing shall be sent by regular mail no later than fourteen days prior to the date of the hearing to the appellant, the applicant if different from the appellant, the property owner(s) of the subject site, all persons who testified either orally or in writing before the hearing body and all persons that requested in writing to be notified.
- D. The community development director shall prepare a staff report on the application which lists the applicable approval criteria, describes the application and the applicant's development proposal, summarizes all relevant city department, agency and public comments, describes all other pertinent facts as they relate to the application and the approval criteria and makes a recommendation as to whether each of the approval criteria are met.
- E. At the beginning of the initial public hearing at which any quasi-judicial application or appeal is reviewed, a statement describing the following shall be announced to those in attendance:
 - 1. That the hearing will proceed in the following general order: staff report, applicant's presentation, testimony in favor of the application, testimony in opposition to the application, rebuttal, record closes, commission deliberation and decision;
 - 2. That all testimony and evidence submitted, orally or in writing, must be directed toward the applicable approval criteria. If any person believes that other criteria apply in addition to those addressed in the staff report, those criteria must be listed and discussed on the record. The meeting chairperson may reasonably limit oral presentations in length or content depending upon time constraints. Any party may submit written materials of any length while the public record is open;

3. Failure to raise an issue on the record with sufficient specificity and accompanied by statements or evidence sufficient to afford the city and all parties to respond to the issue, will preclude appeal on that issue to the state land use board of appeals;
 4. Any party wishing a continuance or to keep open the record must make that request while the record is still open; and
 5. That the commission chair shall call for any ex-parte contacts, conflicts of interest or bias before the beginning of each hearing item.
 6. For appeal hearings, only those persons who participated either orally or in writing in the decision or review or who have standing pursuant to ORS 197.175(10)(a)(C) will be allowed to participate either orally or in writing on the appeal.
- F. Requests for continuance and to keep open the record: The hearing may be continued to allow the submission of additional information or for deliberation without additional information. New notice of a continued hearing need not be given so long as a time-certain and location is established for the continued hearing. Similarly, hearing may be closed but the record kept open for the submission of additional written material or other documents and exhibits. The chairperson may limit the factual and legal issues that may be addressed in any continued hearing or open record period.

Response: *The Historic Barlow Trail alignment traverses the western portion of the property. The applicant wishes to adjust the limits of the 30' wide corridor easement for the purpose of obtaining reasonable buildability on the proposed lots. The applicant acknowledges this type of request will be pursuant to an approval from the Historic Review board which will be a Quasi-Judicial process.*

17.50.130 Conditions of approval and notice of decision.

- A. All city decision-makers have the authority to impose reasonable conditions of approval designed to ensure that all applicable approval standards are, or can be, met.
- B. Failure to comply with any condition of approval shall be grounds for revocation of the permit(s) and grounds for instituting code enforcement proceedings pursuant to Chapter 1.20 of this code and ORS 30.315.
- C. Notice of Decision. The city shall send, by first class mail, a notice of all decisions rendered under this chapter to all persons with standing, i.e., the applicant, all others who participated either orally or in writing before the close of the public record and those who specifically requested notice of the decision. The notice of decision shall include the following information:
 1. The file number and date of decision;
 2. The name of the applicant, owner and appellant (if different);
 3. The street address or other easily understood location of the subject property;

4. A brief summary of the decision, and if an approval, a description of the permit approved;
 5. A statement that the decision is final unless appealed and description of the requirements for perfecting an appeal;
 6. The contact person, address and a telephone number whereby a copy of the final decision may be inspected or copies obtained.
- D. **Modification of Conditions.** Any request to modify a condition of permit approval is to be considered either minor modification or a major modification. A minor modification shall be processed as a Type I. A major modification shall be processed in the same manner and shall be subject to the same standards as was the original application. However, the decision-maker may at their sole discretion, consider a modification request and limit its review of the approval criteria to those issues or aspects of the application that are proposed to be changed from what was originally approved.

Response: *The applicant acknowledges the provisions of this code section*

17.50.140 Performance guarantees.

When conditions of permit approval require a permittee to construct certain improvements, the city may, in its discretion, allow the permittee to submit a performance guarantee in lieu of actual construction of the improvement. Performance guarantees shall be governed by this section.

- A. **Form of Guarantee.** Performance guarantees shall be in a form approved by the city attorney. Approvable methods of performance 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. **Timing of Guarantee.** A permittee shall be required to provide a performance guarantee as follows.
 1. **After Final Approved Design By The City:** 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 remaining 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:** 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. This scenario applies for a fee-in-lieu situation to ensure adequate funds for the future work involved in design, bid, contracting, and construction management and contract closeout. In this case, the fee-in-lieu must be submitted as cash, certified check, or other negotiable instrument as approved to form by the city attorney.

- C. **Duration of the 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.

Response: *If the applicant and the city agree that it is in the best interest of the proposed development to forego completion of a portion of the construction in lieu of a performance guarantee, the applicant agrees to abide by the provisions in described in this code section.*

17.50.150 Covenant with the city.

- A. The city may impose as a condition of final approval of a quasi-judicial permit, the requirement that the applicant execute a covenant with the city agreeing to comply with all conditions of approval. Any such covenant shall include the following elements:
1. An agreement that the applicant will comply with all applicable code requirements, conditions of approval and any representations made to the city by the applicant or the applicant's agents during the application review process, in writing. This commitment shall be binding on the applicant and all of the applicant's successors, heirs and assigns;
 2. If the owner fails to perform under the covenant, the city may immediately institute revocation of the approval or any other enforcement action available under state law or this code. The covenant may also provide for payment of attorney fees and other costs associated with any such enforcement action; and
 3. Where the development rights of one site are dependent on the performance of conditions by the owner of another property (such as joint access), the

covenants are judicially enforceable by the owner of one site against the owner of another.

- B. Adopting the covenant:** The form of all covenants shall be approved by the city attorney. The covenant shall run with the land and shall be placed in the county deed records prior to the issuance of any permits or development activity pursuant to the approval. Proof of recording shall be made prior to the issuance of any permits and filed with the planning division. Recording shall be at the applicant's expense. Any covenant required under this section shall be properly signed and executed within thirty days after permit approval with conditions; provided, however, that the community development director may grant reasonable extensions, not to exceed an additional thirty days, in cases of practical difficulty. Failure to sign and record the covenant within the prescribed period shall require a new application for any use of the subject property.

Response: *If the city requires a covenant be adopted by the applicant per the HRB's decision in the Quasi-Judicial process, the applicant agrees to enter into the covenant providing that the stipulations contained therein are fair and reasonable to all parties.*

17.50.160 Ex parte contact, conflict of interest and bias.

The following rules shall govern any challenges to a decision-maker's participation in a quasi-judicial or legislative action:

- A. Ex parte Contacts.** Any factual information obtained by a decision-maker outside the context of a quasi-judicial hearing shall be deemed an ex parte contact. Prior to the close of the record in any particular matter, any decision-maker that has obtained any materially factual information through an ex parte contact shall declare the content of that contact and allow any interested party to rebut the substance of that contact. This rule does not apply to legislative proceedings.
- B. Conflict of Interest.** Whenever a decision-maker, or any member of a decision-makers's immediate family or household, has a financial interest in the outcome of a particular quasi-judicial or legislative matter, that decision-maker shall not participate in the deliberation or decision on that matter.
- C. Bias.** All decisions in quasi-judicial matters shall be fair, impartial and based on the applicable approval standards and the evidence in the record. Any decision-maker who is unable to render a decision on this basis in any particular matter shall refrain from participating in the deliberation or decision on that matter. This rule does not apply to legislative proceedings.

Response: *The applicant acknowledges the provisions in this code section as they may pertain to a decision by the Quasi-Judicial process involving the HRB and the applicant's request to adjust the limits of the 30' wide view corridor easement for the Barlow trail that crosses the property site.*

17.50.170 Legislative hearing process.

- A. Purpose.** Legislative actions involve the adoption or amendment of the city's land use regulations, comprehensive plan, maps, inventories and other policy

documents that affect the entire city or large portions of it. Legislative actions which affect land use must begin with a public hearing before the planning commission.

B. Planning Commission Review.

1. **Hearing Required.** The planning commission shall hold at least one public hearing before recommending action on a legislative proposal. Any interested person may appear and provide written or oral testimony on the proposal at or prior to the hearing. The community development director shall notify the Oregon Department of Land Conservation and Development (DLCD) as required by the post-acknowledgment procedures of ORS 197.610 to 197.625, as applicable.
2. **The community development director's Report.** Once the planning commission hearing has been scheduled and noticed in accordance with Section 17.50.090(C) and any other applicable laws, the community development director shall prepare and make available a report on the legislative proposal at least seven days prior to the hearing.
3. **Planning Commission Recommendation.** At the conclusion of the hearing, the planning commission shall adopt a recommendation on the proposal to the city commission. The planning commission shall make a report and recommendation to the city commission on all legislative proposals. If the planning commission recommends adoption of some form of the proposal, the planning commission shall prepare and forward to the city commission a report and recommendation to that effect.

C. City Commission Review.

1. **City Commission Action.** Upon a recommendation from the planning commission on a legislative action, the city commission shall hold at least one public hearing on the proposal. Any interested person may provide written or oral testimony on the proposal at or prior to the hearing. At the conclusion of the hearing, the city commission may adopt, modify or reject the legislative proposal, or it may remand the matter to the planning commission for further consideration. If the decision is to adopt at least some form of the proposal, and thereby amend the city's land use regulations, comprehensive plan, official zoning maps or some component of any of these documents, the city commission decision shall be enacted as an ordinance.
2. **Notice of Final Decision.** Not later than five days following the city commission final decision, the community development director shall mail notice of the decision to DLCD in accordance with ORS 197.615(2).

Response: *This code section is not applicable to the proposed development.*

17.50.180 Objections to procedure.

Any party who objects to the procedure followed in any particular matter, including bias, conflict of interest and undisclosed ex parte contacts, must make a procedural objection prior to the city rendering a final decision. Procedural objections may be raised at any

time prior to a final decision, after which they are deemed waived. In making a procedural objection, the objecting party must identify the procedural requirement that was not properly followed and identify how the alleged procedural error harmed that person's substantial rights.

Response: *The applicant acknowledges the provisions of this code section.*

17.50.190 Appeals.

Appeals of any non-final decisions by the city must comply with the requirements of this section.

- A. Type I decisions by the planning manager are not appealable to any other decision-maker within the city.
- B. A notice of appeal of any Type II, III or IV decision must be received in writing by the planning division within fourteen calendar days from the date notice of the challenged decision is provided to those entitled to notice. Late filing of any appeal shall be deemed a jurisdictional defect and will result in the automatic rejection of any appeal so filed.
- C. The following must be included as part of the notice of appeal:
 - 1. The city planning file number and date the decision to be appealed was rendered;
 - 2. The name, mailing address and daytime telephone number for each appellant;
 - 3. A statement of how each appellant has an interest in the matter and standing to appeal;
 - 4. A statement of the specific grounds for the appeal;
 - 5. The appropriate appeal fee. Failure to include the appeal fee within appeal period is deemed to be a jurisdictional defect and will result in the automatic rejection of any appeal so filed. If a city-recognized neighborhood association with standing to appeal has voted to request a fee waiver pursuant to Section 17.50.290C., no appeal fee shall be required for an appeal filed by that association. In lieu of the appeal fee, the neighborhood association shall provide a duly adopted resolution of the general membership or board approving the request for fee waiver.
- D. Standing to Appeal. The following rules prescribe who has standing to appeal:
 - 1. For Type II decisions, only those persons or recognized neighborhood associations who have standing pursuant to ORS 197.175(10)(a)(C) may appeal a planning manager decision. The city commission shall hold a de novo hearing on the appeal. New evidence and new issues be raised at the hearing before the city commission.
 - 2. For Type III and IV decisions, only those persons or recognized neighborhood associations who have participated either orally or in writing have standing to

appeal the decision of the planning commission or historic review board, as applicable. Grounds for appeal are limited to those issues raised either orally or in writing before the close of the public record. No new evidence shall be allowed.

E. **Notice of the Appeal Hearing.** The planning division shall issue notice of the appeal hearing to all parties who participated either orally or in writing before the close of the public record in accordance with Section 17.50.090B. Notice of the appeal hearing shall contain the following information:

1. The file number and date of the decision being appealed;
2. The time, date and location of the public hearing;
3. The name of the applicant, owner and appellant (if different);
4. The street address or other easily understood location of the subject property;
5. A description of the permit requested and the applicant's development proposal;
6. A brief summary of the decision being appealed and the grounds for appeal listed in the notice of appeal;
7. A statement that the appeal hearing is confined to the issues raised in the notice of appeal;
8. A general explanation of the requirements for participation and the city's hearing procedures.

F. **Appeal Hearing—Scope of Review.** Appeal hearings shall comply with the procedural requirements of Section 17.50.120. Appeal hearings shall be conducted by the city commission, planning commission or historic review board, as applicable. The decision shall be on the record and the issues under consideration shall be limited to those listed in the notice of appeal.

Response: *The proposed application is for a 6-Lot subdivision and a Type II process. The applicant acknowledges the provisions of this code section as they relate to a Type II process.*

17.50.200 Expiration of an approval.

A. **When approvals become void:** All Type I—IV approvals, except for zone changes, comprehensive plan map amendments, conditional uses and master plans automatically become void if any of the following events occur:

1. If, within two years of the date of the final decision, a building permit has not been issued.
2. If, within two years of the date of the final decision for all land divisions, the activity approved in the permit has not commenced or, in situations involving

only the creation of lots, the public improvements and conditions of approval have not been completed or financial guarantee (surety) provided.

3. Annexations become void if a vote of the citizens rejects the application.

B. New application required: Expiration of an approval shall require a new application for any use on the subject property that is not otherwise allowed outright.

C. Deferral of the expiration period due to appeals: If a permit decision is appealed beyond the jurisdiction of the city, the expiration period shall not begin until review before the land use board of appeals and the appellate courts has been completed, including any remand proceedings before the city. The expiration period provided for in this section will begin to run on the date of final disposition of the case (the date when an appeal may no longer be filed).

Response: *The application acknowledges that the application will expire if the provisions in Section A are not met and a new application will be required if the original application expires..*

17.50.210 Extension of an approval.

A. The community development director may extend, prior to its expiration, any approved permit for a period of one year- provided- that the applicant has provided evidence of implementation of the permit. Any request for an extension shall be reviewed and decided upon by the community development director as a Type I- decision.

B. Substantial implementation of a permit shall require at a minimum, demonstrable evidence in a written application showing:

1. The permit holder has applied for the permits required as a condition of the land use or limited land use permit;
2. The request for an extension is not sought for purposes of avoiding any responsibility imposed by this code or the permit or any condition thereunder; and
3. There have been no changes in circumstances or the law likely to necessitate significant modifications of the development approval or conditions of approval.

Response: *The applicant acknowledges that an extension of the original decision may be granted by the community development if the provisions of the code section are met.*

17.50.220 Reapplication limited.

If the application is denied or withdrawn following the close of the public hearing, no reapplication for the same or substantially similar proposal may be made for one year following the date of final decision denying the permit.

Response: *The applicant acknowledges the limits for re-applying for a similar permit on the project site.*

17.50.230 Interpretation.

Where a provision of Title 16 or Title 17 conflicts with another city ordinance or requirement, the provision or requirement that is more restrictive or specific shall control.

Response: *The applicant acknowledges what shall control when there are conflicts with the city code.*

17.50.240 Conformity of permits.

The city shall not accept any application for a permit, certificate or other approval, including building permit applications, for any property that is not in full compliance with all applicable provisions of Title 16 and Title 17 and any permit approvals previously issued by the city.

Response: *The applicant acknowledges the provisions of this code section.*

17.50.260 Reconsideration of a final decision.

Under this section, parties with standing may seek reconsideration of a final decision rendered pursuant to a Type II, Type III, or Type IV process. Reconsideration is warranted where the city's decision indicates the decision-maker failed to understand or consider certain relevant facts in the record or misinterpreted the application in some material way. Any request for reconsideration must be received by the planning division within ten days of when the decision in question was rendered and must specifically describe the alleged misunderstanding or misinterpretation. A request for reconsideration shall not stay the effectiveness of the city's final decision, nor shall it affect any applicable appeal deadlines to the land use board of appeals. If the request is granted, the community development director shall notify all affected parties that the decision will be reconsidered. Any request for reconsideration by the applicant shall be deemed a waiver of the one hundred-twenty-day deadline under Section 17.50.070.

Response: *The applicant acknowledges the provisions of this code section as they relate to reconsiderations of a final decision.*

17.50.270 Revocation of a previously approved permit.

In the event an applicant, or the applicant's successor in interest, fails to fully comply with all conditions of permit approval or otherwise does not comply fully with the city's approval, the city may institute a revocation or modification proceeding under this section.

A. Situations when Permit Approvals May Be Revoked or Modified. All quasi-judicial permits may be revoked or modified if the planning commission determines a substantial likelihood that any of the following situations exists:

1. One or more conditions of the approval have not been implemented or have been violated;

2. The activities of the use, or the use itself, are substantially different from what was approved; or
 3. The use is subject to the nonconforming use regulations, the applicant has not obtained approval, and has substantially changed its activities or substantially increased the intensity of its operations since the use became nonconforming.
- B. Process for Revocation and Modification.** Revocation or modification shall be processed as a Type IV decision. The planning division or any private complaining party shall have the burden of proving, based on substantial evidence in the whole record, that the applicant or the applicant's successor has in some way violated the city's approval.
- C. Possible Actions at the Revocation Hearing.** Depending on the situation, the planning commission may take any of the actions described below. The planning commission may not approve the new use or a use that is more intense than originally approved unless the possibility of this change has been stated in the public notice. Uses or development which are alleged to have not fulfilled conditions, violate conditions or the use is not consistent with the city's approval may be subject to the following actions:
1. The planning commission may find that the use or development is complying with the conditions of the approval. In this case, the use or development shall be allowed to continue.
 2. The planning commission may modify the approval if it finds that the use or development does not meet the standards for revocation and that the use can comply with the original approval criteria if certain conditions are met. In this case, the planning commission may modify the existing conditions, add new conditions to ensure compliance with the approval criteria, or refer the case to the code compliance officer for enforcement of the existing conditions.
 3. The planning commission may revoke the approval if it finds there are substantial violations of conditions or failure to implement conditions of prior land use decisions, such that the original approval criteria for the use or development are not being met.
- D. Effect of Revocation.** In the event permit approval is revoked, the use or development becomes illegal. The use or development shall be terminated within thirty days of the date the revocation final order is approved by the planning commission, unless the decision provides otherwise. In the event the decision-maker's decision on a revocation request is appealed, the revocation action shall be stayed pending a final, unappealed decision.

Response: *The applicant acknowledges the provisions of this code section as they pertain to the revocation of a previously approved permit.*

17.50.280 Transfer of approval rights.

Unless otherwise stated in the city's permit decision, any approval granted under Title 16 or Title 17 of this code runs with the land and is transferred with ownership of the land.

Any conditions, time limits or other restrictions imposed with a permit approval shall bind all subsequent owners of the property for which the permit was granted.

Response: *The applicant does not anticipate transferring the property title to another party but appreciates that the transfer of approval rights is a consideration if it was necessary to transfer the ownership.*

17.50.290 Fees.

The city may adopt by resolution, and revise from time to time, a schedule of fees for applications and appeals. Fees shall be based upon the city's actual or average cost of processing the application or conducting the appeal process. The only exception shall be the appeal fee for a Type II decision, which shall be limited by ORS 227.175.10.b. The requirements of this section shall govern the payment, refund and reimbursement of fees.

- A. **Payment.** All fees shall be due and payable at the time the application or appeal is submitted. No application or appeal shall be accepted without the proper fee being paid.
- B. **Refunds.** Fees will only be refunded as provided in this subsection:
 - 1. When a fee is paid for an application which is later found to not be required, the city shall refund the fee.
 - 2. **Errors.** When an error is made in calculating a fee, overpayment will be refunded.
 - 3. **Refund upon Withdrawal of an Application.** In the event an applicant withdraws an application, the planning department shall refund the unused portion of the fee. In this case, the planning department will deduct from the fee the city's actual costs incurred in processing the application prior to withdrawal.
- C. **Fee Waivers.** The planning division may waive all or any portion of an application fee if, in the opinion of the director, a particular application must be resubmitted because of an error made by the city. Appeal fees may be waived, wholly or in part, by the city commission, if the city commission finds that, considering fairness to the applicant and to opposing parties, a full or partial waiver of the appeal fee is warranted. Appeal fees shall not be charged for an appeal filed by a city-recognized neighborhood association, so long as the appeal has been officially approved by the general membership or board of the neighborhood association at a duly announced meeting.
- D. **Major Projects.** The fees for a major project shall be the city's actual costs, which shall include, but not be limited to, the actual costs for staff time, as well as any consultants, including contract planners, attorneys and engineers. The costs of major projects will not be included in any average used to establish other fees under this section. For purposes of this subsection only, a "major project" is defined to include any combined plan and zone change and any project with an estimated construction cost over one million dollars.

Response: *The applicant agrees to pay the applicable fees*

CHAPTER 17.54 – SUPPLEMENTAL ZONING REGULATIONS AND EXCEPTIONS

17.54.010 Accessory buildings and uses.

Accessory buildings and uses shall comply with all requirements for the principal use except where specifically modified by this title and shall comply with the following limitations:

- A. Signs.** Signs shall be permitted as provided in Chapter 15.28
- B. Accessory Buildings Dimensional Requirements.** The following setbacks and other dimensional requirements shall apply to all accessory buildings and uses:
 - 1. Building Footprint Less than Two Hundred Square Feet.** An interior side or rear yard setback behind the front building line may be reduced to three feet for any detached accessory structure with a building footprint which is less than two hundred square feet in area and does not exceed a height of fourteen feet (measured from the average grade on the front of the structure to the midpoint of the roof). No portion of any such structure shall project across a lot line and the accessory structure shall be located behind the front building line of the primary structure. A building permit is required for accessory buildings over ten feet in height (measured from the interior floor to the midpoint of the roof) or over two hundred square feet in size.
 - 2. Building Footprint from Two Hundred to Six Hundred Square Feet.** The accessory building must be constructed with the same exterior building materials as that of the primary structure, or an acceptable substitute to be approved by the planning division. The accessory structure shall be located behind the front building line of the primary structure. The interior side and rear yard setbacks may be reduced to three feet for one accessory structure, and its projections, within this category provided the structure and its projections:
 - a. Are detached and separated from other structures by at least three feet;
 - b. Do not exceed a height of fourteen feet;
 - 3. Building Footprint Over Six Hundred Square Feet.** One accessory structure with a building footprint in excess of six hundred square feet may be approved by the planning division. An accessory structure footprint in excess of six hundred square feet must meet the setback requirements of the district in which it is located, and must also meet the following provisions:
 - a. The accessory building must be compatible with the primary structure and constructed with the same exterior building materials as that of the primary structure, or an acceptable substitute to be approved by the planning division.
 - b. The lot must be in excess of twenty thousand square feet.

- c. The building footprint of the accessory structure shall not exceed the building footprint of the primary structure. In no case may the accessory building footprint exceed eight hundred square feet.
 - d. The accessory structure shall not exceed the height of the primary structure and shall be located behind the front building line of the primary structure.
4. **Membrane or Fabric Covered Storage Area.** All membrane and fabric structures:
- a. Shall be located behind the front building line of the primary structure.
 - b. Shall not be visible from the abutting right-of-way when viewed at pedestrian level.
 - c. Exceptions to these standards may be made by the community development director for temporary storage of materials as long as the membrane or fabric covered storage area is removed within ten days, is not erected for more than twenty days in one calendar year and is not seen as a nuisance to the city.
 - d. This section shall be effective on January 1, 2011. This section shall apply to all membrane or fabric covered storage areas in place before, on, or after the effective date of this section.
 - e. This prohibition does not apply to membrane covered areas displayed for garden or other active outdoor uses.
- C. **Private Stable.** A private stable may be permitted on a lot having a minimum area of twenty thousand square feet. The capacity of a stable shall not exceed one horse or other domestic hoofed animal for each twenty thousand square feet of lot area. A stable shall be located not less than twenty-five feet from any street line.
- D. **Swimming Pools.** In-ground and above-ground swimming pools shall be constructed not less than three feet from the side or rear yard lines. Swimming pools shall comply with the front yard requirement for the principal building. A pool must be surrounded by a fence no less than four feet in height or a suitable alternative such as a locked or electric cover, approved by the building official.

Response: *There are no accessory buildings planned for this project.*

17.54.020 Projections from buildings.

Ordinary building projections such as cornices, eaves, overhangs, canopies, sunshades, gutters, chimneys, flues, sills or similar architectural features may project into the required yards up to twenty-four inches.

Response: *At this time, it is not known what the proposed architectural features of the new residences will be. The applicant will coordinate with the city if it appears that a projection from a building will violate the provisions of this code section.*

17.54.030 Setback exceptions.

Through lots having a frontage on two streets shall provide the required front yard on each street. The required rear yard is not necessary. (Prior code §11-4-3)

Response: *There are no through lots included in the proposed development so a setback exception as described in this code section will be necessary.*

17.54.060 Seasonal sales.

The following standards shall apply to seasonal outdoor sales which are limited to:

- A. **Fireworks Sales.** The annual season for fireworks sales shall commence no sooner than June 23 and continue no longer than July 5. A business license shall be required pursuant to Title 5 of this code.
- B. **Christmas Tree and Wreath Sales.** The annual season for Christmas tree and wreath sales shall commence no sooner than the day after Thanksgiving and shall continue no later than December 26

A business license shall be required pursuant to Title 5 of this code.

Response: *The applicant has no intention of having any type of seasonal sale on the property that would be associated with the proposed development.*

17.54.090 Accessory dwelling units.

An accessory dwelling unit (ADU) is defined as a self-contained residential dwelling unit located on the same lot as a single-family dwelling, but is not a recreational vehicle. The habitable living unit provides basic living requirements including permanent cooking, and toilet facilities. It may be located either within the same building as the single-family dwelling unit or in a detached building.

- A. The purpose of allowing an ADU is to:
 - 1. Provide homeowners with a means of obtaining, through tenants in the ADU or the principle dwelling unit, rental income, companionship, security, and services.
 - 2. Add affordable housing units to the existing housing inventory.
 - 3. Make housing units available to moderate-income people who might otherwise have difficulty finding homes within the city.
 - 4. Develop housing units in single-family neighborhoods that are appropriate for people at a variety of stages in the life cycle.
 - 5. Protect neighborhood stability, property values, and the single-family residential appearance of the neighborhood by ensuring that ADUs are installed under the conditions of this Section.

B. Standards and Criteria.

An ADU shall meet the following standards and criteria:

- 1. The design and size of the ADU shall conform to all applicable standards in the building, plumbing, electrical, mechanical, fire, health, and any other applicable codes.**
- 2. Any additions to the existing dwelling unit shall not encroach into the existing setbacks in the underlying zone. However, access structures (e.g. stairs or ramps) may be allowed within the setback if no access can be provided to the unit without encroaching into the setback area.**
- 3. The ADU may be attached to, or detached from, the principle dwelling unit.**
- 4. Only one ADU may be created per lot or parcel.**
- 5. The installation of an ADU shall be allowed in single-family zones subject to the specific development, design, and owner-occupancy standards in this section. ADUs are not permitted on the same lot as a nonconforming use.**
- 6. The ADU shall not exceed the height of the principle dwelling unit.**
- 7. The property owner, which shall include title holders and contract purchasers, must occupy either the principle dwelling unit or the ADU as their permanent residence, for at least seven months out of the year, and at no time receive rent for the owner-occupied unit.**
- 8. In no case shall an ADU:**
 - a. Be more than forty percent of the principle dwelling unit's total floor area; nor**
 - b. Be more than eight hundred square feet; nor**
 - c. Be less than three hundred square feet; nor**
 - d. Have more than two sleeping areas.**
- 9. Detached ADUs:**
 - a. Shall comply with the requirements OCMC Chapter 17.54.010 — Accessory Buildings and Uses including building footprint, height, placement, exterior building materials, etc.**
 - b. In the historic overlay district pursuant to OCMC Chapter 17.40, shall be subject to the Design Guidelines for New Construction in Historic Districts.**
- 10. The ADU shall be compatible with the principle dwelling unit, specifically in:**
 - a. Exterior finish materials.**

1. The exterior finish material must be the same as the principle dwelling unit; or
 2. Visually match in type, size and placement the exterior finish material of the principle dwelling unit.
- b. Trim must be the same in type, size, and location as the trim used on the principle dwelling unit.
 - c. Windows must match those in the principle dwelling unit in proportion (relationship of width to height) and orientation (horizontal or vertical).
 - d. Eaves must project from the building walls at the same proportion as the eaves on the principle dwelling unit.

