



CITY OF OREGON CITY PLANNING COMMISSION AGENDA

Hanlon Commission Chambers, Libke Public Safety Facility, 1234 Linn Ave, Oregon City
Monday, September 14, 2026 at 7:00 PM

Ways to participate in this public meeting:

- Attend in person, location listed above. Please see the public comment guidelines below.
- Attend the livestream of the meeting on the City's YouTube Channel:

<https://www.youtube.com/user/CityofOregonCity>

- 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)
- Mail to City of Oregon City, Attn: City Recorder, P.O. Box 3040, Oregon City, OR 97045

1. CONVENE MEETING AND ROLL CALL

2. PUBLIC COMMENTS

Please see the public comment guidelines below.

3. PUBLIC HEARINGS

- a. GLUA-24-034-SUB-24-03-GEO-24-07-NROD-24-032 - Park Place II Subdivision

4. COMMUNICATIONS

5. 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](https://www.cityoforegoncity.org) and available on demand following the meeting. The meeting can be viewed on Willamette Falls Television channel 28 for Oregon City area residents as a rebroadcast. Please contact WPMC at 503-650-0275 for a programming schedule.



CITY OF OREGON CITY

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

Staff Report

To: Planning Commission **Agenda Date:** September 14, 2026
From: Pete Walter, Planning Manager

SUBJECT:

GLUA-24-034-SUB-24-03-GEO-24-07-NROD-24-032 - Park Place II Subdivision

STAFF RECOMMENDATION:

Open the hearing, hear the Applicant's presentation, take public testimony, and then continue the public hearing to a Date Certain, with the record open.

EXECUTIVE SUMMARY:

The applicant, ICON construction, submitted a revised narrative, plans, and natural resources assessment on 9/4/2026. The applicant wishes to provide the Planning Commission and the public an opportunity to see their revised application and acknowledges that a continuance will be needed to allow time for staff and the commission to review the revised application, respond to public comments and provide updated findings and recommendation.

BACKGROUND:

See Executive Summary.

NEXT STEPS:

OPTIONS:

Park Place Crossing II

Prepared for:
Icon Construction & Development

Prepared by:



1500 Valley River Drive, Suite 100
Eugene, OR 97401
503.746.8812
emeriodesign.com

December 3, 2024
Revised: September 4, 2026

Project Summary

Request:	Application for a 215-lot subdivision.	
Location and Map Number:	16472/16582 S Livesay Road Oregon City, OR 97045 Clackamas County Assessor's Map No. 22E28D, Tax Lots 190, 100, 301, 3700, 302, 400 & 500	
Applicant/Owner:	Icon Construction & Development Harlan Borow 1969 Willamette Falls Drive, Suite 260 West Linn, OR 97068 Phone: 503-657-0406 X160 Email: harlan@iconconstruction.net	
Engineer/Planner:	Emerio Design, LLC 1500 Valley River Drive Suite 100 Eugene, OR 97401 503-746-8812 Engineer: Scott Zelenka, PE Planner: Jennifer Arnold szelenka@emeriodesign.com jarnold@emeriodesign.com	

Exhibits

A – Tax Map

B – Aerial Photograph

C – Zoning Map

I. Project Description

Icon Construction & Development, the applicant, is proposing a 215-lot subdivision following the standard process on a 59.54-acre site identified as Clackamas County Assessor's Map No. 22E28D, Tax Lots 190, 100, 301, 302, 400, 500 & 3700 (Exhibit A); it can also be located by its addresses, 16472/16582 S Livesay Road. The site was annexed into the City in 2018 by Ordinance 18-1007. The base zones applied to the property are Low Density Residential (R-10) and Medium Density Residential (R-5). Overlays impacting the project site include Geologic Hazards Overlay specific to Slopes and a Natural Resource Overlay District. The future extension of Holly Lane is shown to encroach this overlay area which will stabilize slope and utility extensions will occur within the natural resource district.

The proposed development conforms to all applicable sections of the Oregon City Municipal Code (OCMC). This application provides findings of fact that demonstrate conformance with all applicable standards of the previously mentioned governing regulations. Applicable criteria of the OCMC will appear in *italics* followed by the applicant's responses in **bold** font.

II. Existing Conditions

As its address would suggest, the subject property has frontage on S Livesay Road, an existing public road. Access to the subject property is provided via existing stubbed streets within the Trailview neighborhood (Journey Drive, Shartner Drive, and Cattle Drive). The applicant proposes construction of new local streets and an extension of Holly Lane. Eventually, Holly Lane (Collector Street) will intersect with Holcomb Blvd once the property between the proposed northern terminus of Holly Lane and Holcomb Blvd is annexed into the City and developed. The southern terminus of Holly Lane will intersect with Livesay Road once Tax Lot 502 is developed in the future.

The subject site has several steep sloped areas but generally slopes down to the south with some undulation. The site has many trees but not for a commercial operation or farm deferral by the Assessor's Office. There are no significant natural features located within the boundaries of the subject property. Small wetlands exist on the site, but some appear to have been manmade for irrigation associated with previous farm operations. The wetlands are proposed to be filled following all required permitting processes. For adjacent zones and land uses refer to Exhibit B for an aerial photograph and Exhibit C for a zoning map:

North: Single-family dwellings zoned R-10 & R-6 by Oregon City (Assessor Map 22E28AD)

South: Single-family dwellings zoned FU-10 by Clackamas County (Assessor Map 22E28D)

East: Single-family dwelling zoned FU-10 by Clackamas County (Assessor Map 22E27C)

West: Single-family dwellings zoned R-10 by Oregon City (Assessor Map 22E28AC) & Single-family dwelling zoned FU-10 by Clackamas County (Assessor Map 22E28CA)

III. Title 12 – Streets, Sidewalks and Public Places

Chapter 12.04 - *STREETS, SIDEWALKS AND PUBLIC PLACES*

12.04.003. *Definitions*

Whenever the words or terms and their derivatives are used in this chapter, they shall be given the meaning set forth in OCMC 17.04, unless the context dictates applying a different meaning.

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.*
- 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.*
- C. *The city has jurisdiction and exercises regulatory management over each public right-of-way whether the city has a fee, easement, or other legal interest in the right-of-way. The city has jurisdiction and regulatory management of each right-of-way whether the legal interest in the right-of-way was obtained by grant, dedication, prescription, reservation, condemnation, annexation, foreclosure, or other means.*
- D. *No person may occupy or encroach on a public right-of-way without the permission of the city. The city grants permission to use rights-of-way by franchises, licenses, and permits.*
- E. *The exercise of jurisdiction and regulatory management of a public right-of-way by the city is not official acceptance of the right-of-way and does not obligate the city to maintain or repair any part of the right-of-way.*

Response: The applicant acknowledges and understands jurisdiction and management of public rights-of-ways as described above.

12.04.025. *Driveways.*

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

Response: The above standard is understood and acknowledged by the applicant.

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 above standard is understood and acknowledged by the applicant.

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 an owner or occupant to perform the duty that this chapter imposes, the owner or occupant 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: The above standard is understood and acknowledged by the applicant.

12.04.032. *Required sidewalk repair.*

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

Response: The above standard is understood and acknowledged by the applicant.

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 above standard is understood and acknowledged by the applicant.

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 above standard is understood and acknowledged by the applicant.

12.04.040. *Sidewalks—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 OCMC 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 OCMC 1.16, 1.20 and 1.24.

Response: The above standard is understood and acknowledged by the applicant.

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 above standard is understood and acknowledged by the applicant.

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 OCMC 1.16, 1.20 and 1.24.

Response: The above standard is understood and acknowledged by the applicant. However, it does not seem that retaining walls serving this purpose will be required.

12.04.070. *Removal of sliding dirt.*

It shall be the duty of the owner of any property as mentioned in OCMC 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 above standard is understood and acknowledged by the applicant. The applicant submitted a geotechnical report which provided the data to inform the proposed subdivision design.

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 anticipates having approved permits in hand prior to starting site development work on the subject site. The above standard is understood and acknowledged by the applicant.

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 above standard is understood and acknowledged by the applicant.

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 city engineer, it shall be the duty of the person making the excavation to restore the pavement in accordance with the city of Oregon City Public Works Pavement Cut Standard in effect at the time a right-of-way permit is granted. The city commission may adopt and modify the city of Oregon City Public Works Pavement Cut Standards by resolution as necessary to implement the requirements of this chapter.

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 OCMC 1.16, 1.20 and 1.24.

Response: The above standard is understood and acknowledged by the applicant.

12.04.120. *Obstructions—Permit required.*

- A. *Permanent Obstructions. It is unlawful for any person to place, put or maintain any obstruction, other than a temporary obstruction, as defined in subsection B of this section, in any public street or alley in the city, without obtaining approval for a right-of-way permit from the city commission by passage of a resolution.*
1. *The city engineer shall provide applicants with an application form outlining the minimum submittal requirements.*
 2. *The applicant shall submit at least the following information in the permitting process in order to allow the city commission to adequately consider whether to allow the placement of an obstruction and whether any conditions may be attached:*
 - a. *Site plan showing right-of-way, utilities, driveways as directed by staff;*
 - b. *Sight distance per OCMC 10.32, Traffic Sight Obstructions;*
 - c. *Traffic control plan including parking per Manual on Uniform Traffic Control Devices (MUTCD);*
 - d. *Alternative routes if necessary;*
 - e. *Minimizing obstruction area; and*
 - f. *Hold harmless/maintenance agreement.*
 3. *If the city commission adopts a resolution allowing the placement of a permanent obstruction in the right-of-way, the city engineer shall issue a right-of-way permit with any conditions deemed necessary by the city commission.*
 4. *Signage that acts as an obstruction is approved through OCMC 15.28.*

Response: No obstructions are proposed to be placed to block any public street or alley. Temporary circulation is shown on the submitted plans to avoid temporary street/alley closures. Emergency access is shown at the southern property line near Tract B. The above standards are understood and acknowledged by the applicant.

- B. *Temporary Obstructions.*
1. *A "temporary obstruction" is defined as an object placed in a public street, sidewalk, road, or alley which is not permanently anchored to another surface such as the pavement, sidewalk, or a building. A "temporary obstruction" includes, but is not limited to, moving containers, debris dumpsters, and seating.*
 - a. *Planters and benches are exempt from permitting unless the city engineer finds by inspection that the planter or bench is impeding use of the right-*

of-way. If deemed an impeding use, a planter or bench will comply with the requirements for temporary obstructions.

2. *The city engineer, or designee, is authorized to grant a permit for a temporary obstruction.*
3. *The city engineer shall provide applicants with an application form outlining the minimum submittal requirements.*
4. *The applicant shall submit, and the city engineer, or designee, shall consider, at least the following items in the permitting process. Additional information may be required in the discretion of the city engineer:*
 - a. *Site plan showing right-of-way, utilities, driveways as directed by staff;*
 - b. *Sight distance per OCMC 10.32, Traffic Sight Obstructions;*
 - c. *Traffic control plan including parking per Manual on Uniform Traffic Control Devices (MUTCD);*
 - d. *Handicap accessible route complying with Americans with Disability Act (ADA) standards;*
 - e. *Alternative routes if necessary;*
 - f. *Minimizing obstruction area; and*
 - g. *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.*
7. *Types.*

- a. *A short-term temporary obstruction is allowed for a period of not more than sixty consecutive calendar days. It is permitted with a temporary obstruction in the right-of-way permit.*
 - b. *A long-term temporary obstruction is allowed for a period of not more than one year, and it is permitted with a renewable right-of-way permit.*
- 8. *Signage that acts as an obstruction is approved through OCMC 15.28*
- C. *Fees. The fee for obtaining a right-of-way permit for either a permanent obstruction or a temporary obstruction shall be set by resolution of the city commission.*

Response: No temporary obstructions are proposed to be placed within the right-of-way or alley easement. The above criteria do not apply.

12.04.130. *Obstructions—Sidewalk sales and displays.*

- 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 on a regular basis. A business in a designated area will be required to obtain a renewable right-of-way permit for this use if sales are intended to last longer than sixty days. A temporary obstruction permit may be issued for sales that occur less than sixty-one days.*

Response: The applicant does not propose to block any public sidewalks once constructed. The sale of goods or merchandise which would block pedestrian access is not proposed by this application.

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 OCMC 1.16, 1.20 and 1.24.

Response: The above standard is understood and acknowledged by the applicant.

12.04.150. *Street and alley vacations—Cost.*

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

Response: No public right-of-way vacations (Streets or Alley's) are proposed with this application. Although acknowledged by the Applicant, the above standard does not apply.

12.04.170. *Street design—Purpose and general provisions.*

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

Response: All public facilities associated with this application have been designed to meet the engineering specifications for the City. As shown on the submitted preliminary plans, all streets and driveway connections proposed to be constructed are within the City of Oregon City. The applicant proposes to stub streets to areas outside of the project area and a shadow plat has been shown for those areas to show future connections.

12.04.194. *Traffic sight obstructions.*

All streets shall comply with the traffic sight obstructions in OCMC 10.32.

Response: A traffic study is included with this application to address the sight distance, safety, trip count and potential off-site improvements as scoped by the City.

12.04.270. *Standard construction specifications.*

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

Response: All construction activities are proposed to comply with the standards listed above. The applicant does not propose to deviate from the ODOT or APWA standards listed.

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 OCMC 1.16, 1.20 and 1.24.

Response: The above standard is understood and acknowledged by the applicant.

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 and water quality; and*
- E. *Increase the community tree canopy and resource.*

12.08.015. *Street tree selection, planting and maintenance requirements.*

All development shall provide street trees adjacent to all street frontages. Species and locations of trees shall be selected based upon vision clearance requirements but shall in all cases be selected from the Oregon City Street Tree List, an approved street tree list for a jurisdiction in the Metropolitan region, or be approved by a certified arborist unless otherwise approved pursuant to this section. If a setback sidewalk has already been constructed or the public works department determines that the forthcoming street design shall include a setback sidewalk, then all street trees shall be installed with a planting strip or within tree wells. If existing street design includes a curb-tight sidewalk, then all street trees shall be placed according to OCMC 12.08.035.C.

- A. *One street tree shall be planted for every thirty-five feet of property frontage. The tree spacing shall be evenly distributed throughout the total development frontage to meet the clearance distances required in subsection B below. The community development director may approve an alternative street tree plan, or accept fee-in-lieu of planting pursuant to OCMC 12.08.035, if site or other constraints prevent meeting the required total number of tree plantings.*
- B. *The following clearance distances shall be maintained when planting trees:*
 - 1. *Fifteen feet from streetlights;*
 - 2. *Five feet from fire hydrants;*
 - 3. *Twenty feet from intersections;*
 - 4. *Five feet from all public utilities (i.e. sewer, storm and water lines, utility meters, etc.).*
- C. *All street trees planted in conjunction with development shall be a minimum of two inches in caliper at six inches above the root crown and installed to city specifications. Larger caliper size trees may be approved if recommended by a certified arborist or registered landscape architect.*

- D. *All established trees shall be pruned tight to the trunk to a height that provides adequate clearance for street cleaning equipment and ensures ADA complaint clearance for pedestrians.*
- E. *All trees planted within the right-of-way shall be planted with root barriers at least eighteen inches in depth adjacent to the sidewalk and curb to ensure proper root growth and reduce potential damage to sidewalks, curbs and gutters.*
- F. *All trees planted beneath powerlines shall be selected based on what is appropriate for the location. In addition, the tree species shall be approved by the associated franchise powerline utility company.*
- G. *Tree species, spacing and selection for stormwater facilities in the public right-of-way and in storm water facilities shall conform to requirements of OCMC 13.12 and the adopted stormwater and grading design standards and be approved by the city engineer.*
- H. *Any public or street trees planted within the natural resource overlay district shall conform to the applicable requirements of OCMC 17.49, Natural Resources Overlay District (NROD).*

Response: As demonstrated on the submitted preliminary plans, street trees are proposed along all street frontages where practical to comply with setback requirements. Clear vision areas are shown to be maintained, and the selected trees were chosen from the approved list provided by the City. See the submitted plans for tree removal, mitigation, and protection recommendations to demonstrate compliance with the above standards.

12.08.025. *General tree maintenance.*

Abutting property owners shall be responsible for the maintenance and replacement of street trees and planting strips. Topping of trees is prohibited, unless under recommendation of a certified arborist. Trees shall be trimmed appropriately. Maintenance shall include watering during dry periods, trimming of established trees to remove dead branches and dangerous limbs and to maintain a minimum seven-foot clearance above all sidewalks, eight-foot clearance in clear vision areas pursuant to OCMC 10.32, and ten-foot clearance above the street. Planter strips shall be kept clear of weeds, obstructing vegetation, and trash.

Response: The above standard is understood and acknowledged by the applicant.

12.08.030. *Public property tree maintenance.*

The city shall have the right to plant, prune, maintain and remove trees, plants and shrubs in all public rights-of-way and public grounds, as may be necessary to ensure public safety or to preserve and enhance the symmetry or other desirable characteristics of such public areas. The public works department and parks and recreation department may recommend to the community development director the removal of any tree or part thereof which is in an unsafe condition or may be injurious to above or below-ground public utilities, structures or other public improvements. Removed trees shall be replaced in accordance with this chapter or the mitigation requirements of the OCMC 17.49, Natural Resources Overlay District (NROD), if the tree to be removed is within the NROD.

Response: The above standard is understood and acknowledged by the applicant.

12.08.035. *Tree removal and replacement.*

Existing street trees, trees in the right-of-way, and trees on public property shall be retained and protected during development unless removal is specified as part of a land use approval or in conjunction with a public capital improvement project, in accordance with OCMC 17.41. Tree removal shall be mitigated by the following:

- A. *A dead, diseased, or hazardous street tree, as determined by a certified arborist and approved by the city manager or designee, may be removed if replaced with one new tree for each dead, diseased, or hazardous tree that is removed.*
 - 1. *Hazardous trees which have raised the adjacent sidewalk in a manner which does not comply with the Americans with Disabilities Act may be removed and replaced without a report from a certified arborist, as defined in OCMC 17.04.082.*
 - 2. *All replacement street trees under this section shall have a minimum one and one-half inch caliper trunk measured six inches above the root crown.*
- B. *Removed trees that are not determined to be dead, diseased, or hazardous shall be replaced in accordance with Table 12.08.035. All replaced street trees shall have a minimum one and one-half inch caliper trunk measured six inches above the root crown.*
- C. *Removed trees shall be replaced by approved tree species:*
 - 1. *Within the right-of-way abutting the same frontage; and*
 - 2. *Subject to the requirements under OCMC 12.08.015.*
- D. *If an applicant can demonstrate to the satisfaction of the city manager or designee that a sufficient location to replant tree(s) according to subsection C is not available, the city manager or designee may allow:*
 - 1. *Installation of replacement tree(s) in one of the following alternative locations:*
 - a. *Within the right-of-way abutting another property, with abutting property owner approval; or*
 - b. *On public property, with city manager or designee approval; or*
 - c. *Within ten feet of the right-of-way in the abutting private yard; or*
 - 2. *As a last resort, a fee in lieu of replacing the tree(s), subject to the following:*
 - a. *The applicant must demonstrate, to the satisfaction of the city manager or designee, that none of the alternative replanting options in section D.1 is sufficient for replanting.*
 - b. *Is to be placed into a city fund dedicated to obtaining trees, planting trees, and/or tree education in Oregon City.*

E. *Exceptions:*

1. *Trees that are listed as invasive non-native, nuisance, prohibited, or noxious vegetation species as defined in OCMC 17.04.605, may be removed without replacement or fee in lieu of replacement.*
2. *Trees in planter strips three feet or less in width may be removed without replacement or fee in lieu of replacement.*

Response (Revised): While the applicant intends to preserve trees wherever possible, removal will be required to construct the proposed subdivision. A final arborist report will be submitted to the city alongside civil engineering plans for public improvements, and the applicant proposes a condition of approval requiring such. A preliminary mitigation strategy is outlined later in this application narrative in response to the standards of Chapter 17.41. These standards will be met in full at a future date and time.

12.08.045. *Gifts, fee-in-lieu of planting, and funding.*

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

Response: The above standard is understood and acknowledged by the applicant.

12.08.050. *Violation—Penalty.*

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

Response: The above standard is understood and acknowledged by the applicant.

IV. Title 13 - Public Services

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 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 pollution, wherever possible, from developed and developing lands;*
- 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 to mimic natural hydrologic conditions, to the maximum extent practicable;*
 - 2. *Designed in a manner to allow economical future maintenance;*
 - 3. *If city owned or maintained, designed for maintenance with city owned equipment;*
 - 4. *Designed using materials that will ensure a minimum practical design life of seventy-five years; and*
 - 5. *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 stormwater pollution;*

- 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; and*
- 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.*

Response: A stormwater report was included with this application to demonstrate compliance with applicable standards. Also included with this application are the tentative grading/erosion control and composite utilities sheets (See Sheets 7 & 8).

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 above standard is understood and acknowledged by the applicant.

13.12.030. *Superseding 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 most current version of the Oregon City Drainage Master Plan, 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 most current version of the Oregon City Drainage Master Plan is superseded by the public works stormwater and grading design standards adopted by resolution and as periodically amended.

Response: A stormwater/drainage report was submitted with his application to demonstrate compliance with the most current version of the OC Drainage Master Plan and applicable criteria listed above.

13.12.040. *Definitions.*

Unless specifically defined below or in OCMC 17.04, words and phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

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

"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.

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

"Contributing drainage area" means the subject property together with the land area 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 man-made change to improved or unimproved real estate, including, but not limited to, the construction of building or other structures, utility infrastructure, grading, streets or other structures or facilities, 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.*

"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.

"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 pre-disturbance 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.

"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 prevents or retards the entry of water into the soil mantle and/or causes water to run off the surface in greater than natural quantities or at an increased rate. Impervious surfaces include, but are not limited to, rooftops, walkways, patios, driveways, parking lots, concrete or asphalt paving, gravel surfaces with compacted subgrade, packed earthen materials and oiled macadam or other surfaces which similarly impede the infiltration of stormwater. Open, uncovered stormwater management 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.

"Maintenance" means any activity that is necessary to keep an existing 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.

"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.

"NROD" means natural resource overlay district.

"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)).

"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.

"Private stormwater facility" means a stormwater facility located on private property and maintained by private property owners.

"Professional engineer" means a registered professional engineer licensed by 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 facility" means a component of a man-made drainage feature, or features designed or constructed to perform a particular function or multiple functions related to stormwater management. Includes, but is not limited to, pipes, swales, ditches, culverts, street gutters, rain gardens, pervious pavements, green roofs, 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" means a program to provide surface water quality and quantity controls through structural and non-structural methods and capital improvement projects. Nonstructural controls include, but are not limited to, maintenance of stormwater facilities, public education, water quality monitoring, and preparation of agreements, ordinances, and regulations.

"Stormwater quality control" means the control of the introduction of pollutants into stormwater and the process of separating pollutants from stormwater.

"Stormwater quantity control" means the control of the rate and/or volume of stormwater released from a development site.

"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.

"Structure(s)" means a building or other major improvement that is built, constructed or installed, and it also means man-made 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.

"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 shall be in a definite direction.

"Wetlands" means 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.

Response: The above definitions are understood and acknowledged by the applicant.

13.12.050. *Applicability and exemptions.*

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

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

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

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

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

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

2. *Activities that create or replace more than five thousand square feet of impervious surface, cumulated over any given five-year period.*
- C. *Exemptions. The following exemptions to subsection B of this section apply:*
1. *An exemption to the flow control requirements of this chapter will be granted when the development site discharges to the Willamette River, Clackamas River or Abernethy Creek; and either lies within the one hundred-year floodplain or is up to ten feet above the design flood elevation as defined in OCMC 17.42, provided that the following conditions are met:*
 - a. *The project site is drained by a conveyance system that is comprised entirely of man-made elements (e.g. pipes, ditches, culverts outfalls, outfall protection, etc.) and extends to the ordinary high water line of the exempt receiving water; and*
 - b. *The conveyance system between the project site and the exempt receiving water has sufficient hydraulic capacity and erosion stabilization measures to convey discharges from the proposed conditions of the project site and the existing conditions from non-project areas from which runoff is collected.*
 2. *Projects in the following categories are generally exempt from the water quality and flow control requirements:*
 - a. *Stream enhancement or restoration projects approved by the city.*
 - b. *Farming practices as defined by ORS 30.960 and farm use as defined in ORS 214.000; except that buildings associated with farm practices and farm use are subject to the requirements of this chapter.*
 - c. *Actions by a public utility or any other governmental agency to remove or alleviate an emergency condition.*
 - d. *Road and parking area preservation/maintenance projects such as pothole and square cut patching, surface sealing, replacing or overlaying of existing asphalt or concrete pavement, provided the preservation/maintenance activity does not expand the existing area of impervious coverage above the thresholds in subsection B of this section.*
 - e. *Pedestrian and bicycle improvements (sidewalks, trails, pathways, and bicycle paths/lands) where no other impervious surfaces are created or replaced, built to direct stormwater runoff to adjacent vegetated areas.*

- f. *Underground utility projects that replace the ground surface with in-kind material or materials with similar runoff characteristics.*
 - g. *Maintenance or repair of existing utilities.*
- D. *Uses Requiring Additional Management Practices. In addition to any other applicable requirements of this chapter, the following uses are subject to additional management practices, as defined in the public works stormwater and grading design standards:*
 - 1. *Bulk petroleum storage facilities;*
 - 2. *Above ground storage of liquid materials;*
 - 3. *Solid waste storage areas, containers, and trash compactors for commercial, industrial, or multi-family uses;*
 - 4. *Exterior storage of bulk construction materials;*
 - 5. *Material transfer areas and loading docks;*
 - 6. *Equipment and/or vehicle washing facilities;*
 - 7. *Development on land with suspected or known contamination;*
 - 8. *Covered vehicle parking for commercial or industrial uses;*
 - 9. *Industrial or commercial uses locating in high traffic areas, defined as average daily count trip of two thousand five hundred or more trips per day; and*
 - 10. *Land uses subject to DEQ 1200-Z Industrial Stormwater Permit Requirements.*

Response: A stormwater and drainage report and tentative grading plans were submitted with this application to demonstrate compliance with all applicable plans and criteria.

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 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 above standard is understood and acknowledged by the applicant.

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 chapter.

Response: The above standard is understood and acknowledged by the applicant.

13.12.080. *Submittal requirements.*

- A. *Applications subject to stormwater conveyance, water quality, and/or flow control requirements of this chapter shall prepare engineered drainage plans, drainage reports, and design flow calculation reports in compliance with the submittal requirements of the public works stormwater and grading design standards.*
- B. *Each project site, which may be composed of one or more contiguous parcels of land, shall have a separate valid city approved plan and report before proceeding with construction.*

Response: The above criteria are addressed in the submitted stormwater and drainage report submitted with this application.

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

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

- A. *The plan and report demonstrate how the proposed development and stormwater facilities will accomplish the purpose statements of this chapter.*
- B. *The plan and report meet the requirements of the public works stormwater and grading design standards adopted by resolution under OCMC 13.12.020.*
- C. *The storm drainage design within the proposed development includes provisions to adequately control runoff from all public and private streets and roof, footing, and area drains and ensures future extension of the current drainage system.*
- D. *Streambank erosion protection is provided where stormwater, directly or indirectly, discharges to open channels or streams.*
- E. *Specific operation and maintenance measures are proposed that ensure that the proposed stormwater quantity control facilities will be properly operated and maintained.*

Response: The above standards are addressed in the submitted stormwater and drainage report included with this application.

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 applicant does not propose any alternative materials, design or methods of construction for the stormwater facilities associated with this proposal.

13.12.110. *Transfer of engineering responsibility.*

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

Response: The project engineer is listed on the cover sheet of the submitted plans and the engineer tasked with preparing the stormwater management system is listed on the cover of the stormwater and drainage report. The applicant understands and acknowledges that if the project engineer changes, notification is required prior to work continuing.

13.12.120. *Standard construction specifications.*

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

Response: The above standard is understood and acknowledged by the applicant.

13.12.140. *Maintenance of public stormwater facilities.*

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

facilities. Access for maintenance of the stormwater facilities shall be provided to the city through the granting of a stormwater easement or other means acceptable to the city.

- B. *Responsibility for maintenance of stormwater facilities including all landscaping, irrigation systems, structures and appurtenances shall remain with the property owner/developer for two years (known as the warranty period). The owner/developer shall provide the city a separate two-year landscaping maintenance surety bond for one hundred ten percent of the landscaping cost. Transfer of maintenance of stormwater conveyance systems shall occur when the city accepts the stormwater conveyance system.*
- C. *The city will perform an inspection of the development's entire publicly maintained stormwater system approximately forty-five days before the two-year warranty period expires. The stormwater system shall be found to be in a clean, functional condition by the city engineer before acceptance of maintenance responsibility by the city.*

Response: The above standard is understood and acknowledged by the applicant. The stormwater facility is proposed to be deeded to the City upon the conclusion of the warranty period.

13.12.145. Maintenance of private stormwater facilities.

- A. *An applicant shall submit an operation and maintenance plan for each proposed stormwater facilities, unless exempted in the public works stormwater and grading design standards. The information in the operation and maintenance plan shall satisfy the requirements of the public works stormwater and grading design standards.*
- B. *Private owners are required to inspect and maintain stormwater facilities on their property in accordance with an approved operation and maintenance plan. A maintenance log is required to document facility inspections and specific maintenance activities. The log shall be available to city inspection staff upon request.*
- C. *Failure to operate or maintain a stormwater facility according to the operation and maintenance plan may result in an enforcement action under Section 13.12.150.*

Response: An operations and maintenance plan will be provided for any private stormwater facility.