11. Parking.

- a. Purpose. The parking requirements balance the need to provide adequate parking while maintaining the character of single-dwelling neighborhoods and reducing the amount of impervious surface on a site.
- b. The following parking requirements apply to accessory dwelling units.
 1. No additional parking space is required for the accessory dwelling unit if it is created on a site with a principle dwelling unit and the roadway for at least one abutting street is at least twenty-eight feet wide.
 2. One additional parking space is required for the accessory dwelling unit as follows:
 - i. When none of the roadways in abutting streets are at least twenty-eight feet wide; or
 - ii. When the accessory dwelling unit is created at the same time as the principle dwelling unit.

C. Application Procedure.

Application for a building permit for an ADU shall be made to the building official in accordance with the permit procedures established in OCMC 15.12, and shall include:

1. A letter of application from the owner(s) stating that the owner(s) shall occupy one of the dwelling units on the premises, except for bona fide temporary absences, for seven months out of each year.
2. The registration application or other forms as required by the building official shall be filed as a deed restriction with Clackamas County Records Division to indicate the presence of the ADU, the requirement of owner-occupancy, and other standards for maintaining the unit as described above.

3. The building official shall report annually to the community development director on ADU registration with the number of units and distribution throughout the city.

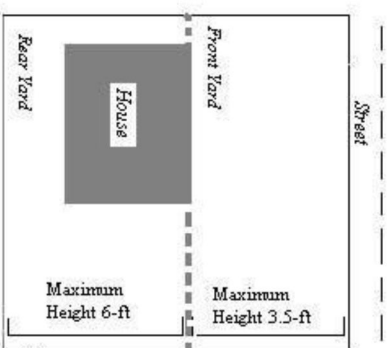
4. Cancellation of an ADU's registration may be accomplished by the owner filing a certificate with the building official for recording at the Clackamas County Records Division, or may occur as a result of enforcement action.

Response: *At this time, the applicant does not intend to include any Accessory dwelling units with the proposed development. If the applicant decided to include one at some point in the future, the applicant would do so in such a manner as to comply with all of the applicable provisions of this code section.*

17.54.100 Fences.

Fence, Setback and Height Limitations.

A fence may be located on the property or in a yard setback area subject to the following:



Any fence, hedge or wall located in front of your home may be up to three and one-half feet in total height.

Any fence, hedge or wall located next to and behind your home may be up to six feet in total height.

A. Generally. Fence, hedge, or wall.

1. Fences and walls—Fences and walls over forty-two inches shall not be located in front of the front faced or within forty feet of the public right-of-way, whichever is less. All other fences (including fences along the side and rear of a property) shall not exceed six feet in total height unless as permitted Section 17.54.100B.
2. Hedges shall not be more than forty-two inches in the underlying front yard setback.
3. Property owners shall ensure compliance with the Traffic Sight Obstruction requirements in Chapter 10.32 of the Oregon City Municipal Code.

4. 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.
- B. Exception. Fence, hedge, wall, or other obstructing vegetation on retaining wall. When a fence, hedge, wall, or other obstructing vegetation is built on a retaining wall or an artificial berm that is not adjacent to or abutting a public right-of-way, the following standards shall apply:
1. When the retaining wall or artificial berm is 30 inches or less in height from the finished grade, the maximum fence or wall height on top of the retaining wall shall be six feet.
 2. When the retaining wall or earth berm is greater than thirty inches in height, the combined height of the retaining wall and fence or, wall from finished grade shall not exceed eight and one-half feet.
 3. Fences, hedges or walls located on top of retaining walls or earth berms in excess of eight and one-half feet in height shall be setback a minimum of two feet from the edge of the retaining wall or earth berm below and shall not exceed a combined height of eight and one-half feet.
 4. An alternative height or location requirement may be approved within a land use process for all non-single-family and two-family residential properties. The fence, hedge or wall shall be compatible with the adjacent neighborhood and achieve the same intent of the zoning designation and applicable site plan and design review process. In no case may the fence, hedge or wall exceed eight feet in height without approval of a variance.

Response: *The applicant will comply with all provisions of this code section that are applicable to any fence constructed in accordance with the proposed development.*

17.54.105 Live/work units.

Live/work units provide important flexibility by combining residential and commercial uses and allowing for commercial uses on the ground floor when the market is ready to support them. These standards apply to all new live/work units. Live/work units that conform to the standards will be approved as a Type II Decision and a live/work permit will be granted for the property. For all zones where live/work units are permitted, the following standards shall apply. Conditions of approval may be implemented to ensure compliance with the standards.

- A. The ground floor business has visibility, signage and access from the primary street. The building in which the live work dwelling is located shall architecturally differentiate the ground floor commercial/office space from the rest of the building by meet the following requirements:

1. The main front elevation shall provide at least fifty percent transparency at the pedestrian level through the use of a storefront system. The transparency is measured in lineal fashion (For example, a twenty-five foot long building elevation shall have at least twelve a half feet (fifty percent of twenty-five feet) of transparency in length).
 2. Windows shall begin thirteen to thirty inches above the sidewalk rather than continue down to street level. Large single paned windows over ten feet in width shall be divided into multiple panes to add human scale by dividing the vertical plane into smaller parts.
 3. Highly reflective or glare-producing glass with a reflective factor of .25 or greater is prohibited on all building facades. Any glazing materials shall have a maximum fifteen percent outside visual light reflectivity value. No exception shall be made for reflective glass styles that appear transparent when internally illuminated.
- B. A live/work dwelling is allowed instead of, or in addition to, a home occupation as defined by OCMC 17.04. The business portion of the dwelling shall be limited to the ground floor and may not exceed fifty percent of the square footage of the entire dwelling, excluding the garage or one thousand square feet whichever is the smaller number.
- C. The primary entrance to the business must be located on the primary street frontage. Alley access is required to provide refuse and recycling service and residential parking. If alley access cannot be provided an alternative parking and refuse and recycling service plan may be approved by the community development director if it meets the intent of the standards.
- D. The applicant must show that there is adequate on street or off-street parking for the proposed use. One parking space is required for every five hundred square feet of commercial, personal service, or office use or a portion thereof. For example, seven hundred square feet of commercial use requires two parking spaces. Adequate parking can be shown by meeting one of the following:
1. Shared Parking. Required parking may be satisfied by the same parking facilities used jointly, to the extent that the owners or operators show that the need for parking facilities does not materially overlap (e.g., uses primarily of a daytime versus nighttime nature) or the live/work use is utilizing a parking space that is above the minimum parking requirement of the shared use, and that the shared parking facility is within one thousand feet of the potential uses, and provided that the right of joint use is evidenced by a recorded deed, lease, contract, or similar written instrument establishing the joint use.
 2. On-Street Parking. On-street parking dimensions for livework units shall conform to the standards set forth in OCMC 17.52010C.
 3. Onsite Parking. Parking spaces are provided onsite and meet the requirements of OCMC 17.52.-Offstreet Parking and Loading.
- E. The number of employees permitted onsite for employment purposes shall be limited to five persons at one time.

- F. The location of lots where live/work dwellings may be sited shall be specified on the subdivision plat (if applicable) and a deed restriction shall be placed on all units describing the restrictions placed upon these units. These include, but are not limited to, the following:**
- 1. The work use shall not generate noise exceeding 55-decibel level as measured at the lot line of the lot containing the live/work dwelling.**
 - 2. No outside storage of materials or goods related to the work occupation or business shall be permitted. Solid waste associated with the work use shall be stored inside the building and can be set out no more than four hours before the solid waste pickup.**
 - 3. No dust or noxious odor shall be evident off the premises.**
 - 4. If the business is open to the public, public access must be through the front door and the business may not be open to clients or the public before seven a.m. or after eight p.m.**

Response: *There are no live/work units proposed with this development.*

CONCLUSION

The applicant is requesting approval for the development of a six lot subdivision. The existing piece of land is an irregularly shaped and under-developed parcel located on the northwest corner of the intersection at Holcomb Blvd. (a minor arterial) and Swan Avenue (a collector). There is an existing single family residence on site as well as several other smaller accessory buildings currently on site. The existing house will remain and serve as a residence for one of the newly created lots where all of the accessory buildings will be removed. The frontage improvements along both, Holcomb Blvd. and Swan Avenue have already been completed by the city and include curb, sidewalk and a planter strip. The two east lots (1 and 2) will take their vehicular access from a shared driveway off of Swan Avenue. The four western lots (3 – 6) will share a driveway off of SW Holcomb Blvd that is to serve as an interim access only. Ultimately, it is expected that a new street within public right-of-way will be extended from Hunter Avenue (to the west), pass through the currently undeveloped tax lot on the corner of Holcomb and Hunter, continue through the lots to the west and end at a hammerhead style turn-around along the western portion of the project site. After all of this public right-of-way has been dedicated, the new street will be designed to meet public standards and will be adequate to serve all of the adjacent lots. The recorded plat will include the necessary language to ensure the future development will occur

The historic Oregon Trail-Barlow Road does pass through the western portion of the site and the applicants are requesting permission to either, adjust the parameters of the easement such that, the eastern boundary of the required 30' wide, unobstructed view corridor be located just one foot (1') to the east of the existing easement centerline or to shift the alignment and the required 30' wide view corridor associated to the west. In doing so, a more feasible arrangement of the future homes can be obtained with compromising the integrity of the easement, that is considered to be an approximate location. The applicant's feel this is a minor request and would not impede the historic integrity of the original alignment but would instead, allow for a more uniform placement of future residences. The proposed development is named in honor of Mr. Sam Barlow and future residents will all be able to enjoy the legacy of an integral part of our nation's historic expansion westward as they look out their front windows and imagine wagon loads of weary, yet eager settlers anticipating the end of the long journey to the Oregon territory.

EXHIBIT A

Development Impact Statement

Development Impact Statement

For Barlow Place

A six-lot subdivision

The proposed development is for a new subdivision on an underdeveloped parcel of land located on the northwest corner of the intersection of Holcomb Blvd. and Swan Avenue. In its current state, the property is 1.39 acres and contains a small, single family residence with several out-buildings. The property is naturally divided by vegetation such that the residence and accessory structures are contained on the eastern portion of the lot and the western portion is an open field. The site has full frontage improvements along both frontages of Holcomb Blvd. and Swan Ave. which were completed by the city as part of the Holcomb Blvd. enhancement project to improve pedestrian traffic along Holcomb Blvd.

The site is easily supported by existing utilities. Sanitary sewer service is available to the north and south of the project. Waterline are also available within the right-of-ways of Holcomb Blvd. and Swan Avenue. The storm drain system that serves the area is in need of repair at the outfall, downstream of the site. The applicant's engineer is of the opinion that the city and the existing storm drain system would be better served to allow the applicant to treat the water on-site and release into the existing system and forego on-site detention. The site is made up of soils that do not have a good rate of detention and would therefore require an oversized detention facility to serve just a few lots. By allowing the applicant to pursue the fee-in-lieu option for storm drainage, the city can get some assistance on improving an outfall that is in much need of an upgrade. All other utilities (power, gas, telephone, etc.) are also readily available to support the development.

The proposed development should have little, to no negative impact on the adjacent properties. It will support the partition that was completed in 2006 by providing a future hammerhead style turn-around at the eastern end of that site. It is anticipated that a future road will extend from Hunter Avenue, pass through the partition to the west (which contains language on the recorded plat to that effect) and terminate at the project site. The proposed development mimics the development plan of the partition and has no major grading concerns. The future residences will be served by shared driveways. It is further expected that a majority of the large trees present on-site will be able to be maintained with the proposed site layout.

The existing house will remain on-site and will easily fit into the proposed development. The proposed site layout takes into consideration the burden of the Historic Barlow easement that passes through the western portion of the site. This easement carries with it, a 30' wide, restricted view corridor. By positioning the lots as they are, the development can still happen with the easement in place but would be better served if either the centerline or the extents of the easement could be slightly adjusted. The current location of the easement is not detrimental to the lot layout but would push the new residences deeper into the lots.

The proposed development is a natural fit for the site. The frontage improvements have already been completed and include driveway drops for the shared driveways. The utility connections for Storm and sanitary sewer have already been completed from Holcomb Blvd. and the proposed lot layout takes advantage of the natural site topography and vegetation. The proposed development will be a positive addition to the Park Place neighborhood.

EXHIBIT B

Pre-Application Meeting Notes Taxlot Detail Report



City of Oregon City Pre-Application Form

File Number PA-13-0027

Meeting Date 07/17/13 Time: 10 A.M. Location: 221 Molalla Avenue, Suite 200, Oregon City
Applicants and representatives are expected to present a detailed explanation of their proposal at the conference.

Applicant:

Name John MARQUARDT

Contact Person _____

Address P.O. Box 1928
VANCOUVER, WA 98668

Phone 360-901-2299

email: john.marquardt@comcast.net

Owner(s):

Name Halcomb Blvd LLC

Address P.O. Box 1928

VANCOUVER, WA 98668

Phone _____

Property Description:

Tax Assessor Map Number(s):

2-2E-28BD-00900

Address: 16325 SWAN AVE.

OREGON CITY, OR 97095

Proposed Development Action:

6-LOT SUBDIVISION

Pre-Application Checklist:

Failure to submit a complete application may require additional fees and pre-application meetings.

Minimum Pre-Application Requirements

- ☒ Pre-Application Fee
- ☒ Narrative: A detailed description of your proposal and any specific questions you have
- ☒ Site/Plot Plan (8½" x 11" or 11" x 17")
 - Parcel and building setback dimensions
 - Existing and proposed structures
 - Location and dimensions of easements and driveway
 - Location of utilities – storm, sanitary sewers & water (including size of service and street location)
 - Width of adjacent right of way
- ☒ Property Zoning Report
- ☒ Additional Information / Requirements

Additional Subdivision / Minor Partition Requirements

- ☒ Slope map (if area exceeds a 24% slope)
- ☒ Significant Tree Locations (all trees with a caliper over 6 inches)
- ☒ Utility layout
- ☒ Proposed detention system with topographic contours
- ☐ Location of on-site water resources NA
- ☒ Connectivity analysis that includes shadow plats of all adjacent properties demonstrating how they can be developed meeting existing code.

Additional Site Plan & Design Review Requirements NA

- ☐ Proposed elevations
- ☐ Parking lot layout
- ☐ Parking space calculations (based on use and square footage of building)

Applicant Signature John Marquardt Date 8/27/13

The pre-application conference provides the applicant the necessary information to make an informed decision regarding a land use proposal. Meetings are held on Tuesdays and Wednesdays. Pre-Application Conferences expire six (6) months from the meeting date.

Please submit 3 hard copies and 1 electronic copy of the required information.

Routing: PubWks ☐; PW Dir. ☐; Bldg ☐; Develop. Serv. ☐; Fire ☐; Finance ☐; Clack Co (E) ☐; Clack Co (P) ☐; ODOT ☐; Schools ☐; Tri-Met ☐; Metro ☐; Police ☐; Other _____

Taxlot Detail Report

Taxlot: 2-2E-28BD-00900



Overview Map

Taxlot Information

APN: 2-2E-28BD-00900

Alt ID: 00558346

Site Address: 14297 HOLCOMB BLVD
OREGON CITY, OR 97045

Year Built: 1950



Taxlot highlighted in blue

Taxpayer Information

Taxpayer: Suppressed

Address: Suppressed

Planning Designations

Zoning: R8

- 8,000 Single Family Dwelling District

Comprehensive Plan: Ir

- Residential - Low Density

Subdivision: CLACKAMAS HEIGHTS

PUD (if known):

Neighborhood Assn: Park Place NA

Urban Renewal District:

Historic District:

Historic Designated Structure? N

In Willamette Greenway? N

In Geologic Hazard? N

In Nat. Res. Overlay District (NROD)? N

In 1996 Floodplain? N

Reference Information

Parcel Area (acres - approx): 1.3

Parcel Area (sq. ft. - approx): 58,370

Twn/Rng/Sec: 02S 02E 28

Tax Map Reference: 22E28BD

Values

Mkt Values as of: 10/10/2012

Land Value (Mkt): \$137,863

Building Value (Mkt): \$73,050

Exempt Amount: \$0

Net Value (Mkt): \$210,913

Note: These are Market, NOT Assessed values.

Assessed Value: \$162,847

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.

Report generated 6/24/2013 10:28 PM

City of Oregon City
PO Box 3040
625 Center St
Oregon City, OR 97045
(503) 657-0891
www.oregcity.org



BARLOW PLACE

A SIX LOT SUBDIVISION

APPLICANT: John Marquardt
P.O. Box 1928
Vancouver, WA 98668
(360) 901-2299

OWNER: Holcomb Blvd. LLC
P.O. Box 1928
Vancouver, WA 98668

SITE INFORMATION:

Property Address	16325 Swan Avenue Oregon City, OR 97045
Previous Address	14297 Holcomb Blvd. Oregon City, OR 97045
Tax Lot Number	2-2E-28BD-00900
Zoning	R8
Comprehensive Plan	LR
Parcel Size	1.39 Acres

SITE OVERLAYS:

Water Resource Overlay

Historic Overlay

Lewis & Clark – Sam Barlow trail

EXISTING SITE CONDITIONS:

The site is an underdeveloped parcel located at the northeast corner of the intersection of Holcomb Blvd. (an arterial) and Swan Avenue (a collector) that contains a single family residence. All existing structures on site are within the eastern portion of the property and a large grass field covers the majority of the lot. There is vegetation around the existing house and along the north and west property lines. The slope across the site is gradual and slopes from the east to the west with an approximate grade differential of 20 feet. Frontage improvements have been completed along the right-of-ways of both, Holcomb Blvd. and Swan Avenue which include, street widening, curb, planting strip, sidewalk and street lights. Service lines for sanitary sewer, water and storm drain are available within the right-of-way of Holcomb Blvd. and Swan Avenue. A public manhole is located in the southwest corner of the property for access to the sanitary sewer line within the Holcomb Blvd. right-of-way. An existing sanitary sewer also exists within an easement adjacent to the northern property line. Connections to the public storm drain system are potentially available via curb inlets within the public right-of-ways adjacent to the property. The site has been evaluated by a Geotechnical engineer and the soils on site were found to be stiff clayey silt which do not allow for infiltration.

PROPOSED USE OF THE SITE AND ON-SITE IMPROVEMENTS:

The applicants intend to divide the site and develop a six (6) lot subdivision. The site is zoned R8 which affords a maximum density of 6 lots (5 new lots plus the existing house). The proposed layout affords the applicants the ability to interject the subdivision with minimal impact to the existing transportation and utility systems as well as the adjacent lots. For site access, the existing house and one of the new lots (lots 1 and 2) will share a joint access off of Swan Avenue. The other four lots (lots 3-6) will be accessed via an interim shared access along the most westerly portion of the site from Holcomb Blvd. The applicant understands that the neighboring partition (to the west) has dedicated right-of-way with the intention of a future road dead-ending at the west property line of the subject site. The applicant further understands that it is the city's intention for the future road to stem from Hunter Avenue and to end at a hammerhead style turn-around which will ultimately be a public access for lots 3 – 6.

The site will be graded to mimic the natural drainage pattern on-site and there are adequate services available to serve the five additional lots for utilities. The applicant recognizes that the historic Barlow trail traverses through the western portion of the property and expects that the proposed layout is the best alternative for preserving the trail centerline in its existing location. The applicants will preserve as many of the trees on-site as possible in order to further minimize impacts to the surrounding properties.

The proposed development has already been reviewed and approved by city staff under file no. TP 07-04. At that time, the recommendation was Approval with Conditions. Since that decision was issued, the frontage improvements along both Holcomb Blvd. and Swan Avenue were completed in accordance with the city's intent to ensure a higher degree of public safety along Holcomb Blvd. As a result of these improvements being completed and the access to the existing residence shifting from Holcomb Blvd. to Swan Avenue, the city approved an address change for the property. The intent of this development action is for the previously approved development plan to remain pretty much the same and be reviewed for concurrence with current city standards.

DISCUSSION TOPICS:

During the previous review process, several discussions and a public hearing with the Historic review board were held about the location of the centerline of the Barlow trail. At that time, the decision was made to keep the centerline in its existing location but shift the 30' wide corridor to the west such that the east edge of the easement was within 1.0' of the centerline and the bulk of the easement corridor was on the west side of the centerline. This did allow for a suitable building envelope for construction of a new home but it did push the homes for lots 3 – 6 back further into their lot. Early discussions with the city were positive with regards to shifting the centerline of the easement to the west so it was within the shared access and the homes could have a uniform appearance since the centerline of the trail was deemed to be an "Approximate" location.

Question: Would the city be in support of adjusting the centerline of the trail so it was more in line with the shared access/future public right-of-way?

The Geotechnical review that was completed in conjunction with the previous development action determined there to be little to no infiltration on-site due to the existence of very stiff clayey silt. This may make the development of an on-site infiltration system difficult.

Question: What would the city allow as an alternative to on-site infiltration?

The frontage improvements were completed by the city per the applicants development plans with exception to the proposed location for the sanitary sewer hook-ups for lots 3-5. The city constructed a Sanitary Sewer Manhole for future sanitary sewer connections in the vicinity of the southwest corner of the property.

Question: What is the invert elevation of this manhole?



PRE-APPLICATION MEETING NOTES

July 11TH, 2013

DRAFT

Project Number: PA 13-27
Project Name: Holcomb & Swan
Meeting Date: July 17th, 2013

GENERAL COMMENTS

1. The Applicant is responsible for this project's compliance with Engineering Policy 00-01. The policy pertains to any land use decision requiring the Applicant to provide any public improvements.
2. The Applicant shall sign a Non-Remonstrance Agreement for the purpose of making sanitary sewer, storm sewer, water or street improvements in the future that benefit the Property and assessing the cost to benefited properties pursuant to the City's capital improvement regulations in effect at the time of such improvement.
3. The Applicant shall provide an Erosion Prevention and Sedimentation Control Plan to the City for approval.
4. All applicable System Development Charges (SDC) shall be due and payable upon building permit issuance.
5. A grading permit shall be obtained from Development Services for the on-site work.

ENGINEERING - UTILITIES

STREETS

1. The existing right-of-way (ROW) on Holcomb Blvd is 66-feet. It is operating as a minor arterial. The street improvements include 38-feet of pavement in decent condition with curbs on both sides. There is a 5 foot planter strip and 7 foot sidewalk on the north side. There are also street lights on the north side. The City is in process of improving the pavement on Holcomb in front of the proposed development. No street improvements are anticipated to be required.
2. The ROW for Swan Avenue is 40-feet wide. It is operating as a collector street. The street improvements include 37 feet of pavement (23 feet west of the centerline), curb, 5 foot planter strip and 6 foot sidewalk on the west side. There are street lights where the property is located. The east side has a storm ditch. No street improvements are anticipated to be required.



3. The proposed street layout shows a ROW dead ended on the west property line of the proposed development. The City does not want to have dead end streets. The proposed subdivision does not appear to be a reasonable future street layout. It is preferred that there is a street connection from Hunter Avenue to Holcomb Blvd. A shadow plat will need to be provided for all adjacent properties.
4. Private access easements will be required for the shared driveway.

STORM DRAINAGE

The following comments are made for the proposed subdivision. This may change if a public street is proposed.

5. There is a 24 inch storm pipe in Holcomb Blvd.
6. Both storm water treatment and detention will be required for the subdivision. A storm report prepared to the City design standards will need to be submitted with the application.
7. The applicant has shown a storm facility next to Holcomb Blvd. This is an acceptable location. However, in general the City does not like to have small storm facilities. Alternative storm systems should be evaluated. This may include evaluation of the existing line for capacity, improvements at the outfall, LID improvements at the homes for treatment or other.

WATER

The following comments are made for the proposed subdivision. This will change if a public street is proposed. A water line would be located in the public street.

8. There is an 8-inch water line on Holcomb Blvd that is partially in front of the property. East of Swan Avenue there is a 16 inch water line. The pipe on Swan Avenue is 8 inch.
9. There are three pressure zones in this general vicinity. The Lower Park Place pressure zone, which is generally along Holcomb Blvd up to Swan Avenue. Most of the proposed subdivision appears to be located in this pressure zone. The Intermediate Park Place pressure zone which is generally north of the proposed subdivision. A portion of the lot in question may be in this pressure zone. The View Manor pressure zone which is generally east of Swan Avenue.



10. The applicant will need to verify which pressure zone is most appropriate for water service. This will be based upon actual pressures in the pipes, the elevation of the subdivision, and the available fire flow.
11. The proposal is to install a looped water line along the north and west property lines. This will not work as the pipe would be connecting two pressure zones.
12. There should be a water meter for each lot located at the ROW and separate service lines that extend back to each lot.
13. Private water service easements will be required for water services that cross private property.

SANITARY SEWER

The following comments are made for the proposed subdivision. This will change if a public street is proposed. A sanitary sewer line would be located in the public street.

14. The applicant has proposed a public sanitary sewer line in an easement to serve three lots. This would be located in the pavement, and there would need to be a manhole at the end.
15. Private sanitary sewer service easements will be required for sanitary services that cross private property.

EXHIBIT C

Property Title Information



Prepared For:

Prepared By: **Cassidy Muchmore** Prepared Date: 8/29/2013
 WFG National Title - Customer Service Department
 12909 SW 68th Pkwy # 350 Portland, OR 97223
 Phone: 503.603.1700 Fax: 888.833.6840
 E-mail: cs@wfgnationaltitle.com

OWNERSHIP INFORMATION

Owner : Holcomb Blvd LLC
 CoOwner :
 Site Address : 14297 Holcomb Blvd Oregon City 97045
 Mail Address : PO Box 1928 Vancouver Wa 98668
 Telephone :

Ref Parcel Number : 22E28BD00900
 T: 02S R: 02E S: 28 Q: NW QQ: SE
 Parcel Number : 00558346
 County : Clackamas (OR)

PROPERTY DESCRIPTION

Map Page & Grid : 687 F6
 Census Tract : 223.01 Block: 3
 Improvement Type : 131 Sgl Family, R1-3, 1-Story
 Subdivision/Plat : Clackamas Heights 30
 Neighborhood Code: Holcomb Area
 Land Use : 101 Res, Residential Land, Improved
 Legal : SUBDIVISION CLACKAMAS HEIGHTS 30 PT
 : LT 34
 :

ASSESSMENT AND TAX INFORMATION

Mkt Land : \$137,863
 Mkt Structure : \$73,050
 Mkt Total : \$210,913
 %Improved : 35
 M50AssdTotal : \$162,847
 Mill Rate : 18.0099
 Levy Code : 062002
 12-13 Taxes : \$2,932.86
 Millage Rate : 18.0099

PROPERTY CHARACTERISTICS

Bedrooms : 3	BldgLivingSqFt : 1,140	BldgSqFt : 1,140
Bathrooms : 1.00	1st Floor SqFt : 1,140	Lot Acres : 1.39
Full Baths : 1	UpperFinSqFt :	Lot SqFt : 60,761
Half Baths :	Finished SqFt : 1,140	Year Built : 1950
Fireplace :	AbvGrdSqFt : 1,140	Foundation : Concrete
Heat Type : Forced Air-Gas	UpperTotSqFt :	Roof Type : Composition
Floor : Hardwd	UnFinUpStySqFt :	Roof Shape: Hip
Stories : 1	Bsmt Fin SqFt :	Exterior Fin : Bevel Siding
Garage SF :	Bsmt Unfin SqFt :	
	Bsmt Total SqFt :	

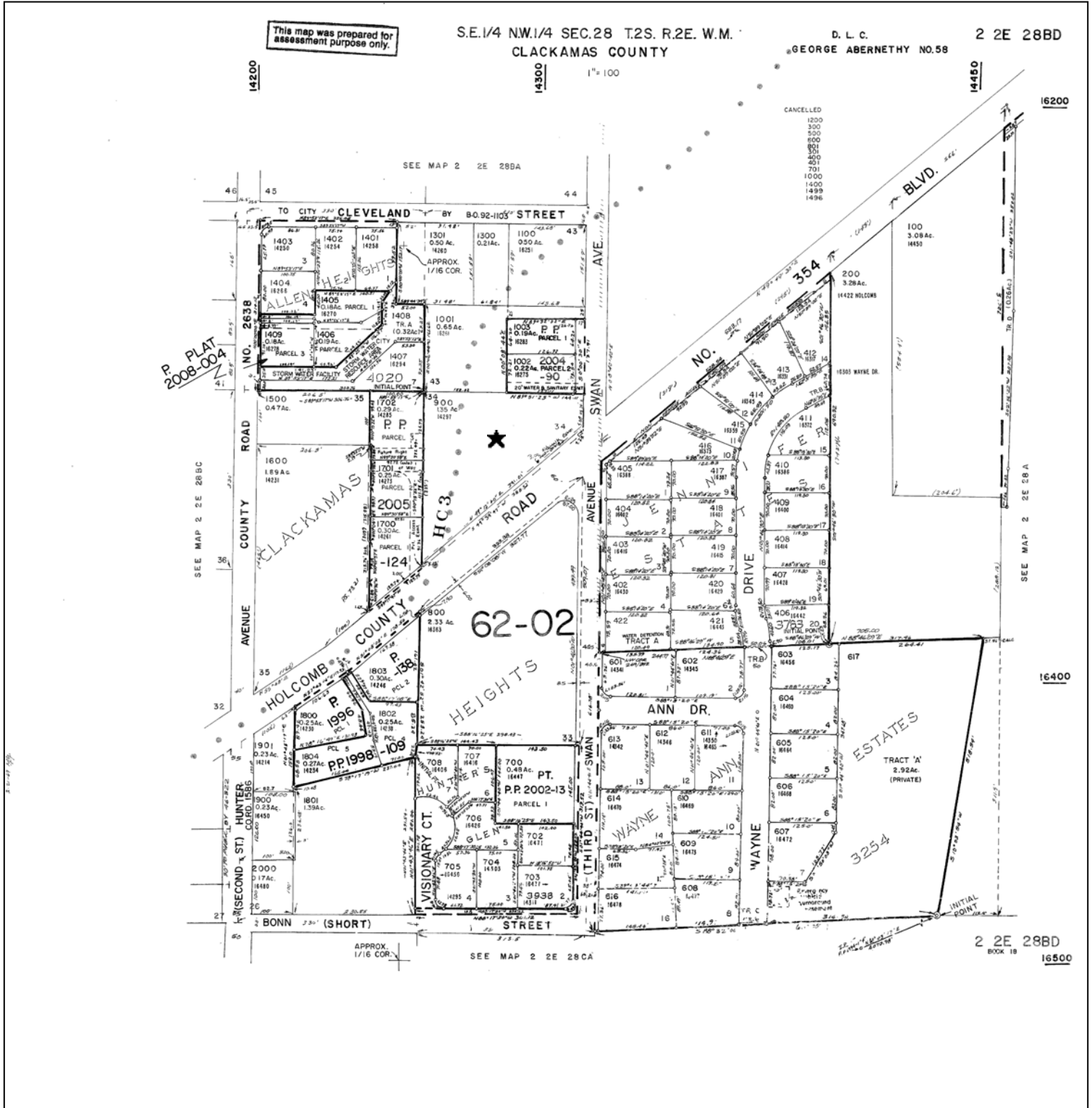
TRANSFER INFORMATION

Owner Name(s)	Date	Doc#	Price	Deed	Loan Amount	Type
:Holcomb Blvd LLC	:03/16/2011	011-016847:		:Quit Cl	:	:
:Kocher Margaret M/Lawren	:08/20/2010	010-050461:	\$260,000	:Warrant	:\$195,000	:Conv
:Marquardt John R/Gina	:08/20/2010	010-050460:		:Bargain	:	:
:Marquardt John R/Gina	:06/11/2007	007-051146:		:Bargain	:	:
:Marquardt John R/Gina	:02/27/2007	007-016712:	\$350,000	:Warrant	:\$332,500	:Conv
:Hoke Mary	:03/04/2004	004-018269:	\$175,911	:Quit Cl	:\$183,265	:Conv

This title information has been furnished, without charge, in conformance with the guidelines approved by the State of Oregon Insurance Commissioner. The Insurance Division cautions intermediaries that this service is designed to benefit the ultimate insureds. Indiscriminate use only benefiting intermediaries will not be permitted. Said services may be discontinued. No liability is assumed for any errors in this report.



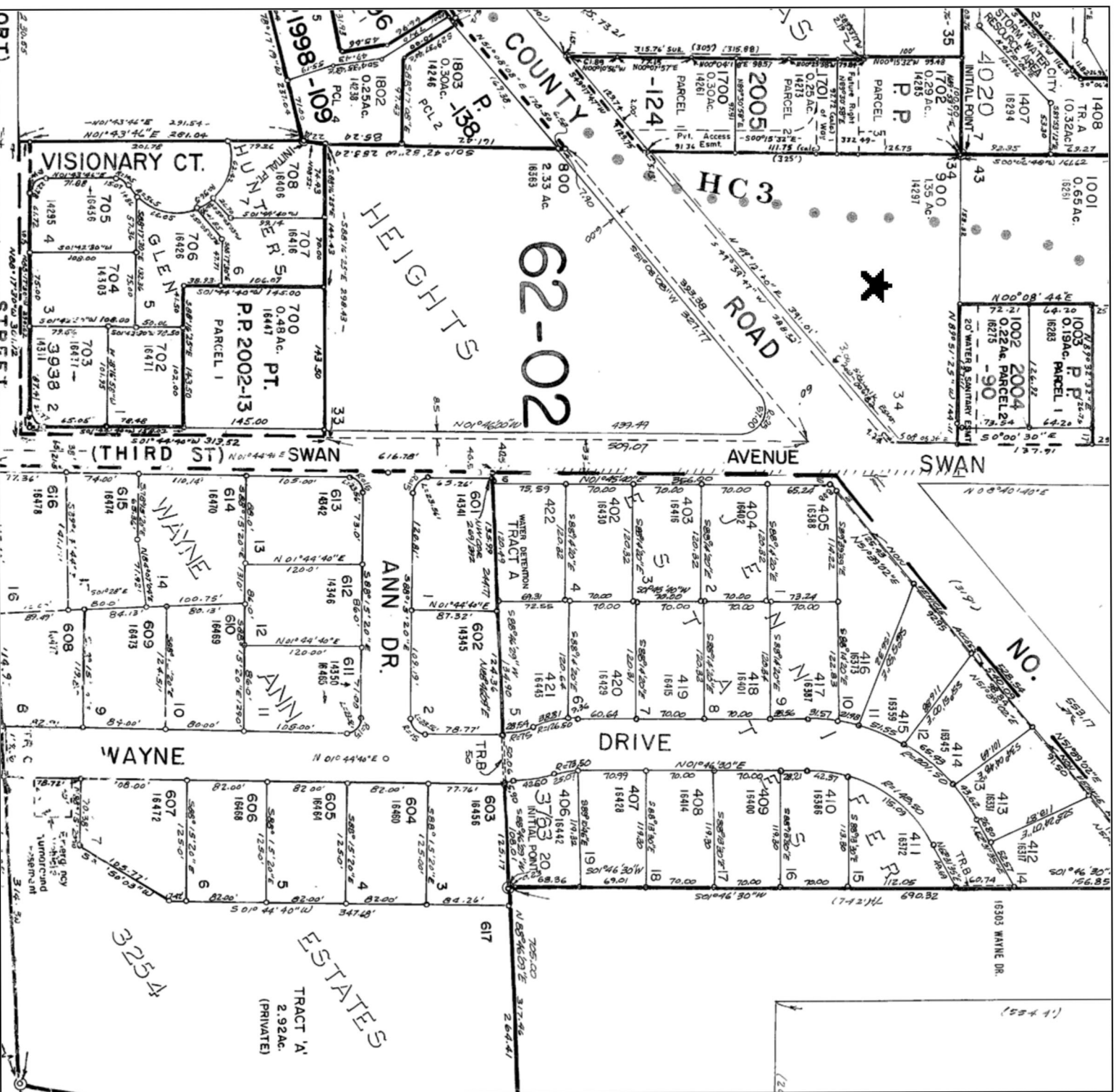
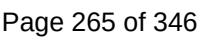
Parcel # : 00558346 / 22E28BD00900





a Williston Financial Group company

WFG National Title
Customer Service Department
12909 SW 68th Pkwy # 350
Portland, OR 97223
Phone: 503.603.1700
Fax: 888.833.6840
E-mail: cs@wfgnationaltitle.com



This map is a copy of public record and is provided solely for informational purposes. WFG National Title assumes no liability for variations, if any, in dimensions, area or location of the premises or the location of improvements.

Recording Requested By:

Holcomb Blvd. LLC
JOHN MARAVARDT
When recorded mail this deed
and tax statement to:

HOLCOMB BLVD LLC
PO Box 1928
Vancouver, WA 98668



\$47.00

01482041201100168470010013

03/16/2011 08:03:46 AM

D-D Cnt=1 Stn=9 DIANNAW
\$5.00 \$10.00 \$16.00 \$16.00

Parcel Identification:
00558346

QUITCLAIM DEED

THIS QUITCLAIM DEED, Executed this 27th day of January, 20 11, by the Grantor(s),
Lawrence and Margaret Kocher

to the Grantee(s), Holcomb Blvd. LLC

WITNESSETH, That the said Grantor, for good consideration, the receipt whereof is hereby acknowledged, does hereby remise, release and quitclaim unto the said Grantee forever, all the right, title, interest and claim which the said Grantor has in and to the following described parcel of land, and improvements and appurtenances thereto in the County of Clackamas, State of Oregon, To Wit:

LOT 34, Clackamas Heights, in the city of Oregon City, County of Clackamas and State of Oregon.
EXEMPTING THEREFROM that portion deeded to the city of Oregon City, as described in document recorded January 28, 2010 as Fee No. 2010006182, Clackamas County Deed Records.

IN WITNESS WHEREOF, The said Grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in presence of:

Signature Lawrence A Kocher
Print Name: Lawrence A Kocher
Capacity: Grantor

Signature _____
Print Name: _____
Capacity: Grantee

Signature Margaret M. Kocher
Print Name: Margaret M. Kocher
Capacity: Grantor

Signature _____
Print Name: _____
Capacity: _____

STATE OF Oregon
COUNTY OF Multnomah

On Jan 26, 2011 before me, Collin Cordoza, personally appeared
Lawrence A. Kocher and Margaret M. Kocher,
personally known to me (or 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 to me that he/she/they executed the same in
his/her/their 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. I certify under PENALTY OF PERJURY
that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____

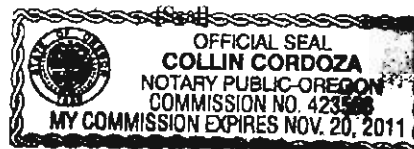


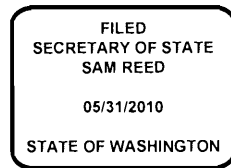
EXHIBIT D

Holcomb Blvd. LLC Documentation

State of Washington

Secretary of State

CORPORATIONS DIVISION
James M. Dolliver Building
801 Capitol Way South
PO Box 40234
Olympia WA 98504-0234
360.725.0377



Application for Initial Annual Report

Application Information

This Application ID 1745446
Associated App ID 1745440
Entity Name HOLCOMB BLVD LLC
UBI Number **603 021 441**
Corporation Type Limited Liability Company

Tracking ID 1906131
Validation ID 1739038-002
Date Submitted for Filing 5/31/2010
Filing Due Date
State of Incorporation WA
Inc./Qual Date 6/1/2010

Nature of Business Rental Property Ownership

Contact Information

Contact Name John Marquardt
Contact Address PO Box 1928
Vancouver
WA
98668

Contact Email john.marquardt@comcast.net
Contact Phone 360-901-2299

Registered Agent Information

Agent is Individual

Agent Name John Marquardt

Registered Agent Consent Submitter has Registered Agent Consent on File

Agent Street Address 1818 NW 140th Circle
Vancouver
WA
98685

Agent Mailing Address PO Box 1928

Vancouver
WA
98668

Agent Email Address john.marquardt@comcast.net

Place of Business

Place of Business is in US Yes

Street Address 1818 NW 140th Circle
Vancouver
WA
98685

Officers

Officer #1 Name John
Marquardt

Title1 Member
PO Box 1928
Vancouver, W
A
98668

Officer #2

Name Larry Kocher

Title1 Member

1358 N. Illinois Route
3
Waterloo, IL
62298

Officer #3 Name Margaret Kocher

Title1 Member

1358 N. Illinois Route
3
Waterloo, IL
62298

Officer #4 Name Gina
Marquardt

Title1 Member

PO Box 1928
Vancouver, W
A
98668

Signature Information

Signed By John R. Marquardt

State of Washington
Business Licensing Service

Office of the Secretary of State
Corporations Division

LEGAL ENTITY REGISTRATION

Unified Business ID #: 603 021 441
Business ID #: 1

Expires: 06-30-2014

HOLCOMB BLVD LLC
1818 NW 140TH CIRCLE
VANCOUVER WA 98685

Domestic Limited Liability Company
Renewed by Authority of Secretary of State

By accepting this document the licensee certifies that information provided on the renewal was complete, true, and accurate to the best of his or her knowledge, and that the company will stay in compliance with all applicable Washington State regulations.



Director, Department of Revenue

EXHIBIT E

Neighborhood Meeting Notes

NEIGHBORHOOD MEETING FOR BARLOW PLACE PROJECT WITH PARK PLACE NEIGHBORHOOD ASSOCIATION

8/19/2007

10 people present, including Laura Terway (LT) from the planners office.

First introduced the project

Pre-app conference – 7/17/2013

Project already approved once

City made frontage improvements

Began Discussing project

Talk about Barlow Trail easement

Discussion on adjusting alignment and boundary of easement

Neighbor asked question about easement on the plat map and the validity of it

Discussed when it was added to the plat maps.

Neighbor asked about driveway locations for lots 3 – 6

Directed neighbor to review site plan and discussed the use of the driveway and limitations to how many lots could access a private driveway

Neighbor expressed concern over amount of traffic on Holcomb blvd.

Discussed future development and vehicular movement over to Hunter Avenue.

Neighbor indicated the likelihood of current owner selling or developing the corner property was small to none.

Neighbor expressed concern with the type and size of houses that the city has allowed to be built in the past.

Advised the neighbor that the lots were 8,000 sq. ft and the bldg. dept. is responsible for approving house plans.

Discussed what was expected to be built on the lots.

Neighbor asked about lots that were narrower than minimum lot width of 60'

Mentioned that a variance would be applied for to obtain approval for lots that are narrower.

Neighbor asked about the setbacks for the side yards being shown as 5' wide.

Advised the neighbor that the development codes would be followed and if the side yard setbacks were 7' and 9', then that is what the plans would show.

Neighbor did not feel like small lot on corner would be buildable

Advised neighbor that the lot is currently where the existing house is located and it would remain.

Discussed that the address was changed and the front of the house was now off of Swan Avenue.

Neighbor again indicated that the owner of the corner property (Mr. Longstreet) would never sell or develop his property.

Assured the neighbor that the city is only anticipating the likelihood of future development

Neighbor asked about the possibility of keeping the grouping of trees closest to the southwest corner of the property because they offer a buffer of privacy.

Told the neighbor that we would try to maintain the trees if construction allowed

Discussion followed about tree ordinances for the city.

Neighbor asked where the driveway for lot 3 would be

Advised neighbor that the driveway was not shown because it is not known at this time how the developer would install the driveway. The driveway would begin at the end of the shared driveway.

Discussed the purpose and future implementation of the shared driveway.

Neighborhood chair asked what would happen to the driveway once the future development occurred.

Advised that the driveway may remain in place to serve as a pedestrian access, bicycle accessway or access point for WQ facility

Neighbor asked about the Barlow easement and how it impacts the property to the west.

Advised the neighbor that the entire easement is on out property

Neighbor asked about how density of the project was determined.

Neighbor commented on how many people would be moving into the project

Asked about where construction vehicles would park during construction

Advised neighbors that not all homes may be built at the same time

Neighbors asked if I was the builder.

Advised the neighbors that I was only involved as a planning consultant.

Neighbors expressed concern for the city's lack of being involved during construction of previous homes in the area that were built out of building code.

LT advised neighbors about current planning codes and building codes regarding building heights

Neighborhood chair praised the city's willingness to discuss the project with him.

Neighbor asked if they could make comments on the proposed development

Neighborhood Chair and LT advised that there would be notification sent out to neighbors and all would have a chance to make comments during public comment period.

Neighbor asked when the project would be submitted.

Advised neighbor that the project would be submitted in the next couple of weeks.

Waiting for drainage report

Neighbor asked about preserving trees on site.

Advised neighbors of exploring options 1 or 4 regarding tree mitigation for dealing with trees on site.

Discussed what would happen with each option

Neighbor asked again about solving lot width issue for lots 4 and 5.

Advised neighbor that a variance would be applied for and discussed reasoning for having the two narrower lots.

Neighbor asked why not go with 5 lots instead of 6 if 5 were allowed.

Explained how I thought construction may occur and I could not say how many lots would be ultimately constructed on.

Neighbor asked about the new lot (lot 2) that would have the out buildings on it and who would own them

Explained that the developer would own all of the lots.

Neighbor asked about the easement north of the property for a sewer line and water main.

Explained that it was understood that only a sanitary sewer easement was there.

Neighbor asked about a new sidewalk in front of lots 3-6.

Explained to the neighbor that there would most likely be a sidewalk that is part of the construction.

Current site plan showed the sidewalk on the west side of the private driveway and asked why it wouldn't just go straight down.

Explained that we had to wait and see if the WQ facility would be in the way.

Neighborhood chair called for a close for the discussion and that there would be time for future investigation and comments in the future.

Discussion ended.

EXHIBIT F

Geotechnical Report

Geotechnical Investigation

Barlow Place

Oregon City, Oregon

Prepared for:

John Marquardt

Vancouver, WA

13 January 2008



3915 SW Plum St

Portland, OR

F: 503-285-1636

C: 503-816-3689

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SUPPORTING DATA

Appendix A - Figures

- Figure 1 Location Plan
- Figure 2 Site Plan
- Figure 3 Geology and LIDAR image

Appendix B – Test Pit Log and Laboratory data

1.0 PROJECT AND SITE DESCRIPTIONS

Introduction

Rapid Soil Solutions prepared this geotechnical engineering report for the proposed development of 5 lots along Holcomb Blvd in Oregon City, Oregon. The project site is shown on Figure 1 in Appendix A. The proposed improvements will include five single family houses. The existing house will remain on a smaller lot. These improvement areas are shown on Figure 2.

2.0 SITE CONDITIONS

2.1 Surface Conditions

The property is located in a residential neighborhood comprised of single-family homes. The site has a single family house and associated improvements of garage and driveway that will remain. The remainder of the site is covered with and tall grasses.

2.2 Regional Geology

The geology at the site - QTu2 (unconsolidated sediments) is from glacial outburst floods from Lake Missoula. The thickness of the unit QTu2 is typically 100-199m(1)

2.3 Field Exploration and Subsurface Conditions

2.3.1 Field Explorations

Three test pits were excavated with a track hoe. The location of the test pits are shown on Figure 2 in Appendix A. A registered professional engineer observed the excavation of the pits and logged the subsurface materials. Two of the tests pits were excavated to a depth of 10.0 feet below grade and one test pit was excavated to a sample the soil depth of 6ft for infiltration test in the proposed water quality facility. Test pit logs detailing materials encountered is in Appendix B. The logs were created using the Unified Soil Classification and Visual Manual Procedure (ASTM-D 2488). Samples were transported to the laboratory for further classification in seal bags. Please see Appendix B for further laboratory results.

2.3.1 Subsurface Conditions

The soil conditions were stiff clay SILT to a depth of 10.0 feet, with moisture contents ranging from 22.8% to 34.11%.

2.3.2 Groundwater

Groundwater was not encountered in test pits.

(1) Hull, Oregon Department of Geology and Mineral Industries, IMS-4, 1997

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.

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 engineered fill or firm native sub-grade should be designed for an allowable bearing capacity of 2000 *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.

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 200 *pounds per cubic foot (pcf)* 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. For footings in contact with native soils, lateral sliding 130 *psf* of resistance may be used. An angle of internal friction of 36 degrees can be used.

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.

The site was reviewed for signs of soil movement during the field explorations and using the Portland State Lidar pilot project. Lidar provides a 'bare earth' image of the site by using photons to map the ground surface. The photons remove the vegetation and structures from the image, leaving only shape of the ground. Figure 3 top, shows the Lidar photo of the site. It shows no ground movement.

3.2 Retaining Walls

The retaining wall design recommendations are based on the following assumptions: (1) the walls consist of conventional, cantilevered retaining walls; (2) the walls are less than 8 feet in height; (3) the backfill is drained; and (4) the backfill has a slope flatter than 4H: 1V. Re-evaluation of our recommendations will be required if the retaining wall design criteria for the project varies from these assumptions.

Unrestrained site walls that retain native soils should be designed to resist an active equivalent fluid unit weight of 35 pcf where supporting slopes are flatter than 4H: 1V. If retaining walls are restrained from rotation prior to being backfilled, the active equivalent fluid unit weight shall be increased to 50 pcf. 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 0.6H from the base of the wall. If other surcharges (e.g., slopes steeper than 4H:1V, foundations, vehicles, etc.) are located within a horizontal distance from the back of a wall equal to twice the height of the wall, then additional pressures will need to be accounted for in the wall design. Our office should be contacted for appropriate wall surcharges based upon the actual magnitude and configuration of the applied loads.

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 D 698. 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 D 698. 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 D 698.

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. Consequently, we recommend that construction of flat work adjacent to retaining walls be postponed at least 4 weeks after backfilling of the wall, unless survey data indicates that settlement is complete prior to that time.

3.3 Seismic Design Criteria

We understand that the seismic design criteria for this project is based on the 2003 IBC, Section 1615. The seismic design criteria, in accordance with the 2003 IBC, are summarized in Table 1.

Table 1: IBC 2003 Seismic Design Parameters

	Short Period	1 Second
Maximum Credible Earthquake Spectral Acceleration	$S_s = 0.71 \text{ g}$	$S_1 = 0.26 \text{ g}$
Site Class	D	
Site Coefficient	$F_a = 1.24$	$F_v = 1.88$
Adjusted Spectral Acceleration	$S_{MS} = 0.88 \text{ g}$	$S_{M1} = .49 \text{ g}$
Design Spectral Response Acceleration Parameters	$S_{DS} = 0.58 \text{ g}$	$S_{D1} = 0.33 \text{ g}$
Design Spectral Peak Ground Acceleration	0.32 g	

3.4 Pavement Design

I have assumed the following *Equivalent Single Axle Loads (ESALs)* values apply to the proposed street widening at the site:

- Driveways – 10,000 ESALs

Table 2 - Minimum Pavement Sections Traffic Loading

(ESALs)	AC (inches)	Base Rock (inches)
10,000	3.0	4 of 1 1/2" w/ fabric top 2" 3/4 minus

3.5 Infiltration Testing

An infiltration test was performed using the standard Falling Head test in a 6ft deep test pit located in the proposed water quality area. The bottom of the 5in casing was located at the proposed depth of the facility. The casing was filled with 24inches of water. In an hours time there was no infiltration into the soil. The very stiff clayey silt does not allow for infiltration.

4.0 CONSTRUCTION RECOMMENDATIONS

4.1 Site Preparation

Demolition should include removal of existing improvements throughout the project site. Underground utility lines, vaults, basement walls or tanks should be removed or grouted full if left in place. I recommend that soil disturbed during grubbing operations be removed to firm, undisturbed sub-grade. The excavations should then be backfilled with compacted structural fill. 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.

4.1.3 Test Pit Backfilling

As part of our subsurface exploration, 3 test pits was excavated throughout the site. The test pits were backfilled with the soil spoils from the excavation. Only light tamping and tracking with the excavator was used for compaction of the backfill. *During the development of the site, it will be necessary to remove and replace the loose backfill with properly compacted fill.* If this is not completed, then consolidation of the test pit backfill may cause settlement of new improvements (pavements). The approximate test pit location is shown on Figure 2.

4.2 Excavation

Subsurface conditions of accessible cleared areas of the project site show predominately silty clay to the depth explored (8.0 feet). Excavations in the upper soils may be readily accomplished with conventional earthwork equipment with smooth faced bucket.

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 92% of the maximum dry density, as determined by ASTM D1557. 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.

4.3.3 Pavement Base Aggregate

Imported base aggregate for roads and parking lots should be clean, crushed rock or crushed gravel. The base aggregate should meet the gradation defined in OSSC 02630.10 – Dense Graded Aggregate 1 1/2"-0," with the exception that the aggregate should have less than 5% passing a US Standard No. 200 Sieve. The base aggregate should be compacted to at least 92% of the maximum dry density, as determined by ASTM D1557.

4.4 Drainage Considerations

4.5.1 Surface and Subsurface Drainage Requirements

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.

5.0 CONSTRUCTION OBSERVATIONS

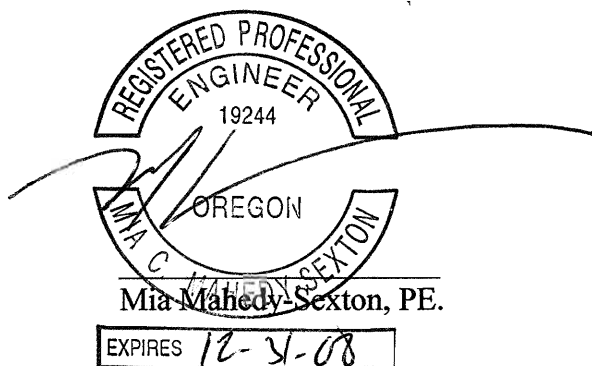
Satisfactory pavement and earthwork performance depends on the quality of construction. Sufficient monitoring of the activities of the contractor is a key part of determining that the work is completed in accordance with the construction drawings and specifications. I recommend that a geotechnical engineer 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 changes significantly from those anticipated.