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.*
- 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.

- 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 OCMC 1.16, 1.20 and 1.24.*

Response: The above standards are understood and acknowledged by the applicant.

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 OCMC 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.*
- 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 OCMC 1.16, 1.20, and 1.24.*

Response: The above standards are understood and acknowledged by the applicant. However, the applicant does not anticipate creating any hazardous conditions during the site development process. A geotechnical report has been included with this application and the grading proposal follows the recommendations of the geotechnical engineer.

13.12.170. Permits from other jurisdictions.

- A. *The Oregon State Department of Environmental Quality (DEQ) currently issues NPDES 1200-C permits for projects that cover areas of one acre or greater. No permit shall be issued for projects of this size (or any other size as modified by DEQ) without a copy of said DEQ permit being on file with Oregon City. DEQ is responsible for policing its own permits; however, if city personnel observe conditions that are believed to be in violation of any such permit, and cannot get corrections made, the city will bring such conditions to the attention of the appropriate DEQ representatives.*

- B. *Projects may require Oregon State Division of State Lands (DSL) and/or United States Army Corps of Engineers (USACE) permits. If such permits are required, no permission to construct will be granted until such a time as a copy of such permit is on file with the city or notice is received from those agencies that a permit is not required. DSL/USACE is responsible for enforcing its own permits; however, if city personnel observe conditions that are believed to be in violation of any such permit, and cannot get corrections made, the city will bring such conditions to the attention of the appropriate DSL/USACE representatives.*
- C. *Projects may require Oregon State Department of Fish and Wildlife (ODFW) permits. When ODFW permits are required, no work will be authorized until the receipt of a copy of the ODFW permit. ODFW is responsible for policing its own permits; however, if city personnel observe conditions that are believed to be in violation of any such permit, and cannot get corrections made, the city will bring such conditions to the attention of the appropriate ODFW representatives.*

Response: Required permits from other agencies can be provided as necessary and conditioned for this project.

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 OCMC 1.16, 1.20 and 1.24.

Response: The above standard is understood and acknowledged by the applicant.

V. Title 15 – Buildings and Construction

Chapter 15.48 – GRADING, FILLING AND EXCAVATING

15.48.030. *Applicability—Grading permit required.*

- A. *A city-issued grading permit shall be required before the commencement of any of the following filling or grading activities:*
 - 1. *Grading activities in excess of ten cubic yards of earth;*
 - 2. *Grading activities which may result in the diversion of existing drainage courses, both natural and man-made, from their natural point of entry or exit from the grading site;*
 - 3. *Grading and paving activities resulting in the creation of impervious surfaces greater than two thousand square feet or more in area;*
 - 4. *Any excavation beyond the limits of a basement or footing excavation, having an unsupported soil height greater than five feet after the completion of such a structure; or*

5. *Grading activities involving the clearing or disturbance of one-half acres (twenty-one thousand seven hundred eighty square feet) or more of land.*
- B. *Those fill and grading activities proposed to be undertaken in conjunction with a land use application, including but not limited to subdivisions, planned unit developments, partitions and site plan reviews, are subject to the standards of this chapter. However, a separate grading permit is not required. Approval of the construction plans submitted through the land use application process shall constitute the grading permit required under this chapter.*

Response: This application includes fill and grading activities associated with the development of a residential subdivision. Consequently, the standards in this chapter are applicable. Tentative grading and erosion control plans have been included in the attached plan set.

15.48.040. *Grading permit exemptions.*

The following filling and grading activities shall not require the issuance of a grading permit:

- A. *Excavation for utilities, or for wells or tunnels allowed under separate permit by other governmental agencies;*
- B. *An excavation below finished grade for basements and footings of a building, retaining wall or other structure authorized by a valid building permit. The placement of any fill material removed from such an excavation requires a grading permit if:*
 1. *It exceeds fifty cubic yards,*
 2. *More than ten cubic yards are removed from the site, or*
 3. *The fill is placed on the site to a depth greater than one foot;*
- C. *Farming practices as defined in ORS 30.930 and farm uses as defined in ORS 215.203, except that buildings associated with farm practices and farm uses are subject to the requirements of this chapter;*
- D. *Excavation for cemetery graves;*
- E. *Sandbagging, diking, ditching, filling or similar work when done to protect life or property during an emergency;*
- F. *Repaving of existing paved surfaces that does not alter existing drainage patterns;*
- G. *Maintenance work on public roads performed under the direction of the city, Clackamas County or Oregon State Department of Transportation personnel.*

Response: As discussed in the applicant's previous response, the proposed development is not exempt from the standards of this chapter because it meets OCMC 15.48.030.B by proposing earthwork with construction of a subdivision.

15.48.090. *Submittal requirements.*

An engineered grading plan or an abbreviated grading plan shall be prepared in compliance with the submittal requirements of the Public Works Stormwater and Grading Design Standards whenever a city approved grading permit is required. In addition, a geotechnical engineering report and/or residential lot grading plan may be required pursuant to the criteria listed below.

A. *Abbreviated Grading Plan. The city shall allow the applicant to submit an abbreviated grading plan in compliance with the submittal requirements of the Public Works Stormwater and Grading Design Standards if the following criteria are met:*

1. *No portion of the proposed site is within the flood management area overlay district pursuant to Chapter 17.42, the unstable soils and hillside constraints overlay district pursuant to Chapter 17.44, or a water quality resource area pursuant to Chapter 17.49; and*
2. *The proposed filling or grading activity does not involve more than fifty cubic yards of earth.*

B. *Engineered Grading Plan. The city shall require an engineered grading plan in compliance with the submittal requirements of the Public Works Stormwater and Grading Design Standards to be prepared by a professional engineer if the proposed activities do not qualify for abbreviated grading plan.*

C. *Geotechnical Engineering Report. The city shall require a geotechnical engineering report in compliance with the minimum report requirements of the Public Works Stormwater and Grading Design Standards to be prepared by a professional engineer who specializes in geotechnical work when any of the following site conditions may exist in the development area:*

1. *When any publicly maintained facility (structure, street, pond, utility, park, etc.) will be supported by any engineered fill;*
2. *When an embankment for a stormwater pond is created by the placement of fill;*
3. *When, by excavation, the soils remaining in place are greater than three feet high and less than twenty feet wide.*

D. *Residential Lot Grading Plan. The city shall require a residential lot grading plan in compliance with the minimum report requirements of the Public Works Stormwater and Grading Design Standards to be prepared by a professional engineer for all land divisions creating new residential building lots or where a*

public improvement project is required to provide access to an existing residential lot.

Applicant Response: A tentative grading and erosion control plan has been developed and included in the attached plan set. In addition to this plan, a geotechnical engineering report and stormwater management report have been included in this application package. These documents demonstrate compliance with the Public Works Stormwater and Grading Design Standards.

VI. 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 understands the purpose of this chapter as it relates to the proposed subdivision.

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 or average cost of providing the required services and shall 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 OCMC 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 above standards are understood and acknowledged by the applicant. All fees are proposed to be paid by preferred method and in a timely fashion.

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 above standard is understood and acknowledged by the applicant.

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 does not propose to sell or transfer ownership of any created parcel included with this application until the final plat has been recorded to create legal lots of record.

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 above standard is understood and acknowledged by the applicant.

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 above standard is understood and acknowledged by the applicant.

Chapter 16.08 - *LAND DIVISIONS—PROCESS AND STANDARDS*

16.08.010. *Purpose and general provisions.*

- A. *Applicability. This chapter controls the process and approval standards applicable to land divisions including:*
 - 1. *Partitions, defined as a single division of land into two or three lots,*
 - 2. *Subdivisions, defined as a single division of land into four or more lots,*
 - 3. *Master plans and planned unit developments,*
 - 4. *Expedited land divisions, and/or*
 - 5. *Middle housing land divisions.*
- B. *Approval of a land division shall be granted only upon determination by the city that all applicable requirements of this title, ORS Chapter 92, the applicable zoning designation, applicable overlay districts, and OCMC 12.08, 13.12, 15.48, 16.12, 17.41, and 17.50 of the Oregon City Municipal Code are met or can be met with conditions of approval.*
- C. *Minor partitions and subdivisions shall generally follow a Type II process and master plans/planned unit developments shall be processed as a Type III process pursuant to OCMC 17.50. However, if an applicant opts to process a subdivision as an expedited land division or middle housing 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.*

- D. *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 lot pattern or layout, phasing of development, or relief from dimensional or public improvement standards, the appropriate procedure would be a master plan/planned unit development pursuant to OCMC 17.65 or an additional application for a variance(s) pursuant to OCMC 17.60.*
- E. *Process Overview. Land division 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 shall be processed as identified in OCMC 16.08.100.*

Response: The applicant understands and acknowledges the applicability and process outlined above.

16.08.045. *Frontage width requirement.*

Each lot shall abut upon a street other than an alley for a width of at least twenty feet unless flag lots are provided pursuant to OCMC 16.08.050.

Response: A tentative plat and site plan has been included with this application to demonstrate compliance with the underlying zoning standards for lot frontage width standards. Eight flag lots are proposed with this application. These lots are discussed in the applicant's response to OCMC 16.08.050 – Flag Lots.

16.08.050. *Flag lots.*

- A. *Flag lots shall not be permitted except where the applicant can show that the existing parcel configuration, topographic constraints or the location of a pre-existing dwelling unit precludes a land division that meets the minimum density, dimensional standards of the underlying zone, and except where street connectivity is not practicable as determined by the city engineer.*
- B. *A shared joint accessway shall be provided unless the existing topography of the site or the pre-existing dwelling unit is located on the property to prevent a joint accessway. A perpetual reciprocal access easement and maintenance agreement shall be recorded for the joint accessway, in a form acceptable to the city attorney.*
- C. *Accessways shall have a pavement width of at least sixteen feet to service one or two units or twenty feet to service three or more units. A fire access corridor of at least twenty feet shall be provided to all parcels with a minimum pavement width of sixteen feet to service two units or twenty feet to service three or more units. At least six inches of shoulder on each side of the fire access corridor shall be provided in order that construction work does not infringe on adjacent properties. A narrower pavement width may be approved by the fire district and city engineer. The city engineer and/or fire district may require that*

additional fire suppression devices be provided to assure an adequate level of fire and life safety. The city engineer and/or fire district may prohibit vehicular obstruction, including trees, fences, landscaping and structures within the fire access corridor.

If the proposed accessway exceeds one hundred fifty feet in length the accessway shall conform to fire district standards and shall be paved to a minimum width of twenty feet unless an alternative is approved by the planning division and fire district. If more than two units are served, a turnaround for emergency vehicles shall be provided. The turnaround shall be approved by the city engineer and fire district.

- D. *The pole portion of the flag lot shall connect to a street.*
- E. *The pole shall be at least ten feet wide for the entire length.*
- F. *The pole shall be part of the flag lot and shall remain under the same ownership as the flag portion of the lot.*

Response: The proposed subdivision includes eight flag lots, which allow the subdivision to meet the density standards while effectively working with the site's topography. Four flag lots will be located near the northwest corner of the project area and another four will be near the southwest property boundary. Street connectivity is provided throughout the site, but due to the hazardous slopes overlay constraints, existing topography, and density requirements creating additional right-of-way is not practical in these areas. Seven of the eight flag lots will share an accessway with an adjacent lot. These lots have flag poles ten feet wide for the entire length. One flag lot will not share its accessway but will have flagpole with a width of 20 feet. Pole access widths are shown on the submitted site plan and tentative plat sheets to demonstrate compliance with the above standard. Accessways are less than 150 feet to comply with fire access standards. Lot areas are shown for each flag lot and does not include the pole area in that calculation.

16.08.053. *Tracts.*

Tracts which cannot be developed with a home or office, commercial, residential, institutional, industrial, parking or other uses as determined by the city engineer or community development director are not subject to compliance with the dimensional standards of the zoning designation, frontage requirements, or flag lot standards.

Response (Revised): The proposed subdivision includes tracts for common open space, water quality facilities, pedestrian paths, and roadways and alleys. The location and dimensions of these tracts are shown on the attached tentative site plan.

16.08.060. *Building sites.*

- A. *The size, width, shape and orientation of building sites shall be rectangular or square to the maximum extent practicable.*
- B. *Sites abutting an alley shall gain vehicular access from the alley unless deemed impracticable by the decision maker.*

- C. *Adequate access for emergency services (fire and police) shall be provided.*

Response: All sizes, widths, shapes, and orientation of building sites are rectangular in shape to the greatest extent possible. Alleyways are shown for lots with frontage along Holly Lane to avoid direct vehicle access onto the collector where possible. Proper circulation is proposed throughout the site to avoid dead-ends and provide emergency services access. The above criteria are met.

- 16.08.063. *Minimum density.*

All layouts shall achieve at least the minimum density of the base zone for the net developable area as defined in OCMC 17.04. Alternatively, a site may be partitioned into two lots, though one of the lots shall not contain sufficient lot area to allow further division.

Response (Revised): Preliminary density is shown on the cover sheet on the submitted plans. The applicant proposes a density of 7.4 in the R-5 zone and 4.0 in the R-10 zoning designation. Minimum density standards are shown to be met and do not exceed the maximum density allowed. The above criterion is met.

- 16.08.065. *Lot size reduction.*

A subdivision in the R-10, R-8, R-6, R-5, or R-3.5 dwelling district may utilize lot size reduction for up to twenty-five percent of the lots proposed for single-family detached residential or duplex use. Fractions resulting from the twenty-five percent calculation shall be rounded down. The reduced-size lots may be up to ten percent less than the required minimum lot area of the applicable zoning designation provided the average lot size of all proposed single-family detached residential or duplex lots meet the minimum requirement of the underlying zone. Any area within a powerline easement on a lot shall not count towards the lot area for that lot. Lot size reduction is only permitted through a subdivision or, master plan and planned unit developments processes and may not be used for minor partitions or any other residential uses.

The average lot area is determined by first calculating the total net developable area devoted to single-family detached dwelling units or duplexes, subtracting the powerline easement areas, open space, tracts, stormwater facilities, roads, right-of-way, or accessways and dividing that figure by the proposed number of single-family detached dwelling or duplex lots.

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, except that lots developed with a duplex shall be eligible for a middle housing land division pursuant to OCMC 16.24.

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.

Response: This application does not include any lot size reductions. The above standards do not apply.

16.08.070. *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 (Revised): Lots 51-56 and 76-90 will have frontage on Holly Lane and either Tract “G” or “K;” tracts that will contain private streets consisting of a 22-foot-wide roadway, curb, gutter, and a single 5-foot-wide sidewalk. These tracts will provide rear vehicle access for the previously mentioned lots in order to eliminate multiple accesses on a collector street (Holly Lane). In addition to providing rear vehicle access to those lots, these tracts will provide front vehicle access to Lots 47-50 and 60-75.

16.08.075. *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: Lines of lots and parcels intersect street frontage property lines at right angles to the greatest extent possible. On curved streets, the front property lines are radial to the curve. The above criterion is met.

16.08.080. *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. Residences oriented in this manner assure a sense of openness by avoiding the "bowling alley" effect caused by uninterrupted, continuous privacy fences along higher volume streets. The objective is for lots located on a neighborhood collector, collector or minor arterial street to 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.*
- B. *The most architecturally significant elevation of the residence shall face the neighborhood collector, collector or minor arterial street.*
- C. *On corner lots located on the corner of two local streets, the main façade of the residence may be oriented towards either street.*

- D. *The decision maker 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: Setbacks are shown on the submitted site plan sheets (see sheets 6-6.4). The front setback for the home, and the front porch setback are shown along with the rear and side setbacks. No rear porch setback is shown as house designs have not been finalized but it is assumed that some sort of front porch will be part of the design. The additional street side setback is shown on the submitted site plan sheets. The above criteria are met.

- 16.08.085. *Division of large lots.*

Where 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, buildings on lots, utilities and streets which facilitates future redivision. In such a case, development limitations including building locations and setback lines may be required and made a matter of record in order to preserve future right-of-way or building sites.

Response: The proposed subdivision layout does not leave large lots to be redeveloped, however, there are two areas outside of the project area. Both areas are labeled on the submitted site plan sheets (see sheets 6-6.4), and a shadow plat has been drawn for those areas to show how they could be divided consistent with surrounding development.

- 16.08.095. *Prohibition on additional private restrictions on housing types.*

Private restrictions on the provision of accessory dwelling units, duplexes, or internal conversions executed after July 1, 2019 and all middle housing types after August 9, 2019 shall be prohibited. Conditions, covenants, and restrictions (CC&Rs) or similar legal instrument submitted with residential plats submitted for final plat approval after July 1, 2019 shall not prohibit or impose additional restrictions on accessory dwelling units, duplexes, and/or internal conversions and after August 9, 2019 for all middle housing types to the extent permitted in the OCMC in place at the time of final plat submittal, and shall not impose additional restrictions on those uses through any future amendment.

Response (Revised): The applicant acknowledges and understands this section.

Chapter 16.12 - MINIMUM PUBLIC IMPROVEMENTS AND DESIGN STANDARDS FOR DEVELOPMENT

- 16.12.008. *Definitions.*

Whenever the words or terms and their derivatives are used in this chapter, they shall have the meaning herein ascribed to them as described in OCMC 17.04, unless the context dictates application of a different meaning.

- 16.12.010. *Purpose and general provisions.*

The purpose of this chapter is to identify the standards for development in and adjacent to spaces which benefit the public including right-of-way, access to the right-of-way,

public off-street pedestrian and bicycle accessways, and easements. All development shall be in conformance with the policies and design standards established by this chapter and with applicable standards in the city's public facility master plans and city design standards and specifications. In reviewing applications for development, the city engineer shall take into consideration any approved development and the remaining development potential of adjacent properties. All street, water, sanitary sewer, storm drainage and utility plans associated with any development shall be reviewed and approved by the city engineer prior to construction. All streets, driveways or storm drainage connections to another jurisdiction's facility or right-of-way shall be reviewed by the appropriate jurisdiction as a condition of the preliminary plat and when required by law or intergovernmental agreement shall be approved by the appropriate jurisdiction.

Response: The applicant understands the purpose of this chapter's regulations.

16.12.011. *Applicability.*

- A. *Compliance with this chapter is required for all development including land divisions, site plan and design review, master plan, detailed development plan and conditional use applications and all public improvements that are required in conjunction with a land use decision.*

- B. *Compliance with this chapter is also required for new construction or additions which exceed fifty percent of the existing square footage of all single-family detached residential and middle housing units' living space. Garages, carports, sheds, and porches may not be included in the calculation if these spaces are not living spaces. Accessory dwelling units are not subject to compliance with this chapter. All single-family detached residential and middle housing units shall provide any necessary dedications, easements or agreements as identified in the transportation system plan and this chapter, subject to constitutional limitations. In addition, the street frontage shall be improved to include the following priorities for improvements:*
 - 1. *Improve street pavement, construct curbs, gutters, sidewalks and planter strips; and*
 - 2. *Plant street trees.*

The cost of compliance with the standards identified in subsections 16.12.011.B.1 and 16.12.011.B.2 is calculated based on the square footage valuation from the state of Oregon Building Codes Division and limited to ten percent of the total construction costs. The value of the alterations and improvements is based on the total construction costs for a complete project rather than costs of various project component parts subject to individual building permits. The entire proposed construction project cost includes engineering and consulting fees and construction costs. It does not include permit fees, recording fees, or any work associated with drafting or recording dedications or easements.

- C. *Exemptions. The following are exempt from review by this chapter unless public improvements, driveways, PUEs, or other items regulated by this chapter are proposed:*

1. *Minor site plan and design review applications.*
2. *Work within the right-of-way.*
3. *Lot line adjustments and abandonments.*
4. *Public capital improvement projects.*

Response: This application proposes land division for residential development and therefore compliance with the above standards is required. New streets are proposed with this application and typical sections are provided to show proposed improvements complying with applicable standards. Street trees are shown on the submitted site plan sheets to demonstrate compliance with the above standards. The above criteria are met.

16.12.012. *Jurisdiction and management of the public rights-of-way.*

The city has jurisdiction and exercises regulatory management over all public rights-of-way as defined and outlined within Chapter 12.04 of the Oregon City Municipal Code.

Response: The above standard is understood and acknowledged by the applicant.

16.12.013. *Modifications.*

The applicant may request and the review body may consider modification of the standards in this chapter resulting from constitutional limitations restricting the city's ability to require the dedication of property or for any other reason, based upon the criteria listed below and other criteria identified in the standard to be modified. All modifications, except for adjustments approved by the city engineer for tree preservation purposes pursuant to Section 16.12.013.A, shall be processed through a Type II land use application and may require additional evidence from a transportation engineer or others to verify compliance. Compliance with the following criteria is required:

- A. *Compliance with the following criteria is required:*
1. *The modification meets the intent of the standard;*
 2. *The modification provides safe and efficient movement of pedestrians, motor vehicles, bicyclists and freight;*
 3. *The modification is consistent with an adopted transportation or utility plan;*
 4. *The modification is complementary with a surrounding street design; or, in the alternative;*
 5. *If a modification is requested for constitutional reasons, the applicant shall demonstrate the constitutional provision or provisions to be avoided by the modification and propose a modification that complies with the state or federal constitution. The City shall be under no obligation to grant a modification in excess of that which is necessary to meet its constitutional obligations.*

- B. *The following modifications shall be processed as a Type I modification by the city engineer using the criteria in OCMC 16.12.13.A:*
1. *Modifications to driveway location, size, and sharing standards in OCMC 16.12.035;*
 2. *Modifications to sidewalk and planter strips widths and location in OCMC 16.12.016 that preserve existing street trees or trees on private property to ensure compliance with ADA standards.*

Response: This application includes utilizing the reduced collector street section in the pinch point between tax lot 0314 (15058 Journey Drive) and tax lot 400 (16509 S Edenwild Lane) through a modification of the above standards. All other portions of the Holly Lane right-of-way meet the standard listed for collector streets. The modification request would remove the planter strip and on-street parking in that section of the street. By continuing to provide sidewalks and bike lanes, safe and efficient movement of pedestrians and bicycles is still provided. Additionally, the typical section of the reduced collector street does not change the vehicle movement as both travel lanes and a center turn lane are still provided. This modification is still consistent with the adopted transportation system and utility plans. The modification request is not due to a constitutional reason but the available space cannot accommodate all planned collector features.

16.12.014. *Administrative provisions.*

An applicant shall submit the following items to the city and complete the following tasks prior to proceeding with construction of proposed development plans. These items include the following:

- A. *Pre-design meeting;*
- B. *Final engineering plans, stamped and signed by an Oregon licensed professional engineer;*
- C. *Stormwater report, stamped and signed by an Oregon licensed professional engineer;*
- D. *Geotechnical report, stamped and signed by an Oregon licensed professional engineer (if applicable);*
- E. *Engineer's preliminary and final cost estimates (also may be known as engineer's opinion of probable construction cost);*
- F. *Plan check and inspection fees (as set by city resolution);*
- G. *Certificate of liability insurance for city funded public projects contracted by the city (not less than one million dollars single incident and two million dollars aggregate);*
- H. *Preconstruction meeting notes;*
- I. *Financial guarantee(s) per OCMC 17.50.140;*
- J. *Applicable approvals/permits from other agencies or entities;*

- K. *Developer/engineer agreement for public works improvements.*

An applicant shall submit the following additional items to the city and complete the following tasks prior to completing construction of proposed development plans. These items include the following:

- L. *Project engineer's certificate of completion;*
- M. *Stormwater operation and maintenance easement (if applicable);*
- N. *Deed of dedication (bargain and sale deed);*
- O. *Recorded plat and/or easements (if applicable);*
- P. *Recorded non-remonstrance covenant agreement;*
- Q. *Land division compliance agreement (if applicable);*
- R. *Permanent stabilization and/or restoration of the impact from the development;*
- S. *Fulfillment of all conditions of approval;*
- T. *Payment of all outstanding fees;*
- U. *Maintenance guarantee(s), per OCMC 17.50.141;*
- V. *Indemnity agreement (if applicable);*
- W. *Completed punch list;*
- X. *As-built drawings;*

Details on individual items required by this subsection can be obtained by contacting public works. Many items, such as the engineer's cost estimate and plan check and inspection fee, maybe be submitted in conjunction with documentation for other infrastructure improvements that are done with the development (such as street, sanitary sewer, and water).

Response: The applicant understands the above standards must be submitted and complete prior to proceeding with construction activities. At this stage in the process, the applicant is requesting land division approval necessary to begin completing the tasks listed above. Upon approval of this application, the above criteria can be met.

- 16.12.015. *Street design—Generally.*

Development shall be required to provide existing or future connections to adjacent sites through the use of vehicular and pedestrian access easements where applicable. Development shall provide any necessary dedications, easements or agreements as identified in the transportation system plan, trails master plan, and/or parks and recreation master plan and this chapter, subject to constitutional limitations. The location, width and grade of street shall be considered in relation to: Existing and planned streets,

topographical conditions, public convenience and safety for all modes of travel, existing and identified future transit routes and pedestrian/bicycle accessways, overlay districts, and the proposed use of land to be served by the streets. The street system shall assure an adequate traffic circulation system with intersection angles, grades, tangents and curves appropriate for the traffic to be carried considering the terrain. To the extent possible, proposed streets shall connect to all existing or approved stub streets that abut the development site. The arrangement of streets shall either:

- A. *Provide for the continuation or appropriate projection of existing principal streets in the surrounding area and on adjacent parcels or conform to a plan for the area approved or adopted by the city to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical;*
- B. *Where necessary to give access to or permit a satisfactory future development of adjoining land, streets shall be extended to the boundary of the development and the resulting dead-end street (stub) may be approved with a temporary turnaround as approved by the city engineer. Notification that the street is planned for future extension shall be posted on the stub street until the street is extended and shall inform the public that the dead-end street may be extended in the future. Access control in accordance with OCMC 16.12.017 shall be required to preserve the objectives of street extensions.*
- C. *Adequate right-of-way and improvements to streets, pedestrian ways, bike routes and bikeways, and transit facilities shall be provided and be consistent with the city's transportation system plan. Consideration shall be given to the need for street widening and other improvements in the area of the proposed development impacted by traffic generated by the proposed development. This shall include, but not be limited to, improvements to the right-of-way, such as installation of lighting, signalization, turn lanes, median and parking strips, traffic islands, paving, curbs and gutters, sidewalks, bikeways, street drainage facilities and other facilities needed because of anticipated vehicular and pedestrian traffic generation.*

Response: Typical street sections are shown on sheet 4 to demonstrate compliance with street improvement criteria. The submitted site plan shows the proposed circulation throughout the project site. Existing streets (Journey Drive, Shartner Drive, and Cattle Drive) are stubbed to the project site from the Trailview Neighborhood. Holly Lane is proposed to be constructed on tax lot 1000 as part of another application. The applicant proposed to tie into that connection and extend Holly Lane through this project site. Proposed streets are stubbed to the areas outside of the project area and shown in a shadow plat. All proposed public streets provide sidewalks and bike lanes, safe and efficient movement of pedestrians and bicycles and circulation for emergency services throughout the project area.

16.12.016. *Street design.*

All development regulated by this chapter shall provide street improvements in compliance with the standards in Table 16.12.016 depending on the street classification set forth in the transportation system plan and the comprehensive plan designation of the adjacent property, unless an alternative plan has been adopted. The table implements the adopted transportation system plan and illustrates the maximum design standards. These

standards may be reduced with an alternative street design which may be approved based on the modification criteria in OCMC 16.12.013. The steps for reducing the street design are found in the transportation system plan.

To read the table select the road classification as identified in the transportation system plan and the comprehensive plan designation of the adjacent properties to find the maximum design standards for the road cross section. If the comprehensive plan designation for lands on either side of the street differs, the wider right-of-way standard shall apply.

- A. *Sidewalks. The applicant shall provide for sidewalks on both sides of all public streets, on any private street if so required by the decision-maker, and in any special pedestrian way within the development. Both sidewalks and curbs are to be constructed to city standards and at widths set forth above, and according to plans and specifications provided by the city engineer. Exceptions to this requirement may be allowed in order to accommodate topography, trees or some similar site constraint. In the case of major or minor arterials, the decision-maker may approve a development without sidewalks where sidewalks are found to be dangerous or otherwise impractical to construct or are not reasonably related to the applicant's development. The decision-maker may require the applicant to provide sidewalks concurrent with the issuance of the initial building permit within the area that is the subject of the development application. Applicants for partitions may be allowed to meet this requirement by providing the city with a financial guarantee per OCMC 16.12.110.*
- B. *Pedestrian and Bicycle Accessways Routes. If deemed appropriate to extend pedestrian and bicycle routes, existing or planned, the decision-maker may require the installation of separate pedestrian and bicycle facilities.*
- C. *Street Name Signs and Traffic Control Devices. The applicant shall install street signs and traffic control devices as directed by the city engineer. Street name signs and traffic control devices shall be in conformance with all applicable city regulations and standards.*
- D. *Street Lights. The applicant shall install street lights which shall be served from an underground source of supply. Street lights shall be in conformance with all city regulations.*
- E. *Any new street proposed with a pavement width of less than thirty-two feet shall be processed through OCMC 16.12.013 and meet minimum life safety requirements, which may include fire suppression devices as determined by the fire Marshall to assure an adequate level of fire and life safety. The modified street shall have no less than a twenty-foot wide unobstructed travel lane.*
- F. *All development shall include vegetated planter strips that are five feet in width or larger and located between the sidewalk and curb unless otherwise approved pursuant to this chapter. All development shall utilize the vegetated planter strip for the placement of street trees or place street trees in other acceptable locations, as prescribed by OCMC 12.08. Development proposed along a collector, minor arterial, or major arterial roads may place street trees within tree wells within a wider sidewalk in lieu of a planter strip.*

In addition to street trees per OCMC 12.08, vegetated planter strips shall include ground cover and/or shrubs spaced four feet apart and appropriate for the location. No invasive or nuisance plant species shall be permitted.