6.0 LIMITATIONS

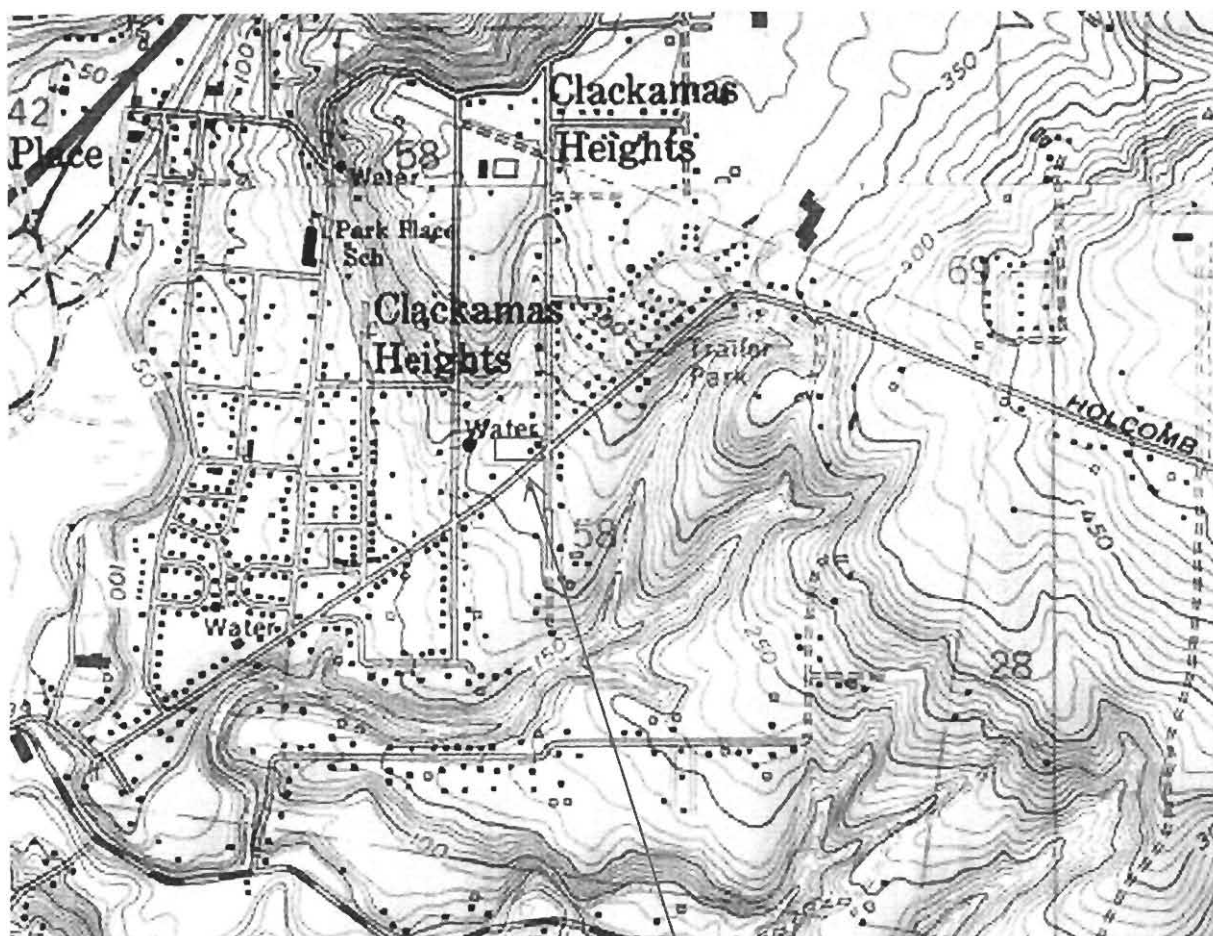
This report has been prepared for the exclusive use of the addressee, and their architects and engineers for aiding in the design and construction of the proposed development. It is the addressee's responsibility to provide this report to the appropriate design professionals, building officials, and 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 more than 2 years 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 A



Project
Site

Figure 1- Site Location

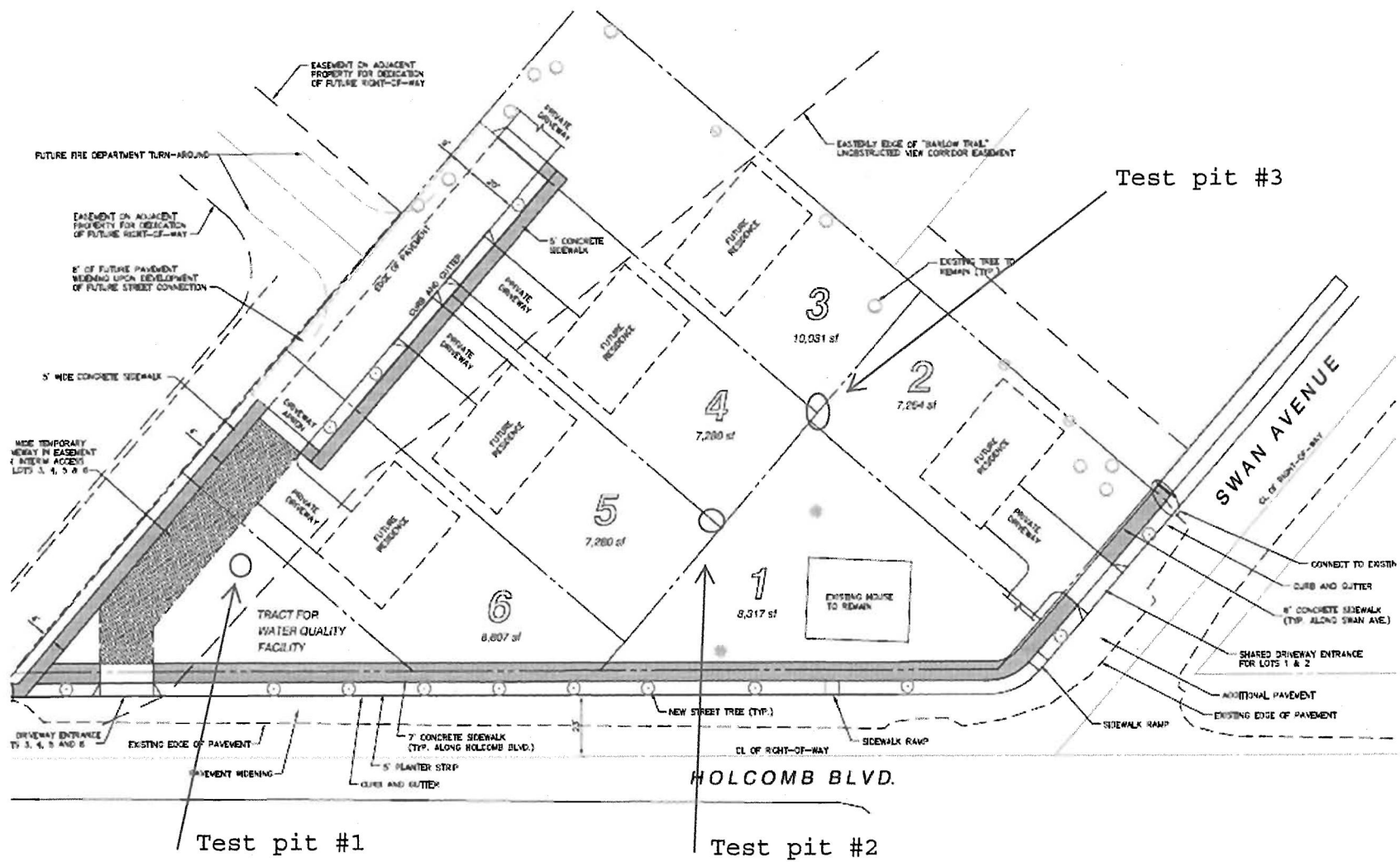


Figure 2- Site Layout

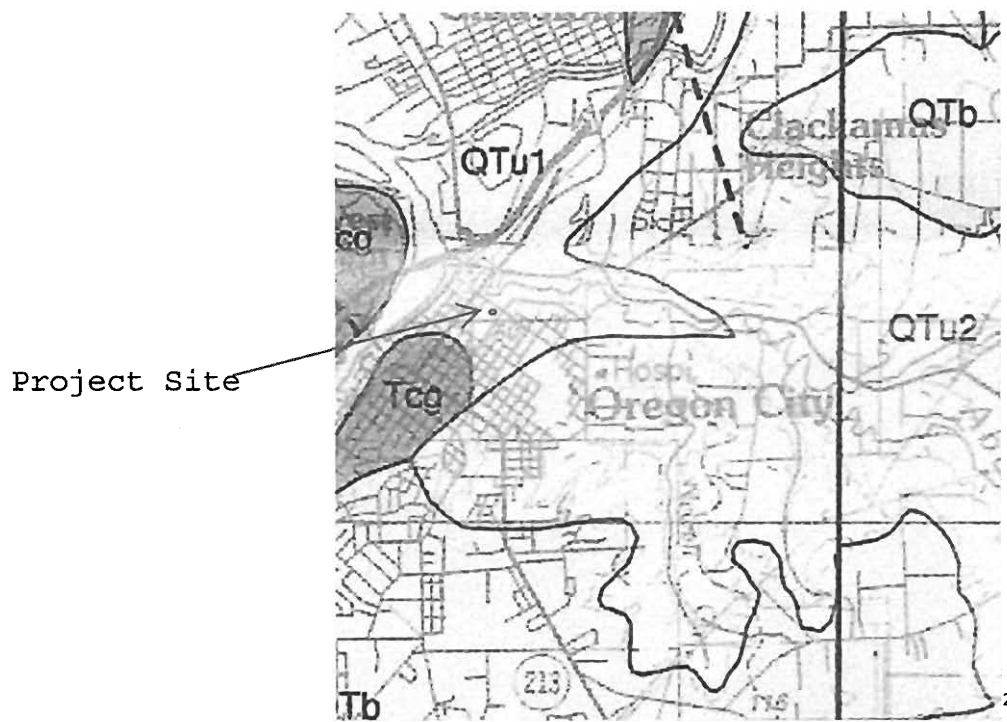


Figure 3 - Site Geology and Lidar Image

¹ - Site view from Portland State Lidar – Plot project.

² - State of Oregon, Department of Geology and Mineral Industries, IMS-4 1997

APPENDIX B



RAPID SOIL SOLUTIONS, 3915 SW PLUM, PORTLAND, OR

7409 SW Tech Center Dr, #145
Tigard, OR 97223
phn: 503-443-3799
fax: 503-620-2748

CLIENT: RAPID SOIL SOLUTIONS
PROJECT: Barlow Place
LOCATION: Test Pits
SAMPLE SOURCE: SEE BELOW

LAB: 3780
JOB NO: 08-1757
WORK ORDER NO:
DATE ASSIGNED: 1/7/08

MECHANICAL SIEVE ANALYSIS

Location & Depth				USCS	LL	PI	Silt or Clay	SAND						GRAVEL						COBBLES	Lab #
								Fine			Medium		Coarse	Fine			Coarse				
								#200	#100	#50	#40	#30	#16	#10	#8	#4	1/4"	3/8"	1/2"		

PERCENT PASSING BY WEIGHT

TP3 @ 3'		34	9																					3780
TP2 @ 3'		34	8																					3780

BORING	DEPTH	MOIST %
TP 1	3'	22.80%
TP 1	6'	25.33%
TP 2	3'	25.26%
TP 2	6'	23.44%
TP 2	8'	23.65%
TP 3	3'	34.11%
TP 3	6'	23.57%
TP 3	8'	24.00%

REVIEWED BY

TP-1

Surface Elevation: 206

7 January 2008

Date: 01/14/2008
jsl\IP_Owner\Desktop\WIA WORK\Reports 2008\Holcomb\tp1.log
SuperLog CivilTech Software, USA www.civiltech.com File: C:\Documents and

Depth	Remarks	Moisture (%)	Pocket Pen	Sample Type	Water Table
0					Top Soil
					Inorganic Silts of Low to Medium Plasticity, some clay
2					
	Damp, very stiff	22.8	3		Damp, very stiff clayey SILT
4					
6		25.3			Inorganic Clays of Medium Plasticity
8					
10					
12					
14					

Log of Test Pit

Rapid Soil Solutions

Barlow Place
14297 Holcomb Blvd

Plate 1

TP - 2

Surface Elevation: 214

7 January 2008

SuperLog CivilTech Software, USA www.civiltech.com File: C:\Documents and Settings\Owner\Desktop\IWA WORK\Reports 2008\Holcomb\tp2.log Date: 01/14/2008

Depth	Remarks	Moisture (%)	Pocket Pen	Sample Type	Water Table
0					Top Soil
					Inorganic Silts of Low to Medium Plasticity, some clay
2					
	PI=9,LL=34	25.3	3		Damp, very stiff clayey SILT
4					
6		23.4			Inorganic Clays of Medium Plasticity
8		23.7			Test pit completed at depth of 8
10					
12					
14					

Log of Test Pit

Rapid Soil Solutions

Barlow Place
14297 Holcomb Blvd

Plate 1

TP - 3

Surface Elevation: 216

7 January 2008

Date: 01/14/2008
File: C:\Documents and Settings\Owner\Desktop\2008\Holcomb\tp2.log
SuperLog CivilTech Software, USA www.civiltech.com

Depth	Remarks	Moisture (%)	Pocket Pen	Sample Type	Water Table
0					
					Top Soil
					Inorganic Silts of Low to Medium Plasticity, some clay
2					
	PI=8,LL=34	34.1	3		Damp, very stiff clayey SILT
4					
6		23.6			Inorganic Clays of Medium Plasticity
8		24			
					Test pit completed at depth of 8
10					
12					
14					

Log of Test Pit

Rapid Soil Solutions

Barlow Place
14297 Holcomb Blvd

Plate 1

EXHIBIT G

Transportation Analysis Letter



March 21, 2007

John Marquardt
PO Box 1928
Vancouver, WA 98669

RE: Barlow Place - Transportation Analysis Letter

Dear Mr. Marquardt:

This letter is written to provide the results of the traffic analyses done for the proposed residential development in Oregon City. The site is located in the northwestern quadrant of the intersection of Holcomb Boulevard at Swan Avenue.

The site currently has one direct access to Holcomb Boulevard and one direct access to Swan Avenue. With development of the site, the site will relocate the Holcomb Boulevard access to the property line, approximately 350 feet southwest of the intersection of Holcomb Boulevard at Swan Avenue. The access to Swan Avenue will be moved north and will serve two of the lots. There will be one lot remaining on the site with five new lots being proposed for a total of six lots on the site.

Trip Generation/Distribution

To estimate the number of trips that could potentially be generated by the proposed development, trip rates from *TRIP GENERATION*, Seventh Edition, published by the Institute of Transportation Engineers (ITE), were used. Trip rates used were for land-use code 210, *Single-Family Detached Housing*. The proposed development consists of one existing house and five new houses.

In order to represent a reasonable worst-case scenario, no transit or multi-modal reduction factor was applied to the trip generation estimates for the proposed development. Since the proposed development is a destination-oriented use, no reduction was made for pass-by trips.

The trip generation calculations indicate that there will be an increase of 4 trips generated by the proposed development during the morning peak hour and 5 trips during the evening peak hour. An increase of 48 weekday trips is expected with the proposed development.



John Marquardt
March 21, 2007
Page 2 of 5

A summary of the trip generation calculations for the proposed development is shown in the following table. Detailed trip generation calculations are attached to this report.

TRIP GENERATION SUMMARY			
	<u>Entering Trips</u>	<u>Exiting Trips</u>	<u>Total Trips</u>
<i>Total</i>			
AM Peak Hour	1	4	5
PM Peak Hour	4	2	6
Weekday	29	29	58
<i>Existing House</i>			
AM Peak Hour	0	1	1
PM Peak Hour	1	0	1
Weekday	5	5	10
<i>Net New Trips</i>			
AM Peak Hour	1	3	4
PM Peak Hour	3	2	5
Weekday	24	24	48

Sight Distance

The site currently has two access driveways. The access along Swan Avenue will be moved north and the access along Holcomb Boulevard will be relocated approximately 350 feet to the southwest. Sight distance was measured at both the proposed access locations.

Required sight distance was calculated from the intersection sight distance equations given in *A POLICY ON GEOMETRIC DESIGN OF HIGHWAYS AND STREETS*, published in 2004 by the *American Association of State Highway and Transportation Officials* (AASHTO). The measurements are based on an eye height of 3.5 feet and an approaching driver's eye height of 3.5 feet above the road, with the driver's eye 15 feet behind the edge of the near-side travel lane.



John Marquardt

March 21, 2007

Page 3 of 5

Based upon the posted speed of 40 mph on Holcomb Boulevard, the intersection sight distance required is at least 445 feet for access driveways along Holcomb Boulevard. The intersection sight distance at the site driveway along Holcomb Boulevard was measured in the field to be 500 feet or greater in either direction. Therefore, the existing sight distance at this access is adequate and no mitigations are required.

Based upon the posted speed of 25 mph on Swan Avenue, the intersection sight distance required is at least 280 feet for access along Swan Avenue. The intersection sight distance at the site driveway along Swan Avenue was measured to be greater than 300 feet in either direction. Therefore, the existing sight distance at this access is adequate and no mitigations are required.

Safety Evaluation

The crash history of the existing driveways along Holcomb Boulevard and Swan Avenue was not available at the time of this report. However, a review of the existing field conditions revealed no apparent safety deficiencies. No safety-related mitigations are necessary with the proposed development.

On-Site Circulation

The site will have an access to Holcomb Boulevard until properties to the west of the site develop and a roadway connection is made. All of the proposed lots are single-family houses and have shared access driveways to Holcomb Boulevard or Swan Avenue. Therefore, the on-site circulation is adequate and there is no need for mitigation.

Access Spacing

The existing development has two driveways, one on Swan Avenue and one on Holcomb Boulevard. With the proposed development, the access to Swan Avenue will be moved north and the access to Holcomb Boulevard will be relocated approximately 350 feet to the southwest. The Holcomb Boulevard access is a temporary access until properties to the west can be developed and provide access to the public street system.

Holcomb Boulevard is currently classified as a *Minor Arterial Street*. *Minor Arterial Streets* are designed to connect principal traffic generators, to carry traffic between neighborhood and regional facilities, and to provide alternative routing to *Major Arterial Streets*. Typi-



John Marquardt
March 21, 2007
Page 4 of 5

cally, access to *Minor Arterial Streets* is limited to Collector and Neighborhood Route level streets. In most instances, there are very few access points along *Minor Arterial Streets*.

Swan Avenue is currently classified as a *Local Street*. *Locals Streets* are designed to provide direct access to properties and route traffic onto higher classified roads. These roads are designed to have multiple access points closely spaced together.

The City of Oregon City does not have any formally adopted standards regarding the access spacing standards for roadways. However, access for houses is preferred to occur on *Local Streets*. The access onto Holcomb Boulevard will be removed once properties to the west develop and the site can access the public street system. Further, the proposed location will move the access away from the intersection of Holcomb Boulevard at Swan Avenue and improve the safety of this intersection. Therefore, no mitigations are necessary at this time.

Pedestrian and Bicycle Facilities

Currently there are curbs and sidewalks along portions of Holcomb Boulevard and Swan Avenue where recent development activities have occurred. With development of this site, frontage improvements, which will include curbs and sidewalks, along the northern side of Holcomb Boulevard and the western side of Swan Avenue will be constructed. This improvement will provide additional pedestrian facilities in the area. As the properties located adjacent to this site re-develop or if the City of Oregon City constructs roadway improvements in the area, additional pedestrian connectivity will be provided.

Safe Walking Route to School

The site is located greater than a half of a mile from any schools and students are likely bused to school. Sidewalks will be provided along the site frontage on both Holcomb Boulevard and Swan Avenue. This frontage improvement will improve the conditions of both roadways and will provide a better walking route to bus stops.

Conclusions and Recommendations

A site located in the northwestern quadrant of the intersection of Holcomb Boulevard at Swan Avenue is proposed for development. Currently there is one house located on this site. The proposal includes five additional houses to be constructed on the site. The proposed devel-



John Marquardt

March 21, 2007

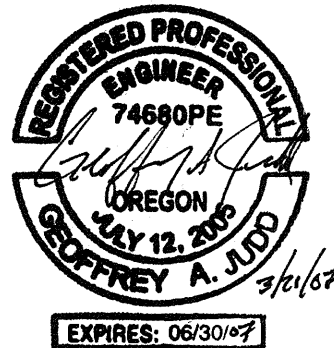
Page 5 of 5

opment will have access to Holcomb Boulevard and Swan Avenue. This will improve the access for the site by relocating an access away from the intersection.

As properties to the west of the site develop, access to the site will be via a road to the west and the access to Holcomb Boulevard will be removed. There is adequate sight distance at both access driveways. Along with development of the site, frontage improvements will be made along Swan Avenue and Holcomb Boulevard. No additional mitigations are required at this time.

Respectfully,

Geoffrey A. Judd, P.E.
Transportation Engineer





TRIP GENERATION CALCULATIONS

Land Use: Single-Family Detached Housing
Land Use Code: 210
Variable: Dwelling Units
Variable Value: 5

AM PEAK HOUR

Trip Rate: 0.75

	Enter	Exit	Total
Directional Distribution	25%	75%	
Trip Ends	1	3	4

PM PEAK HOUR

Trip Rate: 1.01

	Enter	Exit	Total
Directional Distribution	63%	37%	
Trip Ends	3	2	5

WEEKDAY

Trip Rate: 9.57

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	24	24	48

SATURDAY

Trip Rate: 10.10

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	25	25	50

Source: TRIP GENERATION, Seventh Edition



TRIP GENERATION CALCULATIONS

Land Use: Single-Family Detached Housing
Land Use Code: 210
Variable: Dwelling Units
Variable Value: 1

AM PEAK HOUR

Trip Rate: 0.75

	Enter	Exit	Total
Directional Distribution	25%	75%	
Trip Ends	0	1	1

PM PEAK HOUR

Trip Rate: 1.01

	Enter	Exit	Total
Directional Distribution	63%	37%	
Trip Ends	1	0	1

WEEKDAY

Trip Rate: 9.57

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	5	5	10

SATURDAY

Trip Rate: 10.10

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	5	5	10

Source: TRIP GENERATION, Seventh Edition

EXHIBIT H

Change of Site Address



November 29, 2012

Holcomb Blvd LLC
P.O. Box 1928
Vancouver, WA 98668

RE: Assigned street address for Assessor Map 22E28BD, Tax Lot 00900

To Whom It May Concern:

This notice is to inform you that the street address on the above described property has been changed.

The NEW address for the property is **16295 Swan Avenue**

The previous address issued of **14297 Holcomb Blvd** is hereby rescinded and shall not be used in reference to this property. If your address can not be seen from the street (flag lot, distance from the street, private drive, obstructions, etc) numbers shall be placed on the house AND at the entrance of the driveway on the street for emergency locating purposes.

If you have any questions or need further information please contact me at (503) 722-3789 between the hours of 7:30 a.m. and 6:00 p.m., Monday through Thursday.

Sincerely,

Stephanie Marcinkiewicz
Building /Addressing

enc.

cc: Clackamas County Communications (911), City Depts. (Police, Utility Billing, Public Works, Planning, Engineering, Building, Business Licensing, and GIS), Oregon City Garbage Co., Oregon City Fire Dept. (Clackamas County Fire District #1), Oregon City Post Office, Oregon City School District, Qwest Communications (& US West), Beavercreek Telephone, Metro DRC, N. W. Natural Gas Co., PGE, AT&T Cable and Broadband, Clackamas County Depts. (Building, Addressing, Tax Assessor, Elections, and GIS) Title Companies, Oregonian, BMDA, Building Bureau, Et al