- G. *Vehicle and pedestrian access easements may serve in lieu of streets when approved by the decision maker and only where dedication of a street is deemed impracticable.*
- H. *Vehicular and pedestrian easements shall allow for public access and shall comply with all applicable pedestrian access requirements.*

Response (Revised): The applicant has submitted the typical sections of all proposed streets associated with this application. See sheet 4 to demonstrate compliance with the above standards. Pedestrian access and bike lanes are proposed throughout the project as well as adequate travel lanes and vegetated planter strips. Public utility easements are shown along all lot frontages adjacent to the right-of-way. Preliminary street names have been included on the submitted plans and an emergency access road is shown along the southern property line. The applicant is preserving the existing overhead utility (power) easement running north/south near the center of the project site. Emergency access is shown in this same area to the south since Holly Lane does not intersect S. Livesay Road. The above criteria are met.

16.12.017. *Street design—Access control.*

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

Response (Revised): The applicant proposes to dedicate the Holly Lane, Cattle, Journey, and Shartner street extensions to the City. Additionally, the applicant proposes dedicating Ainsworth, Atkinson, Borow, Moffatt and the constructed portion of Pioneer Street to the City. Names for newly constructed streets are only preliminary. Final street names will be determined through coordination with city staff. Pioneer is shown to be a ¾ street with the remaining portion constructed when tax lot 301 develops in the future. The applicant

proposes one private street contained within Tracts “G” and “K,” and all alleys will be constructed within easements that will remain private. The applicant submitted a tentative plat which differentiates between the public and private roadways. See sheets 5 for demonstrated compliance with the above criteria.

16.12.018. *Street design—Alignment.*

The centerline of streets shall be:

- A. *Aligned with existing streets by continuation of the centerlines.*
- B. *Offset from the centerline by no more than five feet, provided appropriate mitigation, in the judgment of the city engineer, is provided to ensure that the offset intersection will not pose a safety hazard.*
- C. *Driveways that are at least twenty-four feet wide shall align with existing or planned streets on adjacent sites.*

Response: Centerlines are shown on the submitted site plan and tentative plat sheets (see sheets 6-6.4) and are aligned with the centerlines of stubbed streets to the project site. Driveway placement has been proposed to meet applicable standards.

16.12.019. *Traffic sight obstructions.*

All new streets shall comply with the traffic sight obstructions in Chapter 10.32.

Response: A Traffic Impact Study is included with this application to address impacts from the proposed subdivision. The TIA included findings addressing intersection safety, trip generation, and sight distance analysis to ensure no obstructions are present. The TIA addresses all other criteria within Chapter 10.32.

16.12.020. *Street design—Intersection angles.*

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

Response: Intersections have been designed to meet at right angles to the greatest extent possible. The above criterion is met.

16.12.021. *Same—Grades and curves.*

Grades and center line radii shall conform to standards approved by the city engineer.

Response: The submitted proposed plat, site plan, and grading plans demonstrate compliance with the grades and centerline radii standards of this chapter.

16.12.022. *Same—Development abutting arterial or collector street.*

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

Response: This application includes the extension of Holly Lane which is classified as a collector. All other streets are classified as local streets, private or alleys. Two local streets are stubbed off-site to an area not yet annexed into the City near the southeast corner of the site. All other stubbed streets temporarily terminate to parcels within City limits (see shadow plat areas).

16.12.023. *Same—Pedestrian and bicycle safety.*

Where deemed necessary to ensure public safety, reduce traffic hazards and promote the welfare of pedestrians, bicyclists and residents of the subject area, the decision maker may require that local streets be so designed as to discourage their use by nonlocal automobile traffic.

The city engineer may require that crosswalks include a large vegetated or sidewalk area which extends into the street pavement as far as practicable to provide safer pedestrian crossing opportunities. These curb extensions can increase the visibility of pedestrians and provide a shorter crosswalk distance as well as encourage motorists to drive slower. The city engineer may approve an alternative design that achieves the same standard for constrained sites.

Response: The applicant understands and acknowledges the above standard.

16.12.024. *Same—Half street.*

Half streets, while generally not acceptable, may be approved where essential to the development, when in conformance with all other applicable requirements, and where it will not create a safety hazard. When approving half streets, the decision maker shall first determine that it will be practical to require the dedication of the other half of the street when the adjoining property is divided or developed. Where the decision maker approves a half street, the applicant shall construct a half street with at least twenty feet of pavement width and provide signage prohibiting street parking so as to make the half street safe until such time as the other half is constructed. Whenever a half street is

adjacent to property capable of being divided or developed, the other half of the street shall be provided and improved when that adjacent property divides or develops. Access control may be required to preserve the objectives of half streets.

When the remainder of an existing half-street improvement is completed, it shall include the following items: Dedication of required right-of-way, construction of the remaining portion of the street including pavement, curb and gutter, landscape strip, sidewalk, street trees, lighting and other improvements as required for that particular street. It shall also include at a minimum the pavement replacement to the centerline of the street. Any damage to the existing street shall be repaired in accordance with the city's "Pavement Cut Standards" or as approved by the city engineer.

Response: A $\frac{3}{4}$ street improvement is proposed for a portion of Pioneer Drive along tax lot 301. The proposed typical section is shown on sheet 4 of the submitted plan set and consists of a sidewalk, planter strip, curb/gutter, and two travel lanes. The applicant proposes a wall along the north side of Pioneer drive in this $\frac{3}{4}$ section however, no other walls are proposed or required to support the construction of public streets.

16.12.025. *Same—Cul-de-sacs and dead-end streets.*

The city discourages the use of cul-de-sacs and permanent dead-end streets except where construction of a through street is found by the decision maker to be impracticable due to topography or some significant physical constraint such as geologic hazards, wetland, natural or historic resource areas, pre-existing dedicated open space, pre-existing development patterns, arterial access restrictions or similar situation as determined by the decision maker. This section is not intended to preclude the use of curvilinear eyebrow widening of a street where needed.

- A. *When permitted, access from new cul-de-sacs and permanent dead-end streets shall be limited to a maximum of twenty-five dwelling units.*
- B. *Cul-de-sacs and permanent dead-end streets shall include pedestrian/bicycle accessways to meet minimum block width standards as prescribed in OCMC 16.12.030.*
- C. *Cul-de-sacs shall have sufficient radius to provide adequate turn-around for emergency vehicles in accordance with fire district and city adopted street standards.*
- D. *Permanent dead-end streets shall provide public street right-of-way/easements sufficient to provide a sufficient amount of turn-around space complete with appropriate no-parking signs or markings to accommodate waste disposal, sweepers, emergency and other long vehicles in the form of a hammerhead or other design to be approved by the decision maker.*
- E. *In the case of dead-end stub streets that will connect to streets on adjacent sites in the future, notification that the street is planned for future extension shall be posted on the stub street until the street is extended and shall inform the public that the dead-end street may be extended in the future. A dead-end street shall include signage or barricade meeting Manual on Uniform Traffic Control Devices (MUTCD).*

Response (Revised): Gusdorf Drive, Handris Drive, Borow Lane, the extension of Journey Drive (two sections), and the extension of Holly Lane are all stubbed to off-site tax lots for future development. Once again, names for new streets are only preliminary and will likely be altered during the engineering plan review process. No cul-de-sacs are proposed with this application. All stubbed street sections are less than 150 feet in length, have a turn-around, and/or circulation option available. The applicant acknowledges that stubbed streets shall have a sign to comply with the above criterion. No permanent dead-ends are proposed as all stubbed streets could be extended upon future development. To the extent they apply, the above criteria are met.

16.12.026. *Same—Alleys.*

Alleys with public access easements on private property shall be provided in the Park Place and South End concept plan areas for the following districts R-5, R-3.5, R-2, MUC-1, MUC-2 and NC zones unless other permanent provisions for private access to off-street parking and loading facilities are approved by the decision maker. All alleys intended to provide access for emergency vehicles shall be a minimum width of twenty feet. The corners of alley intersections shall have a radius of not less than ten feet and shall conform to standards approved by the city engineer. Access easements and maintenance agreements shall be recorded on affected properties.

Response: The applicant proposes alley access for lots fronting Holly Lane shown in easements along the rear property line. These alleys are all shown within the R-5 zoning designation. The above criterion is met.

16.12.027. *Same—Off-site street improvements.*

During consideration of the preliminary plan for a development, the decision maker shall determine whether existing streets impacted by, adjacent to, or abutting the development meet the applicable design or dimensional requirements. Where such streets fail to meet these requirements, the decision-maker shall require the applicant to make proportional improvements sufficient to achieve conformance with minimum applicable design standards required to serve the proposed development.

Response: Streets within the Trailview neighborhood are stubbed to the project boundary and a portion of Livesay Road fronts the southern boundary. The applicant does not propose any off-site improvements although the applicant is proposing to extend all streets abutting the subject property.

16.12.028. *Same—Transit.*

Streets shall be designed and laid out in a manner that promotes pedestrian and bicycle circulation. The applicant shall coordinate with transit agencies where the application impacts transit streets as identified in OCMC 17.04.1310. Pedestrian/bicycle access ways shall be provided as necessary to minimize the travel distance to transit streets and stops and neighborhood activity centers. The decision maker may require provisions, including easements, for transit facilities along transit streets where a need for bus stops, bus

pullouts or other transit facilities within or adjacent to the development has been identified.

Response: The proposed streets have been designed and laid out in a manner that promotes pedestrian and bicycle circulation. Streets proposed within this community have sidewalks and bike lanes. Additionally, the applicant proposes many pedestrian pathways throughout the project site. The above criterion is met.

16.12.029. *Excavations—Restoration of pavement.*

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

Response: The applicant proposes to mitigate any pavement sections impacted by the development of this project upon approval of this application. Mitigation is proposed to meet Public Works Standards. Upon approval of this application, the above criterion can be met.

16.12.030. *Blocks—Width.*

The width of blocks shall ordinarily be sufficient to allow for two tiers of lots with depths consistent with the type of land use proposed. The length, width and shape of blocks shall take into account the need for adequate building site size, convenient motor vehicle, pedestrian, bicycle and transit access, control of traffic circulation, and limitations imposed by topography and other natural features.

All new streets shall be designed as local streets unless otherwise designated as arterials and collectors in the current adopted transportation system plan. The maximum block spacing between streets is five hundred thirty feet and the minimum block spacing between streets is one hundred fifty feet as measured between the right-of-way centerlines except in zones GI, CI, MUE, I, and WFDD where determining the appropriate street spacing will be determined by the city engineer. If the maximum block size is exceeded, pedestrian accessways shall be provided every three hundred thirty feet. The spacing standards within this section do not apply to alleys.

Response: Block lengths are shown to meet the above standard as shown on sheets 6-6.4. Pedestrian paths have been shown where a roadway is impractical and breaks up blocks. As demonstrated on the submitted plans, the above criteria are met.

16.12.031. *Street design—Street names.*

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

Response: Tentative street names are shown on the submitted site plan and tentative plat. Street names are shown to meet city standards.

16.12.032. *Public off-street pedestrian and bicycle accessways.*

Pedestrian/bicycle accessways are intended to provide direct, safe and convenient connections between residential areas, retail and office areas, institutional facilities, industrial parks, transit streets, neighborhood activity centers, rights-of-way, and pedestrian/bicycle accessways which minimize out-of-direction travel, and transit-orientated developments where public street connections for automobiles, bicycles and pedestrians are unavailable. Pedestrian/bicycle accessways are appropriate in areas where public street options are unavailable, impractical or inappropriate. Pedestrian and bicycle accessways are required through private property or as right-of-way connecting development to the right-of-way at intervals not exceeding three hundred thirty feet of frontage; or where the lack of street continuity creates inconvenient or out of direction travel patterns for local pedestrian or bicycle trips.

- A. *Entry points shall align with pedestrian crossing points along adjacent streets and with adjacent street intersections.*
- B. *Accessways shall be free of horizontal obstructions and have a nine foot six inch high vertical clearance to accommodate bicyclists. To safely accommodate both pedestrians and bicycles, accessway right-of-way widths shall be as follows:*
 - 1. *Accessways shall have a fifteen-foot wide right-of-way with a seven-foot wide paved surface with a minimum four-foot planter strip on either side.*
 - 2. *If an accessway also provides secondary fire access, the right-of-way width shall be at least twenty-four feet wide with a sixteen-foot paved surface between four-foot planter strips on either side.*
- C. *Accessways shall be direct with at least one end point of the accessway always visible from any point along the accessway. On-street parking shall be prohibited within fifteen feet of the intersection of the accessway with public streets to preserve safe sight distance and promote safety.*
- D. *To enhance pedestrian and bicycle safety, accessways shall be lighted with pedestrian-scale lighting. Accessway lighting shall be to a minimum level of one-half-foot-candles, a one and one-half foot-candle average, and a maximum to minimum ratio of seven-to-one and shall be oriented not to shine upon adjacent properties. Street lighting shall be provided at both entrances.*
- E. *Accessways shall comply with Americans with Disabilities Act (ADA).*
- F. *The planter strips on either side of the accessway shall be landscaped along adjacent property by installation of the following:*
 - 1. *Either an evergreen hedge screen of thirty to forty-two inches high or shrubs spaced no more than four feet apart on average;*

2. *Ground cover covering one hundred percent of the exposed ground. No bark mulch shall be allowed except under the canopy of shrubs and within two feet of the base of trees;*
 3. *A two-inch minimum caliper tree for every thirty-five feet along the accessway. Trees may be planted on either side of the accessway, provided they are spaced no more than thirty-five feet apart; and*
 4. *In satisfying the requirements of this section, evergreen plant materials that grow over forty-two inches in height shall be avoided. All plant materials shall be selected from the Oregon City Native Plant List.*
- G. *Accessways shall be designed to prohibit unauthorized motorized traffic. Curbs and removable, lockable bollards are suggested mechanisms to achieve this.*
- H. *Accessway surfaces shall be paved with all-weather materials as approved by the city. Pervious materials are encouraged. Accessway surfaces shall be designed to drain stormwater runoff to the side or sides of the accessway. Minimum cross slope shall be two percent.*
- I. *In parks, greenways or other natural resource areas, accessways may be approved with a five-foot wide gravel path with wooden, brick or concrete edgings.*
- J. *The decision maker may approve an alternative accessway design due to existing site constraints through the modification process set forth in OCMC 16.12.013.*
- K. *Ownership, liability and maintenance of accessways. To ensure that all pedestrian/bicycle accessways will be adequately maintained over time, the city engineer shall require one of the following:*
1. *Dedicate the accessways to the public as public right-of-way prior to the final approval of the development; or*
 2. *The developer incorporates the accessway into a recorded easement or tract that specifically requires the property owner and future property owners to provide for the ownership, liability and maintenance of the accessway.*

Response: Pedestrian pathways are proposed where public streets are impractical but still warrant circulation. Pedestrian pathways are shown in tracts. There are no adjacent pathways stubbed to the project site. Public streets flank pedestrian pathways to provide security and connectivity to bike lanes in the public right-of-way. Pathways are generally straight and the shortest path between rights-of-way. Bollards are proposed at the ends of pathways to prevent motorized vehicle traffic. Pathways are shown to meet ADA standards to the greatest extent possible, and landscaping is proposed in planter strips along each side. Pathways are shown to be paved in an all-weather hard surface and proposed to be owned/maintained by the HOA. See submitted sheets 4 and 6 to demonstrate compliance with the above criteria.

16.12.033. *Mobility standards.*

Development shall demonstrate compliance with intersection mobility standards. When evaluating the performance of the transportation system, the city of Oregon City requires all intersections, except for the facilities identified in subsection E below, to be maintained at or below the following mobility standards during the two-hour peak operating conditions. The first hour has the highest weekday traffic volumes and the second hour is the next highest hour before or after the first hour. Except as provided otherwise below, this may require the installation of mobility improvements as set forth in the transportation system plan (TSP) or as otherwise identified by the city engineer.

- A. *For intersections within the regional center, the following mobility standards apply:*
1. *During the first hour, a maximum v/c ratio of 1.10 shall be maintained. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.*
 2. *During the second hour, a maximum v/c ratio of 0.99 shall be maintained at signalized intersections. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.*
 3. *Intersections located on the regional center boundary shall be considered within the regional center.*

Response: The subject site is not located within the regional center boundary of the City.

- B. *For intersections outside of the regional center but designated on the arterial and throughway network, as defined in the regional transportation plan, the following mobility standards apply:*
1. *During the first hour, a maximum v/c ratio of 0.99 shall be maintained. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.*
 2. *During the second hour, a maximum v/c ratio of 0.99 shall be maintained at signalized intersections. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.*

Response: This application does not include any new or proposed changes to any arterial streets and no throughway networks are proposed.

- C. *For intersections outside the boundaries of the regional center and not designated on the arterial and throughway network, as defined in the regional transportation plan, the following mobility standards apply:*

1. *For signalized intersections:*
 - a. *During the first hour, LOS "D" or better will be required for the intersection as a whole and no approach operating at worse than LOS "E" and a v/c ratio not higher than 1.0 for the sum of the critical movements.*
 - b. *During the second hour, LOS "D" or better will be required for the intersection as a whole and no approach operating at worse than LOS "E" and a v/c ratio not higher than 1.0 for the sum of the critical movements.*
 2. *For unsignalized intersections outside of the boundaries of the regional center:*
 - a. *For unsignalized intersections, during the peak hour, all movements serving more than twenty vehicles shall be maintained at LOS "E" or better. LOS "F" will be tolerated at movements serving no more than twenty vehicles during the peak hour.*
- D. *For the intersection of OR 213 and Beavercreek Road, the following mobility standards apply: 1. During the first, second and third hours, a maximum v/c ratio of 1.00 shall be maintained. Calculation of the maximum v/c ratio will be based on an average annual weekday peak hour.*

Response: The applicant does not propose any signalized intersections, and a traffic impact study has been included with this application to address the level of service of adjacent roadways impacted by this proposal. The subject property does not have any streets that intersect OR 213. To the extent they apply, the above criteria are met.

Until the city adopts new performance measures that identify alternative mobility targets, the city shall exempt proposed development that is permitted, either conditionally, outright, or through detailed development master plan approval, from compliance with the above-referenced mobility standards for the following state-owned facilities:

I-205/OR 99E Interchange.

State intersections located within or on the regional center boundaries.

1. *In the case of conceptual development approval for a master plan that impacts the above references intersections:*
 - a. *The form of mitigation will be determined at the time of the detailed development plan review for subsequent phases utilizing the code in place at the time the detailed development plan is submitted; and*
 - b. *Only those trips approved by a detailed development plan review are vested.*
2. *Development which does not comply with the mobility standards for the intersections identified in OCMC 16.12.033 shall provide for the improvements identified in the transportation system plan (TSP) in an effort to improve intersection mobility as necessary to offset the impact caused by development.*

Where required by other provisions of the code, the applicant shall provide a traffic impact study that includes an assessment of the development's impact on the intersections identified in this exemption and shall construct the intersection improvements listed in the TSP or required by the code.

Response: The subject property does not impact intersections with I-205 and Oregon Highway 99 or the interchange between these two major routes. The applicant proposes to comply with the required mobility standards to the extent they apply.

16.12.035. *Driveways.*

- A. *All new development, redevelopment, and capital improvement projects shall meet the minimum driveway spacing standards identified in Table 16.12.035.A. Minor site plan and design review do not follow these standards unless a request is made to modify the driveway.*
- B. *All detached single-family dwellings, duplexes, triplexes, quadplexes and townhouses shall have driveways which meet the minimum distance from a street corner standard except when the lot size is smaller than the minimum distance required. When minimum distance cannot be met due to lot size or due to the location of an overlay district, the driveway shall be located as far away from the intersection as possible, but no more than five feet to the neighboring property line, as approved by the city engineer.*
- C. *Nonresidential or multi-family residential use driveways that generate high traffic volumes as determined by a traffic analysis shall be treated as intersections and shall adhere to requirements of OCMC 16.12.020.*

Response (Revised): Driveway drops are shown on the submitted site plan and shown to be a minimum of five feet from the side property lines. No multi-family or non-residential development is proposed with this application.

- D. *For any detached single-family dwellings, duplexes, triplexes, quadplexes, and townhouses or property developed with an ADU with multiple frontages only one driveway is allowed per street frontage classified as a local street and in no case shall more than two driveways (one per frontage) be allowed, unless otherwise approved by the city engineer.*
 - 1. *Two driveways shall never be granted for any property with only one frontage on a local road for any single-family detached residential property or property that contains an ADU unless required by Clackamas Fire District No. 1*
- E. *Cluster housing properties may be granted more than one driveway per property and per frontage meeting the spacing standards. Driveways should be combined whenever possible to limit the number of driveways per property.*
 - 1. *Middle housing properties with only one building may be allowed one driveway for every two units, provided that spacing standards and/or driveway width requirements are met.*

2. *Middle housing properties with more than one structure shall meet the cluster housing standards*
- F. *Townhouses shall have one driveway approach for every two dwelling units (round up for townhouse structures with an odd number of dwellings)*
- G. *Driveways on collectors or arterials shall be provided in such a way that no backing of a vehicle will occur from the driveway to the collector or arterial.*

Response (Revised): This application proposes residential development. No lot is proposed to have more than one driveway drop along public right-of-way. To the extent they apply, the above criteria are met.

- H. *When a property fronts multiple roads, access shall be provided from and limited to the road with the lowest classification in the transportation system plan to minimize points of access to arterials and collectors. Access shall not be provided on arterial or collector roads unless there is no other alternative. At the discretion of the city engineer, properties fronting a collector or arterial road may be allowed a second driveway, for the creation of a circulation pattern that eliminates reverse maneuvers for vehicles exiting a property if applied for and granted through procedures in OCMC 16.12.013. All lots proposed with a driveway and lot orientation on a collector or minor arterial shall combine driveways into one joint access per two or more lots unless the city engineer determines that:*
 1. *No driveway access may be allowed since the driveway(s) would cause a significant traffic safety hazard; or*
 2. *Allowing a single driveway access per lot will not cause a significant traffic safety hazard.*
- I. *All driveway approaches shall be limited to the dimensions identified in Table 16.12.035.D.*
 1. *Shared driveways for middle housing structures shall be minimum eighteen feet and maximum thirty-six feet except when section J.4.a applies.*
- J. *Driveway widths shall match the width of the driveway approach where the driveway meets sidewalk or property line but may be widened onsite (for example between the property line and the entrance to a garage). Groups of more than four parking spaces shall be so located and served by driveways so that their use will not require backing movements or other maneuvering within a street right-of-way other than an alley. The city engineer reserves the right to require a reduction in the number and size of driveway approaches as far as practicable for any of the following purposes:*
 1. *To provide adequate space for on-street parking;*
 2. *To facilitate street tree planting requirements;*
 3. *To assure pedestrian and vehicular safety by limiting vehicular access points; and*
 4. *To assure that adequate sight distance requirements are met.*

- a. *Where the decision maker determines any of these situations exist or may occur due to the approval of a proposed development for non-residential uses or attached or multi-family housing, a shared driveway shall be required and limited to twenty-four feet in width adjacent to the sidewalk or property line.*
- K. *For all driveways, the following standards apply*
 - 1. *Each new or redeveloped curb cut shall have an approved concrete approach or asphalted street connection where there is no concrete curb and a minimum hard surface for at least ten feet back into the property as measured from the current edge of sidewalk or street pavement to provide for controlling gravel tracking onto the public street. The hard surface may be concrete, asphalt, or other surface approved by the city engineer.*
 - 2. *Any driveway approach built within public right-of-way shall be built and permitted per city requirements as approved by the city engineer.*
 - 3. *No driveway with a slope of greater than fifteen percent shall be permitted without approval of the city engineer.*
- L. *Exceptions. The city engineer reserves the right to waive these standards or not allow driveway access, if the driveway(s) would cause a significant traffic safety hazard. Narrower or wider driveway widths may be considered where field conditions preclude use of recommended widths. When larger vehicles and trucks will be the predominant users of a particular driveway, turning templates may be utilized to develop a driveway width that can safely and expeditiously accommodate the prevalent type of ingress and egress traffic.*

Response: Access is shown on the lesser of the classified streets on lots with more than one street frontage. Driveway access is not anticipated to cause a significant traffic safety issue. Driveway widths are not anticipated to widen off-site as lots develop. Curb cut materials are proposed to meet the criteria above at the driveway approach and no driveway is expected to have a slope exceeding 15 percent. No exceptions are proposed with this application, and if an exception is required in the future the applicant will coordinate with city staff to ensure the appropriate criteria are met. To the extent they apply, the above criteria are met.

16.12.065. *Building site—Grading.*

Grading of building sites shall conform to the state of Oregon Structural Specialty Code, Title 18, any approved grading plan and any approved residential lot grading plan in accordance with the requirements of OCMC 13.12, 15.48, 16.12 and the public works stormwater and grading design standards, and the erosion control requirements of OCMC 17.47.

Response: A preliminary grading plan has been submitted with this application to demonstrate compliance with general grading standards. However, lot/building site grading

shall be evaluated for compliance prior to issuance of a site development or building permit. Upon approval of this application, the above criterion can be met.

16.12.085. *Easements.*

The following shall govern the location, improvement and layout of easements:

- A. *Utilities. Utility easements shall be required where necessary as determined by the city engineer. Insofar as practicable, easements shall be continuous and aligned from block-to-block within the development and with adjoining subdivisions or partitions.*
 - 1. *Specific public utility easements for water, sanitary or storm drainage shall be provided based on approved final engineering plans conforming to the requirements found within the applicable design standards.*
 - 2. *Conveyance of public utility easements for gas, electric, telecommunication, and fiberoptic shall be required where necessary as determined by the city engineer. The city engineer will require the easement unless it is found that the utility can be placed in a different location or can be placed in a smaller easement than what is required. The easement shall be located adjacent to all public rights-of-way or public access easements within private property. In the event that the provision of a public utility easement would create a conflict with achieving compliance with another part of the code, the location and width may be adjusted by the city engineer.*
 - a. *The easement shall be ten feet in the R-10, R-8, R-6, R-5, R-3.5, R-2, GI, and CI zones.*
 - b. *The easement shall be a minimum of five feet in the NC, HC, I, C, MUC-1, MUC-2, MUE, MUD, and WFDD zones.*
 - i. *The applicant shall obtain a written determination from all utilities that the minimum five-foot PUE coupled with use of a minimum of a five-foot area under the public sidewalk or parkway area is sufficient to serve the development. Where the minimum width is deemed inadequate, a modification shall be required.*
 - c. *An applicant may seek a modification to the public utility easement dedication requirement using OCMC 16.12.013.*
- B. *Unusual Facilities. Easements for unusual facilities such as high voltage electric transmission lines, drainage channels and stormwater detention facilities shall be adequately sized for their intended purpose, including any necessary maintenance roads. These easements shall be shown to scale on the preliminary and final plats or maps. If the easement is for drainage channels, stormwater detention facilities or related purposes, the easement shall comply with the requirements of the public works stormwater and grading design standards.*

- C. *Watercourses. Where a development is traversed or bounded by a watercourse, drainageway, channel or stream, a stormwater easement or drainage right-of-way shall be provided which conforms substantially to the line of such watercourse, drainageway, channel or stream and is of a sufficient width to allow construction, maintenance and control for the purpose as required by the responsible agency. For those subdivisions or partitions which are bounded by a stream of established recreational value, setbacks or easements may be required to prevent impacts to the water resource or to accommodate pedestrian or bicycle paths.*
- D. *Access. When easements are used to provide vehicular access to lots within a development, the construction standards, but not necessarily width standards, for the easement shall meet city specifications. The minimum width of the easement shall be twenty feet. The easements shall be improved and recorded by the applicant and inspected by the city engineer. Access easements may also provide for utility placement.*
- E. *Resource Protection. Easements or other protective measures may also be required as the community development director deems necessary to ensure compliance with applicable review criteria protecting any unusual significant natural feature or features of historic significance.*

Response: No unusual facilities are proposed with this application. Public utility easements are shown along the frontage of all lots abutting public right-of-way. There is an existing drainage easement from the Trailview neighborhood that traverses this project site. The applicant proposes to reroute the manmade piped watercourse to follow public right-of-way and outfall in the same existing location. No other water courses are present on the subject property. No resource protection easements are needed, and the above criteria are met.

16.12.090. *Minimum improvements—Procedures.*

In addition to other requirements, improvements installed by the applicant either as a requirement of these or other regulations, or at the applicant's option, shall conform to the requirements of this title and be designed to city specifications and standards as set out in the city's facility master plan and public works stormwater and grading design standards. The improvements shall be installed in accordance with the following procedure:

- A. *Improvement work shall not commence until construction plans have been reviewed and approved by the city engineer and to the extent that improvements are located in county or state right-of-way, they shall be approved by the responsible authority. To the extent necessary for evaluation of the proposal, the plans may be required before approval of the preliminary plat of a subdivision or partition. Expenses incurred thereby shall be borne by the applicant and paid for prior to final plan review.*
- B. *Improvements shall be constructed under the inspection and approval of the city engineer. Expenses incurred thereby shall be borne by the applicant and paid prior to final approval. Where required by the city engineer or other city decision-maker, the applicant's project engineer also shall inspect construction.*

- C. *Erosion control or resource protection facilities or measures are required to be installed in accordance with the requirements of OCMC 17.47, 17.49 and the public works erosion and sediment control standards.*
- D. *Underground utilities, waterlines, sanitary sewers and storm drains installed in streets shall be constructed prior to the surfacing of the streets. Stubs for service connections for underground utilities, such as, storm, water and sanitary sewer shall be placed beyond the ten-foot wide public utility easement within private property as defined in OCMC 16.12.85.A.2.*
- E. *As-built construction plans and digital copies of as-built drawings shall be filed with the city engineer upon completion of the improvements.*
- F. *The city engineer may regulate the hours of construction and access routes for construction equipment to minimize impacts on adjoining residences or neighborhoods.*

Response: The applicant understands that construction activities cannot occur until plans have been approved by the City Engineer. At this time the applicant is seeking land use approval which would pave the way for assembling final engineering plans. Preliminary engineering plans have been included with this application and include erosion and sediment control, grading, and utilities. Upon approval of the land division proposal, the above standards can be met.

16.12.095. *Same—Public facilities and services.*

The following minimum improvements shall be required of all applicants for a development, unless the decision-maker determines that any such improvement is not proportional to the impact imposed on the city's public systems and facilities:

- A. *Transportation System. Applicants and all subsequent lot owners shall be responsible for improving the city's planned level of service on all public streets, including alleys within the development and those portions of public streets adjacent to but only partially within development. Applicants are responsible for designing and providing adequate vehicular, bicycle and pedestrian access to their developments and for accommodating future access to neighboring undeveloped properties that are suitably zoned for future development. Storm drainage facilities shall be installed and connected to off-site natural or man-made drainageways. Upon completion of the street improvement survey, the applicant shall reestablish and protect monuments of the type required by ORS 92.060 in monument boxes with covers at every public street intersection and all points of curvature and points of tangency of their center line, and at such other points as directed by the city engineer.*

Response: All transportation system improvements included with this application have been designed to meet applicable standards. See sheets 5, 6, and 10 to show compliance with the above standards.

- B. *Stormwater Drainage System. Applicants shall design and install drainage facilities within a development and shall connect the development's drainage system to the appropriate downstream storm drainage system as a minimum requirement for providing services to*

the applicant's development. The applicant shall obtain county or state approval when appropriate. Applicants are responsible for extending the appropriate storm drainage system to the development site and for providing for the connection of upgradient properties to that system. The applicant shall design the drainage facilities in accordance with city drainage master plan requirements, OCMC 13.12 and the public works stormwater and grading design standards.

Response: The applicant has submitted a stormwater and drainage report to respond to the stormwater and drainage standards. The water quality facility is located along the southern boundary within Tract B with frontage on Livesay Road. The water quality facility has been designed in accordance with the City's drainage master plan requirements and public works standards. The above criterion is met.

- C. *Sanitary Sewer System. The applicant shall design and install a sanitary sewer system to serve all lots or parcels within a development in accordance with the city's sanitary sewer design standards, and shall connect those lots or parcels to the city's sanitary sewer system, except where connection is required to the county sanitary sewer system as approved by the county. Applicants are responsible for extending the city's sanitary sewer system to the development site and through the applicant's property to allow for the future connection of neighboring undeveloped properties that are suitably zoned for future development. The applicant shall obtain all required permits and approvals from all affected jurisdictions prior to final approval and prior to commencement of construction. Design shall be approved by the city engineer before construction begins.*
- D. *Water System. The applicant shall design and install a water system to serve all lots or parcels within a development in accordance with the city public works water system design standards, and shall connect those lots or parcels to the city's water system. Applicants are responsible for extending the city's water system to the development site and through the applicant's property to allow for the future connection of neighboring undeveloped properties that are suitably zoned for future development.*

Response: The applicant has submitted a composite utility plan showing sanitary sewer and water serving all lots within the proposed community. These utility plans are conceptual in nature and subject to change if more efficient and constructable alternatives are uncovered in the future. Utilities have been designed to meet all applicable standards. Utilities have been stubbed to the property boundary for future development connections/extensions. The water service is split between two water districts and detailed on sheet 7 of the submitted plans. The above criteria are met.

- E. *Street Trees. Refer to OCMC 12.08, Street Trees.*

Response: Street trees are shown on sheet 6.1 through 6.4 to demonstrate compliance with the above criteria within OCMC 12.08.

- F. *Bench Marks. At least one bench mark shall be located within the subdivision boundaries using datum plane specified by the city engineer.*

- G. *Other Utilities. The applicant shall make all necessary arrangements with utility companies or other affected parties for the installation of underground lines and facilities. All new utilities shall be placed underground unless the respective franchise agreements allow otherwise or unless it is physically or technically impossible to comply with applicable standards. Existing electrical lines and other wires, including but not limited to telecommunication, street lighting and fiberoptic, shall be relocated underground.*
1. *Exemptions to relocation of existing overhead utilities to underground for property development as follows (Only one exemption criteria is required to be exempt from this requirement):*
 - a. *No transmission or feeder lines shall be relocated underground unless approved by the city engineer.*
 - b. *Properties with less than one acre of land area shall not be required to relocate existing overhead utilities unless required by the franchise utility.*
 - c. *Properties with less than two hundred feet of frontage on any individual roadway shall not be required to relocate existing overhead utilities unless required by the franchise utility.*
 - d. *Land divisions with five or fewer subdivided lots shall not be required to relocate existing overhead utilities unless required by the franchise utility.*
 2. *The exemptions in G.1. do not apply if properties within the same block were required to relocate the overhead utilities within the past ten years. In those cases, the existing overhead utilities shall be relocated underground.*
 3. *When any franchise utility (electric, gas, telecommunication, fiberoptic, street lighting or similar utility) is installed along an existing or new roadway, the utility shall be installed within the existing or proposed public utility easement unless it is physically or technically impossible.*
 4. *These requirements do not apply to work by a franchise utility for improvement, repair, alteration or addition to their existing systems.*
- H. *Oversizing of Facilities. All facilities and improvements shall be designed to city standards as set out in the city's facility master plan, public works design standards, or other city ordinances or regulations. Compliance with facility design standards shall be addressed during final engineering. A development may be required to modify or replace existing offsite systems if necessary to provide adequate public facilities. The city may require oversizing of facilities to meet standards in the city's facility master plan or to allow for orderly and efficient development. Where oversizing is required, the applicant may request reimbursement from the city for oversizing based on the city's reimbursement policy and funds available, or provide for recovery of costs from intervening properties as they develop.*
- I. *Erosion Control Plan—Mitigation. The applicant shall be responsible for complying with all applicable provisions of OCMC 17.47 with regard to erosion control.*

Response: A benchmark will be placed within the subdivision boundary to comply with the above standard. Coordination with utility companies and districts is ongoing throughout the approval and building processes and the applicant has initiated these efforts to design the proposed subdivision. There are existing overhead utility lines shown that will remain and have been incorporated into the design of this subdivision. All new services are shown to be underground within proposed utility easements. The water quality facility has been designed in accordance with applicable standards as detailed in the submitted stormwater and drainage report. The facility has been designed to accommodate the impervious surface runoff associated with the proposed subdivision. As conditioned upon approval of this application, the applicant can design the water quality facility to be larger than necessary for future development. A tentative grading and erosion and sediment control plan has been included with this application. See sheet 8 to demonstrate compliance with erosion and sediment control standards. The above criteria are met.

16.12.100. *Same—Road standards and requirements.*

- A. *The creation of a public street and the resultant separate land parcels shall be in conformance with requirements for subdivisions or partitions and the applicable street design standards of this chapter. However, the decision-maker may approve the creation of a public street to be established by deed without full compliance with the regulations applicable to subdivisions or partitions where any of the following conditions exist:*
 - 1. *The establishment of the public street is initiated by the city commission and is declared essential for the purpose of general traffic circulation and the partitioning of land is an incidental effect rather than the primary objective of the street;*
 - 2. *The tract in which the street is to be dedicated is within an isolated ownership either not over one acre or of such size and characteristics as to make it impossible to develop building sites for more than three dwelling units.*
- B. *For any public street created pursuant to subsection A of this section, a copy of a preliminary plan and the proposed deed shall be submitted to the community development director and city engineer at least ten days prior to any public hearing scheduled for the matter. The plan, deed and any additional information the applicant may submit shall be reviewed by the decision-maker and, if not in conflict with the standards of Title 16 and Title 17, may be approved with appropriate conditions.*
- C. *The design and construction of public streets shall be per the standards found in this chapter and the most recent version of any city design and construction standards.*

Response (Revised): The applicant proposes to extend Holly Lane throughout the subject site to satisfy a Transportation Systems Plan goal. All streets are proposed to be dedicated to the City and designed in accordance with applicable standards. Tracts G and K are private streets and will be deeded to the HOA for maintenance purposes. The applicant does not propose the creation of a public street by deed. The above criteria do not apply.

16.12.105. *Same—Timing requirements.*

- A. *Prior to applying for final plat approval, the applicant shall either complete construction of all public improvements required as part of the preliminary plat approval or guarantee the construction of those improvements. Whichever option the applicant elects shall be in accordance with OCMC 17.50.140.*
- B. *Construction. The applicant shall construct the public improvements according to approved final engineering plans and all applicable requirements of this code, and under the supervision of the city engineer. Under this option, the improvement shall be complete and accepted by the city engineer prior to final plat approval.*

Response: Construction completion is anticipated prior to applying for final plat approval. The applicant may opt for taking the financial guarantee option for required improvements as needed but that is to be evaluated at the time of construction.

16.12.110. *Public improvements—Financial guarantees.*

- A. *To ensure construction of required public improvements, the applicant shall provide the city with a performance guarantee in accordance with OCMC 17.50.140.*
- B. *After satisfactory completion of required public improvements and facilities, all public improvements not constructed by the city, shall be maintained and under warranty provided by the property owner or developer constructing the facilities until the city accepts the improvements at the end of the warranty period as prescribed in OCMC 17.50.141.*

Response: This application seeks land division approval. Upon receiving approval of the submitted application, the applicant understands the performance guarantee standards and process.

16.12.120. *Waiver of remonstrance.*

The review authority may require a property owner to sign a waiver of remonstrance against the formation of and participation in a local improvement district where it deems such a waiver necessary to provide needed improvements reasonably related to the impacts created by the proposed development. To ensure compliance with this chapter, the review authority may require an applicant to sign or accept a legal and enforceable covenant, contract, dedication, easement, performance guarantee, or other document, which shall be approved in form by the city attorney.

Response: A waiver of remonstrance is not anticipated upon approval of this application as all improvements required are proposed to be constructed.

16.12.125. *Violation—Penalty.*

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

Response: The above standard is understood and acknowledged by the applicant.

VII. Title 17 - Zoning

Chapter 17.08 - LOW DENSITY RESIDENTIAL DISTRICTS

17.08.10. *Designated.*

The R-10, R-8 and R-6 residential districts are designed for low density residential development.

17.08.020. *Permitted Uses*

Permitted uses in the R-10, R-8 and R-6 districts are:

- A. *Single-family detached residential units;*
- B. *Accessory uses, buildings and dwellings;*
- C. *Duplexes;*
- D. *Triplexes;*
- E. *Quadplexes;*
- F. *Townhouses;*
- G. *Cottage clusters;*
- H. *Residential homes;*
- I. *Parks, playgrounds, playfields and community or neighborhood centers;*
- J. *Home occupations;*
- K. *Family day care providers;*
- L. *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);*
- M. *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;*
- N. *Transportation facilities.*

Response (Revised): The applicant proposes residential dwellings (exact type and style to be determined later) which is permitted within the R-10 zone.

17.08.040. *Dimensional standards.*

Dimensional standards in the R-10, R-8, and R-6 districts are as follows:

Response: Lots 1-5, 21, and 28 are located within the R-10 zoning district; all lots exceed the minimum dimensional standards listed in OCMC 17.08.040. Setbacks are shown on the submitted site plan. The above criteria are shown to be met.

17.08.045. *Exceptions to setbacks*

- A. *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.*
- B. *Through Lot Setbacks. Through lots having a frontage on two streets shall provide the required front yard on each street. The required rear yard is not necessary.*

Response: House designs for each lot have not been finalized but the applicant understands the exceptions to the setback standards. No through lots are proposed within the R-10 zoned portion of the site.

17.08.050. *Density Standards.*

- A. *Density standards in the R-10, R-8 and R-6 districts are as follows:*
- B. *Exceptions.*
 - 1. *Any dwelling units created as accessory dwelling units do not count towards the minimum or maximum density limits in Table 17.08.050.*
 - 2. *Duplexes, triplexes and quadplexes shall count as a single dwelling unit for the purposes of calculating maximum net density. Total dwelling units within a development may count for the purposes of calculating minimum net density.*
 - 3. *Cottage clusters are exempt from maximum net density standards.*

Response: Within the R-10 zoned portion of the site, the applicant proposes a density of 4 dwelling units per acre. No density exceptions are proposed with this application.

Chapter 17.10 - *MEDIUM DENSITY RESIDENTIAL DISTRICTS*

17.10.010. *Designated.*

The R-5 and R-3.5 residential districts are designed for medium density residential development.

17.10.020. *Permitted uses.*

Permitted uses in the R-5 and R-3.5 districts are:

- A. *Single-family detached residential units;*
- B. *Accessory uses, buildings and dwellings;*
- C. *Duplexes;*

- D. *Triplexes;*
- E. *Quadplexes;*
- F. *Townhouses;*
- G. *Cottage clusters;*
- H. *Manufactured home parks or subdivisions in the R-3.5 district only;*
- I. *Residential homes;*
- J. *Parks, playgrounds, playfields and community or neighborhood centers;*
- K. *Home occupations;*
- L. *Family day care providers;*
- M. *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);*
- N. *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;*
- O. *Transportation facilities.*

Response (Revised): The applicant proposes to construct residential dwellings (exact type and style to be determined later) which are an outright permitted use in this zone.

17.10.040. *Dimensional standards.*

Response: All lots exceed the minimum dimensional standards listed in OCMC 17.10.040. Setbacks are shown on the submitted site plan. The above criteria are shown to be met.

17.10.045. *Exceptions to setbacks.*

- A. *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.*
- B. *Through lot setbacks. Through lots having a frontage on two streets shall provide the required front yard on each street. The required rear yard is not necessary.*

Response: The applicant does not propose any exceptions to setback standards.

17.10.050. *Density standards.*

- A. *Density standards in the R-5 and R-3.5 districts are as follows:*
- B. *Exceptions.*

1. *Any dwelling units created as accessory dwelling units do not count towards the minimum or maximum density limits in Table 17.10.050.*
2. *Duplexes triplexes and quadplexes shall count as a single dwelling unit for the purposes of calculating maximum net density. Total dwelling units within a development may count for the purposes of calculating minimum net density.*
3. *Cottage clusters are exempt from maximum net density standards.*

Response (Revised): Within the R-5 zoned portion of the project boundary, the applicant proposes a preliminary density of 7.4 dwelling units per acre.

17.10.060. *Conversion of existing duplexes.*

Any conversion of an existing duplex unit into two single-family attached dwellings shall be reviewed for compliance with the land division requirements in Title 16 and the underlying zone district.

Response: The applicant does not propose any conversions of existing structures to middle housing types. The above section does not apply.

Chapter 17.21 - RESIDENTIAL STANDARDS—PARK PLACE CONCEPT PLAN AREA

17.21.020. *Applicability.*

This chapter applies to all new detached single-family residential units, duplexes, triplexes, quadplexes, townhouses, accessory dwelling units, and cottage clusters located within the Park Place Concept Plan areas. Additions to homes existing prior to the adoption of this chapter in a concept plan area or new - residences outside of a concept plan area may choose review under this section or OCMC 17.14, OCMC 17.16, or OCMC 17.20 as applicable.

Residential plans that conform to the following standards may be approved as a Type I Decision. Residential plans that require approval of an exemption shall be processed as a Type II Land Use decision at time of land division or building permit application.

Response: The applicant does not seek any residential plan exemption and therefore demonstrated compliance with the above section is to be reviewed under a Type I process prior to issuance of a building permit.

17.21.030. *Roof design.*

- A. *Primary roofs shall be pitched at a minimum ratio of five-twelfths, except for non-gabled dormers, covered porches, or secondary masses.*
- B. *Exemption: An exemption from the roof standard of subsection A above may be approved by the community development director if the resulting plan is consistent with the architectural style.*

Response: The applicant does not propose a roof pitch exemption and therefore will meet the above standard. Demonstrated compliance with this section is to be evaluated prior to issuance of a building permit. The applicant is seeking land division approval at this time.

17.21.040. *Modulation and massing.*

New residences shall have a massing and footprint that is compatible with the envisioned pedestrian friendly neighborhoods of the concept plan area.

- A. *Residences with footprints over one thousand two hundred square feet (not including porch or deck areas) shall provide for secondary massing (such as cross gabled wings or sunroom/kitchen/dining room extensions) under separate roof-lines. Each secondary mass shall not have a footprint larger than six hundred square feet.*
- B. *Exemption: An exemption from the massing standard of subsection A above may be approved by the community development director if the resulting plan continues to provide for a pedestrian friendly design and provides sufficient architectural details to mitigate the impact of a residence with a large mass on the surrounding neighborhood.*

Response (Revised): Demonstrated compliance with the above standards is to be evaluated prior to issuance of a building permit. The applicant is seeking land division approval and does not propose any exemptions to modulation and massing standards.

17.21.050. *Porches and entries.*

- A. *Each residence shall contain a front porch with a front door that faces the street that is a minimum of twenty-four inches above average grade with skirting and is at least eighty square feet with no dimension under six feet with the wider dimension parallel to the street. Porch railings are required. The front porch shall be covered.*
- B. *Exemption: Residence styles that do not contain a front porch or require a reduction in the size of the porch or its location may request an exemption from the community development director from subsection A above, if another type of pronounced entryway is provided. Pronounced entrances may include a rounded front door, canopy or other articulated entrances, columns, and/or other similar features provided they are compatible with the architectural style of the house. A reduced porch may be allowed if there is sufficient architectural or topographical reason to reduce the size of the porch.*
- C. *All subdivisions shall have at least seventy-five percent of the housing utilize front porches as approved under subsection A above.*
- D. *Each residence shall have a separate delineated pedestrian connection from the front door of the unit to the sidewalk a minimum width of three feet. The pedestrian connection shall be separate from a driveway.*

Response: All homes associated with this proposal are shown to face the corresponding street. Setbacks are shown on the submitted site plan but compliance with the above standards are to be evaluated prior to issuance of a building permit. The applicant does not propose an exemption to any of the above standards.

17.21.060. *Architectural details.*

Residences shall contain architectural details. Each of the types of details listed below are worth one point unless otherwise noted. Residences must achieve the equivalent of five points worth of architectural details.

- A. *Stonework detailing on columns or across foundation.*
- B. *Brick or stonework covering more than ten percent of the front facade.*
- C. *Wood, clad wood, or fiberglass windows on all four elevations of the building (two points).*
- D. *Decorative roofline elements (choose two): Roof brackets, rake board at edge of all roof and porch, eaves, roof eaves that extend at least eighteen inches.*
- E. *Decorative siding elements (choose two): Barge board/frieze boards (minimum eight inches) under eaves, waterboard at foundation line and between floors (minimum six inches), corner board at all corners.*
- F. *Decorative porch elements (choose one): Scrolls, brackets, or wrapped and finished porch railings and posts.*
- G. *Decorative shingle design covering ten percent of the facade.*
- H. *Exemption: Other architectural detailing may be approved by the community development director if they are constructed with quality material, have a high level of craftsmanship and are consistent with the architectural style of the residence.*

Response: Demonstrated compliance with the above architectural standards are to be evaluated prior to issuance of a building permit as the applicant is seeking land division approval. The applicant is not seeking an exemption to the above standards with this application.

17.21.070. *Approved siding materials.*

- A. *Brick.*
- B. *Basalt stone or basalt veneer.*
- C. *Narrow horizontal wood or composite siding (five inches wide or less); wider siding will be considered where there is a historic precedent.*
- D. *Board and batten siding (wood or composite).*
- E. *Exemption: Other materials may be approved by the community development director if they are consistent with the quality of the approved siding materials and have historic precedence in Oregon City.*

Response: The applicant is not seeking an exemption with this application and the above criteria are to be evaluated prior to issuance of a building permit.

17.21.080. *Windows.*

- A. *All windows on all elevations must be recessed at least two inches from the facade and incorporate window trim at least four inches in width. All elevations must provide an average of one window every fifteen feet of linear elevation on each floor of each elevation. If shutters are used, they shall be half of the window opening each such that the entire window opening is covered when they are closed.*
- B. *Exemption: An exemption may be granted by the community development director from the window standard of subsection A above if the proposed windows provide for some amount recess depth and the side elevation is consistent architecturally with the front elevation of the house in window prominence.*
- C. *All subdivisions shall have at least seventy-five percent of the housing meet the standards under subsection A above.*

Response: The applicant is not seeking an exemption with this application and the above criteria are to be evaluated prior to issuance of a building permit.

17.21.090. *Garages and accessory structures.*

- A. *Garages must be detached, side entry or rear entry. For side entry garages: The garage area shall not be located in front of the living area. Accessory structures shall be designed consistent with the primary residence. Consistency of design includes the use of similar roofing, siding, and trim. For the purposes of this section, detached garages may be connected by a breezeway but consequently, will be subject to the setbacks of the underlying zone.*
- B. *Exemption: An exemption may be granted by the community development director from the garage requirement of subsection A above if topographic or pre-existing lot layout prevents the construction of detached, rear entry or side entry garages on-site or if the applicant proposes a design that mitigates the impact a front entry attached garage has on the pedestrian environment. Any alternative attached garage design shall not project farther than the living area and shall be limited to garage door widths of ten feet or less.*

Response (Revised): The above criteria can be met with approval of this application. The above criteria are to be evaluated prior to issuance of a building permit.

Chapter 17.41 - TREE PROTECTION, PRESERVATION, REMOVAL AND REPLANTING STANDARDS

17.41.040. *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 OCMC 17.49. These standards are not intended to regulate farm and forest practices as those practices are defined under ORS 30.930, for farm or forestlands. These regulations to not apply to the removal of trees that are considered invasive species. 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.

17.41.050. *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 OCMC 17.41.060;*
- B. *Option 2—Dedicated Tract. Protection of trees or groves by placement in a tract within a new subdivision or partition plat pursuant to OCMC 17.41.080;*
- C. *Option 3—Restrictive Covenant. Protection of trees or groves by recordation of a permanent restrictive covenant pursuant to OCMC 17.41.110; or*
- D. *Option 4—Cash-in-lieu of planting pursuant to OCMC 17.41.120.*

Response (Revised): The project will utilize a combination of Options 1, 2, and 4. The extent of mitigation required will be determined in the future.

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 OCMC 17.04 to the extent practicable. Preserved trees are subject to Option 3 of this chapter. 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. Tree inventories for the purposes of mitigation calculations may be prepared by a licensed surveyor. 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 OCMC 12.08, Public and Street Trees, any required tree planting in parking lots, and any trees planted in pedestrian and bicycle accessways.*
- 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. *Dying, diseased or hazardous trees, when the condition is verified by a certified arborist to be consistent with the definitions in OCMC 17.04, may be removed from the tree replacement calculation. Dead trees may also be removed from the calculation, with the condition of the tree verified either by the community development director or by a certified arborist at the applicant's expense, when the community development director cannot make a determination. To the extent that the community development director determines that the dead, dying, hazardous or diseased condition of the tree is the result of intentional action, the removal of that tree shall require mitigation pursuant to Column 2 of Table 17.41.060-1.*

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 the size (DBH) of all trees pursuant to accepted industry standards.*
 3. *Document in a certified arborist report any trees that are currently dead, dying, diseased or hazardous.*
 4. *Subtract the number of dead, dying, 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. *Identify the construction area (as defined in OCMC 17.04.230).*
 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*
- C. *Planting Area Priority for Mitigation. Development applications which opt for removal of trees with subsequent replanting pursuant to OCMC 17.41.050.A shall be required to mitigate for tree cutting by complying with the following priority for replanting standards below:*
1. *First Priority. Replanting on the development site.*
 2. *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 shall be approved by the community development director.

- D. *Replacement Tree Planting Standards.*
 - 1. *All replacement trees shall be either two-inch caliper deciduous or six-foot high conifer.*
 - 2. *Replacement tree species shall be approved by a landscape architect or certified arborist or shall be found on the city's native plant or street tree lists.*
 - 3. *Due to their diminishing range in the region, Oregon white oak (Quercus garryana) trees, if removed, shall be replaced by the same species.*
- E. *All existing tree(s) in the tract shall be protected by a permanent restrictive covenant or easement approved in form by the city.*
- F. *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 in OCMC 17.49.190.*

Response (Revised): The applicant proposes to replant some removed trees in proposed open space tracts within the development site. The exact number of replanted trees will be determined during the engineering plan review process once a final arborist report has been prepared and submitted to the city. Therefore, these standards will be met at a future date and time.

- 17.41.080. *Tree preservation within subdivisions and partitions—Dedicated tract (Option 2).*
 - A. *An applicant for a new subdivision and partition 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. All existing tree(s) in the tract shall be protected by a permanent restrictive covenant or easement approved in form by the city.*
 - 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 OCMC 17.41.080.F 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 dwelling. 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 homeowner's association;*
 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;*
 3. *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.*
- E. *Density Transfers Incentive for Tree Protection Tracts.*
1. *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. Density shall not be transferred beyond the boundaries of the development site.*
 2. *Development applications for subdivisions and minor partitions that request a density transfer shall:*
 - a. *Provide a map showing the net buildable area of the tree protection tract;*
 - b. *Provide calculations justifying the requested dimensional adjustments;*
 - c. *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 this section;*
 - d. *Demonstrate that, with the exception of the tree protection tract, no parcels have been created which would be unbuildable in terms of minimum yard setbacks;*
 - e. *Meet all other standards of the base zone except as modified in this section.*
 3. *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.*
- F. *Permitted Modifications to Dimensional Standards.*
1. *An applicant proposing to protect trees in a dedicated tract 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.

Response (Revised): In addition to replanting, the proposed subdivision will provide some mitigation through the preservation of trees within tracts. The exact number of preserved trees will be determined during the engineering plan review process once a final arborist report has been prepared and submitted to the city. Therefore, these standards will be met at a future date and time.

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.

A. *Permitted Adjustments.*

1. *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 fifty 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 reduced to 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.*
2. *The city engineer 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.*
3. *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 is not seeking to utilize mitigation Option 3.

17.41.120. *Cash-in-lieu of planting (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.

The cash-in-lieu payment per required mitigation tree shall be as listed on the adopted fee schedule and shall be adjusted annually based on the Consumer Price Index. The price shall include one hundred fifty percent of the cost of materials, transportation and planting.

Response (Revised): Lastly, any mitigation that cannot be accomplished through replanting or preservation within tracts will be covered through Option 4, cash-in-lieu of planting. The exact number of cash-in-lieu trees will be determined during the engineering plan review process once a final arborist report has been prepared and submitted to the city. Therefore, these standards are met at a future date and time.

Chapter 17.44 - GEOLOGIC HAZARDS

17.44.010. Intent and purpose.

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

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

Response: A geotechnical report is included with this application and a tentative grading plan has been submitted (see sheet 8) in accordance with the recommendations of the project's Geotechnical Engineer. The applicant proposes open space tracts in the location of hazardous slopes as identified by the City. Streets such as Holly Lane are shown to be developed through steep slopes although as demonstrated in the geotechnical report, the construction of the public street will enhance stabilization of the slope. The above criteria are met.

17.44.025. When required; regulated activities; permit and approval requirements.

No person shall develop land, construct, reconstruct, structurally alter, relocate or enlarge any building or structure for which a land development, sign, or building permit is required on a property that contains an area mapped within the adopted Oregon City Geologic Hazards Overlay Zone without first obtaining permits or approvals as required by this chapter.

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

Response: The applicant does not propose to begin construction/site development activities until such time that an approved permit is in hand.

17.44.030. *Procedures.*

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

- A. *Where the development is part of an application that otherwise requires a Type III procedure, review shall occur in the manner established in Chapter 17.50 for a consolidated Type III review.*
- B. *Where the development is part of an application that otherwise requires a Type II procedure, review shall occur in the manner established in Chapter 17.50 for a consolidated Type II review.*
- C. *For any other proposed development not otherwise subject to review as part of a development proposal that requires land use review, review shall occur in the manner established in Chapter 17.50 for a Type II procedure.*

Response: The above criteria are understood and acknowledged by the applicant.