email
a
text to
Robert & Sunder

EXHIBIT J

Development Plans

BARLOW PLACE

6-LOT SUBDIVISION
ALONG THE HISTORIC
BARLOW TRAIL

ADDRESS
16325 SWAN AVENUE

TAX LOT
2-2E-28BD-00900

PROPERTY SIZE
1.39 ACRES

ZONING
R8

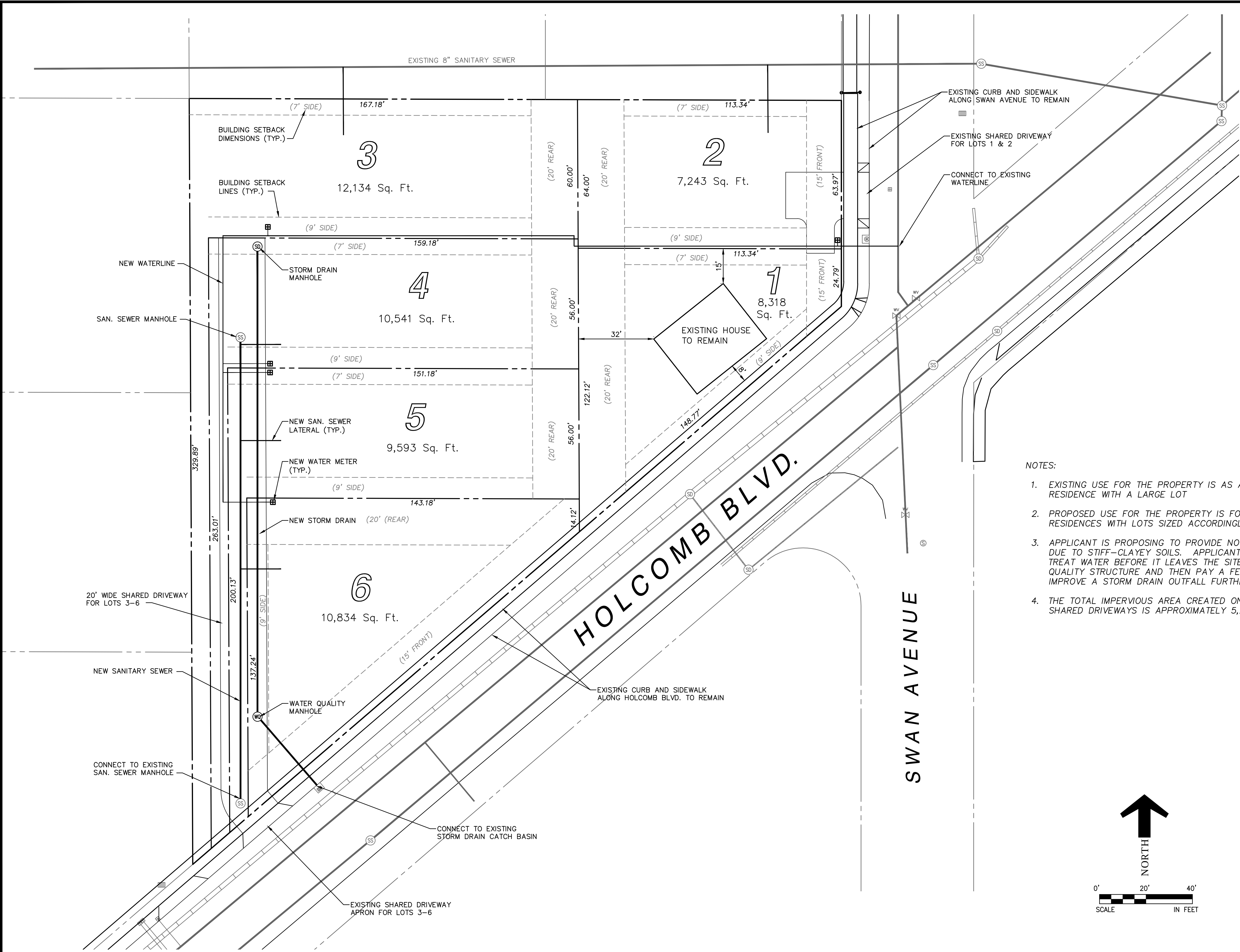
LANDMARK CONSULTING GROUP

P. O. BOX 1928, VANCOUVER, WA 98668

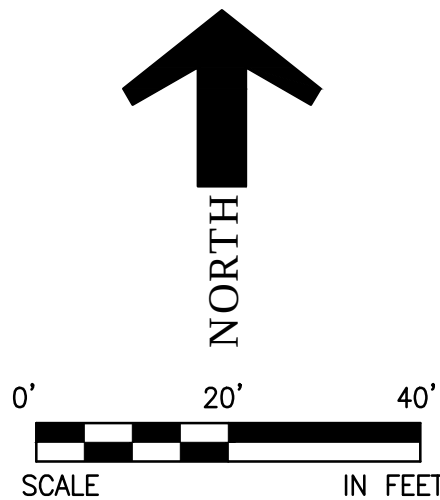
SITE PLAN

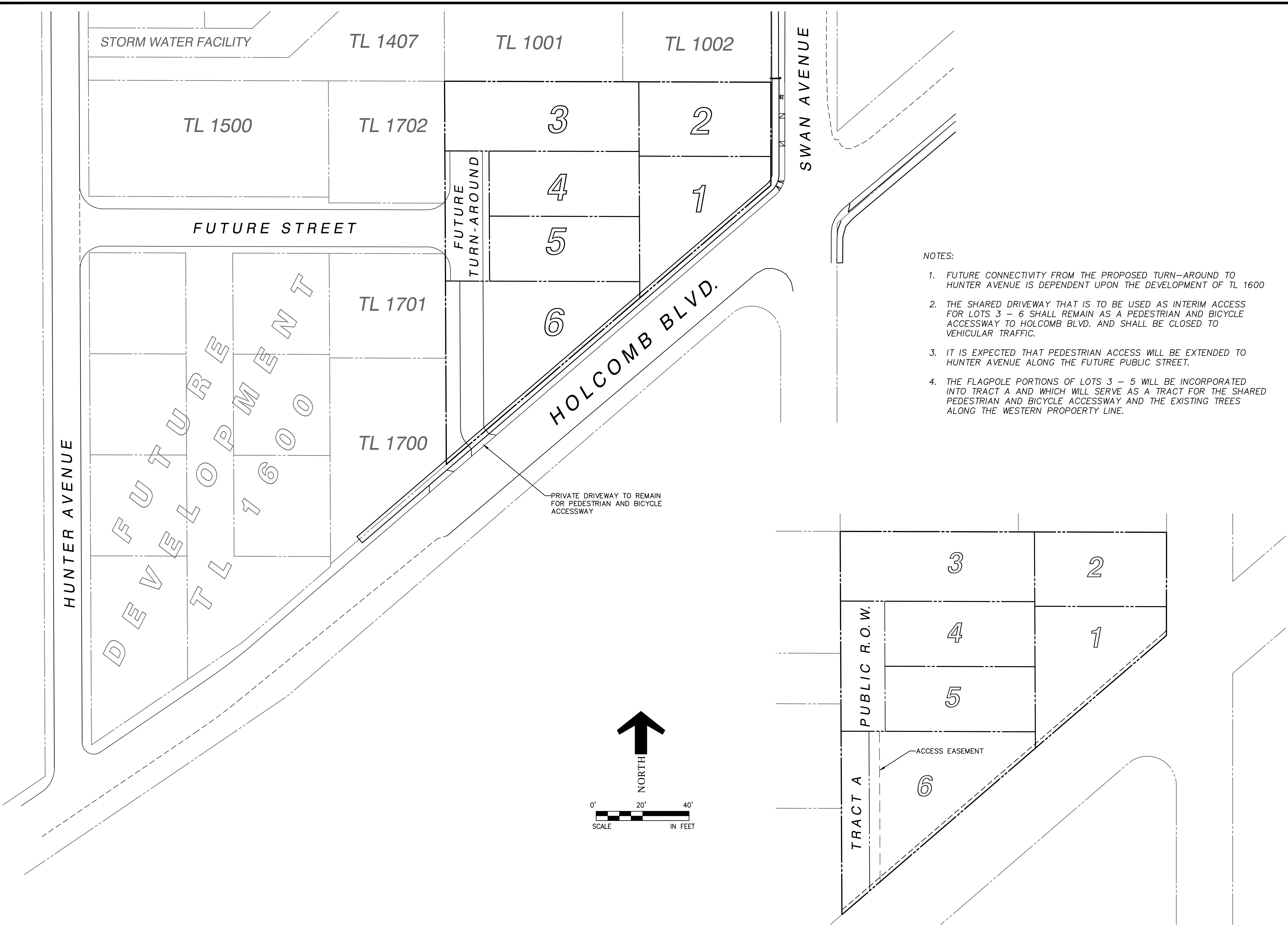
DATE:
9/16/2013
DRAWN BY:
JRM

SHEET
NUMBER
1



- NOTES:
- EXISTING USE FOR THE PROPERTY IS AS A SINGLE FAMILY RESIDENCE WITH A LARGE LOT
 - PROPOSED USE FOR THE PROPERTY IS FOR SINGLE FAMILY RESIDENCES WITH LOTS SIZED ACCORDINGLY FOR AN R8 ZONE
 - APPLICANT IS PROPOSING TO PROVIDE NO DETENTION ON SITE DUE TO STIFF-CLAYEY SOILS. APPLICANT IS PROPOSING TO TREAT WATER BEFORE IT LEAVES THE SITE WITH A WATER QUALITY STRUCTURE AND THEN PAY A FEE-IN-LIEU TO IMPROVE A STORM DRAIN OUTFALL FURTHER DOWNSTREAM.
 - THE TOTAL IMPERVIOUS AREA CREATED ON SITE BY THE SHARED DRIVEWAYS IS APPROXIMATELY 5,200 SQ. FT.





- NOTES:
- 1. FUTURE CONNECTIVITY FROM THE PROPOSED TURN-AROUND TO HUNTER AVENUE IS DEPENDENT UPON THE DEVELOPMENT OF TL 1600
 - 2. THE SHARED DRIVEWAY THAT IS TO BE USED AS INTERIM ACCESS FOR LOTS 3 – 6 SHALL REMAIN AS A PEDESTRIAN AND BICYCLE ACCESSWAY TO HOLCOMB BLVD. AND SHALL BE CLOSED TO VEHICULAR TRAFFIC.
 - 3. IT IS EXPECTED THAT PEDESTRIAN ACCESS WILL BE EXTENDED TO HUNTER AVENUE ALONG THE FUTURE PUBLIC STREET.
 - 4. THE FLAGPOLE PORTIONS OF LOTS 3 – 5 WILL BE INCORPORATED INTO TRACT A AND WHICH WILL SERVE AS A TRACT FOR THE SHARED PEDESTRIAN AND BICYCLE ACCESSWAY AND THE EXISTING TREES ALONG THE WESTERN PROPOERTY LINE.



BARLOW PLACE

6-LOT SUBDIVISION
ALONG THE HISTORIC
BARLOW TRAIL

ADDRESS
16325 SWAN AVENUE

TAX LOT
2-2E-28BD-00900

PROPERTY SIZE
1.39 ACRES

ZONING
R8

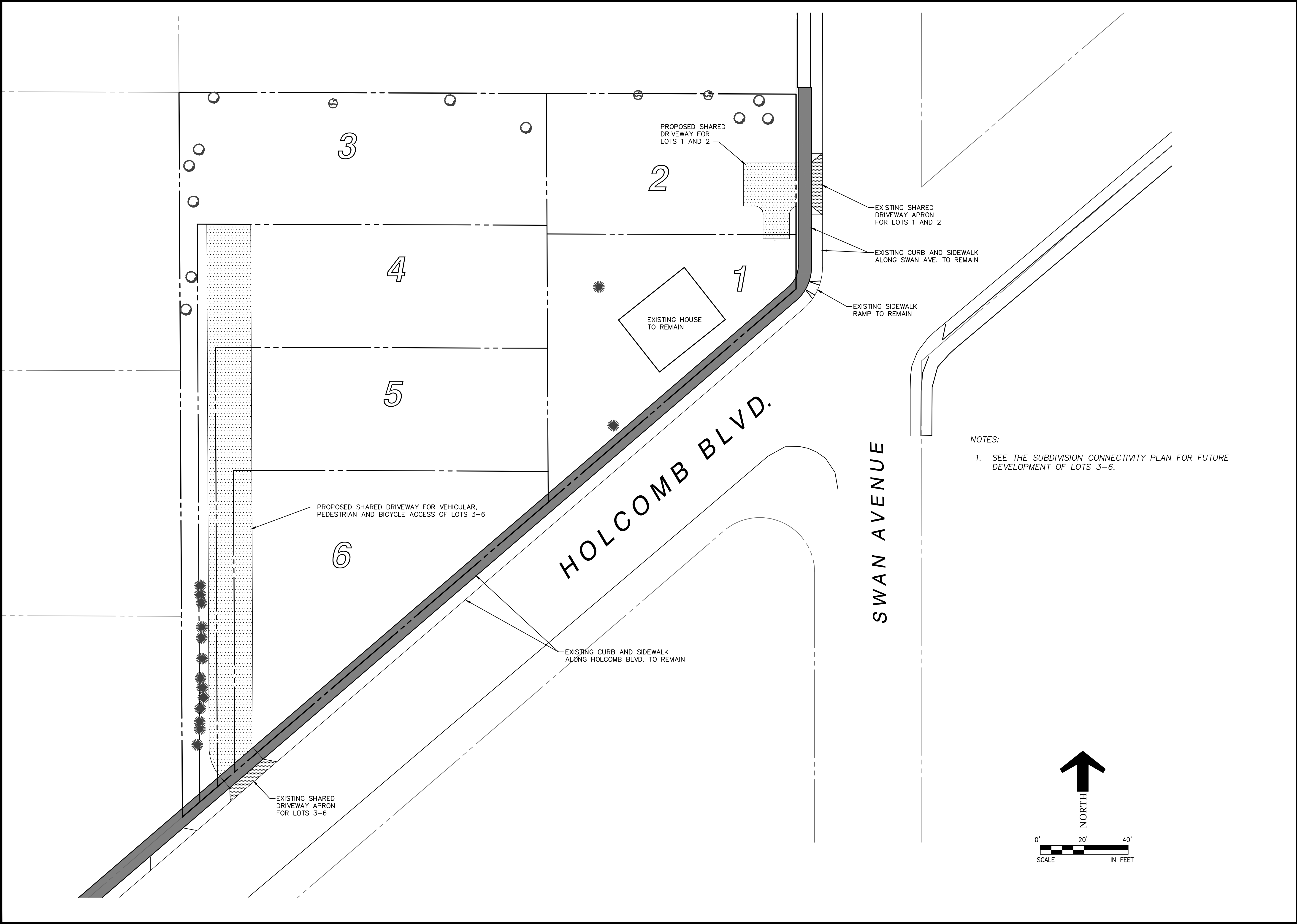
LANDMARK CONSULTING GROUP

P. O. BOX 1928, VANCOUVER, WA 98668

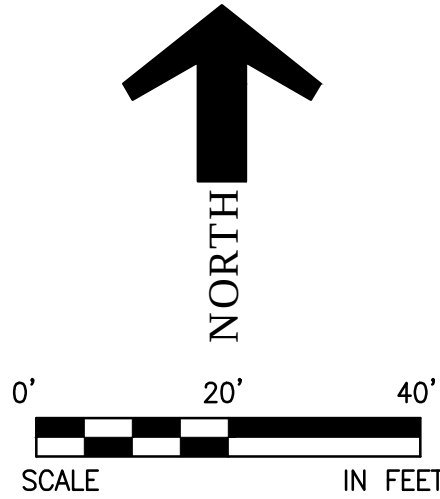
SUBDIVISION CONNECTIVITY PLAN

DATE:
9/16/2013
DRAWN BY:
JRM

SHEET
NUMBER
2



NOTES:
1. SEE THE SUBDIVISION CONNECTIVITY PLAN FOR FUTURE DEVELOPMENT OF LOTS 3-6.



BARLOW PLACE

6-LOT SUBDIVISION
ALONG THE HISTORIC
BARLOW TRAIL

ADDRESS
16325 SWAN AVENUE

TAX LOT
2-2E-28BD-00900

PROPERTY SIZE
1.39 ACRES

ZONING
R8

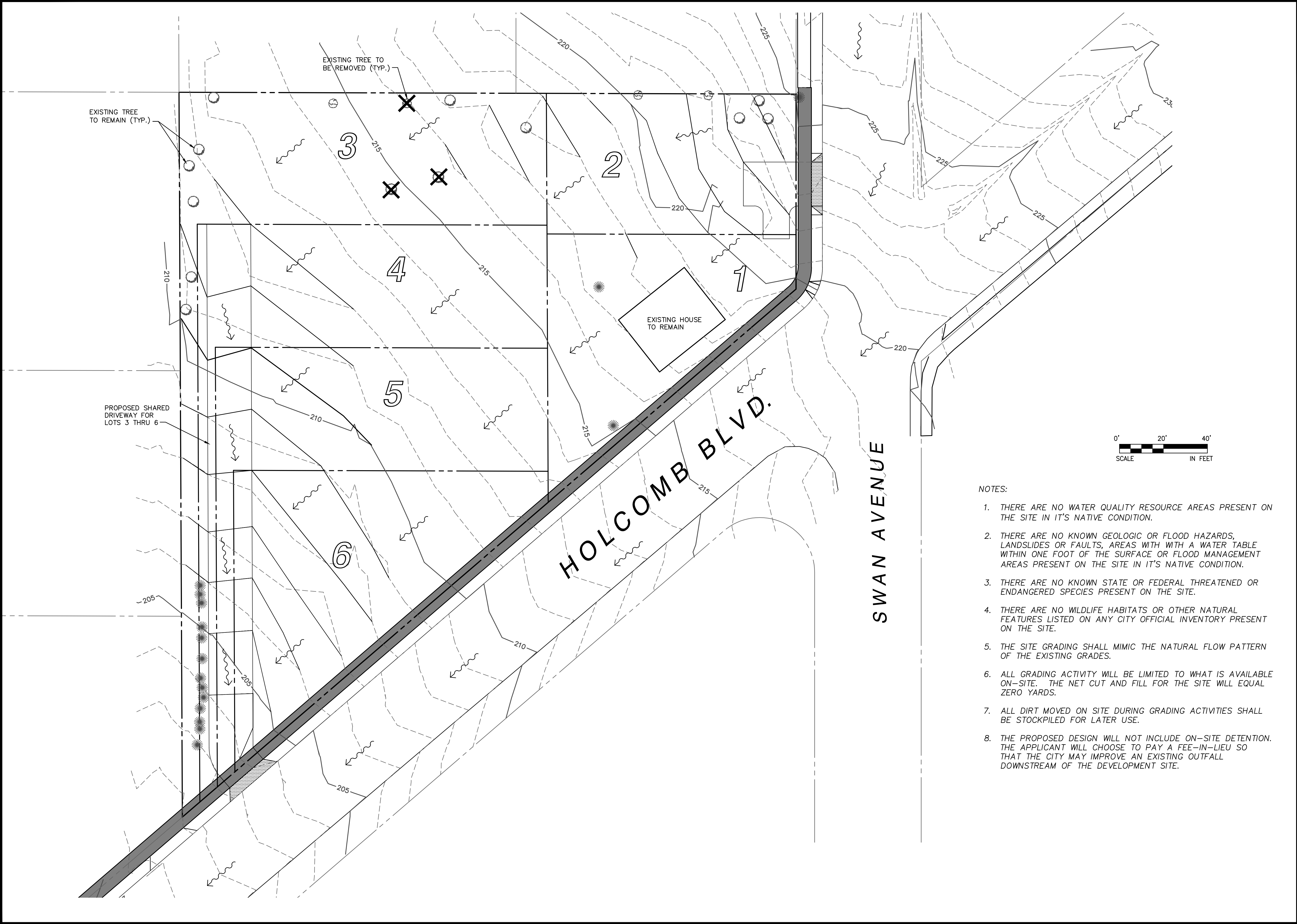
LANDMARK CONSULTING GROUP

P. O. BOX 1928, VANCOUVER, WA 98668

TRAFFIC/TRANSPORTATION PLAN

DATE:
9/16/2013
DRAWN BY:
JRM

SHEET
NUMBER
3



BARLOW PLACE

6-LOT SUBDIVISION
ALONG THE HISTORIC
BARLOW TRAIL

ADDRESS
16325 SWAN AVENUE

TAX LOT
2-2E-28BD-00900

PROPERTY SIZE
1.39 ACRES

ZONING
R8

LANDMARK CONSULTING GROUP

P. O. BOX 1928, VANCOUVER, WA 98668

NATURAL FEATURES, TOPOGRAPHY & PRELIMINARY GRADING/DRAINAGE PLAN

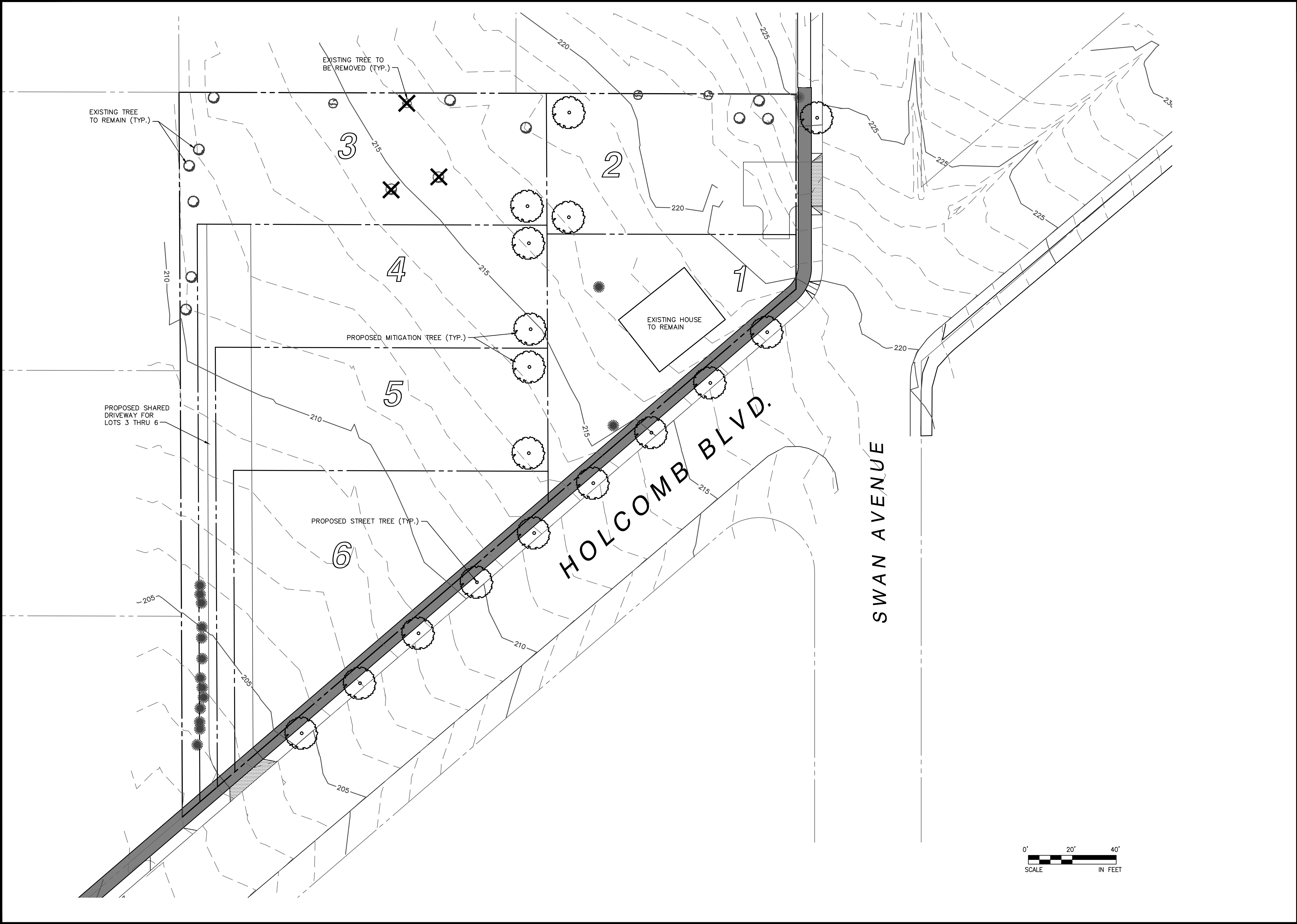
DATE:
9/16/2013

DRAWN BY:
JRM

SHEET
NUMBER

4

- NOTES:
1. THERE ARE NO WATER QUALITY RESOURCE AREAS PRESENT ON THE SITE IN IT'S NATIVE CONDITION.
 2. THERE ARE NO KNOWN GEOLOGIC OR FLOOD HAZARDS, LANDSLIDES OR FAULTS, AREAS WITH WITH A WATER TABLE WITHIN ONE FOOT OF THE SURFACE OR FLOOD MANAGEMENT AREAS PRESENT ON THE SITE IN IT'S NATIVE CONDITION.
 3. THERE ARE NO KNOWN STATE OR FEDERAL THREATENED OR ENDANGERED SPECIES PRESENT ON THE SITE.
 4. THERE ARE NO WILDLIFE HABITATS OR OTHER NATURAL FEATURES LISTED ON ANY CITY OFFICIAL INVENTORY PRESENT ON THE SITE.
 5. THE SITE GRADING SHALL MIMIC THE NATURAL FLOW PATTERN OF THE EXISTING GRADES.
 6. ALL GRADING ACTIVITY WILL BE LIMITED TO WHAT IS AVAILABLE ON-SITE. THE NET CUT AND FILL FOR THE SITE WILL EQUAL ZERO YARDS.
 7. ALL DIRT MOVED ON SITE DURING GRADING ACTIVITIES SHALL BE STOCKPILED FOR LATER USE.
 8. THE PROPOSED DESIGN WILL NOT INCLUDE ON-SITE DETENTION. THE APPLICANT WILL CHOOSE TO PAY A FEE-IN-LIEU SO THAT THE CITY MAY IMPROVE AN EXISTING OUTFALL DOWNSTREAM OF THE DEVELOPMENT SITE.



BARLOW PLACE

6-LOT SUBDIVISION
ALONG THE HISTORIC
BARLOW TRAIL

ADDRESS
16325 SWAN AVENUE

TAX LOT
2-2E-28BD-00900

PROPERTY SIZE
1.39 ACRES

ZONING
R8

LANDMARK CONSULTING GROUP

P. O. BOX 1928, VANCOUVER, WA 98668

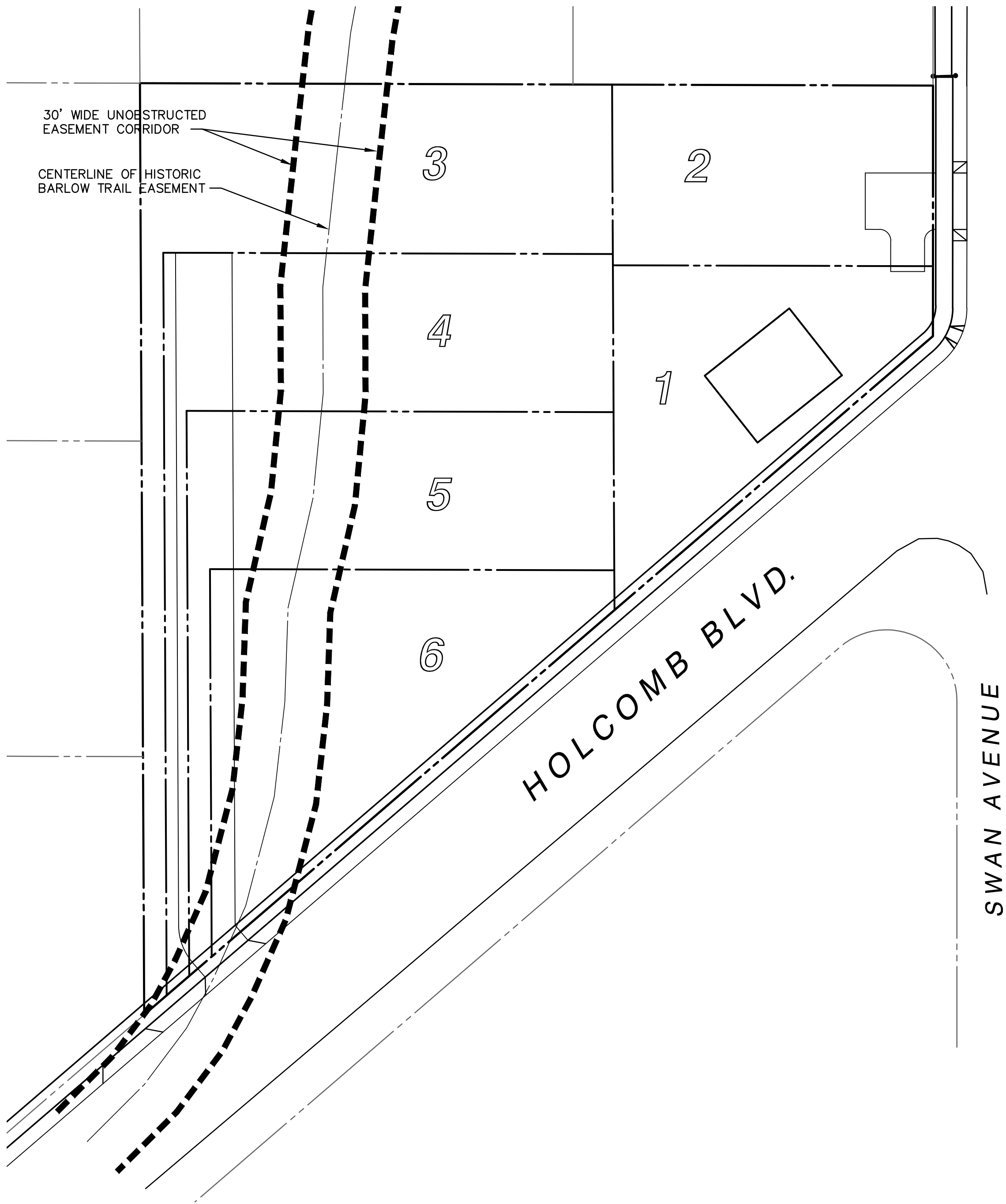
TREE MITIGATION PLAN

DATE:
9/16/2013

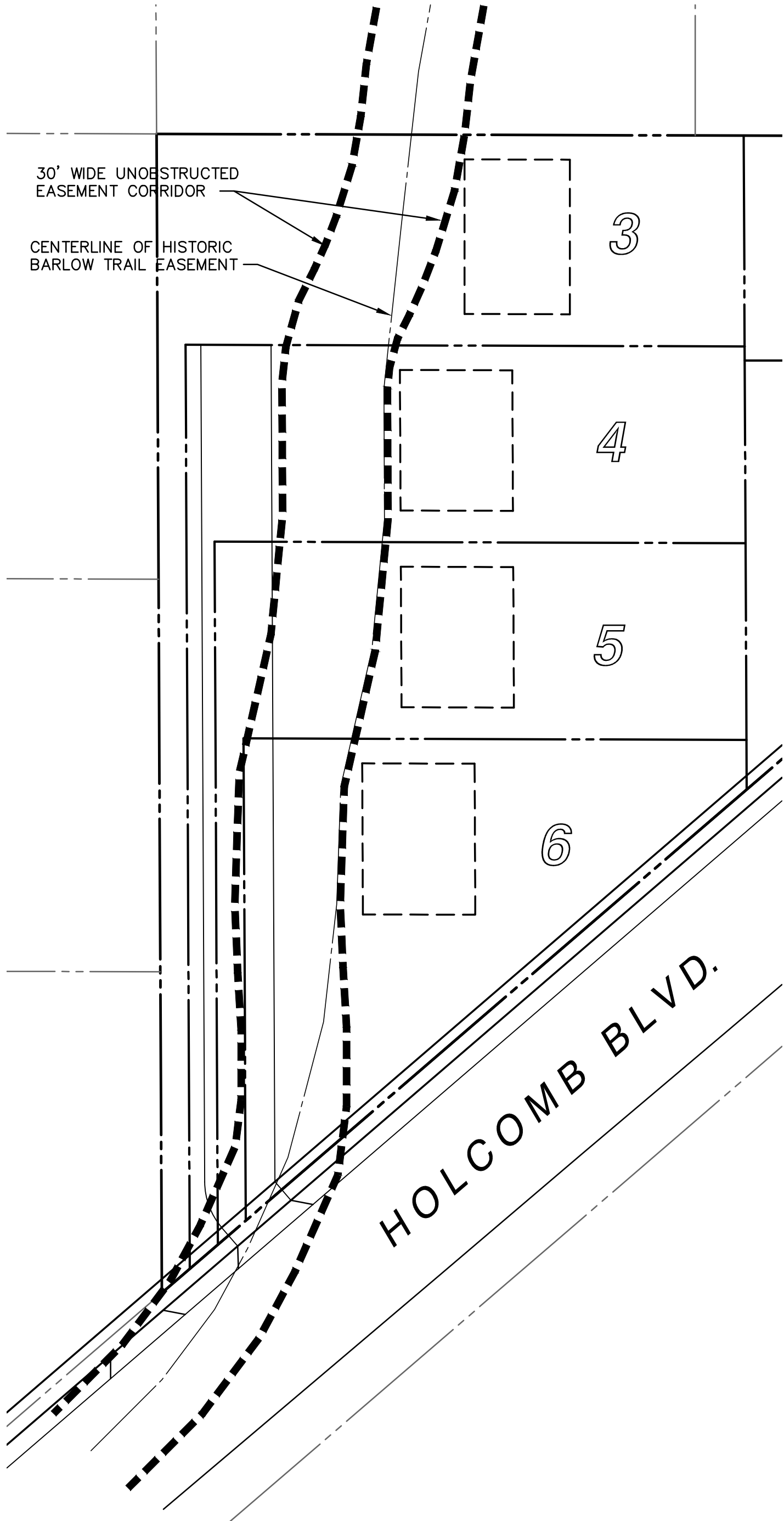
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JRM