17.44.035. *Exemptions.*

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

- A. *An excavation which is less than two feet in depth, or which involves less than twenty-five cubic yards of volume;*
- B. *A fill which does not exceed two feet in depth or which includes less than twenty-five cubic yards of volume;*
- C. *A combined cut and fill that does not involve more than twenty-five cubic yards of volume.*
- D. *Installation, new construction, addition or structural alteration of any existing structure of less than five hundred square feet in building footprint that does not involve grading as defined in this chapter;*
- E. *Installation, construction, reconstruction, or replacement of public and private utility lines in the hardscape portion of the city right-of-way, existing utility crossings, existing basalt lined drainage channels, or public easement, not including electric substations;*

- F. *Tree removal on slopes twenty-five percent or greater where canopy area removal is less than twenty-five percent of the portion of the lot which contains twenty-five percent or greater slopes. For the purpose of this chapter, "tree" shall be as defined in OCMC 17.04.1315.*
- G. *The removal or control of noxious vegetation;*
- H. *Emergency actions which must be undertaken immediately to prevent an imminent threat to public health or safety, or prevent imminent danger to public or private property. The person undertaking emergency action shall notify the building official on all regulated activities associated with any building permit or city engineer/public works director on all others within one working day following the commencement of the emergency activity. If the city engineer/public works director or building official determine that the action or part of the action taken is beyond the scope of allowed emergency action, enforcement action may be taken.*

Response: The above exemptions are understood and acknowledged by the applicant.

17.44.050. *Development—Application requirements and review procedures and approvals.*

Except as provided by subsection C of this section, an application for a geologic hazards overlay review shall include the following:

- A. *A geological assessment and geotechnical report that specifically includes, but is not limited to:*
 - 1. *Comprehensive information and data regarding the nature and distribution of underlying geology, the physical and chemical properties of existing soils and groundwater; an opinion of site geologic stability, and conclusions regarding the effect of geologic conditions on the proposed development. In addition to any field reconnaissance or subsurface investigation performed for the site, the following resources, as a minimum, shall be reviewed to obtain this information and data:*
 - a. *The State of Oregon Department of Geology and Mineral Industries (DOGAMI) in Bulletin 99, Geology and Geological Hazards of North Clackamas County, Oregon (1979), or in any subsequent DOGAMI mapping for the Oregon City area;*
 - b. *Portland State University study entitled "Environmental Assessment of Newell Creek Canyon, Oregon City, Oregon" (1992);*
 - c. *Portland State University study, "Landslides in the Portland, Oregon, Metropolitan Area Resulting from the Storm of February 1996: Inventory Map, Database and Evaluation" (Burns and others, 1998);*
 - d. *DOGAMI Open File Report O-06-27, "Map of Landslide Geomorphology of Oregon City, Oregon, and Vicinity Interpreted from LIDAR Imagery and Aerial Photographs" (Madin and Burns, 2006);*

- e. *"Preliminary Geologic Map of the Oregon City Quadrangle, Clackamas County, Oregon" (Madin, in press);*
 - f. *Landslide Hazards Land Use Guide for Oregon Communities (October 2019), prepared by the State of Oregon Department of Geology and Mineral Industries (DOGAMI) and the Oregon Department of Land Conservation and Development (DLCD);*
 - g. *Landslide hazard and risk study of northwestern Clackamas County, Oregon: Oregon Department of Geology and Mineral Industries, Open-File Report O-13-08, 74 map plates; Burns, W.J., Mickelson, K.A., Jones, C.B., Pickner, S.G., Hughes, K.L., Sleeter, R., 2013.*
 - h. *Mapped landslide data shall be from the city's maps as a minimum but may be supplemented with maps from items a through f above.*
- 2. *Information and recommendations regarding existing local drainage, proposed permit activity impacts on local drainage, and mitigation to address adverse impacts;*
 - 3. *Comprehensive information about site topography;*
 - 4. *Opinion as to the adequacy of the proposed development from an engineering standpoint;*
 - 5. *Opinion as to the extent that instability on adjacent properties may adversely affect the project;*
 - 6. *Description of the field investigation and findings, including logs of subsurface conditions and laboratory testing results;*
 - 7. *Conclusions regarding the effect of geologic conditions on the proposed development, tree removal, or grading activity;*
 - 8. *Specific requirements and recommendations for plan modification, corrective grading, and special techniques and systems to facilitate a safe and stable site;*
 - 9. *Recommendations and types of considerations as appropriate for the type of proposed development:*
 - a. *General earthwork considerations, including recommendations for temporary and permanent cut and fill slopes and placement of structural fill;*
 - b. *Location of residence on lot;*
 - c. *Building setbacks from slopes;*
 - d. *Erosion control techniques applicable to the site;*

- e. *Surface drainage control to mitigate existing and potential geologic hazards;*
 - f. *Subsurface and/or management of groundwater seepage;*
 - g. *Foundations;*
 - h. *Embedded/retaining walls;*
 - i. *Management of surface water and irrigation water; and*
 - j. *Impact of the development on the slope stability of the lot and the adjacent properties.*
 - k. *Construction phasing and implementation schedule as it relates to foundation excavation, allowance for stockpiles, imported backfill, site subsurface drainage or dewatering, provision for off season site protections;*
 - l. *Stormwater management; and*
 - m. *Construction methods.*
10. *Scaled drawings that describe topography and proposed site work, including:*
- a. *Natural physical features, topography at two or ten-foot contour intervals locations of all test excavations or borings, watercourses both perennial and intermittent, ravines and all existing and man-made structures or features all fully dimensioned, trees six-inch caliper or greater measured four feet from ground level, rock outcroppings and drainage facilities;*
 - b. *All of the features and detail required for the site plan above, but reflecting preliminary finished grades and indicating in cubic yards whether and to what extent there will be a net increase or loss of soil.*
 - c. *A cross-section diagram, indicating depth, extent and approximate volume of all excavation and fills.*
11. *For properties greater than one acre and any property that has any portion of its property existing within a mapped landslide, where the activity is not exempted by Section 17.44.035, a preliminary hydrology report, prepared by a suitably qualified and experienced hydrology expert, addressing the effect upon the watershed in which the proposed development is located; the effect upon the immediate area's stormwater drainage pattern of flow, the impact of the proposed development upon downstream areas and upon wetlands and water resources; and the effect upon the groundwater supply.*
- B. *Review procedures and approvals require the following:*
- 1. *Examination to ensure that:*

- a. *Required application requirements are completed;*
 - b. *Geologic assessment and geotechnical report procedures and assumptions are generally accepted; and*
 - c. *All conclusions and recommendations are supported and reasonable.*
2. *Conclusions and recommendations stated in an approved assessment or report shall then be directly incorporated as permit conditions or provide the basis for conditions of approval for the regulated activity.*
3. *All geologic assessments and geotechnical reports shall be reviewed by an engineer certified for expertise in geology or geologic engineering and geotechnical engineering, respectively, as determined by the city. The city will prepare a list of prequalified consultants for this purpose. The cost of review by independent review shall be paid by the applicant.*
- C. *The city engineer may waive one or more requirements of subsections A and B of this section if the city engineer determines that site conditions, size or type or development of grading requirements do not warrant such detailed information. If one or more requirements are waived, the city engineer shall, in the staff report or decision, identify the waived provision(s), explain the reasons for the waiver, and state that the waiver may be challenged on appeal and may be denied by a subsequent review authority.*

Response: A geotechnical report is included with this application and a tentative grading plan has been submitted (see sheet 8) in accordance with the recommendations of the project's Geotechnical Engineer. The above criteria are addressed in the submitted geotechnical report and the applicant acknowledges the review procedures.

17.44.060. *Development standards.*

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

- A. *All developments shall be designed to avoid unnecessary disturbance of natural topography, vegetation and soils. To the maximum extent practicable as determined by the review authority, tree and ground cover removal and fill and grading for residential development on individual lots shall be confined to building footprints and driveways, to areas required for utility easements and for slope easements for road construction, and to areas of geotechnical remediation.*
- B. *All grading, drainage improvements, or other land disturbances shall only occur from May 1 to October 31. "Land disturbance" is defined as any movement of earth, placement of earth, or movement of heavy trucks on earth, not including the right-of-way. Erosion control measures shall be installed and functional prior to any disturbances. Erosion*

control measures shall also be functioning and in a winterized stable condition once all land disturbance work has ceased for the year. The city engineer may allow grading, drainage improvements or other land disturbances to begin before May 1 (but no earlier than March 16) and end after October 31 (but no later than November 30), based upon weather conditions and the recommendation and direction of the project's geotechnical engineer. The city engineer may use the expertise of a city contracted geotechnical consultant to make the decision to allow any work before May 1 or after October 31. The city engineer has full authority to not allow any extension of work before May 1 or after October 31. In no case shall the applicant be allowed to begin work before May 1 or complete work after October 31 if the average monthly rainfall in any individual month between September and April is exceeded.

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

- C. *Designs shall minimize the number and size of cuts and fills.*
- D. *Cut and fill slopes greater than seven feet in height (as measured vertically) shall be terraced. Faces on a terraced section shall not exceed five feet. Terrace widths shall be a minimum of three feet and shall be vegetated. Total cut and fill slopes shall not exceed a vertical height of fifteen feet. Except in connection with geotechnical remediation plans approved in accordance with the chapter, cuts shall not remove the toe of any slope that contains a known landslide or is greater than twenty-five percent slope. The top of cut or fill slopes not utilizing structural retaining walls shall be located a minimum of one-half the height of the cut slope from the nearest property line.*
- E. *Any structural fill shall be designed by a suitably qualified and experienced civil or geotechnical engineer licensed in Oregon in accordance with standard engineering practice. The applicant's engineer shall certify that the fill has been constructed as designed in accordance with the provisions of this chapter. The structural fill design must be provided prior to any fill being placed onsite. The structural fill design must contain the stamp and signature of a professional engineer licensed in the state of Oregon.*
- F. *Retaining walls shall be constructed in accordance with the Oregon Structural Specialty Code adopted by the state of Oregon.*
 - 1. *Retaining walls that are four feet or greater in height, tiered walls with a total height four feet or greater, and walls on slopes steeper than 2:1 must be designed by a professional engineer licensed in the State of Oregon which includes a stamped and signed set of plans.*
 - 2. *The construction of the wall must be inspected by the professional engineer responsible for the design and must be certified prior to the structure receiving temporary occupancy. The certification must contain the stamp and signature of a professional engineer licensed in the state of Oregon.*

3. *All retaining walls required to be designed by a professional engineer shall be reviewed by the city, when expertise exists on staff, or by the city's consultant. When reviewed by the city's consultant, the applicant shall reimburse the city for time spent by the city's consultant to review the design.*
- G. *Roads shall be the minimum width necessary to provide safe vehicle and emergency access, minimize cut and fill and provide positive drainage control. The review authority may grant a variance from the city's required road standards upon findings that the variance would provide safe vehicle and emergency access and is necessary to comply with the purpose and policy of this chapter.*
- H. *Density shall be determined as follows:*
 1. *Slope*
 - a. *For those areas with slopes less than twenty-five percent between grade breaks, the allowed density shall be that permitted by the underlying zoning district, unless further limited by the following code section;*
 - b. *For those areas with slopes of twenty-five to thirty-five percent between grade breaks, the density shall not exceed two dwelling units per acre except as otherwise provided in subsection I of this section;*
 - c. *For those areas with slopes over thirty-five percent between grade breaks, development shall be prohibited except as otherwise provided in subsection I.4 of this section.*
 2. *Existing landslide (as shown in the geologic hazard overlay zone)*
 - a. *For those areas with historic landslides where the structure or ground disturbance will be located within any portion of the mapped landslide or buffer zone, the density shall not exceed two dwelling units per acre except as otherwise provided in subsection I of this section;*
- I. *For properties with slopes of twenty-five to thirty-five percent between grade breaks or are located within any portion of a mapped landslide and buffer zone:*
 1. *For those portions of the property with slopes of twenty-five to thirty-five percent or located within any portion of a mapped landslide and buffer zone, the maximum residential density shall be limited to two dwelling units per acre; provided, however, that where the entire site is less than one-half acre in size, a single dwelling shall be allowed on a lot or parcel existing as of January 1, 1994 and meeting the minimum lot size requirements of the underlying zone;*
 2. *An individual lot or parcel with slopes between twenty-five and thirty-five percent or located within any portion of a mapped landslide and buffer zone, shall have no more than fifty percent or four thousand square feet of the surface area, whichever is smaller, graded or stripped of vegetation or covered with structures or impermeable surfaces.*

3. *No cut into a slope of twenty-five to thirty-five percent or located within any portion of a mapped landslide and buffer zone, for the placement of a housing unit shall exceed a maximum vertical height of fifteen feet for the individual lot or parcel.*
4. *For those portions of the property with slopes over thirty-five percent between grade breaks:*
 - a. *Notwithstanding any other city land use regulation, development other than roads, utilities, public facilities and geotechnical remediation shall be prohibited; provided, however, that the review authority may allow development upon such portions of land upon demonstration by an applicant that failure to permit development would deprive the property owner of all economically beneficial use of the property. This determination shall be made considering the entire parcel in question and contiguous parcels in common ownership on or after January 1, 1994, not just the portion where development is otherwise prohibited by this chapter. Where this showing can be made on residentially zoned land, development shall be allowed and limited to one single-family residence. Any development approved under this chapter shall be subject to compliance with all other applicable city requirements as well as any applicable state, federal or other requirements;*
 - b. *To the maximum extent practicable as determined by the review authority, the applicant shall avoid locating roads, utilities, and public facilities on or across slopes exceeding thirty-five percent.*
- J. *The geotechnical engineer of record shall review final grading, drainage, and foundation plans and specifications and confirm in writing that they are in conformance with the recommendations provided in their report.*
- K. *At the city's discretion, peer review shall be required for the geotechnical evaluation/investigation report submitted for the development and/or lot plans. The peer reviewer shall be selected by the city. The applicant's geotechnical engineer shall respond to written comments provided by the city's peer reviewer prior to issuance of building permit.*
- L. *The review authority shall determine whether the proposed methods of rendering a known or potential hazard site safe for construction, including proposed geotechnical remediation methods, are feasible and adequate to prevent landslides or damage to property and safety. The review authority shall consult with the city's geotechnical engineer in making this determination. Costs for such consultation shall be paid by the applicant. The review authority may allow development in a known or potential hazard area as provided in this chapter if specific findings are made that the specific provisions in the design of the proposed development will prevent landslides or damage. The review authority may impose any conditions, including limits on type or intensity of land use, which it determines are necessary to assure that landslides or property damage will not occur.*

Response: A geotechnical report is included with this application and a tentative grading plan has been submitted (see sheet 8) in accordance with the recommendations of the project's Geotechnical Engineer. Streets such as Holly Lane are shown to be developed through steep slopes although as demonstrated in the geotechnical report, the construction of the public street will enhance stabilization of the slope. See submitted geotechnical report to demonstrate compliance with the above standards.

17.44.070. *Access to property.*

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

Response: The applicant proposed 8 flag lots (7 with shared driveways, 1 without), but no arterials are within the project boundaries. Circulation is shown to satisfy emergency service access. No other shared driveways are proposed with this application.

17.44.080. *Utilities.*

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

Response: A composite utility plan has been included with this application (See sheet 7). All new utilities are shown to be placed underground. Existing overhead utilities are shown to be preserved within proposed tracts.

17.44.090. *Stormwater drainage.*

The applicant shall submit a permanent and complete stormwater control plan. The program shall include, but not be limited to the following items as appropriate: Curbs, gutters, inlets, catch basins, detention facilities and stabilized outfalls. Detention facilities shall be designed to city standards as set out in the city's drainage master plan and design standards. The review authority may impose conditions to ensure that waters are drained from the development so as to limit degradation of water quality consistent with Oregon City's Title III section of the Oregon City Municipal Code Chapter 17.49 and the Oregon City

Stormwater and Grading Design Standards or other adopted standards subsequently adopted by the city commission. The review authority may also impose conditions to limit the volume, velocity, or flow rate of water such that it does not negatively impact the underlying drainageway cross section. Drainage design shall be approved by the city engineer before construction, including grading or other soil disturbance, has begun.

A geotechnical report must include analysis and solutions for infiltration facilities located in areas where these facilities could impact nearby slopes of greater than ten percent. Infiltration shall be minimized as practicable for any site located within a geologic hazard overlay. Infiltration is not allowed for any site located in areas greater than twenty-five percent.

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

Response: A Stormwater and drainage report was included with this application to address the above criteria. A water quality facility is designed and located just outside of the development area within an easement. The facility has been designed to meet all applicable standards and has capacity for all impervious surface area runoff associated with this proposal. The report is signed and stamped by a licensed engineer and can be found in Exhibit D. The stormwater and drainage report complies with the recommendations from the findings within the submitted geotechnical report. Upon approval of this application, the project engineer (civil) and geotechnical engineer will work together to certify that the water quality facility was constructed per the approved plans which takes into account recommendations from the Geotech report.

CHAPTER 17.47 – EROSION AND SEDIMENT CONTROL

17.47.030. *Applicability.*

- A. *This chapter, which may also be referred to as "erosion control" in this Code, applies to development that may cause visible or measurable erosion on any property within the City limits of Oregon City.*
- B. *This chapter does not apply to work necessary to protect, repair, maintain or replace existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements in response to emergencies, provided that after the emergency has passed, adverse impacts are mitigated in accordance with applicable standards.*

Response: Earthwork will be required to construct the proposed subdivision. Consequently, this chapter applies to the proposed subdivision as it may cause visible or measurable erosion.

17.47.060. *Permit required.*

The applicant must obtain an erosion and sediment control permit prior to, or contemporaneous with, the approval of an application for any building, land use or other City-issued permit that may cause visible or measurable erosion.

Response: The applicant acknowledges that an erosion and sediment control permit must be obtained prior to construction efforts that may cause visible or measurable erosion.

17.47.070. *Erosion and sediment control plans.*

- A. *An application for an erosion and sediment control permit shall include an erosion and sediment control plan, which contains methods and interim measures to be used during and following construction to prevent or control erosion prepared in compliance with City of Oregon City public works standards for erosion and sediment control. These standards are incorporated herein and made a part of this title and are on file in the office of the City recorder.*
- B. *Approval Standards. An erosion and sediment control plan shall be approved only upon making the following findings:*
 - 1. *The erosion and sediment control plan meets the requirements of the City of Oregon City public works standards for erosion and sediment control incorporated by reference as part of this chapter;*
 - 2. *The erosion and sediment control plan indicates that erosion and sediment control measures will be managed and maintained during and following development. The erosion and sediment control plan indicates that erosion and sediment control measures will remain in place until disturbed soil areas are permanently stabilized by landscaping, grass, approved mulch or other permanent soil stabilizing measures.*
- C. *The erosion and sediment control plan shall be reviewed in conjunction with the requested development approval. If the development does not require additional review, the manager may approve or deny the permit with notice of the decision to the applicant.*
- D. *The City may inspect the development site to determine compliance with the erosion and sediment control plan and permit.*
- E. *Erosion that occurs on a development site that does not have an erosion and sediment control permit, or that results from a failure to comply with the terms of such a permit, constitutes a violation of this chapter.*
- F. *If the manager finds that the facilities and techniques approved in an erosion and sediment control plan and permit are not sufficient to prevent erosion, the manager shall notify the owner or his/her designated representative. Upon receiving notice, the owner or his/her designated representative shall immediately install interim erosion and sediment control measures as specified in the City of Oregon City public works standards for erosion and sediment control. Within three days from the date of notice, the owner or his/her designated representative shall submit a revised erosion and sediment control plan*

to the City. Upon approval of the revised plan and issuance of an amended permit, the owner or his/her designated representative shall immediately implement the revised plan.

- G. *Approval of an erosion and sediment control plan does not constitute an approval of permanent road or drainage design (e.g., size and location of roads, pipes, restrictors, channels, retention facilities, utilities, etc.).*

Response: Tentative grading and erosion control plans have been included in the attached tentative plan set.

17.47.080. *Plan implementation.*

An approved erosion control and sediment control plan shall be implemented and maintained as follows:

- A. *Plan approval, where required, shall be obtained prior to clearing or grading. No grading, clearing or excavation of land requiring a plan shall be undertaken prior to approval of the plan.*
- B. *The erosion and sediment control facilities shall be constructed prior to any clearing and grading activities, and maintained in such a manner as to ensure that sediment laden water does not enter the drainage system or violate applicable water standards.*
- C. *The implementation of an erosion and sediment control plan and the construction, maintenance, replacement, and upgrading of erosion and sediment control facilities is the responsibility of the owner or his/her designated representative until all construction is completed and approved, and vegetation, landscaping or approved finished surfaces is established.*
- D. *The erosion and sediment control facilities herein are the minimum requirements for anticipated site conditions. During the construction period, these erosion and sediment control facilities shall be upgraded as needed for unexpected storm events and to ensure that sediment-laden water does not leave the site.*
- E. *Any observation of visible or measurable erosion, or an observation of more than a ten-percent increase in downstream channel turbidities, will result in an enforcement action by the City.*
- F. *The owner or his/her designated representative shall implement the measures and construct facilities as provided for and according to the implementation schedule in the approved plan. The manager shall be allowed reasonable access to the development site for inspection purposes.*

Response: The applicant acknowledges the requirements associated with implementing an erosion control plan.

17.47.090. *Plan performance guarantee and security.*

After the plan is approved by the manager and prior to construction or grading, the owner shall provide a financial guarantee. Erosion and sediment control shall be included in the

cost estimate for the primary project, such as land division or site plan, and included in that project's performance guarantee.

Response: Compliance with this standard will occur after the manager has approved plans and prior to construction or grading.

Chapter 17.49 - NATURAL RESOURCE OVERLAY DISTRICT

17.49.010. *Purpose.*

The natural resource overlay district designation provides a framework for protection of Metro Titles 3 and 13 lands, and Statewide Planning Goal 5 resources within Oregon City. The natural resource overlay district (NROD) implements the Oregon City Comprehensive Plan Natural Resource Goals and Policies, as well as Federal Clean Water Act requirements for shading of streams and reduction of water temperatures, and the recommendations of the Metro ESEE Analysis. It is intended to resolve conflicts between development and conservation of habitat, stream corridors, wetlands, and floodplains identified in the city's maps. The NROD contributes to the following functional values:

- A. *Protect and restore streams and riparian areas for their ecologic functions and as an open space amenity for the community.*
- B. *Protect floodplains and wetlands, and restore them for improved hydrology, flood protection, aquifer recharge, and habitat functions.*
- C. *Protect upland habitats, and enhance connections between upland and riparian habitat.*
- D. *Maintain and enhance water quality and control erosion and sedimentation through the revegetation of disturbed sites and by placing limits on construction, impervious surfaces, and pollutant discharges.*
- E. *Conserve scenic, recreational, and educational values of significant natural resources.*

The NROD ecological functions listed above are planned for integration with existing neighborhoods, new residential and commercial developments. The long-term goal of the NROD is to restore and enhance stream corridors, wetlands, and forests to more natural vegetated conditions, recognizing that existing homes and other existing uses will continue in the district. This chapter does not regulate the development within the identified water resource. Separate permits from the Division of State Lands and the Army Corp of Engineers may be required for work within a stream or wetland.

17.49.015. *Natural resource committee.*

The applicant is encouraged to contact the Oregon City Natural Resources Committee for input and advice on ways to further the purpose of the natural resources overlay district, whether or not a development application is proposed within the natural resources overlay district. Any advice given by the natural resources committee is non-binding on the applicant and the natural resources committee, and shall not relieve an applicant from compliance with this chapter.

17.49.020. *NROD identifying documents.*

A. *The NROD protects as one connected system the habitats and associated functions of the streams, riparian corridors, wetlands and the regulated upland habitats found in Oregon City. These habitats and functions are described in the following documents upon which the NROD is based:*

1. *The 1999 Oregon City Local Wetland Inventory.*
2. *The Oregon City Water Quality Resource Area Map (Ord. No. 99-1013).*
3. *2004 Oregon City slope data and mapping (LIDAR).*
4. *Metro Regionally Significant Habitat Map (Aerial Photos taken 2002).*
5. *National Wetland Inventory (published 1992).*
6. *Beavercreek Road Concept Plan (adopted September 2008).*
7. *Park Place Concept Plan (adopted April 2008).*
8. *South End Concept Plan (adopted April 2014).*

The NROD provisions apply only to properties within the NROD as shown on the NROD Map, as amended.

The intent of these regulations is to provide applicants the ability to choose a clear and objective review process or a discretionary review process. The NROD provisions do not affect existing uses and development, or the normal maintenance of existing structures, driveways/parking areas, public facilities, farmland and landscaped areas. New public facilities such as recreation trails, planned road and utility line crossings and stormwater facilities, are allowed within the overlay district under prescribed conditions as described in OCMC 17.49.090. In addition, provisions to allow a limited portion of the NROD to be developed on existing lots of record that are entirely or mostly covered by the NROD ("highly constrained") are described in OCMC 17.49.120.

Response: Portions of the subject property are located within the natural resources overlay district. Therefore, the standards of this section are applicable to the proposed development.

17.49.030. *Map as reference.*

1. *This chapter applies to all development within the natural resources overlay district as shown on the NROD Map, which is a regulatory boundary mapped ten feet beyond the required vegetated corridor width specified in OCMC 17.49.110. The mapped NROD boundary is based on a GIS-supported application of the adopted documents, plans and maps listed in OCMC 17.49.020.A.1—17.49.020.A.8, however the adopted map may not indicate the true location of protected features.*

2. *Notwithstanding changing field conditions or updated mapping approved by the city (and processed as a Type I Verification per OCMC 17.49.255), the applicant may choose to either accept the adopted NROD boundary or provide a verifiable delineation of the true location of the natural resource feature pursuant to the Type I or Type II procedure in accordance with this chapter.*
3. *The NROD boundary shall be shown on all development permit applications.*
4. *The official NROD map can only be amended by the city commission.*
5. *Verification of the map shall be processed pursuant to OCMC 17.49.250.*

Response: The proposed development includes the construction of public utilities within the natural resources overlay district. As such, NROD boundary is shown on the attached tentative plan sheet. The applicant will not contest the NROD boundary illustrated on existing city maps.

17.49.035. *Addition of wetlands to map following adoption.*

The NROD boundary shall be expanded to include a wetland identified during the course of a development permit review if it is within or partially within the mapped NROD boundary and meets the state of Oregon's definition of a "Locally Significant Wetland." In such cases, the entire wetland and its required vegetated corridor as defined in Table 17.49.110 shall be regulated pursuant to the standards of this chapter. The amended NROD boundary may be relied upon by the community development director for the purposes of subsequent development review.

Response: At this time, no wetlands meeting the definition of a “locally significant wetland” have been identified on the subject property. Consequently, the NROD boundaries as presented will not be expanded to include any additional area.

17.49.040. *NROD permit and review process.*

An NROD permit is required for those uses regulated under OCMC 17.49.090, Uses Allowed under Prescribed Conditions. An NROD permit shall be processed under the Type II development permit procedure, unless an adjustment of standards pursuant to OCMC 17.49.200 is requested or the application is being processed in conjunction with a concurrent application or action requiring a Type III or Type IV development permit.

Response: Completion of the land use process will ensure compliance with this subsection.

17.49.050. *Emergencies.*

The provisions of this chapter do not apply to work necessary to protect, repair, maintain, or replace existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements in response to emergencies. After the emergency has passed, any disturbed native vegetation areas shall be replanted with similar vegetation found in the Oregon City Native Plant List pursuant to the mitigation standards of OCMC 17.49.180. For purposes of this section emergency shall mean any man-made or natural event or

circumstance causing or threatening loss of life, injury to person or property, and includes, but is not limited to fire, explosion, flood, severe weather, drought, earthquake, volcanic activity, spills or releases of oil or hazardous material, contamination, utility or transportation disruptions, and disease.

Response: The emergency provisions of this subsection are not applicable at the time of this application.

17.49.060. *Consistency and relationship to other regulations.*

- A. *Where the provisions of the NROD are less restrictive or conflict with comparable provisions of the OCMC, other city requirements, regional, state or federal law, the provisions that provides the greater protection of the resource shall govern.*
- B. *Compliance with Federal and State Requirements.*
 - 1. *If the proposed development requires the approval of any other governmental agency, such as the Division of State Lands or the U.S. Army Corps of Engineers, the applicant shall make an application for such approval prior to or simultaneously with the submittal of its development application to the city. The planning division shall coordinate city approvals with those of other agencies to the extent necessary and feasible. Any permit issued by the city pursuant to this chapter shall not become valid until other agency approvals have been obtained or those agencies indicate that such approvals are not required.*
 - 2. *The requirements of this chapter apply only to areas within the NROD and to locally significant wetlands that may be added to the boundary during the course of development review pursuant to OCMC 17.49.035. If, in the course of a development review, evidence suggests that a property outside the NROD may contain a wetland or other protected water resource, the provisions of this chapter shall not be applied to that development review. However, the omission shall not excuse the applicant from satisfying any state and federal wetland requirements which are otherwise applicable. Those requirements apply in addition to, and apart from the requirements of the city's comprehensive plan and this code.*

Response: The applicant acknowledges and understands these requirements.

17.49.070. *Prohibited uses.*

The following development and activities are not allowed within the NROD:

- A. *Any new gardens, lawns, structures, development, other than those allowed outright (exempted) by the NROD or that is part of a regulated use that is approved under prescribed conditions. Note: Gardens and lawns within the NROD that existed prior to the time the overlay district was applied to a subject property are allowed to continue but cannot expand further into the overlay district.*

- B. *New lots that would have their buildable areas for new development within the NROD are prohibited.*
- C. *The dumping of materials of any kind is prohibited except for placement of fill as provided in subsection D. below. The outside storage of materials of any kind is prohibited unless they existed before the overlay district was applied to a subject property. Uncontained areas of hazardous materials as defined by the Oregon Department of Environmental Quality (ORS 466.005) are also prohibited.*
- D. *Grading, the placement of fill in amounts greater than ten cubic yards, or any other activity that results in the removal of more than ten percent of the existing native vegetation on any lot within the NROD is prohibited, unless part of an approved development activity.*

Response: All proposed impacts in the NROD boundaries will be associated with an approved development activity. Therefore, no prohibited uses are proposed.

17.49.080. *Uses allowed outright (exempted).*

The following uses are allowed within the NROD and do not require the issuance of an NROD permit:

- A. *Stream, wetland, riparian, and upland restoration or enhancement projects as authorized by the city.*
- B. *Farming practices as defined in ORS 215.203 and farm uses, excluding buildings and structures, as defined in ORS 215.203.*
- C. *Utility service using a single utility pole.*
- D. *Boundary and topographic surveys leaving no cut scars greater than three inches in diameter on live parts of native plants listed in the Oregon City Native Plant List.*
- E. *Soil tests, borings, test pits, monitor well installations, and other minor excavations necessary for geotechnical, geological or environmental investigation, provided that disturbed areas are restored to pre-existing conditions as approved by the community development director.*
- F. *Trails meeting all of the following:*
 - 1. *Construction shall take place between May 1 and October 30 with hand held equipment;*
 - 2. *Widths shall not exceed forty-eight inches and trail grade shall not exceed twenty percent;*
 - 3. *Construction shall leave no scars greater than three inches in diameter on live parts of native plants;*
 - 4. *Located no closer than twenty-five feet to a wetland or the top of banks of a perennial stream, or no closer than ten feet of an intermittent stream;*

5. *No impervious surfaces; and*
6. *No native trees greater than one-inch in diameter may be removed or cut, unless replaced with an equal number of native trees of at least two-inch diameter and planted within ten feet of the trail.*
- G. *Land divisions provided they meet the following standards, and indicate the following on the final plat:*
 1. *Lots shall have their building sites (or buildable areas) entirely located at least five feet from the NROD boundary shown on the city's adopted NROD map. For the purpose of this subparagraph, "building site" means an area of at least three thousand five hundred square feet with minimum dimensions of forty feet wide by forty feet deep;*
 2. *All public and private utilities (including water lines, sewer lines or drain fields, and stormwater disposal facilities) are located outside the NROD;*
 3. *Impervious streets, driveways and parking areas shall be located at least ten feet from the NROD; and*
 4. *The NROD portions of all lots are protected by:*
 - a. *A conservation easement; or*
 - b. *A lot or tract created and dedicated solely for unimproved open space or conservation purposes.*
- H. *Site plan and design review applications where all new construction is located outside of the NROD boundary shown on the city's adopted NROD map, and the NROD area is protected by a conservation easement approved in form by the city.*
- I. *Routine repair and maintenance of existing structures, roadways, driveways and utilities.*
- J. *Replacement, additions, alterations and rehabilitation of existing structures, roadways, utilities, etc., where the ground level impervious surface area is not increased.*
- K. *Measures approved by the city of Oregon City to remove or abate nuisances or hazardous conditions.*
- L. *Tree Removal. The community development director may permit the removal of any tree determined to be a dead, hazardous, or diseased tree as defined in OCMC 17.04. Any tree that is removed in accordance with this subsection L shall be replaced with a new tree of at least one-half-inch caliper or at least six foot overall height. An exception to this requirement may be granted if the applicant demonstrates that a replacement tree has already been planted in anticipation of tree removal, or if the existing site conditions otherwise preclude tree replacement (due to existing dense canopy coverage or other ecological reasons).*

The replacement tree(s) shall be located in the general vicinity of the removed tree(s), somewhere within NROD on the property. The replacement tree(s) shall be identified on the Oregon City Native Plant List or other locally adopted plant list (e.g. Metro or Portland). The property owner shall ensure that the replacement tree(s) survives at least two years beyond the date of its planting.

- M. *Planting of native vegetation and the removal of non-native, invasive vegetation (as identified on the Oregon City Native Plant List or other locally adopted plant list (e.g. Metro or Portland), or as recommended by an environmental professional with experience and academic credentials in one or more natural resource areas such as ecology, arboriculture, horticulture, wildlife biology, botany, hydrology or forestry), and removal of refuse and fill, provided that:*
1. *All work is done using hand-held equipment;*
 2. *No existing native vegetation is disturbed or removed; and*
 3. *All work occurs outside of wetlands and the top-of-bank of streams.*
- N. *Activities in which no more than one hundred square feet of ground surface is disturbed outside of the bankfull stage of water bodies and where the disturbed area is restored to the pre-construction conditions, notwithstanding that disturbed areas that are predominantly covered with invasive species shall be required to remove the invasive species from the disturbance area and plant trees and native plants pursuant to this chapter.*
- O. *New fences meeting all of the following:*
1. *No taller than three and a half feet and of split rail or similar open design;*
 2. *Two feet width on both sides of fence shall be planted or seeded with native grasses, shrubs, herbs, or trees to cover any bare ground;*
 3. *Six inches of clearance from ground level;*
 4. *Fence posts shall be placed outside the top-of-bank of streams and outside of delineated wetlands.*
- P. *Gardens, fences and lawns within the NROD that existed prior to the time the overlay district was applied to a subject property are allowed to be maintained but cannot expand further into the overlay district.*

Response: The proposed development is classified as a use allowed under prescribed conditions detailed in the following subsection. Therefore, a NROD permit will be required.

71.49.090. *Uses allowed under prescribed conditions.*

The following uses within the NROD are subject to the applicable standards listed in OCMC 17.49.100 through 17.49.190 pursuant to a Type II process:

- A. *Alteration to existing structures within the NROD when not exempted by OCMC 17.49.080, subject to OCMC 17.49.130.*
- B. *A single-family detached residential unit or duplex on a highly constrained vacant lot of record that has less than three thousand square feet of buildable area, with minimum dimensions of fifty feet by fifty feet, remaining outside the NROD portion of the property, subject to the maximum disturbance allowance prescribed in OCMC 17.49.120.A.*
- C. *A land division that would create a new lot for an existing residence currently within the NROD, subject to OCMC 17.49.160.*
- D. *Land divisions when not exempted by OCMC 17.49.080, subject to the applicable standards of OCMC 17.49.160.*
- E. *Trails/pedestrian paths when not exempted by OCMC 17.49.080, subject to OCMC 17.49.170 (for trails) or OCMC 17.49.150 (for paved pedestrian paths).*
- F. *New roadways, bridges/creek crossings, utilities or alterations to such facilities when not exempted by OCMC 17.49.080.*
- G. *Roads, bridges/creek crossings subject to OCMC 17.49.150.*
- H. *Utility lines subject to OCMC 17.49.140.*
- I. *Stormwater detention or pre-treatment facilities subject to OCMC 17.49.155.*
- J. *Institutional, industrial or commercial development on a vacant lot of record situated in an area designated for such use that has more than seventy-five percent of its area covered by the NROD, subject to OCMC 17.49.120.B.*
- K. *City, county and state capital improvement projects, including sanitary sewer, water and stormwater facilities, water stations, and parks and recreation projects.*
- L. *Non-hazardous tree removal that is not exempted pursuant to OCMC 17.49.080.K.*
- M. *Fences that do not meet the standards for exemption pursuant to OCMC 17.49.080.O.4.*

Response: The proposed land division is not exempted by OCMC 17.49.080 and is subject to the applicable standards OCMC 17.49.160. The project is classified as a use allowed under prescribed conditions.

17.49.100. General development standards.

The following standards apply to all uses allowed under prescribed conditions within the NROD with the exception of rights-of-way (subject to OCMC 17.49.150), trails (subject to OCMC 17.49.170), utility lines (subject to OCMC 17.49.140), land divisions (subject to OCMC 17.49.160), and mitigation projects (subject to OCMC 17.49.180 or 17.49.190):

- A. *Native trees shall be preserved unless they are located within ten feet of any proposed structures or within five feet of new driveways, or if deemed not wind-safe by a certified*

arborist. Trees listed on the Oregon City Nuisance Plant List or Prohibited Plant List are exempt from this standard and may be removed. A protective covenant shall be required for any native trees that remain;

Response (Revised): The attached plan set illustrates the location of all existing trees and indicates whether each tree will be removed or preserved. Please refer to the attached NROD specific arborist report for additional information.

- B. *The community development director may allow the landscaping requirements of the base zone, other than landscaping required for parking lots, to be met by preserving, restoring and permanently protecting habitat on development sites in the natural resource overlay district;*

Response (Revised): The majority of the subject property is zoned R-5, but a portion of the northwest quadrant is governed by the R-10 zoning district. These zoning districts do not contain specific landscaping standards; rather other municipal code chapters enforce landscaping standards for residential development. Currently being reviewed during this tentative subdivision application is Chapter 17.41 – Tree Protection, Preservation, Removal and Replanting Standards.

To comply with that chapter, the applicant is proposing a combination of preservation, replanting, and cash-in-lieu of planting similar to the proposed mitigation methods outlined in the attached NROD specific environmental report prepared by Schott & Associates. If the community development director determines that the preservation and restoration of NROD can also function as mitigation for tree removal elsewhere on-site, the applicant would request the landscaping requirements of Chapter 17.41 be lessened to reflect the NROD improvement efforts.

- C. *All vegetation planted in the NROD shall be native and listed on the Oregon City Native Plant List or other locally adopted plant list (e.g. Metro or Portland), or as recommended by an environmental professional with experience and academic credentials in one or more natural resource areas such as ecology, arboriculture, horticulture, wildlife biology, botany, hydrology or forestry);*

Response (Revised): All vegetation planted in the NROD will be native and listed in the Oregon City Native Plant list. Please refer to the attached NROD specific environmental report prepared by Schott & Associates. These findings and conclusions are incorporated herein by reference. Therefore, this standard is met.

- D. *Grading is subject to installation of erosion control measures required by the city;*

Response: The applicant understands and acknowledges that all grading is subject to the installation of erosion control measures required by the city. The attached plan set includes tentative grading and erosion control sheets preliminarily indicate compliance with this standard. Therefore, to the extent reasonable at this time, this standard is met.

- E. *The minimum front, street, or garage setbacks of the base zone may be reduced to any distance between the base zone minimum and zero in order to minimize the disturbance area within the NROD portion of the lot;*
- F. *Any maximum required setback in any zone, such as for multi-family, commercial or institutional development, may be increased to any distance between the maximum and the distance necessary to minimize the disturbance area within the NROD portion of the lot;*

Response: The response to both standards permitting deviations from traditional setbacks is the same. Minimizing the front, street, and/or garage setback could be helpful to avoid impacts to the NROD within Lots 3 and 4. This area is still needed to ensure the lots meet the dimensional standards but depending on the grading and structure design, impacts could be avoided. The applicant would like to preserve the right to deviate from these standards in the future if it results in less impact to the NROD. Exact grading and structure design will be finalized during the building permit review process and should not be a critical element of the land use application.

There is no benefit to deviating from the setbacks for Lots 96 through 104. These lots have frontage on Holly Lane, a collector street. Due to the classification of this street, vehicle access for these lots is limited and a rear alley is required to provide access. This alley accounts for the majority of NROD impact on these lots. Regardless of the exact placement of the future structures on these lots, the impacts will remain relatively the same because all lots must be rear loaded. Therefore, these standards are met.

- G. *Fences in compliance with OCMC 17.49.080.N;*

Response: No permanent fencing is proposed as a part of this application. Therefore, this standard is not applicable.

- H. *Exterior lighting shall be placed or shielded so that they do not shine directly into resource areas;*

Response: Exterior lighting shall be placed or shielded so that they do not shine directly into resource areas. Exact lighting details will be provided during the engineering plan review process. The applicant requests a condition of approval be drafted to ensure compliance with this standard.

- I. *If development will occur within the one hundred-year floodplain, the standards of OCMC 17.42 shall be met; and*

Response: The subject property is not located within the one hundred-year floodplain. Therefore, this standard is not applicable.

- J. *Mitigation of impacts to the regulated buffer is required, subject to OCMC 17.49.180 or 17.49.190.*

Response (Revised): Mitigation for proposed impacts is outlined in the attached NROD specific environmental report prepared by Schott & Associates. These findings and conclusions are incorporated herein by reference. Therefore, this standard is met.

17.49.110. *Width of vegetated corridor.*

- A. *Calculation of Vegetated Corridor Width within City Limits. The NROD consists of a vegetated corridor measured from the top of bank or edge of a protected habitat or water feature. The minimum required width is the amount of buffer required on each side of a stream, or on all sides of a feature if non-linear. The width of the vegetated corridor necessary to adequately protect the habitat or water feature is specified in Table 17.49.110.*
- B. *Habitat Areas within/City Parks. For habitat and water features identified by Metro as regionally significant which are located within city parks, the NROD Boundary shall correspond to the Metro Regionally Significant Habitat Map.*
- C. *Habitat areas outside city limit within UGB. For habitat and water features identified by Metro as regionally significant which are located outside of the city limits as of the date of adoption of the ordinance codified in this chapter, the minimum corridor width from any non-anadromous fish bearing stream or wetland shall be fifty feet.*

Response: As indicated by the attached preliminary plan set, the NROD boundaries extend well past the buffer widths described in this section. Consequently, no additional area must be included within the NROD boundaries.

17.49.120. *Maximum disturbance allowance for highly constrained lots of record.*

In addition to the general development standards of OCMC 17.49.100, the following standards apply to a vacant lot of record that is highly constrained by the NROD, per OCMC 17.49.090.B and 17.49.090.F:

- A. *Standard for Residential Development. In the NROD where the underlying zone district is zoned residential (R-10, R-8, R-6, R-5, R-3.5): The maximum disturbance area allowed for new residential development within the NROD area of the lot is three thousand square feet.*
- B. *Standard for all developments not located in R-10, R-8, R-6, R-5, and R-3.5. For all other underlying zone districts, the maximum disturbance area allowed for a vacant, constrained lot of record development within the NROD is that square footage which when added to the square footage of the lot lying outside the NROD portion equals twenty-five percent of the total lot area.*
 - 1. *Lots that are entirely covered by the NROD will be allowed to develop twenty-five percent of their area.*
 - 2. *This can be determined by: (1) Multiplying the total square footage of the lot by .25; or (2) Subtracting from that amount the square footage of the lot that is located outside the NROD. The result is the maximum square footage of*

disturbance to be allowed in the NROD portion of the lot. If the result is less than or equal to zero, no disturbance is permitted and the building shall be located outside of the boundary.

- C. *In all areas, the disturbance area of a vacant, highly constrained lot of record within the NROD shall be set back at least fifty feet from the top of bank on Abernethy Creek, Newell Creek, or Livesay Creek or twenty-five feet from the top of bank of any tributary of the aforementioned creeks, other water body, or from the delineated edge of a wetland located within the NROD area.*
- D. *If the highly constrained lot of record cannot comply with the above standards, a maximum one thousand five hundred square foot disturbance within the NROD area may be allowed.*

Response: The proposed development does not include residential development on highly constrained lots of record. Therefore, this section is not applicable.

17.49.130. *Existing development standards.*

In addition to the General Development Standards of OCMC 17.49.100, the following standards apply to alterations and additions to existing development within the NROD, except for trails, rights-of-way, utility lines, land divisions and mitigation projects. As of June 1, 2010, applicants for alterations and additions to existing development that are not exempt pursuant to OCMC 17.49.080.J shall submit a Type II or Type III application pursuant to this section.

Mitigation is required, subject to OCMC 17.49.180 or 17.49.190.

Response: The proposed development does not include the alteration and/or additions to existing structures on the subject property. Therefore, this section is not applicable to this project.

17.49.140. *Standards for utility lines.*

The following standards apply to new utilities, private connections to existing or new utility lines, and upgrades of existing utility lines within the NROD:

- A. *The disturbance area for private connections to utility lines shall be no greater than ten feet wide;*
- B. *The disturbance area for the upgrade of existing utility lines shall be no greater than fifteen feet wide;*
- C. *New utility lines shall be within the right-of-way, unless reviewed under subsection D.*
- D. *New utility lines that cross above or underneath a drainage way, wetland, stream, or ravine within the NROD but outside of a right-of-way shall be processed as a Type III permit pursuant to OCMC 17.49.200, Adjustment from standards.*

- E. *No fill or excavation is allowed within the ordinary high water mark of a stream without the approval of the Division of State Lands and/or the U.S. Army Corps of Engineers;*
- F. *The Division of State Lands must approve any work that requires excavation or fill in a wetland;*
- G. *Native trees more than ten inches in diameter shall not be removed unless it is shown that there are no feasible alternatives; and*
- H. *Each six to ten-inch diameter native tree cut shall be replaced at a ratio of three trees for each one removed. Each eleven-inch or greater diameter native tree shall be replaced at a ratio of five trees for each removed. The replacement trees shall be a minimum one-half inch diameter and selected from the Oregon City Native Plant List. All trees shall be planted within the NROD on the subject property. Where a utility line is approximately parallel with the stream channel, at least half of the replacement trees shall be planted between the utility line and the stream channel.*
- I. *Mitigation is required, subject to OCMC 17.49.180 or 17.49.190.*

Response (Revised): No new utility lines will be located within the NROD boundaries. Therefore, this section is not applicable.

17.49.150. *Standards for vehicular or pedestrian paths and roads.*

The following standards apply to public rights-of-way and private roads within the NROD, including roads, bridges/stream crossings, driveways and pedestrian paths with impervious surfaces:

- A. *Stream crossings shall be limited to the minimum number and width necessary to ensure safe and convenient pedestrian, bicycle and vehicle connectivity, and shall cross the stream at an angle as close to perpendicular to the stream channel as practicable. Bridges shall be used instead of culverts wherever practicable.*
- B. *Where the right-of-way or private road crosses a stream the crossing shall be by bridge or a bottomless culvert;*
- C. *No fill or excavation shall occur within the ordinary high water mark of a stream without the approval of the Division of State Lands and/or the U.S. Army Corps of Engineers;*
- D. *If the Oregon Department of State Lands (DSL) has jurisdiction over any work that requires excavation or fill in a wetland, required permits or authorization shall be obtained from DSL prior to release of a grading permit;*
- E. *Any work that will take place within the banks of a stream shall be conducted between June 1 and August 31, or shall be approved by the Oregon Department of Fish and Wildlife; and*
- F. *Mitigation is required, subject to OCMC 17.49.180 or 17.49.190.*

Response: The proposed development does not include construction of vehicular or pedestrian paths and roads within the NROD boundaries. Therefore, this section is not applicable to this project.

17.49.155. *Standards for stormwater facilities.*

Approved facilities that infiltrate stormwater on-site in accordance with public works low-impact development standards, including but not limited to; vegetated swales, rain gardens, vegetated filter strips, and vegetated infiltration basins, and their associated piping, may be placed within the NROD boundary pursuant to the following standards:

- A. *The forest canopy within the driplines of existing trees shall not be disturbed.*
- B. *Only vegetation from the Oregon City Native Plant List shall be planted within these facilities.*
- C. *Mitigation is required, subject to OCMC 17.49.180 or 17.49.190.*
- D. *The stormwater facility may encroach up to one-half the distance of the NROD corridor.*
- E. *The stormwater facility shall not impact more than one thousand square feet of the NROD. Impacts greater than one thousand square feet shall be processed as a Type III application.*
- F. *The community development director may allow landscaping requirements of the base zone, other than landscaping required for parking lots, to be met by preserving, restoring and permanently protecting habitat on development sites within the natural resource overlay district.*
- G. *The design of the stormwater facility shall be subject to OCMC 13.12.*

Response: The proposed development includes the construction of stormwater management facilities within the NROD boundaries and will impact more than 1,000 square feet of the NROD. Consequently, the proposed development will be reviewed and processed as a Type III application. The stormwater management system has been designed in accordance with OCMC 13.12 as detailed by the attached stormwater management report. Final landscaping for the facility will be determined during Public Works' review of the construction documents. As addressed later in this application narrative, mitigation will be provided in accordance with the applicable section.

17.49.160. *Standards for land divisions.*

Other than those land divisions exempted by OCMC 17.49.070.G., new residential lots created within the NROD shall conform to the following standards:

- A. *For a lot for an existing residence currently within the NROD. This type of lot is allowed within the NROD for a residence that existed before the NROD was applied to a subject property. A new lot for an existing house may be created through a partition or subdivision process when all of the following are met:*
 - 1. *There is an existing house on the site that is entirely within the NROD area; and*

2. *The existing house will remain; and*
 3. *The new lot is no larger than required to contain the house, minimum required side setbacks, garage, driveway and a twenty-foot deep rear yard, with the remaining NROD area beyond that point protected by a conservation easement, or by dedicating a conservation tract or public open space.*
- B. *Protection and ownership of NROD areas in land divisions:*
1. *New partitions shall delineate the NROD area either as a separate tract or conservation easement that meets the requirements of subsection 2. of this section.*
 2. *Prior to final plat approval, ownership and maintenance of the NROD area shall be identified to distinguish it from the buildable areas of the development site. The NROD area may be identified as any one of the following:*
 - a. *A tract of private open space held by the homeowners association;*
 - b. *For residential land divisions, a tract of private open space held by a homeowner's association 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;*
 - c. *Public open space where the tract has been dedicated to the city or other governmental unit;*
 - d. *Conservation easement area pursuant to OCMC 17.49.180.G and approved in form by the community development director;*
 - e. *Any other ownership proposed by the owner and approved by the community development director; or*
 - f. *NROD tracts shall be exempt from minimum frontage requirements, dimensional standards of the zoning designation, street frontage requirements, or flag lot standards pursuant to OCMC 16.08.053.*

Response: The proposed development does not include the creation of lots for existing dwellings. All proposed lots will be vacant and subject to future construction. Prior to final plat approval, ownership and maintenance of the NROD area shall be identified to distinguish it from the buildable areas of the development site. The exact method of accomplishing this preservation will be determined at a future date and time.

17.49.170. *Standards for trails.*

All trails that are not exempt pursuant to OCMC 17.49.80.F shall be processed through a Type II or Type III process pursuant to this chapter; and shall provide mitigation, subject to OCMC 17.49.180 or 17.49.190.

Response: The proposed development does not include the construction of trails within the NROD boundaries. Therefore, this section is not applicable.

17.49.180. *Mitigation standards.*

The following standards (or the alternative standards of OCMC 17.49.190) apply to required mitigation:

- A. *Mitigation shall occur at a two-to-one ratio of mitigation area to proposed NROD disturbance area. Mitigation of the removal or encroachment of a wetland or stream shall not be part of this chapter and will be reviewed by the Division of State Lands or the Army Corp of Engineers during a separate review process.*
- B. *Mitigation shall occur on the site where the disturbance occurs, pursuant to the following:*
 - 1. *The mitigation required for disturbance associated with a right-of-way or utility in the right-of-way shall be located as close to the impact area as possible within the NROD;*
 - 2. *If not possible to locate mitigation on the same site, the mitigation shall occur first on the same stream tributary, secondly in the Abernethy, Newell or Livesay Creek or a tributary thereof, or thirdly as close to the impact area as possible within the NROD; and*
 - 3. *An easement that allows access to the mitigation site for monitoring and maintenance shall be provided as part of the mitigation plan.*
- C. *Mitigation shall occur within the NROD area of a site unless it is demonstrated that this is not feasible because of a lack of available and appropriate area. In such cases, the proposed mitigation area shall be contiguous to the existing NROD area so the NROD boundary can be easily extended in the future to include the new resource site.*
- D. *Invasive and nuisance vegetation shall be removed within the mitigation area.*
- E. *Required Mitigation Planting. An applicant shall meet Mitigation Planting Option 1 or 2 below, whichever option results in more tree plantings, except that where the disturbance area is one acre or more, Mitigation Option 2 shall be required. All trees, shrubs and ground cover shall be selected from the Oregon City Native Plant List.*

NOTE: Applications on sites where no trees are present or which are predominantly covered with invasive species shall be required to mitigate the site, remove the invasive species and plant trees and native plants pursuant to Option 2.

- 1. *Mitigation Planting Option 1.*
 - a. *Planting Quantity. This option requires mitigation planting based on the number and size of trees that are removed from the site pursuant to Table 17.49.180E.1.a.*

- b. *Plant Size. Replacement trees shall be at least one-half inch in caliper on average, measured at six inches above the ground level for field grown trees or above the soil line for container grown trees. Oak, madrone, ash or alder may be one gallon size. Conifers shall be a minimum of six feet in height. Shrubs shall be at least one-gallon container size or the equivalent in ball and burlap, and shall be at least twelve inches in height at the time of planting. All other species shall be a minimum of four-inch pots.*
- c. *Plant Spacing. Except for the outer edges of mitigation areas, trees and shrubs shall be planted in a non-linear fashion. Plant spacing for new species shall be measured from the driplines of existing trees when present. Trees shall be planted on average between eight and twelve feet on center, and shrubs shall be planted on average between four and five feet on center, or clustered in single species groups of no more than four plants, with each cluster planted on average between eight and ten feet on center.*
- d. *Mulching and Irrigation. Mulch new plantings a minimum of three inches in depth and eighteen inches in diameter. Water new plantings one inch per week from June 30th to September 15th, for the three years following planting.*
- e. *Plant Species. Shrubs shall consist of at least two different species. If ten trees or more are planted, no more than one-half of the trees may be of the same genus. Conifers shall be replaced with conifers. Bare ground shall be planted or seeded with native grasses and ground cover species.*

2. *Mitigation Planting Option 2.*

- a. *Planting Quantity. In this option, the mitigation requirement is calculated based on the size of the disturbance area within the NROD. Native trees and shrubs are required to be planted at a rate of five trees and twenty-five shrubs per every five hundred square feet of disturbance area (calculated by dividing the number of square feet of disturbance area by five hundred, and then multiplying that result times five trees and twenty-five shrubs, and rounding all fractions to the nearest whole number of trees and shrubs; for example, if there will be three hundred thirty square feet of disturbance area, then three hundred thirty divided by five hundred equals .66, and .66 times five equals 3.3, so three trees shall be planted, and .66 times twenty-five equals 16.5, so seventeen shrubs shall be planted). Bare ground shall be planted or seeded with native grasses or herbs. Non-native sterile wheat grass may also be planted or seeded, in equal or lesser proportion to the native grasses or herbs.*
- b. *Plant Size. Plantings may vary in size dependent on whether they are live cuttings, bare root stock or container stock, however, no initial plantings may be shorter than twelve inches in height.*

- c. *Plant Spacing. Trees shall be planted at average intervals of seven feet on center. Shrubs may be planted in single-species groups of no more than four plants, with clusters planted on average between eight and ten feet on center.*
- d. *Mulching and Irrigation shall be applied in the amounts necessary to ensure eighty percent survival at the end of the required five-year monitoring period.*
- e. *Plant Diversity. Shrubs shall consist of at least three different species. If twenty trees or more are planted, no more than one-third of the trees may be of the same genus.*
- F. *An alternative planting plan using native plants may be approved in order to create a new wetland area, if it is part of a wetlands mitigation plan that has been approved by the DSL or the U.S. Army Corps of Engineers (USACE) in conjunction with a wetland joint removal/fill permit application.*
- G. *Monitoring and Maintenance. The mitigation plan shall provide for a five-year monitoring and maintenance plan with annual reports in a form approved by the community development director. Monitoring of the mitigation site is the ongoing responsibility of the property owner, assign, or designee, who shall submit said annual report to the planning division, documenting plant survival rates of shrubs and trees on the mitigation site. Photographs shall accompany the report that indicate the progress of the mitigation. A minimum of eighty percent survival of trees and shrubs of those species planted is required at the end of the five-year maintenance and monitoring period. Any invasive species shall be removed and plants that die shall be replaced in kind to meet the eighty percent survival requirement. Bare spots and areas of invasive vegetation larger than ten square feet that remain at the end the five-year monitoring period shall be replanted or reseeded with native grasses and/or ground cover species.*
- H. *Covenant or Conservation Easement. The applicant shall record a restrictive covenant or conservation easement, in a form provided by the city, requiring the owners and assigns of properties subject to this section to comply with the applicable mitigation requirements of this section. Said covenant shall run with the land, and permit the city to complete mitigation work in the event of default by the responsible party. Costs borne by the city for such mitigation shall be borne by the owner.*
- I. *Financial Guarantee. A financial guarantee for establishment of the mitigation area, in a form approved by the city, shall be submitted before development within the NROD disturbance area commences. The city will release the guarantee at the end of the five-year monitoring period, or before, upon its determination that the mitigation plan has been satisfactorily implemented pursuant to this section.*

17.49.190. *Alternative mitigation standards.*

In lieu of the above mitigation standards of OCMC 17.49.180, the following standards may be used. Compliance with these standards shall be demonstrated in a mitigation plan report prepared by an environmental professional with experience and academic credentials in one or more natural resource areas such as ecology, wildlife biology, botany, hydrology or forestry. At the applicant's expense, the city may require the report to be reviewed by an environmental consultant.