SHEET
NUMBER

5



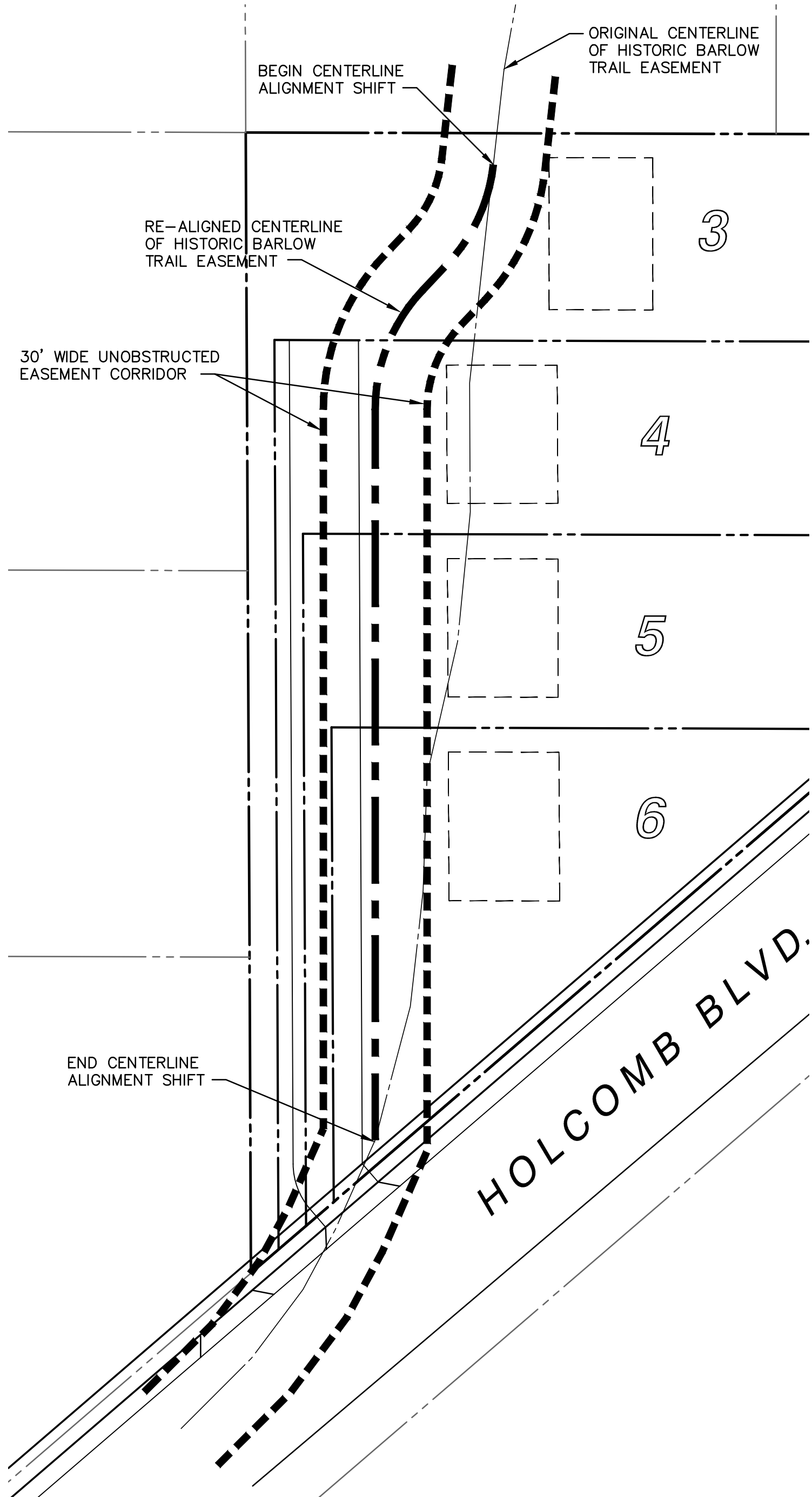
ORIGINAL ALIGNMENT



OPTION 1
ADJUST BOUNDARIES OF THE EASEMENT

NOTES FOR OPTION 1:

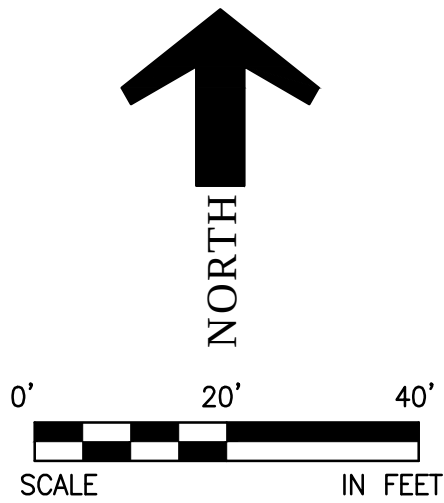
1. THE CENTERLINE OF THE EASEMENT FOR OPTION 1 SHALL NOT CHANGE.
2. THE REQUIRED 30' WIDE VIEW CORRIDOR FOR OPTION 1 SHALL BE SHIFTED SUCH THAT THE EASTERN MOST EDGE OF THE EASEMENT IS NOT LESS THAN 1' AWAY FROM THE CENTERLINE OF THE EASEMENT AS IT PASSES THROUGH LOTS 4, 5 AND 6.



OPTION 2
ADJUST CENTERLINE OF THE EASEMENT

NOTES FOR OPTION 2:

1. THE CENTERLINE OF THE EASEMENT FOR OPTION 2 WILL ONLY BE AFFECTED AS IT PASSES THROUGH THE PROPOSED DEVELOPMENT SITE. NEITHER THE CENTERLINE OR THE VIEW CORRIDOR OF ADJACENT LOTS SHALL BE ADJUSTED.



BARLOW PLACE

6-LOT SUBDIVISION
ALONG THE HISTORIC
BARLOW TRAIL

ADDRESS
16325 SWAN AVENUE

TAX LOT
2-2E-28BD-00900

PROPERTY SIZE
1.39 ACRES

ZONING
R8

LANDMARQ CONSULTING GROUP

P.O. BOX 1928, VANCOUVER, WA 98668

HISTORIC BARLOW EASEMENT PLAN

DATE:
9/16/2013

DRAWN BY:
JRM

SHEET
NUMBER

6

BARLOW PLACE

6-LOT SUBDIVISION
ALONG THE HISTORIC
BARLOW TRAIL

ADDRESS
16325 SWAN AVENUE

TAX LOT
2-2E-28BD-00900

PROPERTY SIZE
1.39 ACRES

ZONING
R8

LANDMARQ CONSULTING GROUP

P.O. BOX 1928, VANCOUVER, WA 98668

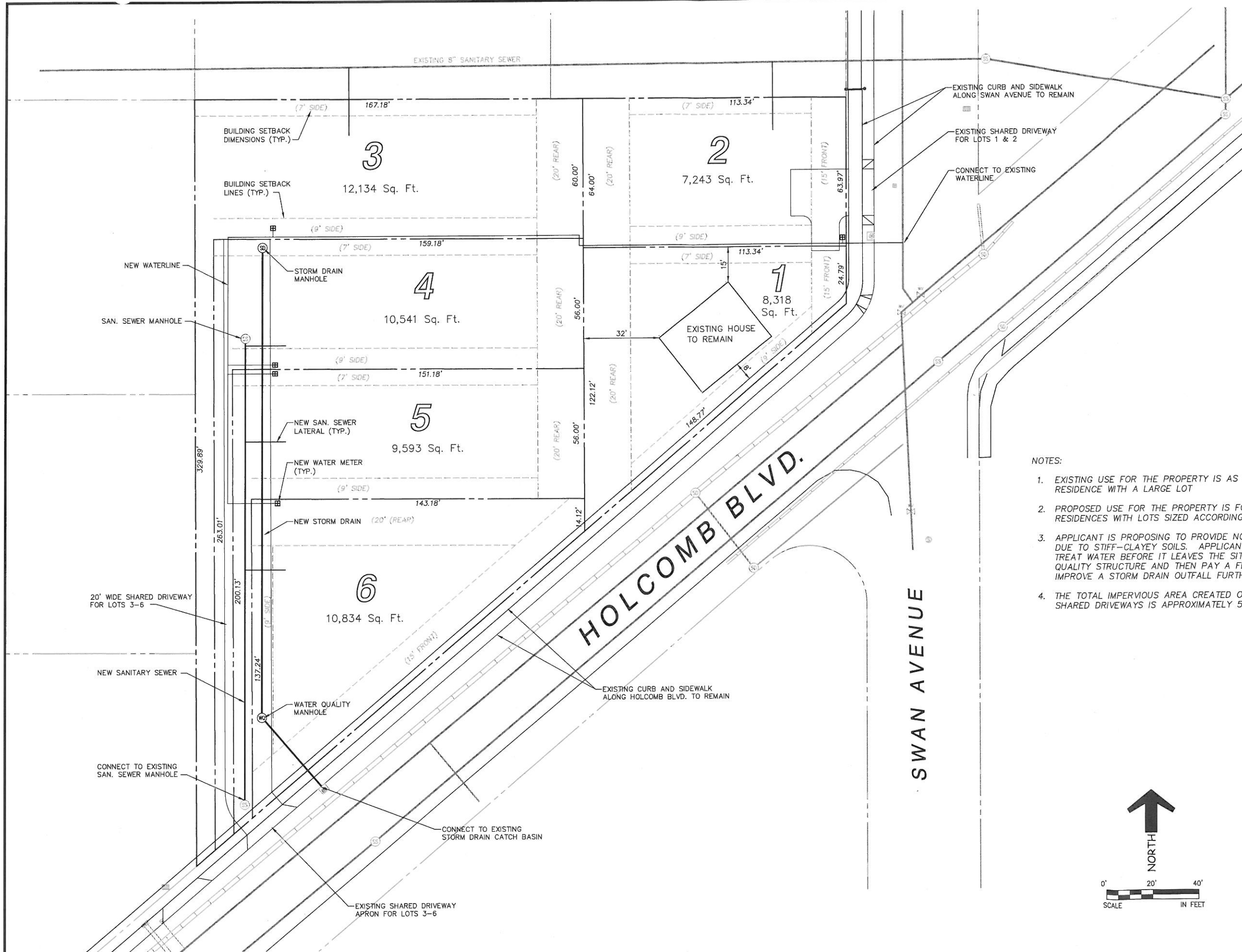
SITE PLAN

DATE:
9/16/2013

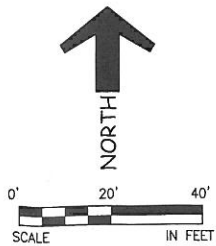
DRAWN BY:
JRM

SHEET
NUMBER

1

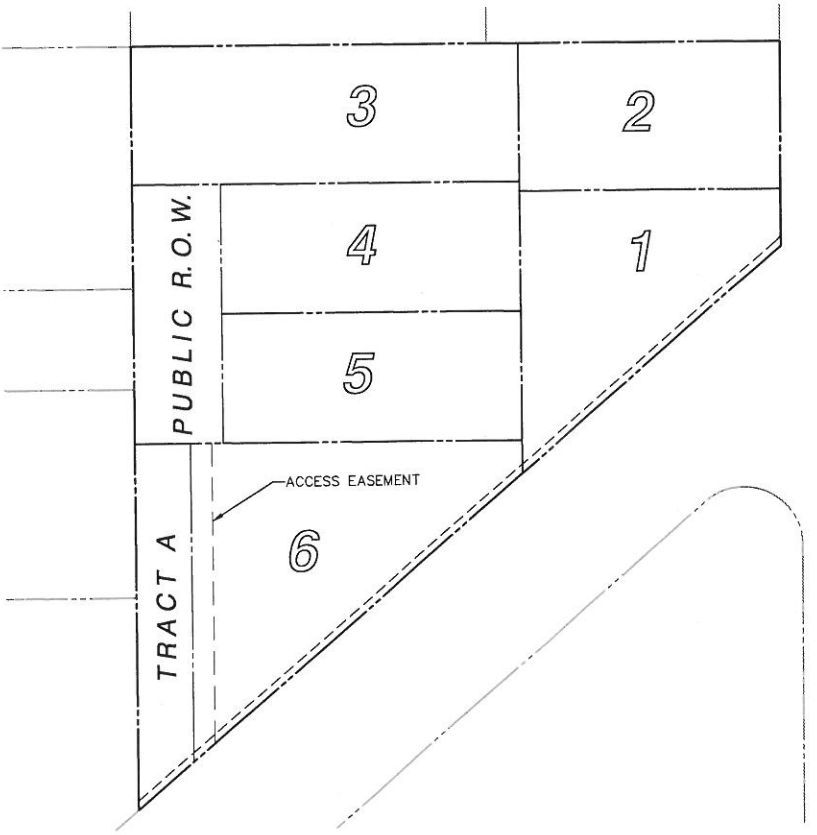


- NOTES:
- 1. EXISTING USE FOR THE PROPERTY IS AS A SINGLE FAMILY RESIDENCE WITH A LARGE LOT
 - 2. PROPOSED USE FOR THE PROPERTY IS FOR SINGLE FAMILY RESIDENCES WITH LOTS SIZED ACCORDINGLY FOR AN R8 ZONE
 - 3. APPLICANT IS PROPOSING TO PROVIDE NO DETENTION ON SITE DUE TO STIFF-CLAYEY SOILS. APPLICANT IS PROPOSING TO TREAT WATER BEFORE IT LEAVES THE SITE WITH A WATER QUALITY STRUCTURE AND THEN PAY A FEE-IN-LIEU TO IMPROVE A STORM DRAIN OUTFALL FURTHER DOWNSTREAM.
 - 4. THE TOTAL IMPERVIOUS AREA CREATED ON SITE BY THE SHARED DRIVEWAYS IS APPROXIMATELY 5,200 SQ. FT.





- NOTES:
1. FUTURE CONNECTIVITY FROM THE PROPOSED TURN-AROUND TO HUNTER AVENUE IS DEPENDENT UPON THE DEVELOPMENT OF TL 1600
 2. THE SHARED DRIVEWAY THAT IS TO BE USED AS INTERIM ACCESS FOR LOTS 3 - 6 SHALL REMAIN AS A PEDESTRIAN AND BICYCLE ACCESSWAY TO HOLCOMB BLVD. AND SHALL BE CLOSED TO VEHICULAR TRAFFIC.
 3. IT IS EXPECTED THAT PEDESTRIAN ACCESS WILL BE EXTENDED TO HUNTER AVENUE ALONG THE FUTURE PUBLIC STREET.
 4. THE FLAGPOLE PORTIONS OF LOTS 3 - 5 WILL BE INCORPORATED INTO TRACT A AND WHICH WILL SERVE AS A TRACT FOR THE SHARED PEDESTRIAN AND BICYCLE ACCESSWAY AND THE EXISTING TREES ALONG THE WESTERN PROPERTY LINE.



BARLOW PLACE

6-LOT SUBDIVISION
ALONG THE HISTORIC
BARLOW TRAIL

ADDRESS
16325 SWAN AVENUE

TAX LOT
2-2E-28BD-00900

PROPERTY SIZE
1.39 ACRES

ZONING
R8

LANDMARK CONSULTING GROUP

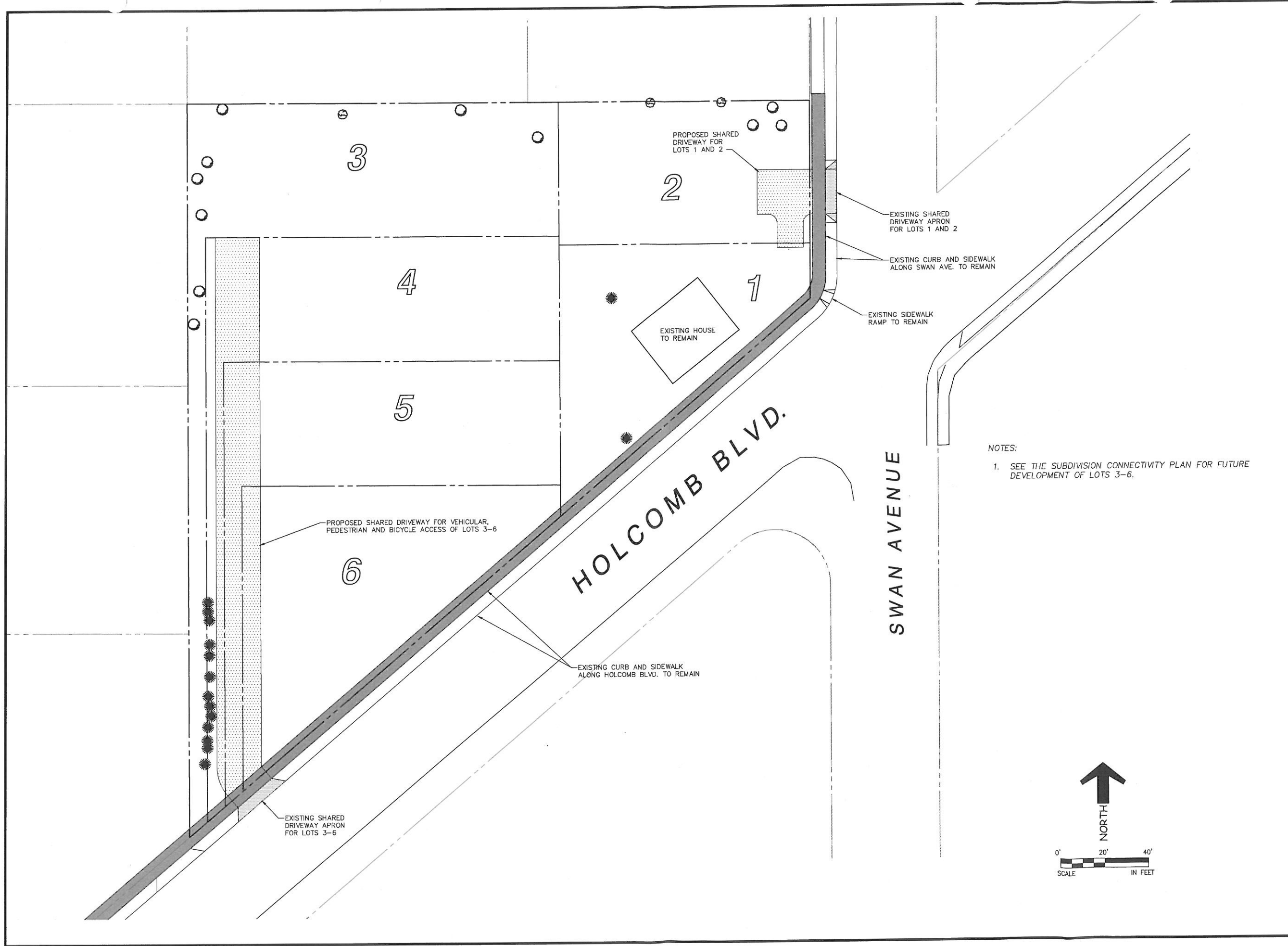
P.O. BOX 1928, VANCOUVER, WA 98668

SUBDIVISION CONNECTIVITY PLAN

DATE:
9/16/2013

DRAWN BY:
JRM

SHEET
NUMBER
2



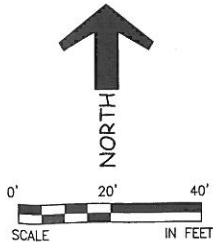
BARLOW PLACE
6-LOT SUBDIVISION
ALONG THE HISTORIC
BARLOW TRAIL
ADDRESS
16325 SWAN AVENUE
TAX LOT
2-2E-28BD-00900
PROPERTY SIZE
1.39 ACRES
ZONING
R8

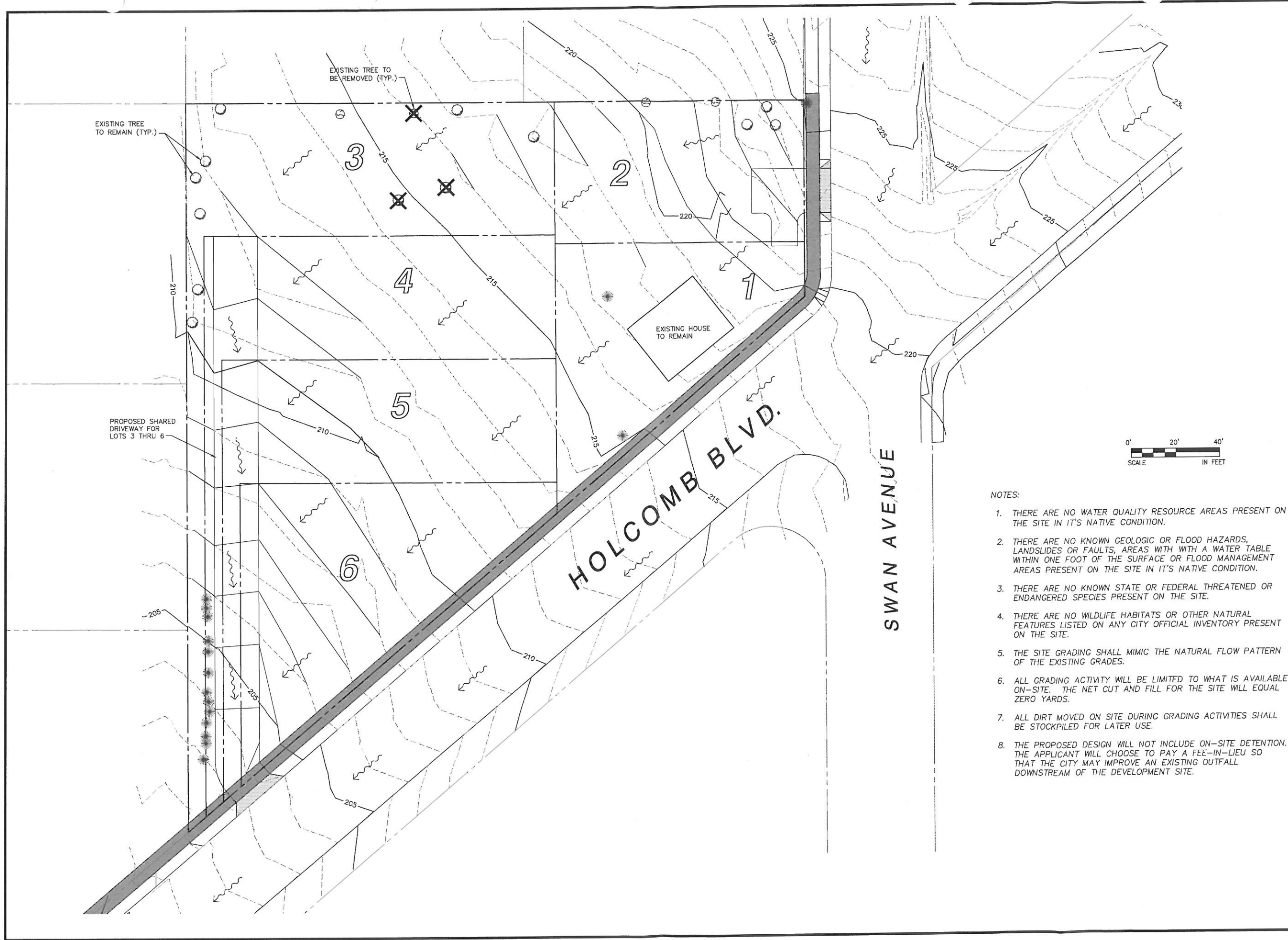
LANDMARQ CONSULTING GROUP
P.O. BOX 1928, VANCOUVER, WA 98668
TRAFFIC/TRANSPORTATION PLAN

DATE:
9/16/2013
DRAWN BY:
JRM

SHEET
NUMBER
3

NOTES:
1. SEE THE SUBDIVISION CONNECTIVITY PLAN FOR FUTURE
DEVELOPMENT OF LOTS 3-6.