- A. *The report shall document the existing condition of the vegetated corridor as one of the following categories:*
- B. *The proposed mitigation shall occur at a minimum two-to-one ratio of mitigation area to proposed disturbance area;*
- C. *The proposed mitigation shall result in a significant improvement to good existing condition as determined by a qualified environmental professional;*
- D. *There shall be no detrimental impact on resources and functional values in the area designated to be left undisturbed;*
- E. *Where the proposed mitigation includes alteration or replacement of development in a stream channel, wetland, or other water body, there shall be no detrimental impact related to the migration, rearing, feeding or spawning of fish;*
- F. *Mitigation shall occur on the site of the disturbance to the extent practicable. If the proposed mitigation cannot practically occur on the site of the disturbance, then the applicant shall possess a legal instrument, such as an easement, sufficient to carry out and ensure the success of the mitigation.*

Response: Attached to this application narrative is a Natural Resource Overlay District Report prepared by Schott & Associates analyzing the proposed impacts and outlining the proposed mitigation plan. Please refer to this report for a detailed description of the proposed mitigation and planting plan. Therefore, the standards of this section are met.

17.49.200. *Adjustment from standards.*

If a regulated NROD use cannot meet one or more of the applicable NROD standards then an adjustment may be issued if all of the following criteria are met. Compliance with these criteria shall be demonstrated by the applicant in a written report prepared by an environmental professional with experience and academic credentials in one or more natural resource areas such as ecology, wildlife biology, botany, hydrology or forestry. At the applicant's expense, the city may require the report to be reviewed by an environmental consultant. Such requests shall be processed under the Type III development permit procedure. The applicant shall demonstrate:

- A. *There are no feasible alternatives for the proposed use or activity to be located outside the NROD area or to be located inside the NROD area and to be designed in a way that will meet all of the applicable NROD development standards;*

- B. *The proposal has fewer adverse impacts on significant resources and resource functions found in the local NROD area than actions that would meet the applicable environmental development standards;*
- C. *The proposed use or activity proposes the minimum intrusion into the NROD area that is necessary to meet development objectives;*
- D. *Fish and wildlife passage will not be impeded;*
- E. *With the exception of the standard(s) subject to the adjustment request, all other applicable NROD standards can be met; and*
- F. *The applicant has proposed adequate mitigation to offset the impact of the adjustment.*

Response (Revised): No adjustments are requested. Therefore, this section is not applicable.

17.49.210. *Type II development permit application.*

Unless otherwise directed by the NROD standards, proposed development within the NROD shall be processed as a Type II development permit application. All applications shall include the items required for a complete application by OCMC 17.49.220—17.49.230, and 17.50.080 as well as a discussion of how the proposal meets all of the applicable NROD development standards in OCMC 17.49.100—17.49.170.

Response: The proposed development was elevated to a Type III procedure.

17.49.220. *Required site plans.*

Site plans showing the following required items shall be part of the application:

- A. *For the entire subject property (NROD and non-NROD areas):*
 - 1. *The NROD District Boundary. This may be scaled in relation to property lines from the NROD Map;*
 - 2. *One hundred-year floodplain and floodway boundary (if determined by FEMA);*
 - 3. *Creeks and other waterbodies;*
 - 4. *Any wetlands, with the boundary of the wetland that will be adjacent to the proposed development determined in a wetlands delineation report prepared by a professional wetland specialist and following the Oregon Division of State Lands wetlands delineation procedures;*
 - 5. *Topography shown by contour lines of two or one foot intervals for slopes less than fifteen percent and by ten foot intervals for slopes fifteen percent or greater;*
 - 6. *Existing improvements such as structures or buildings, utility lines, fences, driveways, parking areas, etc.;*
 - 7. *Extent of the required vegetated corridor required by Table 17.49.110.*

- B. *Within the NROD area of the subject property:*
1. *The distribution outline of shrubs and ground covers, with a list of most abundant species;*
 2. *Trees six inches or greater in diameter, identified by species. When trees are located in clusters they may be described by the approximate number of trees, the diameter range, and a listing of dominant species;*
 3. *An outline of the disturbance area that identifies the vegetation that will be removed. All trees to be removed with a diameter of six inches or greater shall be specifically identified as to number, trunk diameters and species;*
 4. *If grading will occur within the NROD, a grading plan showing the proposed alteration of the ground at two foot vertical contours in areas of slopes less than fifteen percent and at five foot vertical contours of slopes fifteen percent or greater.*
- C. *A construction management plan including:*
1. *Location of site access and egress that construction equipment will use;*
 2. *Equipment and material staging and stockpile areas;*
 3. *Erosion control measures that conform to city of Oregon City erosion control standards;*
 4. *Measures to protect trees and other vegetation located outside the disturbance area.*
- D. *A mitigation site plan demonstrating compliance with OCMC 17.49.180 or 17.49.190, including:*
1. *Dams, weirs or other in-water features;*
 2. *Distribution, species composition, and percent cover of ground covers to be planted or seeded;*
 3. *Distribution, species composition, size, and spacing of shrubs to be planted;*
 4. *Location, species and size of each tree to be planted;*
 5. *Stormwater management features, including retention, infiltration, detention, discharges and outfalls;*
 6. *Water bodies or wetlands to be created, including depth;*
 7. *Water sources to be used for irrigation of plantings or for a water source for a proposed wetland.*

Response: The attached preliminary plan set includes basic information including the on-site features and topography, existing improvements, NROD boundary, and conceptual grading and erosion control. Final construction management plans and mitigation plans will be provided during the Public Works' plan review process. While additional information will be provided in the future, to the extent reasonably practicable at this time, these standards have been met.

17.49.230. *Mitigation plan report.*

A mitigation plan report that accompanies the above mitigation site plan is also required. The report shall be prepared by an environmental professional with experience and academic credentials in one or more natural resource areas such as ecology, wildlife biology, botany, hydrology or forestry. The mitigation plan report shall, at a minimum, discuss:

- A. *Written responses to each applicable mitigation standard in OCMC 17.49.180 or 17.49.190 indicating how the proposed development complies with the mitigation standards;*
- B. *The resources and functional values to be restored, created, or enhanced through the mitigation plan;*
- C. *Documentation of coordination with appropriate local, regional, state and federal regulatory/resource agencies such as the Oregon Department of State Lands (DSL) and the United States Army Corps of Engineers (USACE);*
- D. *Construction timetables;*
- E. *Monitoring and maintenance practices pursuant to OCMC 17.49.230.F and a contingency plan for undertaking remedial actions that might be needed to correct unsuccessful mitigation actions during the first five years of the mitigation area establishment.*

Response: Attached to this application narrative is a Natural Resource Overlay District Report prepared by Schott & Associates analyzing the proposed impacts and outlining the proposed mitigation plan. Please refer to this report for a detailed description of the proposed mitigation and planting plan. Therefore, these standards are met.

17.49.240. *Density transfer.*

The NROD allocates urban densities to the non-NROD portions of properties located partially within the NROD, generally resulting in a substantial increase in net development potential.

For lots of record that are located within the NROD, density transfer is allowed, subject to the following provisions:

- A. *Density may be transferred from the NROD to non-NROD portions of the same property or of contiguous properties within the same development site;*

- B. *The residential transfer credit shall be as follows: For new residential partitions and subdivisions, one-third of the area of the NROD tract or conservation easement area may be added to the net developable area outside of the tract or conservation easement area within the boundary of the development site in order to calculate the allowable number of lots.*
- C. *Permitted Modifications to Residential Dimensional Standards. In order to allow for a transfer of density pursuant to subsection B above, the dimensional standards of the base zone may be modified in order minimize disturbance to the NROD. The permissible reductions are specified in Tables 17.49.240.A—17.49.240.C.*
- D. *The applicant shall demonstrate that the minimum lot size of the underlying zone has been met. The area of the NROD in subsection B. above that is used to transfer density may be included in the calculation of the average minimum lot size.*
- E. *The applicant may choose to make the adjustments over as many lots as required.*
- F. *For density transfers on properties zoned commercial, institutional, industrial or multi-family, the transfer credit ratio is ten thousand square feet per acre of land within the NROD;*
- G. *The area of land contained in the NROD area may be excluded from the calculations for determining compliance with minimum density requirements of the land division code.*
- H. *The owner of the transferring property shall execute a covenant that records the transfer of density. The covenant shall be found to meet the requirements of this section and be recorded before building permits are issued.*
- I. *All other applicable development standards, including setbacks, building heights, and maximum lot coverage shall continue to apply when a density transfer occurs.*

Response: The applicant is not requesting a density transfer. Therefore, this section is not applicable.

17.49.250. *Verification of NROD boundary.*

The NROD boundary may have to be verified occasionally to determine the true location of a resource and its functional values on a site. This may be through a site specific environmental survey or a simple site visit in those cases where existing information demonstrates that the NROD significance rating does not apply to a site-specific area. Applications for development on a site located in the NROD area may request a determination that the subject site is not in an NROD area and therefore is not subject to the standards of OCMC 17.49.100. Verifications shall be processed as either a Type I or Type II process.

17.19.255. *Type I verification.*

- A. *Applicants for a determination under this section shall submit a site plan meeting the requirements of OCMC 17.49.220, as applicable.*

B. *An applicant may request a Type I Verification determination by the community development director. Such requests may be approved provided that there is evidence substantiating that all the requirements of this chapter relative to the proposed use are satisfied and demonstrates that the property also satisfies the following criteria, as applicable:*

1. *No soil, vegetation, hydrologic features have been disturbed;*
2. *No hydrologic features have been changed;*
3. *There are no man-made drainage features, water marks, swash lines, drift lines present on trees or shrubs, sediment deposits on plants, or any other evidence of sustained inundation.*
4. *The property does not contain a wetland as identified by the city's local wetland inventory or water quality and flood management areas map.*
5. *There is no evidence of a perennial or intermittent stream system or other protected water feature. This does not include established irrigation ditches currently under active farm use, canals or man-made storm or surface water runoff structures or artificial water collection devices.*
6. *Evidence of prior land use approvals that conform to the natural resource overlay district, or which conformed to the water quality resources area overlay district that was in effect prior to the current adopted NROD (Ord. No. 99-1013).*
7. *There is an existing physical barrier between the site and a protected water feature, including:*
 - a. *Streets, driveways, alleys, parking lots or other approved impervious areas wider than fifteen feet and which includes drainage improvements that are connected to the city storm sewer system, as approved by the city.*
 - b. *Walls, buildings, drainages, culverts, topographic features or other structures which form a physical barrier between the site and the protected water features, as approved by the city.*

C. *If the city is not able to clearly determine, through the Type I verification process that the applicable criteria subsections B.1—B.7 above are met, the verification application shall be denied. An applicant may then opt to apply for a verification through the Type II process defined below.*

17.49.260. *Type II verification.*

Verifications of the NROD which cannot be determined pursuant to the standards of OCMC 17.49.255 may be processed under the Type II permit procedure.

A. *Applicants for a determination under this section shall submit a site plan meeting the requirements of OCMC 17.49.220 as applicable.*

- B. *Such requests may be approved provided that there is evidence that demonstrates in an environmental report prepared by one or more qualified professionals with experience and credentials in natural resource areas, including wildlife biology, ecology, hydrology and forestry, that a resource function(s) and/or land feature(s) does not exist on a site-specific area.*
- C. *Verification to remove a recently developed area from the NROD shall show that all of the following have been met:*
 - 1. *All approved development in the NROD has been completed;*
 - 2. *All mitigation required for the approved development, located within the NROD, has been successful; and*
 - 3. *The previously identified resources and functional values on the developed site no longer exist or have been subject to a significant detrimental impact.*

Response: The applicant is not requesting a Type I or Type II verification. Therefore, these sections are not applicable.

17.49.265. *Corrections to violations.*

For correcting violations, the violator shall submit a remediation plan that meets all of the applicable standards of the NROD. The remediation plan shall be prepared by one or more qualified professionals with experience and credentials in natural resource areas, including wildlife biology, ecology, hydrology and forestry. If one or more of these standards cannot be met, then the applicant's remediation plan shall demonstrate that there will be:

- A. *No permanent loss of any type of resource or functional value listed in OCMC 17.49.10, as determined by a qualified environmental professional;*
- B. *A significant improvement of at least one functional value listed in OCMC 17.49.10, as determined by a qualified environmental professional; and*
- C. *There will be minimal loss of resources and functional values during the remediation action until it is fully established.*

Response: The applicant acknowledges and understands this section.

Chapter 17.54 - SUPPLEMENTAL ZONING REGULATIONS AND EXCEPTIONS

17.54.100. *Fences, hedges, walls, and retaining walls.*

- A. *A fence, hedge, wall, retaining wall, or combination thereof may be located on real property, not within the right-of-way, subject to all of the following:*
 - 1. *A fence, hedge, wall, retaining wall, or combination thereof located in front of a building may be up to 3.5 feet in total height as measured from the finished grade at any point on the fence.*

2. *A fence, hedge, wall, located next to, or behind the forward most building, or within more than forty feet of the right-of-way, whichever is less may be up to:
 - a. *Six feet in total height for residential properties with less than five units as measured from the finished grade at any point on the fence; or*
 - b. *Eight feet in total height for all other uses as measured from the finished grade at any point on the fence.**
3. *A retaining wall or combination of a fence, hedge, wall located next to and behind the forward most building, or within more than forty feet of the right-of-way, whichever is less, may be up to (as measured from the finished grade) 8.5 feet in height from the finished grade.*
4. *Fences, hedges, and/or walls located within two feet above a retaining wall, as measured on a horizontal plane, shall be measured together for the purposes of determining height.*
5. *Property owners shall ensure compliance with the traffic sight obstruction requirements in Chapter 10.32 of the Oregon City Municipal Code.*
6. *Retaining walls completely below the elevation of the right-of-way may be up to six feet in height.*
7. *Minimum fall protection required by the building official, such as railings, is not included in the height of a retaining wall but must comply with the fence height requirements.*

Response (Revised): Aside from the retaining wall needed to support the 3/4th street improvement for Pioneer Drive, the proposed subdivision does not include the construction of fences or planting of hedges within public right-of-way. Retaining walls required to support Holly Lane near the pinch point near the northeast property corner and other required retaining walls will be constructed alongside earthwork as indicated by the tentative grading and erosion control plans incorporated into the attached plan set. Please refer to those sheets for an illustration of how those walls comply with the standards outlined in this section.

- B. *When no other practicable alternative exists, the city engineer may permit a fence, hedge, wall, retaining wall, or combination thereof to be located within the right-of-way subject to all of the following:*
 1. *A revocable permanent obstruction in the right-of-way permit is granted per OCMC 12.04.120;*
 2. *Retaining walls, fences, or hedges comply with OCMC 17.54.100.A, unless determined to be impracticable by the city engineer.*
 3. *The abutting property owner shall ensure compliance with the traffic sight obstruction requirements in Chapter 10.32 of the Oregon City Municipal Code.*

- C. *It is unlawful for any person to erect any electric fence or any fence constructed in whole or in part of barbed wire or to use barbed wire, except as erected in connection with security installations at a minimum height of six feet, providing further that prior written approval has been granted by the city manager.*

Response (Revised): Aside from the retaining wall needed to support the 3/4th street improvement for Pioneer Drive and Holly Drive, the proposed subdivision does not include the construction of fences, hedges, or walls within public right-of-way.

Chapter 17.65 - MASTER PLANS AND PLANNED UNIT DEVELOPMENTS

17.65.040. *Procedure.*

- A. *Preapplication Review. Prior to filing for either general development plan or detailed development plan approval, the applicant shall file a pre-application conference pursuant to OCMC 17.50.030.*
- B. *General Development Plan. An application for a general development plan describing the long-term buildout of the site shall be reviewed through a Type III procedure. An applicant shall have an approved general development plan before any detailed development plan may be approved, unless both are approved or amended concurrently. Amendments to an approved general development plan shall be reviewed under a Type III procedure pursuant to OCMC 17.65.080.*
- C. *Detailed Development Plan. An application for a detailed development plan, is processed through a Type II procedure, as long as it is in conformance with the approved general development plan. Amendments to an approved detailed development plan shall be processed pursuant to OCMC 17.65.080. Once a development has an approved detailed development plan, OCMC 17.62, Site Plan and Design Review is not required.*
- D. *Concurrent Review. An applicant may concurrently apply for a general development plan and a detailed development plan. Such a concurrent application is reviewed through the highest procedure that applies to any element of the combined application.*
- E. *Relationship to Other Reviews. 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.*
- F. *Duration of General Development Plan. A general development plan shall involve a planning period of up to twenty years. An approved general development plan shall remain in effect until development allowed by the plan has been completed through the detailed development plan process, the plan is amended or superseded, or the plan expires under its stated expiration date either as stated in the approved master plan or planned unit development application or decision of approval.*

Response: The applicant proposes a standard subdivision application and not a master planned community.

17.65.060. *Detailed development plan.*

A. *Submittal Requirements.*

1. *A transportation impact study documenting the on- and off-site transportation impacts, as specified in OCMC 17.65.050.B.1.h.i. If such an analysis was submitted as part of the general development plan process, the scope of the report may be limited to any changes which have occurred during the interim and any information listed below which was not a part of the initial study.*

The on-site portion of the analysis shall include the location, dimensions and names of all proposed streets, alleys, other public ways, sidewalks, bike routes and bikeways, pedestrian/bicycle access ways and other pedestrian and bicycle ways, transit streets and facilities, neighborhood activity centers, and easements on and within two hundred fifty feet of the boundaries of the site. The map shall identify existing subdivisions and development and un-subdivided or unpartitioned land ownerships adjacent to the proposed development site and show how existing streets, alleys, sidewalks, bike routes, pedestrian/bicycle access ways and utilities within two hundred fifty feet may be extended to and/or through the proposed development.

2. *The location within the development and in the adjoining streets of existing and proposed sewers, water mains, culverts, drain pipes, underground electric, cable television and telephone distribution lines, gas lines, and the location of existing aerial electric, telephone and television cable lines, if any, to be relocated within the development.*
3. *For portions of the project that would otherwise be subject to site plan and design review, a site plan or plans, to scale, containing the required information identified in OCMC 17.62.040.*
4. *For residential portions of the project not otherwise subject to site plan and design review, a site plan or plans, to scale, showing the proposed land uses and densities, building locations, lot patterns, circulation patterns, and open space locations and uses.*
5. *Any other information the community development director deems necessary to show that the proposed development will comply with all of the applicable Chapter 17 requirements.*

B. *Approval Criteria. The community development director shall approve an application for detailed development plan approval only upon findings that:*

1. *All development standards and impact mitigation meet the requirements of the approved general development plan, including conditions of approval.*
2. *Any other applicable zoning regulations that are not addressed in the general development plan are met, unless an adjustment to those regulations has been applied for and is approved. The approval standards applicable to adjustments required as part of a master plan or planned unit development are contained in OCMC 17.65.070.*

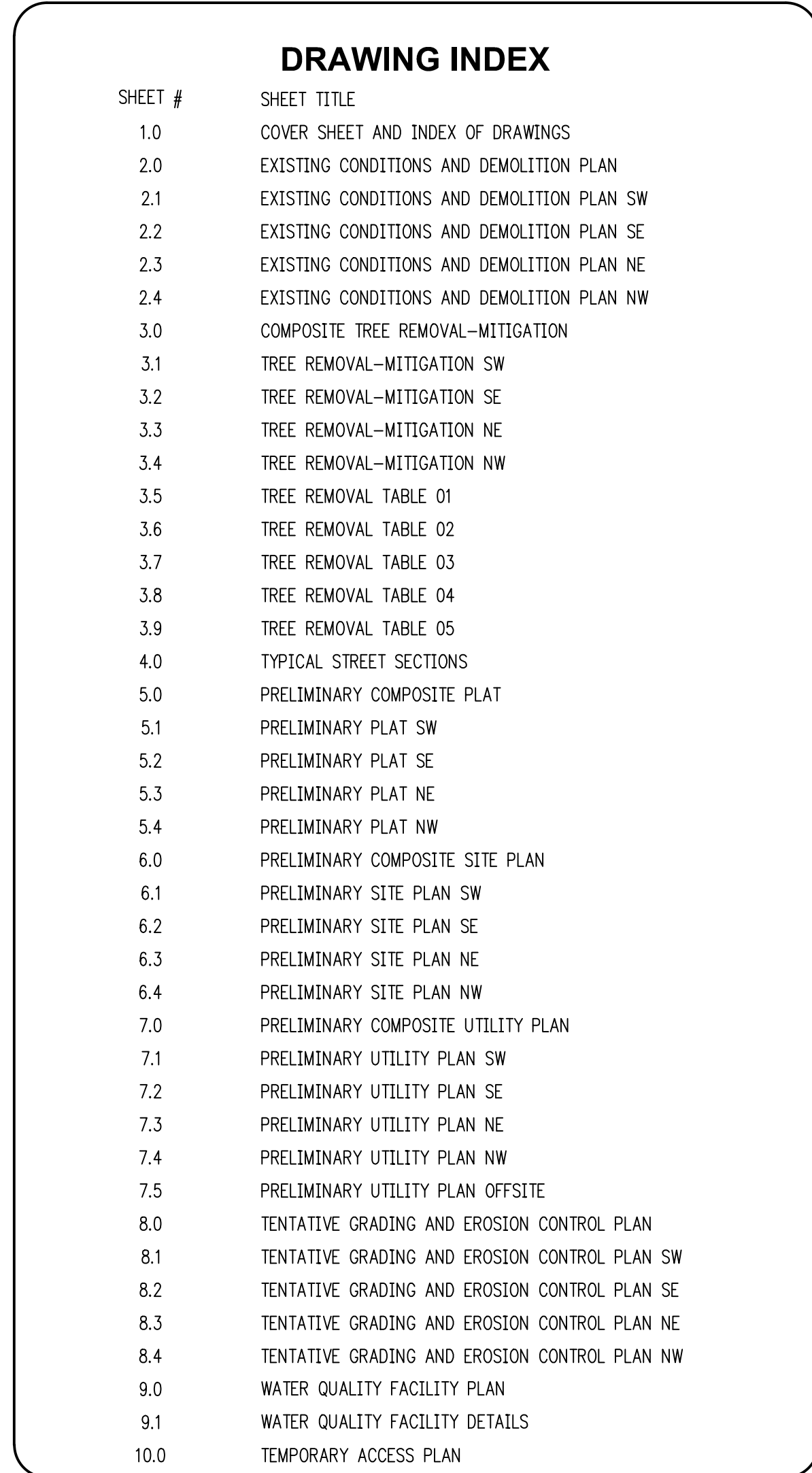
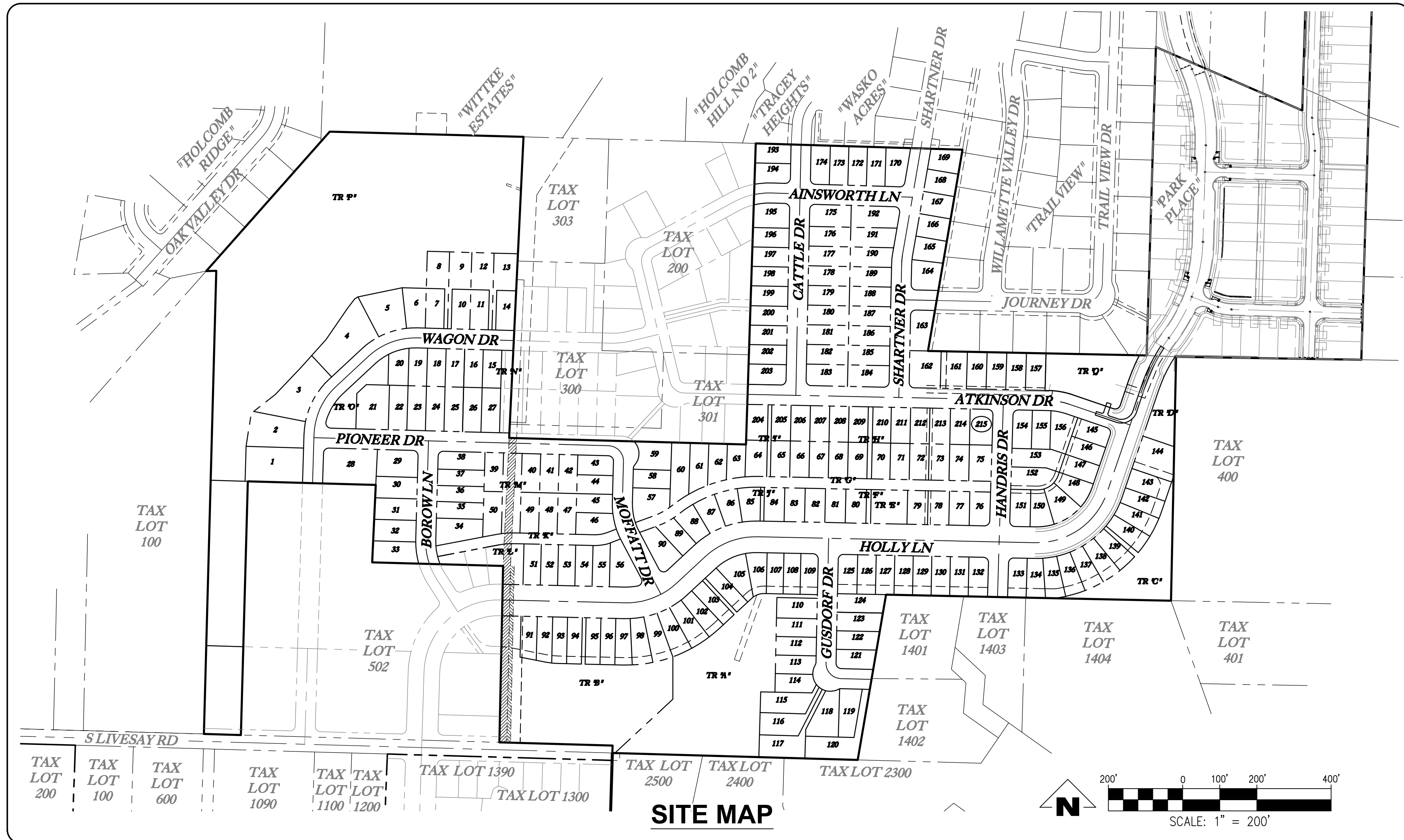
3. *The detailed development plan conforms with the base zone standards, applicable residential design standards, and applicable standards contained in Chapters 17.62, 17.52, 16.12, and 16.08 unless adjusted as provided in OCMC 17.65.070.*

Response: The applicant proposes a standard subdivision and not a master planned community. This application does not include a detailed development plan and does not need to comply with this code section.

VIII. Conclusion

This application narrative and accompanying plan set demonstrate that all applicable provisions of the Oregon City Municipal Code are satisfied.

**215 - LOT SUBDIVISION
S.E. 1/4 SEC. 28 T.2S R.2E. W.M.
TAX MAP 22E28D TAX LOTS 100, 190, 302, 400, 500, 3700, AND 3701
OREGON CITY, OREGON**



<u>SITE DATA</u>	
AREA:	59.54 AC
ZONING:	R-5 AND R-10
<u>PROPOSED DENSITY:</u>	
R-5:	7.45 DU/AC
R-10:	4.00 DU/AC
NO. OF LOTS:	215

VERTICAL DATUM

THE VERTICAL DATUM OF THE PROVIDED SURVEY ARE BASED ON THE NATIONAL GEODETIC SURVEY BENCHMARK DESIGNATION V 723 (PID RD1497) LOCATED AT THE SE CORNER OF HWY 99E AND HWY I-205. ELEVATION = 6248 FEET (NAVD 88)

THIS DESIGN COMPLIES WITH ORS 92.044 (7) IN THAT NO UTILITY INFRASTRUCTURE IS DESIGNED TO BE WITHIN ONE (1) FOOT OF A SURVEY MONUMENT LOCATION SHOWN ON A SUBDIVISION OR PARTITION PLAT. NO DESIGN EXCEPTIONS NOT FINAL FIELD LOCATION CHANGES SHALL BE PERMITTED IF THAT CHANGE WOULD CAUSE ANY UTILITY INFRASTRUCTURE TO BE PLACED WITHIN THE PROHIBITED AREA.