BARLOW PLACE
6-LOT SUBDIVISION
ALONG THE HISTORIC
BARLOW TRAIL

ADDRESS
16325 SWAN AVENUE

TAX LOT
2-2E-28BD-00900

PROPERTY SIZE
1.39 ACRES

ZONING
R8

LANDMARQ CONSULTING GROUP
P.O. BOX 1928, VANCOUVER, WA 98668

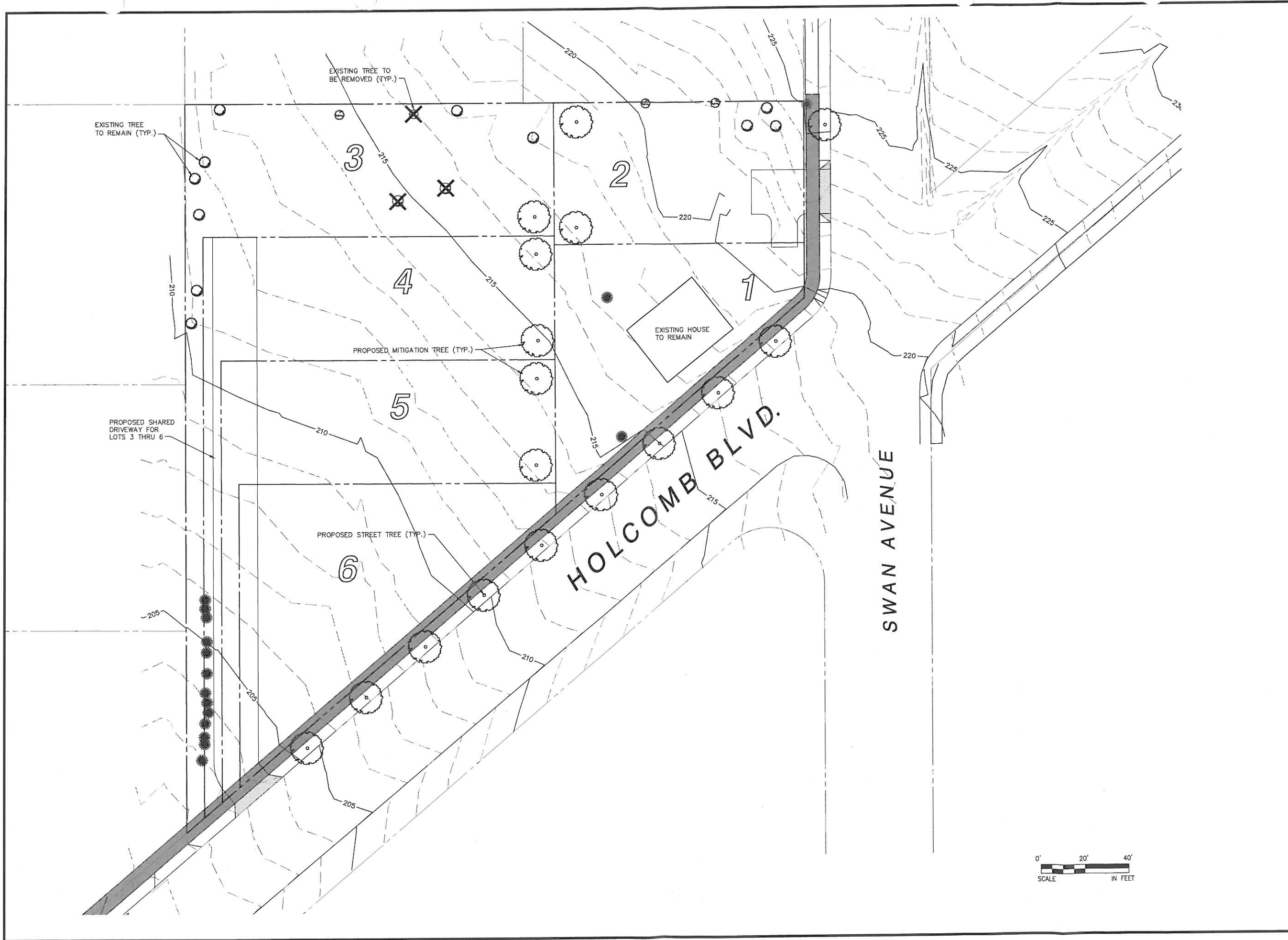
NATURAL FEATURES, TOPOGRAPHY & PRELIMINARY GRADING/DRAINAGE PLAN

- NOTES:
1. THERE ARE NO WATER QUALITY RESOURCE AREAS PRESENT ON THE SITE IN IT'S NATIVE CONDITION.
 2. THERE ARE NO KNOWN GEOLOGIC OR FLOOD HAZARDS, LANDSLIDES OR FAULTS, AREAS WITH WITH A WATER TABLE WITHIN ONE FOOT OF THE SURFACE OR FLOOD MANAGEMENT AREAS PRESENT ON THE SITE IN IT'S NATIVE CONDITION.
 3. THERE ARE NO KNOWN STATE OR FEDERAL THREATENED OR ENDANGERED SPECIES PRESENT ON THE SITE.
 4. THERE ARE NO WILDLIFE HABITATS OR OTHER NATURAL FEATURES LISTED ON ANY CITY OFFICIAL INVENTORY PRESENT ON THE SITE.
 5. THE SITE GRADING SHALL MIMIC THE NATURAL FLOW PATTERN OF THE EXISTING GRADES.
 6. ALL GRADING ACTIVITY WILL BE LIMITED TO WHAT IS AVAILABLE ON-SITE. THE NET CUT AND FILL FOR THE SITE WILL EQUAL ZERO YARDS.
 7. ALL DIRT MOVED ON SITE DURING GRADING ACTIVITIES SHALL BE STOCKPILED FOR LATER USE.
 8. THE PROPOSED DESIGN WILL NOT INCLUDE ON-SITE DETENTION. THE APPLICANT WILL CHOOSE TO PAY A FEE-IN-LIEU SO THAT THE CITY MAY IMPROVE AN EXISTING OUTFALL DOWNSTREAM OF THE DEVELOPMENT SITE.

DATE:
9/16/2013

DRAWN BY:
JRM

SHEET
NUMBER
4



BARLOW PLACE
6-LOT SUBDIVISION
ALONG THE HISTORIC
BARLOW TRAIL

ADDRESS
16325 SWAN AVENUE

TAX LOT
2-2E-28BD-00900

PROPERTY SIZE
1.39 ACRES

ZONING
R8

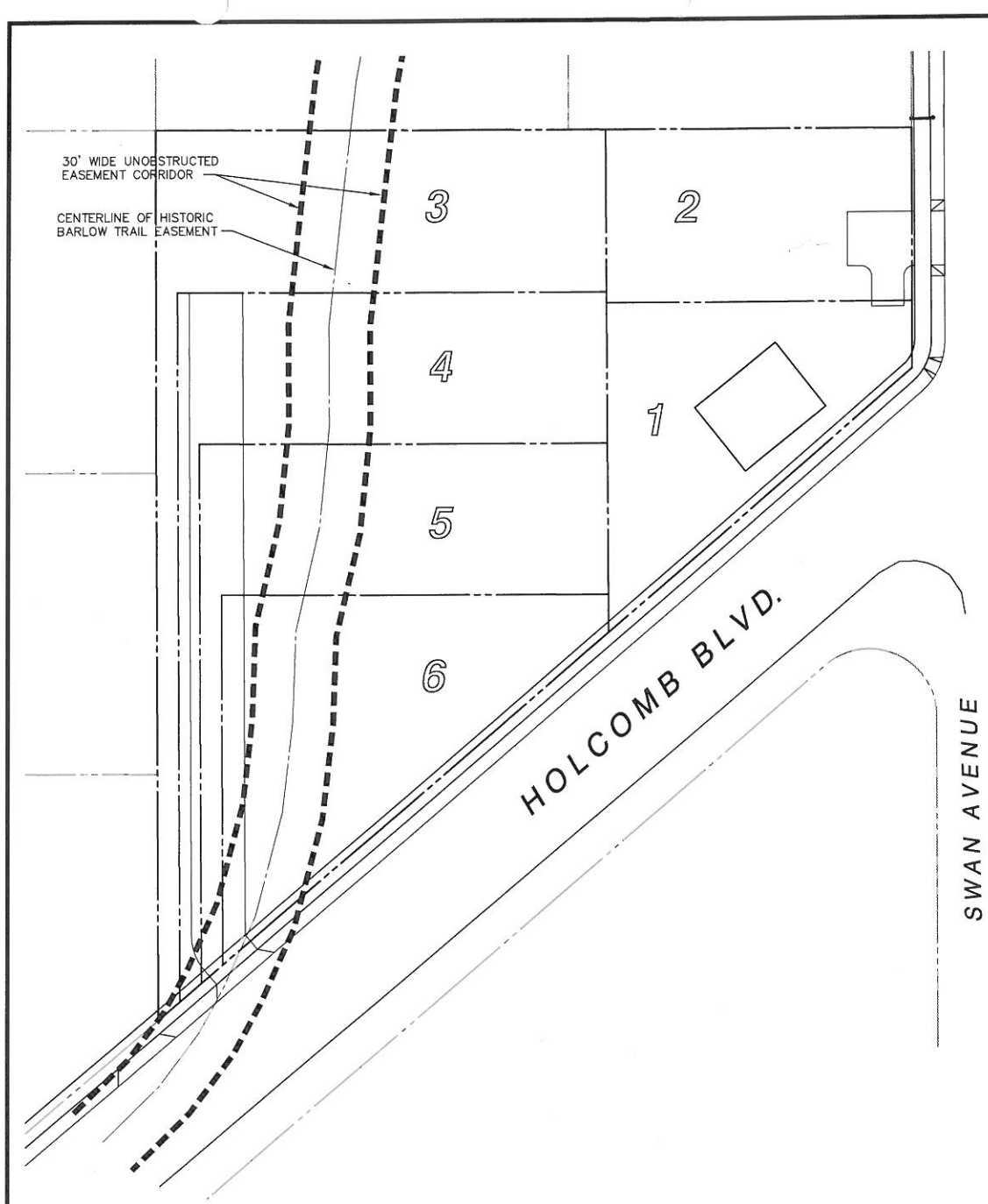
LANDMARQ CONSULTING GROUP
P.O. BOX 1928, VANCOUVER, WA 98668

TREE MITIGATION PLAN

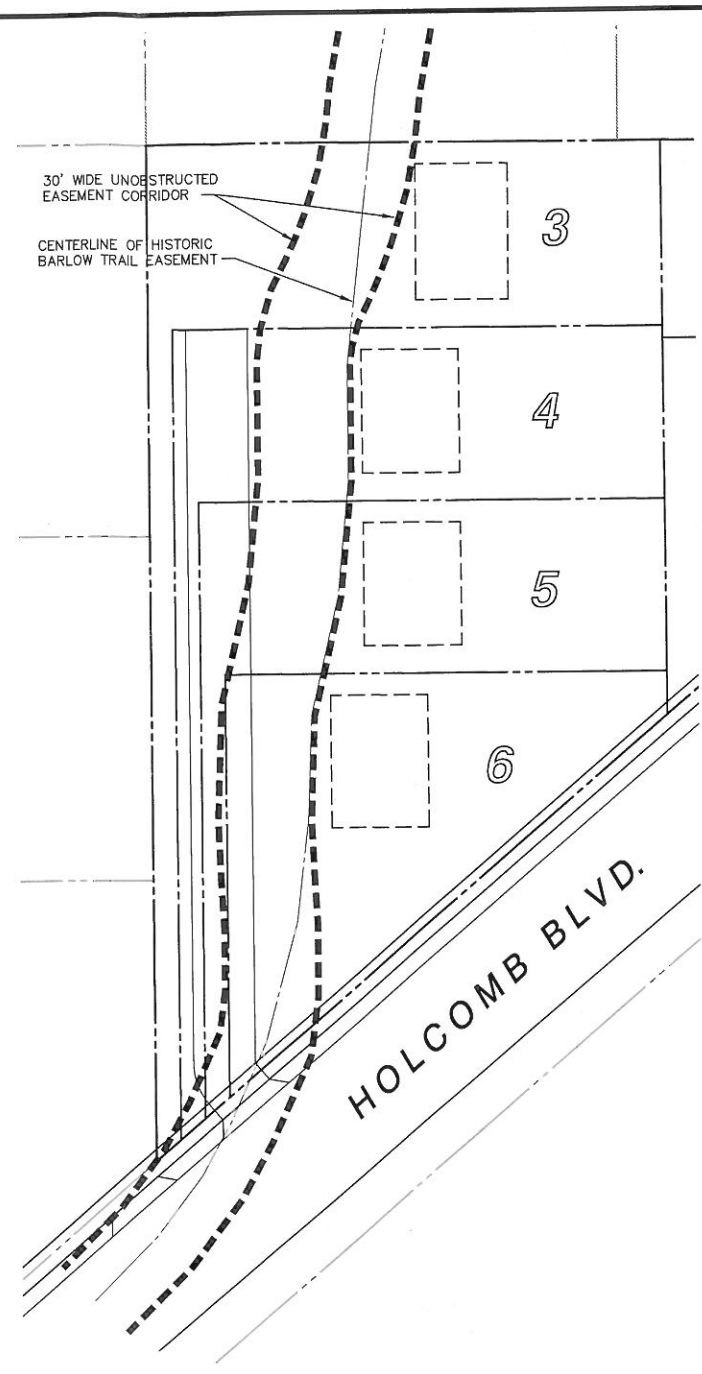
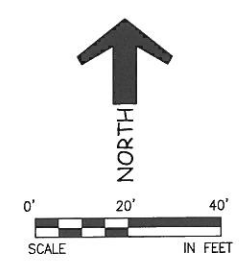
DATE:
9/16/2013

DRAWN BY:
JRM

SHEET
NUMBER
5



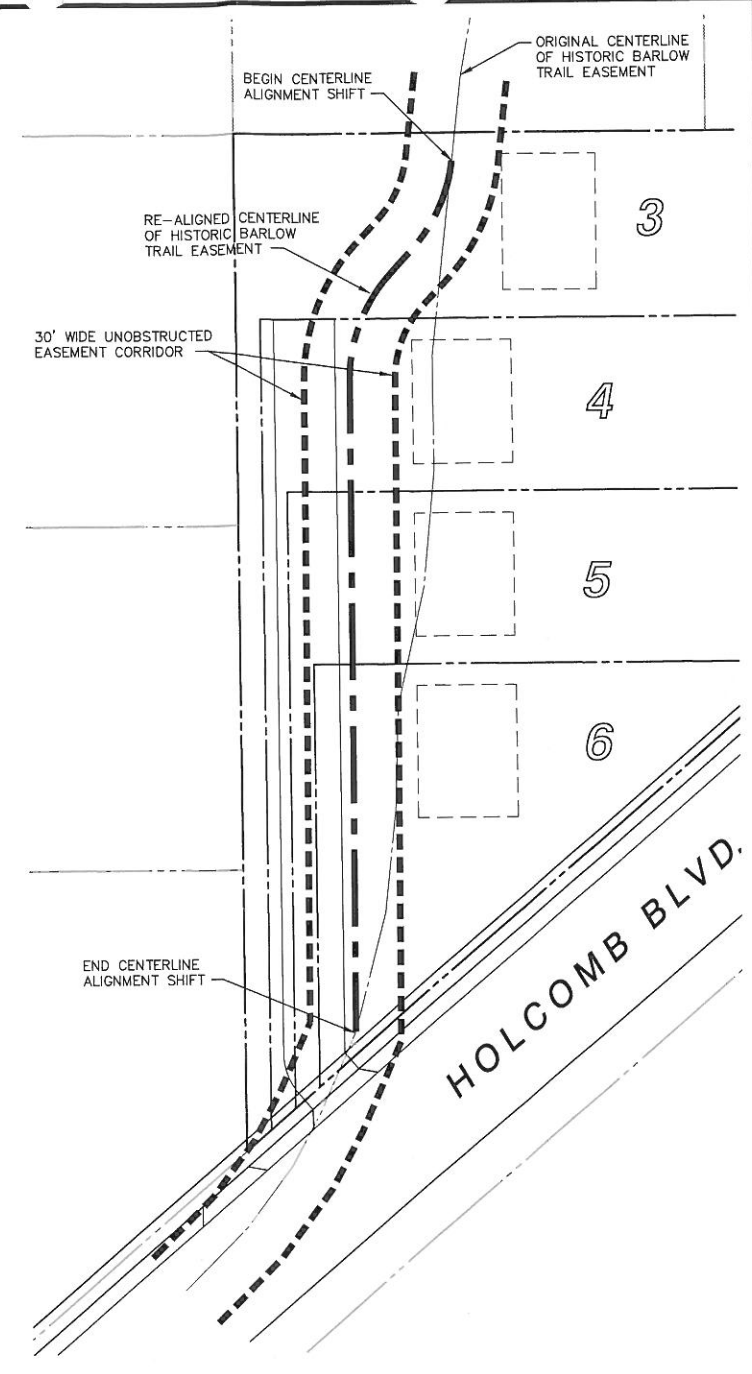
ORIGINAL ALIGNMENT



OPTION 1
ADJUST BOUNDARIES OF THE EASEMENT

NOTES FOR OPTION 1:

1. THE CENTERLINE OF THE EASEMENT FOR OPTION 1 SHALL NOT CHANGE.
2. THE REQUIRED 30' WIDE VIEW CORRIDOR FOR OPTION 1 SHALL BE SHIFTED SUCH THAT THE EASTERN MOST EDGE OF THE EASEMENT IS NOT LESS THAN 1' AWAY FROM THE CENTERLINE OF THE EASEMENT AS IT PASSES THROUGH LOTS 4, 5 AND 6.



OPTION 2
ADJUST CENTERLINE OF THE EASEMENT

NOTES FOR OPTION 2:

1. THE CENTERLINE OF THE EASEMENT FOR OPTION 2 WILL ONLY BE AFFECTED AS IT PASSES THROUGH THE PROPOSED DEVELOPMENT SITE. NEITHER THE CENTERLINE OR THE VIEW CORRIDOR OF ADJACENT LOTS SHALL BE ADJUSTED.

BARLOW PLACE 6-LOT SUBDIVISION ALONG THE HISTORIC BARLOW TRAIL ADDRESS 16325 SWAN AVENUE TAX LOT 2-2E-28BD-00900 PROPERTY SIZE 1.39 ACRES ZONING R8	
LANDMARQ CONSULTING GROUP P.O. BOX 1928, VANCOUVER, WA 98668	HISTORIC BARLOW EASEMENT PLAN
DATE: 9/16/2013 DRAWN BY: JRM	
SHEET NUMBER 6	



LAND USE APPLICATION FORM

Type I (OCMC 17.50.030.A)

- ☐ Compatibility Review
- ☐ Lot Line Adjustment
- ☐ Non-Conforming Use Review
- ☐ Natural Resource (NROD) Verification

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): TP-13-05/HR-13-05

Proposed Land Use or Activity: SUBDIVISION

Project Name: BARLOW PLACE Number of Lots Proposed (If Applicable): 6

Physical Address of Site: 16325 SWAN AVENUE

Clackamas County Map and Tax Lot Number(s): 25 2E 28BD 00900

Applicant(s):

Applicant(s) Signature: Mac Even

Applicant(s) Name Printed: MAC EVEN

Date: _____

Mailing Address: P.O. Box 2021, GRESHAM, OR 97030

Phone: 503-348-5602 Fax: _____ Email: mac@evenbetterhomes.com

Property Owner(s):

Property Owner(s) Signature: John Marquardt

Property Owner(s) Name Printed: HOLCOMB BLVD. LLC

Date: 9/24/13

Mailing Address: P.O. Box 1928, VANCOUVER, WA 98668

Phone: 360-901-2299 Fax: _____ Email: john.marquardt@comcast.net

Representative(s):

Representative(s) Signature: John Marquardt

Representative (s) Name Printed: John MARQUARDT

Date: 9/24/13

Mailing Address: P.O. Box 1928, VANCOUVER, WA 98668

Phone: 360-546-5263 Fax: _____ Email: john.12admarq@gmail.com

All signatures represented must have the full legal capacity and hereby authorize the filing of this application and certify that the information and exhibits herewith are correct and indicate the parties willingness to comply with all code requirements.



TRIP GENERATION CALCULATIONS

Land Use: Single-Family Detached Housing
Land Use Code: 210
Variable: Dwelling Units
Variable Value: 1

AM PEAK HOUR

Trip Rate: 0.75

	Enter	Exit	Total
Directional Distribution	25%	75%	
Trip Ends	0	1	1

PM PEAK HOUR

Trip Rate: 1.01

	Enter	Exit	Total
Directional Distribution	63%	37%	
Trip Ends	1	0	1

WEEKDAY

Trip Rate: 9.57

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	5	5	10

SATURDAY

Trip Rate: 10.10

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	5	5	10

Source: TRIP GENERATION, Seventh Edition



TRIP GENERATION CALCULATIONS

Land Use: Single-Family Detached Housing
Land Use Code: 210
Variable: Dwelling Units
Variable Value: 5

AM PEAK HOUR

Trip Rate: 0.75

	Enter	Exit	Total
Directional Distribution	25%	75%	
Trip Ends	1	3	4

PM PEAK HOUR

Trip Rate: 1.01

	Enter	Exit	Total
Directional Distribution	63%	37%	
Trip Ends	3	2	5

WEEKDAY

Trip Rate: 9.57

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	24	24	48

SATURDAY

Trip Rate: 10.10

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	25	25	50

Source: TRIP GENERATION, Seventh Edition



John Marquardt
March 21, 2007
Page 5 of 5

opment will have access to Holcomb Boulevard and Swan Avenue. This will improve the access for the site by relocating an access away from the intersection.

As properties to the west of the site develop, access to the site will be via a road to the west and the access to Holcomb Boulevard will be removed. There is adequate sight distance at both access driveways. Along with development of the site, frontage improvements will be made along Swan Avenue and Holcomb Boulevard. No additional mitigations are required at this time.

Respectfully,

Geoffrey A. Judd, P.E.
Transportation Engineer





John Marquardt
March 21, 2007
Page 4 of 5

cally, access to *Minor Arterial Streets* is limited to Collector and Neighborhood Route level streets. In most instances, there are very few access points along *Minor Arterial Streets*.

Swan Avenue is currently classified as a *Local Street*. *Locals Streets* are designed to provide direct access to properties and route traffic onto higher classified roads. These roads are designed to have multiple access points closely spaced together.

The City of Oregon City does not have any formally adopted standards regarding the access spacing standards for roadways. However, access for houses is preferred to occur on *Local Streets*. The access onto Holcomb Boulevard will be removed once properties to the west develop and the site can access the public street system. Further, the proposed location will move the access away from the intersection of Holcomb Boulevard at Swan Avenue and improve the safety of this intersection. Therefore, no mitigations are necessary at this time.

Pedestrian and Bicycle Facilities

Currently there are curbs and sidewalks along portions of Holcomb Boulevard and Swan Avenue where recent development activities have occurred. With development of this site, frontage improvements, which will include curbs and sidewalks, along the northern side of Holcomb Boulevard and the western side of Swan Avenue will be constructed. This improvement will provide additional pedestrian facilities in the area. As the properties located adjacent to this site re-develop or if the City of Oregon City constructs roadway improvements in the area, additional pedestrian connectivity will be provided.

Safe Walking Route to School

The site is located greater than a half of a mile from any schools and students are likely bused to school. Sidewalks will be provided along the site frontage on both Holcomb Boulevard and Swan Avenue. This frontage improvement will improve the conditions of both roadways and will provide a better walking route to bus stops.

Conclusions and Recommendations

A site located in the northwestern quadrant of the intersection of Holcomb Boulevard at Swan Avenue is proposed for development. Currently there is one house located on this site. The proposal includes five additional houses to be constructed on the site. The proposed devel-



John Marquardt
March 21, 2007
Page 3 of 5

Based upon the posted speed of 40 mph on Holcomb Boulevard, the intersection sight distance required is at least 445 feet for access driveways along Holcomb Boulevard. The intersection sight distance at the site driveway along Holcomb Boulevard was measured in the field to be 500 feet or greater in either direction. Therefore, the existing sight distance at this access is adequate and no mitigations are required.

Based upon the posted speed of 25 mph on Swan Avenue, the intersection sight distance required is at least 280 feet for access along Swan Avenue. The intersection sight distance at the site driveway along Swan Avenue was measured to be greater than 300 feet in either direction. Therefore, the existing sight distance at this access is adequate and no mitigations are required.

Safety Evaluation

The crash history of the existing driveways along Holcomb Boulevard and Swan Avenue was not available at the time of this report. However, a review of the existing field conditions revealed no apparent safety deficiencies. No safety-related mitigations are necessary with the proposed development.

On-Site Circulation

The site will have an access to Holcomb Boulevard until properties to the west of the site develop and a roadway connection is made. All of the proposed lots are single-family houses and have shared access driveways to Holcomb Boulevard or Swan Avenue. Therefore, the on-site circulation is adequate and there is no need for mitigation.

Access Spacing

The existing development has two driveways, one on Swan Avenue and one on Holcomb Boulevard. With the proposed development, the access to Swan Avenue will be moved north and the access to Holcomb Boulevard will be relocated approximately 350 feet to the southwest. The Holcomb Boulevard access is a temporary access until properties to the west can be developed and provide access to the public street system.

Holcomb Boulevard is currently classified as a *Minor Arterial Street*. *Minor Arterial Streets* are designed to connect principal traffic generators, to carry traffic between neighborhood and regional facilities, and to provide alternative routing to *Major Arterial Streets*. Typi-



John Marquardt
March 21, 2007
Page 2 of 5

A summary of the trip generation calculations for the proposed development is shown in the following table. Detailed trip generation calculations are attached to this report.

TRIP GENERATION SUMMARY			
	Entering <u>Trips</u>	Exiting <u>Trips</u>	Total <u>Trips</u>
<i>Total</i>			
AM Peak Hour	1	4	5
PM Peak Hour	4	2	6
Weekday	29	29	58
<i>Existing House</i>			
AM Peak Hour	0	1	1
PM Peak Hour	1	0	1
Weekday	5	5	10
<i>Net New Trips</i>			
AM Peak Hour	1	3	4
PM Peak Hour	3	2	5
Weekday	24	24	48

Sight Distance

The site currently has two access driveways. The access along Swan Avenue will be moved north and the access along Holcomb Boulevard will be relocated approximately 350 feet to the southwest. Sight distance was measured at both the proposed access locations.

Required sight distance was calculated from the intersection sight distance equations given in *A POLICY ON GEOMETRIC DESIGN OF HIGHWAYS AND STREETS*, published in 2004 by the *American Association of State Highway and Transportation Officials* (AASHTO). The measurements are based on an eye height of 3.5 feet and an approaching driver's eye height of 3.5 feet above the road, with the driver's eye 15 feet behind the edge of the near-side travel lane.



March 21, 2007

John Marquardt
PO Box 1928
Vancouver, WA 98669

RE: Barlow Place - Transportation Analysis Letter

Dear Mr. Marquardt:

This letter is written to provide the results of the traffic analyses done for the proposed residential development in Oregon City. The site is located in the northwestern quadrant of the intersection of Holcomb Boulevard at Swan Avenue.

The site currently has one direct access to Holcomb Boulevard and one direct access to Swan Avenue. With development of the site, the site will relocate the Holcomb Boulevard access to the property line, approximately 350 feet southwest of the intersection of Holcomb Boulevard at Swan Avenue. The access to Swan Avenue will be moved north and will serve two of the lots. There will be one lot remaining on the site with five new lots being proposed for a total of six lots on the site.

Trip Generation/Distribution

To estimate the number of trips that could potentially be generated by the proposed development, trip rates from *TRIP GENERATION*, Seventh Edition, published by the Institute of Transportation Engineers (ITE), were used. Trip rates used were for land-use code 210, *Single-Family Detached Housing*. The proposed development consists of one existing house and five new houses.

In order to represent a reasonable worst-case scenario, no transit or multi-modal reduction factor was applied to the trip generation estimates for the proposed development. Since the proposed development is a destination-oriented use, no reduction was made for pass-by trips.

The trip generation calculations indicate that there will be an increase of 4 trips generated by the proposed development during the morning peak hour and 5 trips during the evening peak hour. An increase of 48 weekday trips is expected with the proposed development.

"Passing through the timber that lies to the east of the city, we beheld Oregon City and the Falls of the Willamette at the same moment."

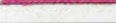
Joel Palmer
November 1, 1845

Holcomb Valley Segment

The Barlow Road The Westernmost Segment Of The Oregon Trail (1845-1919) Clackamas County, Oregon

MAP
9

Holcomb Segment

-  PRISTINE ROAD SEGMENT
-  HIGH PRIORITY ROAD SEGMENT
-  SECOND PRIORITY ROAD SEGMENT
-  THIRD PRIORITY ROAD SEGMENT

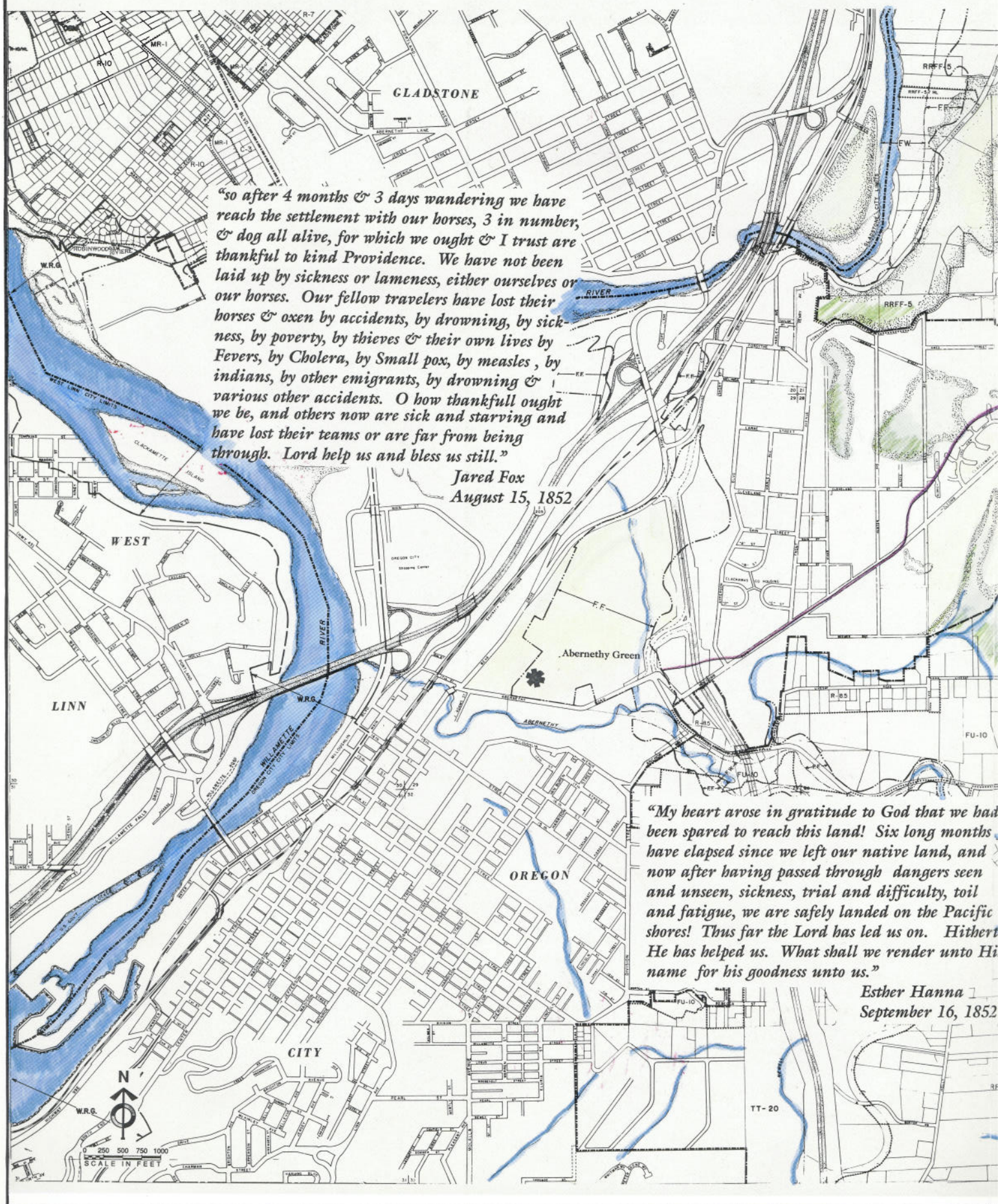
PUBLICLY OWNED POTENTIAL ACQUISITION



POTENTIAL INTERPRETIVE AREAS



VISTAS



"so after 4 months & 3 days wandering we have reach the settlement with our horses, 3 in number, & dog all alive, for which we ought & I trust are thankful to kind Providence. We have not been laid up by sickness or lameness, either ourselves or our horses. Our fellow travelers have lost their horses & oxen by accidents, by drowning, by sickness, by poverty, by thieves & their own lives by Fevers, by Cholera, by Small pox, by measles, by indians, by other emigrants, by drowning & various other accidents. O how thankfull ought we be, and others now are sick and starving and have lost their teams or are far from being through. Lord help us and bless us still."

Jared Fox
August 15, 1852

"My heart arose in gratitude to God that we had been spared to reach this land! Six long months have elapsed since we left our native land, and now after having passed through dangers seen and unseen, sickness, trial and difficulty, toil and fatigue, we are safely landed on the Pacific shores! Thus far the Lord has led us on. Hitherto He has helped us. What shall we render unto His name for his goodness unto us."

Esther Hanna
September 16, 1852



TRANSMITTAL

IN-HOUSE DISTRIBUTION

- ☐ Building Official
- ☐ Development Services Manager
- ☐ Public Works Operations
- ☐ City Engineer / Public Works Director
- ☐ GIS
- ☐ Parks Manager
- ☐ Addressing
- ☐ Police
- ☐ Traffic Engineer

MAIL-OUT DISTRIBUTION

- ☐ CICC
- ☐ Neighborhood Association Chair
- ☐ Neighborhood Association Land Use Chair
- ☐ Clackamas County - Transportation
- ☐ Clackamas County - Planning
- ☐ Fire Chief
- ☐ ODOT – Gail Curtis
- ☐ ODOT – Loretta Kiefer
- ☐ School District# 62
- ☐ Tri-Met
- ☐ Metro - Ray Valone
- ☐ Oregon City Postmaster
- ☐ DLCD

COMMENTS DUE BY:

November 19, 2013

HEARING DATE:

November 26, 2013

HEARING BODY:

___Staff Review; ___PC; XX HRB; ___CC

FILE # & TYPE:

HR 13-05 Historic Review (Related TP 13-05)

PLANNER:

Christina Robertson-Gardiner, Planner

APPLICANT:

John Marquardt

REQUEST:

The applicant is seeking approval to amend the location of the Barlow Corridor Easement on the subject site in association with a 6-lot Subdivision (Planning file TP 13-05) and) and Preservation Incentive to located an accessory building in the front yard setback, reduction to Lot Width as well as potential adjustments to front, side and/or rear setbacks.

LOCATION:

16325 Holcomb Boulevard, Oregon City, Oregon 97045

ZONING:

Clackamas County Map 2-2E-28BD, Tax Lot 900
(zoned "R-8" Single-Family Dwelling District)

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 will 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.
- ___ The proposal would not conflict our interests if the changes noted below are included.

Signed _____

PLEASE RETURN YOUR COPY OF THE APPLICATION AND MATERIAL WITH THIS FORM.

Oregon City GIS Map

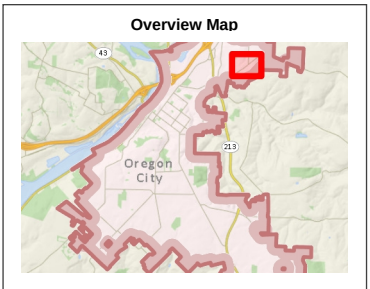


Legend

- Taxlots
- Unimproved ROW
- City Limits
- UGB
- Aerial Photos - 2012

Notes

HR 13-05
(Related file TP 13-05)



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



0 329 658 Feet

1: 3,948

Map created 11/4/2013

City of Oregon City
PO Box 3040
625 Center St
Oregon City
OR 97045
(503) 657-0891
www.orecity.org



NOTICE OF PUBLIC HEARING

HEARING DATE:	On November 26, 2013 , the City of Oregon City Historic Review Board will conduct a public hearing at 7:00 p.m. in the Commission Chambers at City Hall, 625 Center Street, Oregon City 97045 on the following Type III Land Use Application. Any interested party may testify at the public hearing or submit written testimony at or prior to the close of the Historic Review Board hearing. Written comments on this Type III Land Use Application must be received by the Oregon City Planning Division, no later than November 19, 2013 to be included in the Staff Report. Comments received after this date will be provided to the Historic Review Board at the November 26, 2013 hearing. The public record will remain open until the Historic Review Board closes the public hearing.
FILE NUMBER:	HR 13-05 Historic Review
APPLICANT:	Mac Even PO Box 2021 Gresham , OR 97030
OWNER:	John Marquardt P.O. Box 1928 Vancouver, WA 98685
REQUEST:	The applicant is seeking approval to amend the location of the Barlow Corridor Easement on the subject site in association with a 6-lot Subdivision (Planning file TP 13-05) and) and Preservation Incentive to located an accessory building in the front yard setback, reduction to Lot Width as well as potential adjustments to front, side and/or rear setbacks.
LOCATION:	16325 Holcomb Boulevard, Oregon City, Oregon 97045 Clackamas County Map 2-2E-28BD, Tax Lot 900 (zoned "R-8" Single-Family Dwelling District)
CONTACT PERSON:	Christina Robertson-Gardiner, Planner (503) 657-0891
NEIGHBORHOOD ASSOCIATION:	Park Place Neighborhood Association
CRITERIA:	Administration and Procedures are set forth in Chapter 17.50, Historic Overlay District in Chapter 17.40 and "R-8" Single-Family Dwelling District in Chapter 17.12 of the Oregon City Municipal Code. The City Code Book is available on-line at www.orcity.org

The application 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, Suite 200 from 8:00AM-5:00PM. The staff report, with all the applicable approval criteria, will also be available for inspection **seven** days prior to the hearing. Copies of these materials may be obtained for a reasonable cost in advance.

Any interested party may testify at the public hearing or submit written testimony at or prior to the hearing. **Written comments must be received by the Planning Division by November 26, 2013 to be included in the staff report.** The procedures that govern the hearing will be posted at the hearing and are found in OCMC Chapter 17.50 and ORS 197.763.

Please be advised that any issue that is intended to provide a basis for appeal must be raised before the close of the hearing, in person or by letter, with sufficient specificity to afford the Historic Review Board and the parties an opportunity to respond to the issue. Failure to raise an issue with sufficient specificity will preclude any appeal on that issue. The decision of the Historic Review Board may be appealed to the City Commission by parties with standing. Any appeal will be based on the record.

A city-recognized neighborhood association requesting an appeal fee waiver pursuant to 17.50.290(C) must officially approve the request through a vote of its general membership or board at a duly announced meeting prior to the filing of an appeal.

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FILE NUMBER:

HR 13-05 Historic Review

APPLICANT:

Mac Even
PO Box 2021
Gresham , OR 97030

OWNER:

John Marquardt
P.O. Box 1928
Vancouver, WA 98685

REQUEST:

The applicant is seeking approval to amend the location of the Barlow Corridor Easement on the subject site in association with a 6-lot Subdivision (Planning file TP 13-05) and) and Preservation Incentive to located an accessory building in the front yard setback, reduction to Lot Width as well as potential adjustments to front, side and/or rear setbacks.

LOCATION:

16325 Holcomb Boulevard, Oregon City, Oregon 97045
Clackamas County Map 2-2E-28BD, Tax Lot 900
(zoned "R-8" Single-Family Dwelling District)

CONTACT PERSON:

Christina Robertson-Gardiner, Planner (503) 657-0891

NEIGHBORHOOD ASSOCIATION:

Park Place Neighborhood Association

CRITERIA:

Administration and Procedures are set forth in **Chapter 17.50, Historic Overlay District** in **Chapter 17.40** and **"R-8" Single-Family Dwelling District** in **Chapter 17.12** of the Oregon City Municipal Code. The City Code Book is available on-line at www.orcity.org. The application 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, Suite 200 from 8:00AM-5:00PM. The staff report, with all the applicable approval criteria, will also be available for inspection **seven** days prior to the hearing. Copies of these materials may be obtained for a reasonable cost in advance.

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BILLY G & J MAUVLINE FINLEY
16416 SWAN AVE
OREGON CITY, OR 97045

FAST CASH HOUSE BUYERS LLC
PO BOX 66836
PORTLAND, OR 97290

JOEL W MURRELL
14234 HOLCOMB BLVD
OREGON CITY, OR 97045

BRIAN G & WENDY L CAYSON
16261 SWAN AVE
OREGON CITY, OR 97045

GERGALO LUDMILA A & PAVEL A
15049 SMITHFIELD DR
OREGON CITY, OR 97045

JOHN L & DELLA M RIGGS
16251 SWAN AVE
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HOLSCHU FLOYD G TRUSTEE
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GLADSTONE, OR 97027

JEFF HAYES
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LAKE OSWEGO, OR 97035

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OREGON CITY, OR 97045

NICHOLS CAROL J TRUSTEE
53326 ALICE DR
LAPINE, OR 97739

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16359 WAYNE DR
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OREGON CITY, OR 97045

PARK PLACE WATER DIST
16127 S HARLEY AVE
OREGON CITY, OR 97045

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OREGON CITY, OR 97045



**STAFF REPORT AND DECISION
HISTORIC REVIEW BOARD
June 23, 2021**

FILE NO.: GLUA 21-00034/HR-21-00013: Historic Review

HEARING DATE: **June 22, 2021**

APPLICANT: Mark Handris
ICON Construction and Development LLC
1969 Willamette Falls Dr. Suite 260
West Linn, OR 97068

OWNER: Serres Family H LLC by Daniel Serres
14620 S Forsythe Rd
Oregon City, OR 97045

REQUEST: The applicant is seeking approval through Historic Review for the realignment of the Barlow Trail Corridor as part of a residential development – Serres Farm PUD.

LOCATION: Clackamas County Map 2-2E-28A Taxlots 500, 2200, 2300
Clackamas County Map 2-2E-21D Taxlots 2100, 2200, 2300
No site address
Oregon City, OR 97045

DECISION: On June 22, 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 Historic Review Board voted 3-0 to approve the proposal with conditions. The Oregon City Historic Review Board adopted as its own the Staff Report with findings and Conditions of Approval for File Number HR 21-00013. The complete record for the Historic Review Board decision is on file at the Planning Division.

CRITERIA: Administration and Procedures are set forth in Chapter 17.50, Chapter 17.40, Historic Overlay District in Chapter 17.40, of the Oregon City Municipal Code. The City Code Book is available on-line at www.oregoncity.org.

This application is subject to the Administration and Procedures section of the Oregon City Code set forth in Chapter 17.50. The application and all supporting documents submitted by or on behalf of the applicant are available for inspection at no cost at the Oregon City Planning Division, 698 Warner Parrott Road, during regular

business days (9 am- 4pm). Copies of these materials may be obtained for a reasonable cost. The staff report, with all the applicable approval criteria, will also be available for inspection seven days prior to the hearing. Copies of these materials may be obtained for a reasonable cost in advance. Any interested party may testify at the public hearing and/or submit written testimony at or prior to the close of the record by the Historic Review Board. Notice of the Historic Review Board's decision shall be sent to the applicant and to those persons submitting comments and providing a return address. Any party who participated in the Historic Review Board proceedings may appeal the Historic Review Board's decision by filing a notice of appeal as required by OCMC 17.50.190. Any issue that is intended to provide a basis for appeal must be raised before the close of the Historic Review Board's proceeding, in person or by letter, with sufficient specificity to afford the City Commission and the parties an opportunity to respond to the issue. Failure to raise an issue with sufficient specificity will preclude any review of that issue. Parties with standing may appeal the decision of the City Commission to the Land Use Board of Appeals. The procedures that govern the hearing will be posted at the hearing and are found in OCMC Chapter 17.50 and ORS 197.763.

Historic Review Board Findings and Conditions of Approval

The Board found that the site does not contain any physical evidence of the trail, therefore a slight adjustment to the alignment was found to be appropriate. The Board found that the alignment should follow the east portion of the corridor more closely in order to provide continuity with other segments of the trail through other subdivisions to the east. On the west side of the property next to the Holcomb school property, the Board found that a larger deviation as shown in the applicant's revised layout ("Option 2") was appropriate, given the lack of easement on the school property and the location of the school building. The Board also found that the interpretive kiosk and open space proposed in the development was a mitigating factor for adjustment of the corridor on the west side of the property.

1. A plat restriction shall be placed on the subdivision indicating the requirements of *OCMC 17.40.060-G - Oregon Trail-Barlow Road Historic Corridor* and the location of the Barlow Road easement.
2. The applicant shall coordinate with planning and parks staff on interpretive signage design and content, and shall submit final language and content for the signage for staff approval before constructing the signage. The HRB will not require future HRB review of the signage but may provide informal review and assistance with signage content.
3. The Board approves the proposed alignment in Option 2 submitted by the applicant as shown below:



CITY OF OREGON CITY

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

Staff Report

To: Historic Review Board **Agenda Date:** September 24, 2024
From: Christina Robertson-Gardiner, Senior Planner

SUBJECT:

HRB Policy #7 Solar Panels-Updated Tech Guide

STAFF RECOMMENDATION:

Please be ready to provide your comments on the revised design at the meeting in advance of the October mailing.

EXECUTIVE SUMMARY:

At the June 2024 Historic Review Board Meeting, the Historic Review Board provided staff direction that they did not want to make any revisions to the HRB policy on Solar Panel at this time. However, they provided staff with suggestions on improving the existing tech guide to better convey the existing policy. Enclosed, you will find a revised version of the tech guide that incorporates comments from the June meeting.

BACKGROUND:

Changes to the Solar Tech Guide for version 2024:

- Added a second sentence to the “sloped roof location” policy on Page 2 to better articulate the existing policy:

*“Sloped roof: Solar panels are permitted on secondary façades of historic buildings and on accessory structures. **Street-facing solar on historic buildings may be permitted by staff when the solar panels is on a non-primary wing and is sufficiently set back from street-facing façades.**”*

- Added the “Examples of Solar Locations that require HRB Review” section on Page 1 which includes common situations requiring the Historic Review Board to approve the location.
- Added the “Examples of Solar Locations that may be approved by Planning Staff” to provide top-down examples of where roof-top solar may be permitted on sloped roofs that may be approved by Planning Staff.
- Removed repeated information regarding the Historic Review Board process.

The revised tech guide will be included in the upcoming Historic Property Owner packet, which will be mailed to all designated resources in the city in October, one of the Board's biannual work plan items (#8 Education), and paid for by the 2024-2025 CLG grant.

NEXT STEPS:**OPTIONS:**

1. Provide staff with any needed edits - the guide will be printed in early October with the homeowner packet.
2. Approve the revised guide as attached.

HISTORIC REVIEW BOARD POLICY #12: Solar Technology

A Guide for Property Owners



ABOUT THE HRB POLICIES

The City has adopted protections for locally designated properties to ensure these historic buildings maintain their integrity.

The Historic Review Board (HRB) adopted policies for minor alterations to historic structures that can be done without formal Board review. The policies are meant to provide clear direction to historic property owners on exterior changes including but not limited to roofing, siding, windows and doors. HRB Policies were first adopted in 1986 and updated in 2019.

Locally designated properties are subject to HRB Policies. This includes designated structures in McLoughlin Conservation District, all structures in Canemah National Register District, and landmarks outside of districts. To see if a property is designated, visit www.orcity.org/maps/historic-resources.

HRB POLICY #12: SOLAR TECHNOLOGY

Adding solar panels to historic properties can impact the character and visual qualities that convey a property's significance. Solar panel installations are permitted when standards can be met, but should not become prominent new elements that detract from the character-defining features of a historic building or landscape.

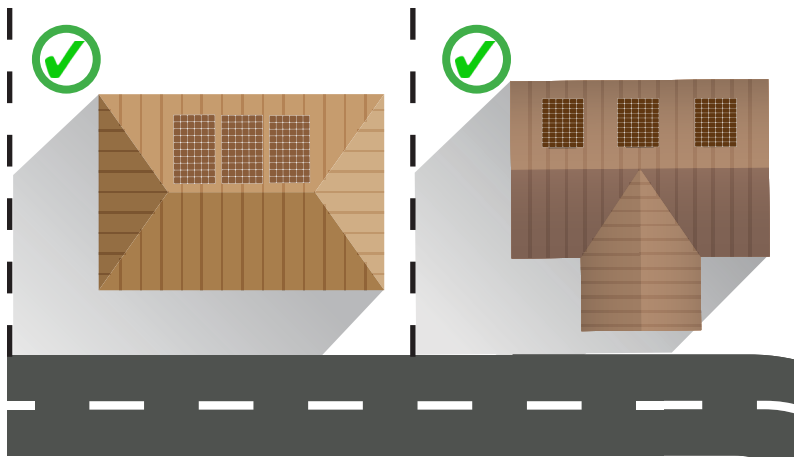
WHAT DOES THIS MEAN FOR YOU AND YOUR PROPERTY?

Solar that meets the criteria on the following page may be utilized on historic properties through staff review. Any proposal that deviates from this policy shall be considered by the Historic Review Board.

The Historic Review Board fee for alterations is \$50 plus mailing labels. When the HRB is considering solar proposals that do not meet the policy, the Secretary of Interior's Standards are used as guidance. The Secretary of Interior Standards on Solar Panels on Historic Properties can be found at: www.nps.gov/tps/sustainability/new-technology/solar/park-solar.htm.

EXAMPLES OF SOLAR LOCATIONS THAT REQUIRE HRB REVIEW:





EXAMPLES OF SOLAR LOCATIONS THAT MAY BE APPROVED BY PLANNING STAFF:

SOLAR POLICY STANDARDS

Sloped roof: Solar panels are permitted on secondary façades of historic buildings and on accessory structures. Street-facing solar on historic buildings may be permitted by staff when the solar panels are on a non-primary wing and are sufficiently set back from street-facing façades.

Design: Panels on sloped roofs shall be installed flat and project 5" or less from the roof surface; panels shall not alter the roof's slope.

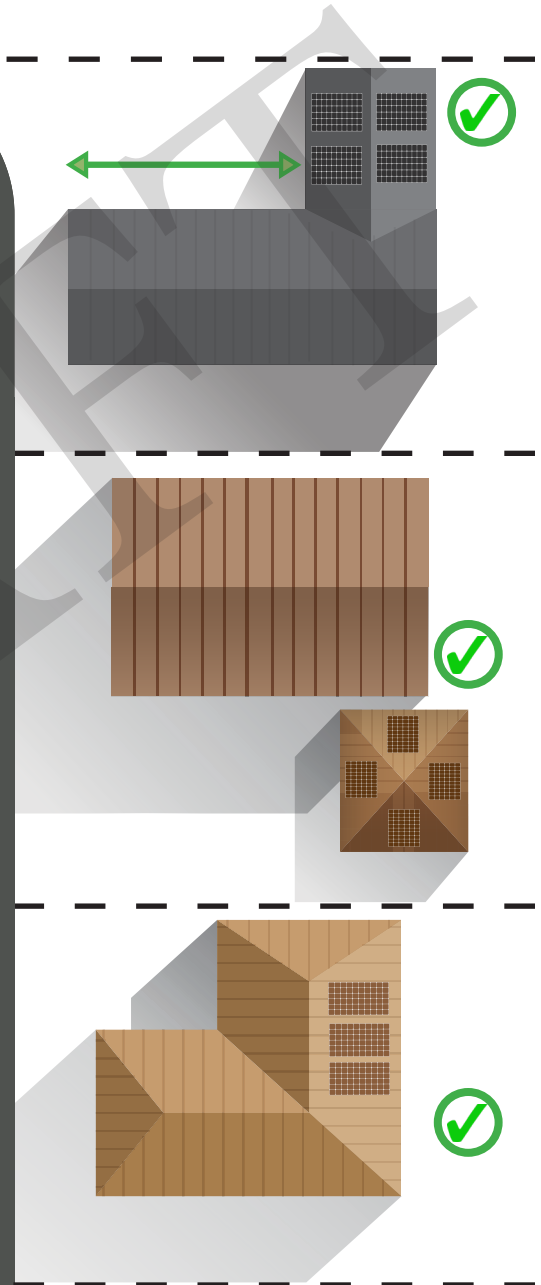
Color: Panels and mounting systems shall be the same color as established roof materials. Mechanical equipment associated with the photovoltaic system shall be as unobtrusive as possible.

Shingles: Solar shingles are permitted on secondary facades if they match the roof color.

Freestanding: Freestanding or detached on-site solar technologies are permitted in locations behind the front of the home in side and rear yards, unless the side or rear yard abuts an improved public right of way.

Flat roof structures: Solar panel installations on flat roofs shall be set back at least five feet from the roof edge to minimize visibility—unless fully obscured from the street by a parapet.

Please note that permits from the Building Division are required for solar installation.



Further information about the HRB and HRB Policies can be found at: www.orcity.org/planning/hrb-policies

If you have any questions about the City's Preservation Program or if your property is locally designated, please contact: 503-722-3789 or ocplanning@orcity.org

City of Oregon City
Planning Division
695 Warner Parrott Rd
Oregon City, OR 97045
503.722.3789
www.orcity.org/planning



The activity that is the subject of this guide has been financed in part with Federal funds from the National Park Service, U.S. Department of the Interior. However, the contents and opinions do not necessarily reflect the views or policies of the Department of the Interior, nor does the mention of trade names or commercial products constitute endorsement or recommendation by the Department of the Interior.

Historic Review Board 2023-2025 Biennium Work Plan

Adopted September 26, 2023

Project	Purpose	Action Items	Staff Level of Effort	HRB Role	Timeline	Status
1. Education --CAMP- National Association of Preservation Commissions, Daylong education session August 11, 2023 2. Education -Ongoing free Webinars from the National Association of Preservation Commissions 3. Education- Yearly preservation presentation from Deputy City Attorney- Carrie Richter on Preservation and Public Hearing basics	Provide HRB members with educational opportunities to enhance their understanding of historic preservation and their role in creating policies and reviewing applications.	Attend sessions	Low Outside educational opportunities	Attend sessions	Summer 2023 Fall 2023-Summer2025 Winter 2024	Completed Ongoing Scheduled for January or February 2024/2025 HRB meeting
4. 17.40 Code Revisions Compatible Change – Definition of New Construction – Thresholds for triggering review of non-designated structures	Review thresholds of historic review for changes to non-contributing structures after seeing some major remodeling projects in the McLoughlin District, affecting scale, height, materials, and ultimately, compatibility.	Last HRB work session on this topic was July 2021 A consultant should be selected to help support staff and HRB-paid for by next CLG grant -Fall 2024-Summer 2026 (length of grant)	High TBD	High TBD	TBD	TBD Fall 2024-Spring 2026

Project	Purpose	Action Items	Staff Level of Effort	HRB Role	Timeline	Status
5. Improving the Historic Review Approval process Windows work session-potential standard draft conditions of approval with additional details.	Ensure that built historic projects are consistent with the approved decision.	A consultant should be selected to help support staff and HRB-paid for by next CLG grant -Fall 2024-Summer 2026 (length of grant)	Medium Add to CLG grant application Select consultant. Scope deliverables and schedule HRB work sessions	Low Provide direction at HRB work sessions, provide staff direction on the scope of work	Fall 2024	Pending Fall 2024-Spring 2026
6. Improving the Historic Review Approval process Coordination with applicants and other departments to ensure compliance with Conditions of Approval	Ensure that built historic projects are consistent with the approved decision.	• Ensure Conditions of Approval are added to plans • Attend Building pre-construction meeting • Investigate if mid-build inspection is helpful/feasible	Medium Provide status updates to HRB at future meetings	Low Provide staff with any requested direction	Ongoing	In progress
7. Improving the Historic Review Approval process Revisit HRB Policy #12 Solar Panels specifically for those resources that can only place panels on front-facing elevations.	Review the work to date on solar panels to determine if new technologies and the community's climate goals conflict with the adopted HRB policy, which can limit certain historic properties from pursuing the installation of solar panels.	• Review work prepared by the City of Denver - determine if additional / changes are warranted for Policy #12 • Outreach to property owners and neighborhood associations if revisions are pursued. • Create a communication	Medium See action items	Medium • During a scheduled work session, review a summary of the research conducted by the City of Denver. • One or two members with staff attend outreach events with property owners/neighb	Winter/Spring 2024	Pending

Project	Purpose	Action Items	Staff Level of Effort	HRB Role	Timeline	Status
		plan to ensure all parties have access to the project. • Support adoption process		orhood associations. • Provide staff direction on any needed revisions to policy at scheduled work session. • Present proposed revision to City Commission at a City Commission worksession prior to HRB adoption.		
8.Public Outreach Homeowner education materials-	Continue to educate historic homeowners on the regulatory requirements and grant opportunities available to them	• Send quarterly to new historic homeowners • Write articles in the Trail News, Chamber of Commerce member magazine. • Request CLG grant to be sent every 1-2 years to all property owners	Low Utilizing existing materials	None	Quarterly CLG grant -fall 2024	In progress

Project	Purpose	Action Items	Staff Level of Effort	HRB Role	Timeline	Status
9.Public Outreach Public Education and Recognition	Promote historic places for the purpose of instilling community pride, promoting heritage tourism, and showing the social and economic benefits of historic preservation	• Preservation Month • Ruth Powers Award Coordinating awards, proclamations, and city communication. If coordination with another entity to promote a shared preservation month event- additional staff time would be needed and added to the work plan.	Low Utilizing existing materials	Low Select award winner	May 2024, 2025	Pending