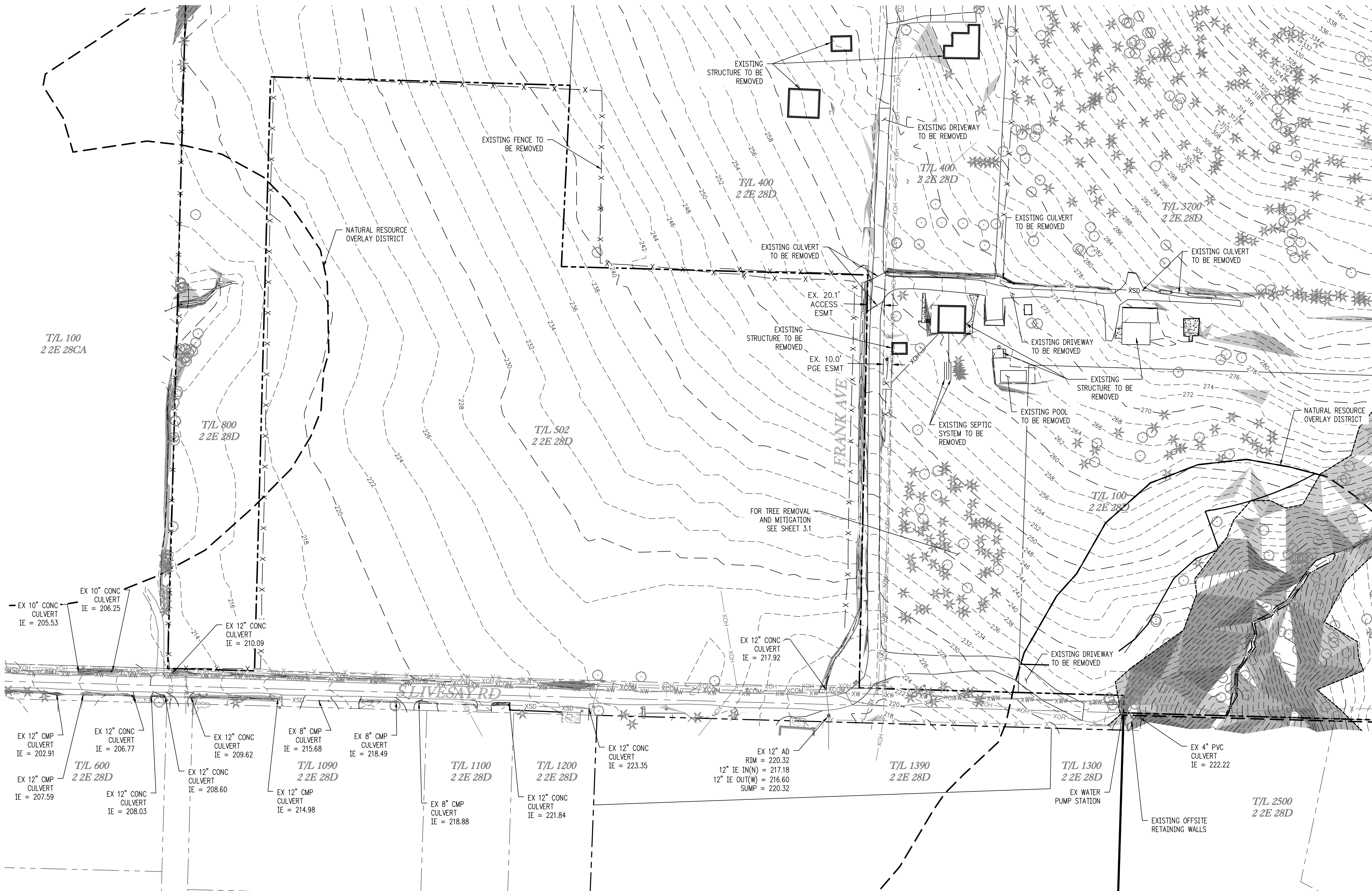
NOTICE TO EXCAVATORS:
ATTENTION: OREGON LAW REQUIRES YOU TO FOLLOW RULES
ADOPTED BY THE OREGON UTILITY NOTIFICATION CENTER.
THOSE RULES ARE SET FORTH IN OAR 952-001-0010
THROUGH OAR 952-001-0090. YOU MAY OBTAIN COPIES
OF THE RULES BY CALLING THE CENTER.
(NOTE: THE TELEPHONE NUMBER FOR THE OREGON UTILITY
NOTIFICATION CENTER IS (503)-232-1987).

POTENTIAL UNDERGROUND FACILITY OWNERS

Dig Safely.

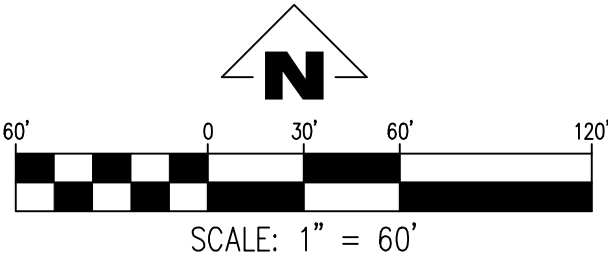
Call the Oregon One-Call Center
DIAL 811 or 1-800-332-2344

SHEET
1.0 OF **40**



EXISTING CONDITIONS PLAN - SW
SCALE: 1" = 60'

EXISTING GRADE SLOPES TABLE				
NUMBER	MINIMUM SLOPE	MAXIMUM SLOPE	AREA (SF)	COLOR
1	0.00%	10.00%	1640799.98	
2	10.00%	25.00%	1324461.85	
3	25.00%	30.00%	122085.14	
4	30.00%	40.00%	148822.69	
5	40.00%	50.00%	89296.40	
6	50.00%	Vertical	90606.06	

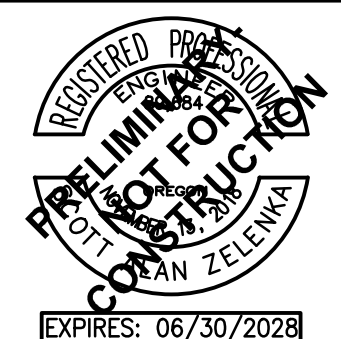


PARK PLACE II
A SUBDIVISION OF
TAX LOT 2 2E 28D 100, 190, 302,
400, 500, 502, 3700
CITY OF OREGON CITY, OREGON

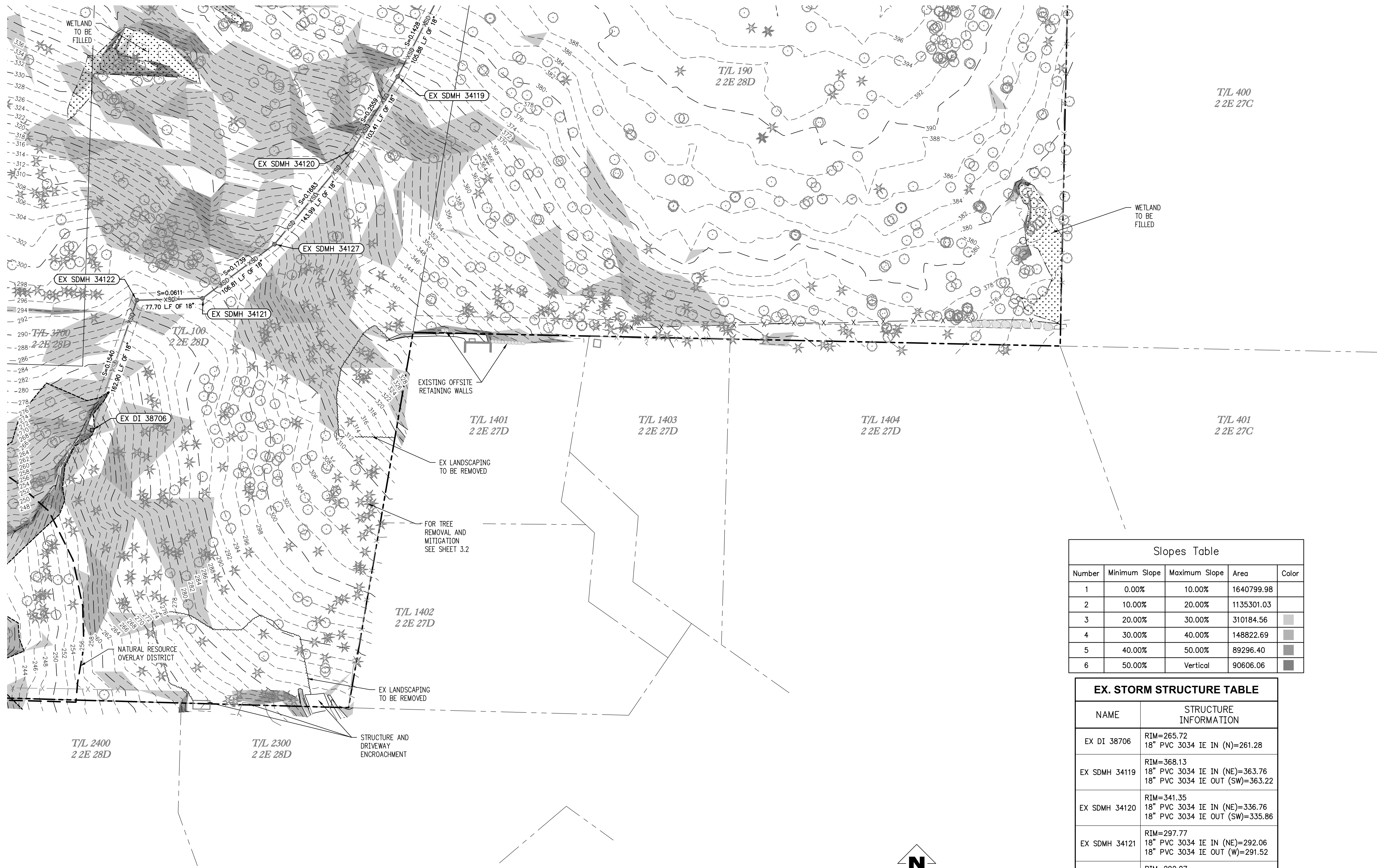
EXISTING CONDITIONS
AND DEMOLITION PLAN SW

REVISIONS	
NO.	DESCRIPTION

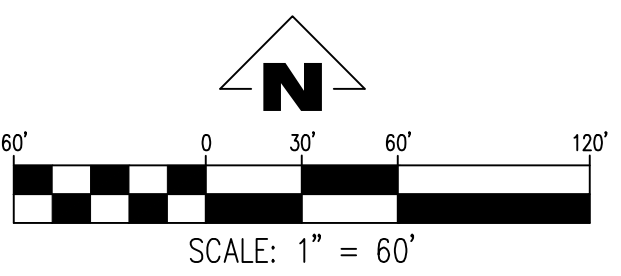
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BEAVERTON, OREGON 97008
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FAX: (503) 639-9592
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SHEET
2.1
OF
40



EXISTING CONDITIONS PLAN - SE
SCALE: 1" = 60'



Slopes Table				
Number	Minimum Slope	Maximum Slope	Area	Color
1	0.00%	10.00%	1640799.98	
2	10.00%	20.00%	1135301.03	
3	20.00%	30.00%	310184.56	
4	30.00%	40.00%	148822.69	
5	40.00%	50.00%	89296.40	
6	50.00%	Vertical	90606.06	

EX. STORM STRUCTURE TABLE	
NAME	STRUCTURE INFORMATION
EX DI 38706	RIM=265.72 18" PVC 3034 IE IN (N)=261.28
EX SDMH 34119	RIM=368.13 18" PVC 3034 IE IN (NE)=363.76 18" PVC 3034 IE OUT (SW)=363.22
EX SDMH 34120	RIM=341.35 18" PVC 3034 IE IN (NE)=336.76 18" PVC 3034 IE OUT (SW)=335.86
EX SDMH 34121	RIM=297.77 18" PVC 3034 IE IN (NE)=292.06 18" PVC 3034 IE OUT (W)=291.52
EX SDMH 34122	RIM=292.07 18" PVC 3034 IE IN (E)=286.77 18" PVC 3034 IE OUT (S)=286.37
EX SDMH 34127	RIM=316.00 18" PVC 3034 IE IN (NE)=311.63 18" PVC 3034 IE OUT (SW)=310.63

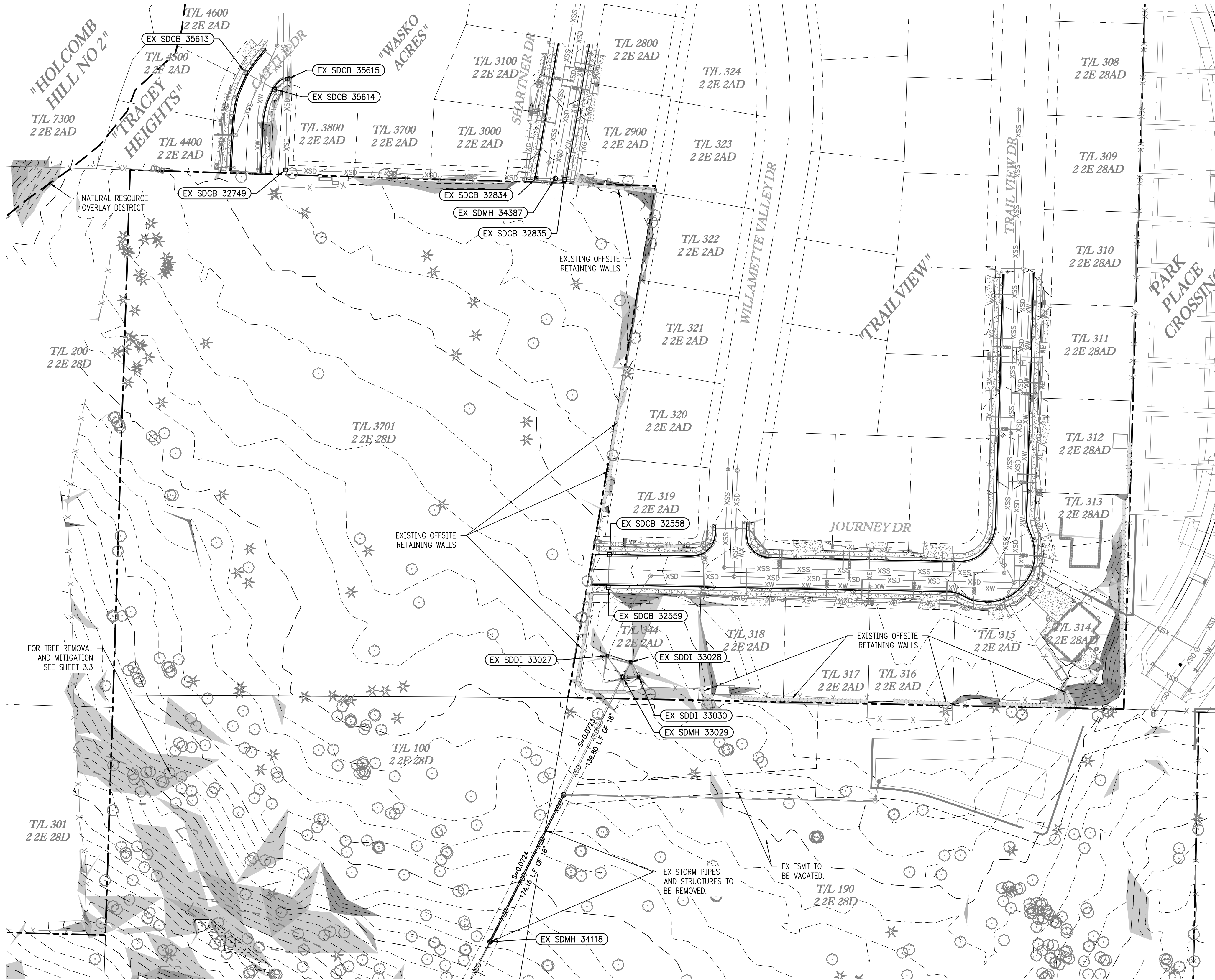
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TAX LOT 2 2E 28D 100, 190, 302,
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**EXISTING CONDITIONS
AND DEMOLITION PLAN SE**

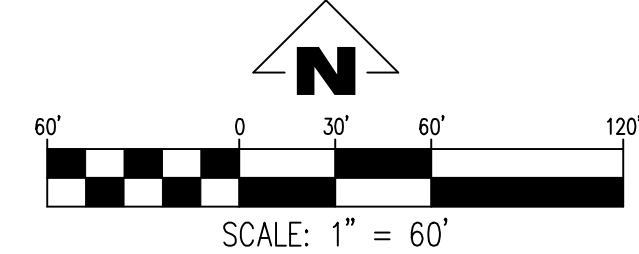
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EXISTING CONDITIONS PLAN - NE
SCALE: 1" = 60'



EXISTING GRADE SLOPES TABLE				
NUMBER	MINIMUM SLOPE	MAXIMUM SLOPE	AREA (SF)	COLOR
1	0.00%	10.00%	1640799.98	
2	10.00%	20.00%	1135301.03	
3	20.00%	30.00%	310184.56	
4	30.00%	40.00%	148822.69	
5	40.00%	50.00%	89296.40	
6	50.00%	Vertical	90606.06	

EX. STORM STRUCTURE TABLE	
NAME	STRUCTURE INFORMATION
EX SDMH 33029	RIM=403.93 18" PVC 3034 1E OUT (SW)=401.90
EX SDMH 34118	RIM=384.98 18" PVC 3034 1E IN (NE)=379.18 18" PVC 3034 1E OUT (SW)=378.88

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EXISTING CONDITIONS
AND DEMOLITION PLAN NE

REVISIONS	
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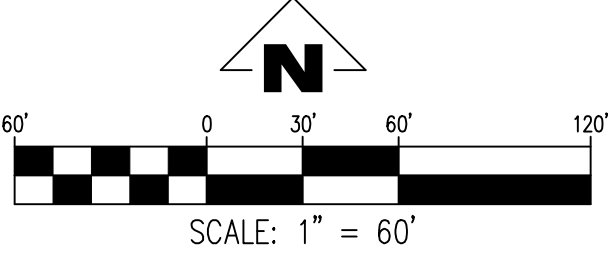
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DAVID BURNETT
REGISTERED PROFESSIONAL ENGINEER
STATE OF OREGON
NO. 12345
EXPIRES: 06/30/2028



EXISTING CONDITIONS PLAN - NW
SCALE: 1" = 60'



EXISTING GRADE SLOPES TABLE					
NUMBER	MINIMUM SLOPE	MAXIMUM SLOPE	AREA (SF)	COLOR	
1	0.00%	10.00%	1640799.98		
2	10.00%	20.00%	1135301.03		
3	20.00%	30.00%	310184.56		
4	30.00%	40.00%	148822.69		
5	40.00%	50.00%	89296.40		
6	50.00%	Vertical	90606.06		

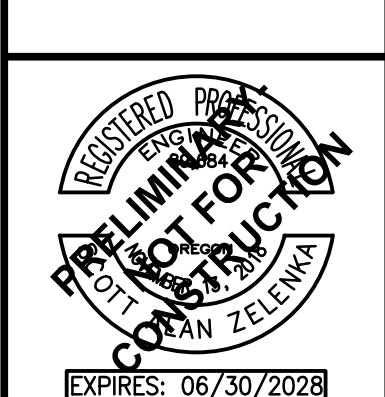
PARK PLACE II
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TAX LOT 2 2E 28D 100, 190, 302,
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CITY OF OREGON CITY, OREGON

EXISTING CONDITIONS
AND DEMOLITION PLAN NW

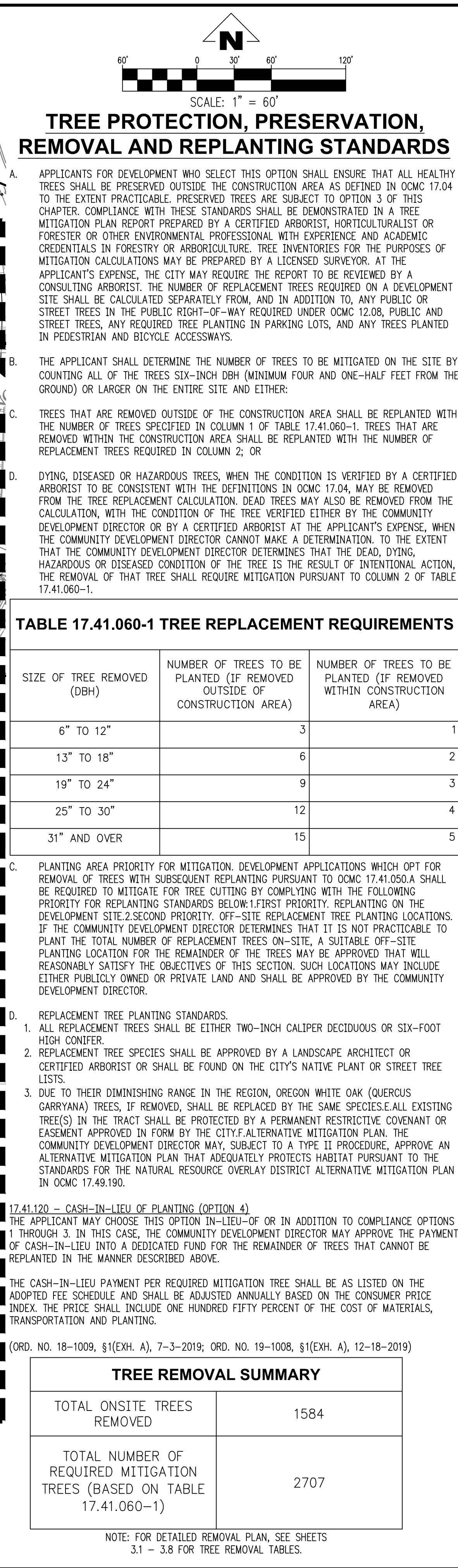
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COMPOSITE TREE REMOVAL-MITIGATION

[illegible]



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REGISTERED PROFESSIONAL ENGINEER

STATE OF OREGON

12512

BRETT A. ZELEKA

EXPIRES: 06/30/2028

SHEET

3.0

OF

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TREE NUMBER	TYPE	DBH (IN.)	REMOVE	MITIGATION TREES REQUIRED
12321	D	9, 12, 14	Y	4
12569	D	8	Y	1
14283	D	9, 10, 11	Y	3
14630	C	13	Y	2
14631	C	12	Y	1
14632	C	14	Y	2
14633	C	11	Y	1
14635	C	13	Y	2
14637	C	13	Y	2
14638	C	10	Y	1
14639	C	8	Y	1
14640	C	8	Y	1
14641	D	6	Y	1
14642	C	13	Y	2
14643	C	10	Y	1
14644	C	10	Y	1
14645	C	10, 10	Y	2
14646	C	7, 8	Y	2
14647	D	6	Y	1
14648	C	13	Y	2
14649	C	9, 11	Y	2
14650	C	13	Y	2
14651	C	15	Y	2
14655	C	13	Y	2
14656	D	6, 6	Y	2
14657	C	12	Y	1
14658	C	12	Y	1
14659	C	12	Y	1
14660	C	14	Y	2
14661	C	8	Y	1
14662	C	14	Y	2
14663	C	10, 11	Y	2
14664	C	14	Y	2
14677	D	6	Y	1
14678	C	12	Y	1
14679	C	7	Y	1
14680	D	6	Y	1
14681	D	6	Y	1
14682	D	7	Y	1
14683	D	6	Y	1
14684	D	6	Y	1
14685	D	9	Y	1
14686	C	12	Y	1
14714	D	13	Y	2
14715	C	17	Y	2
14716	D	17	Y	2
14718	D	17	Y	2
14743	C	9, 10	Y	2
14744	D	7	Y	1
14745	C	12	Y	1
14746	C	11	Y	1
14747	C	12	Y	1
14748	C	12	Y	1
14749	C	11, 11	Y	2
14750	C	8, 8	Y	2
14751	C	12	Y	1
14752	C	11	Y	1
14753	C	14	Y	2
14754	D	6	Y	1
14755	D	6	Y	1
14756	D	6	Y	1
14757	C	13	Y	2
14758	C	14	Y	2
14759	C	12	Y	1
14761	D	8	Y	1
14762	C	14	Y	2
14763	C	14	Y	2
14764	C	15	Y	2
14765	C	15	Y	2
14766	D	6	Y	1
14767	C	14	Y	2
14768	C	13	Y	2
14769	D	9	Y	1
14770	C	13	Y	2
14771	C	6, 13	Y	3

PARK PLACE II

A SUBDIVISION OF

TAX LOT 2 2E 28D 100, 190, 302,

400, 500, 502, 3700

CITY OF OREGON CITY, OREGON

TREE

REMOVAL-MITIGATION SW

REVISIONS

NO.	DATE	DESCRIPTION
-----	------	-------------

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PRELIMINARY

FOR CONSTRUCTION

EXPIRES: 06/30/2028

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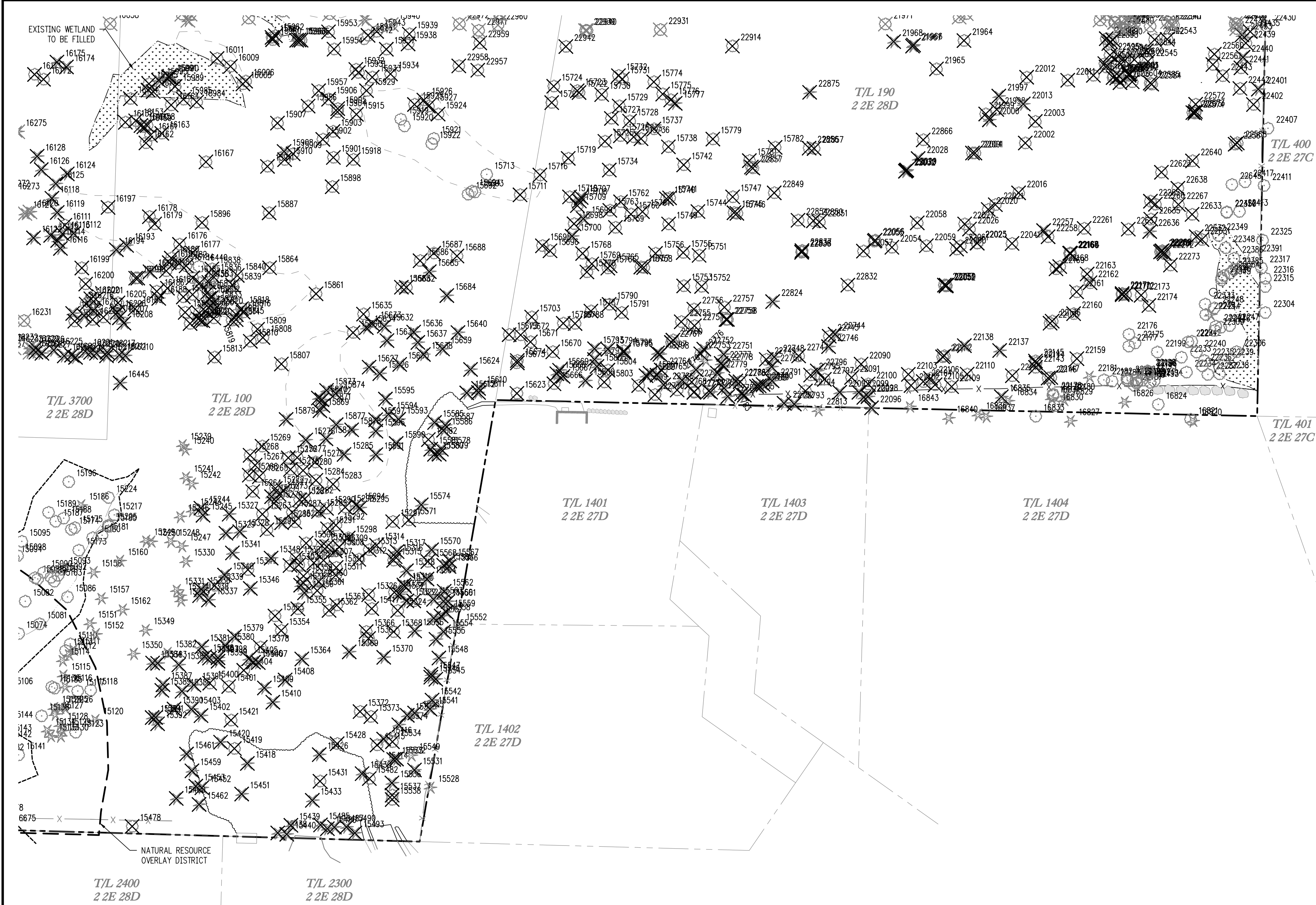
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Layout: 3.1 TREE REMOVAL-MITIGATION SW_Plot.dwg

Date: 9/2/2026 4:07 PM

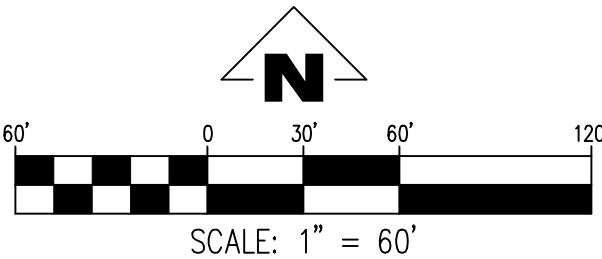
by: David Burnett

Page 129 of 198



TREE REMOVAL AND MITIGATION PLAN

SCALE: 1" = 60'



TREENUMBER	TYPE	DBH(IN.)	REMOVE	MITIGATION TREES REQUIRED
14772	C	8	Y	1
14773	C	14	Y	2
14774	C	16	Y	2
14775	C	14	Y	2
14776	C	14	Y	2
14777	C	8	Y	1
14778	C	12	Y	1
14779	C	7,8	Y	2
14780	C	9,9	Y	2
14781	C	16	Y	2
14782	C	10	Y	1
14783	C	12	Y	1
14784	D	7	Y	1
14785	C	11	Y	1
14786	D	7	Y	1
14787	C	9	Y	1
14788	D	8	Y	1
14789	D	8	Y	1
14790	C	10	Y	1
14791	D	10	Y	1
14792	C	10	Y	1
14799	D	7,9,11	Y	3
14806	C	13	Y	2
14807	C	11	Y	1
14808	C	9	Y	1
14809	C	6	Y	1
14810	C	11	Y	1
14811	C	8	Y	1
14812	C	10	Y	1
14813	C	11	Y	1
14814	C	6	Y	1
14815	C	8,9	Y	2
14816	D	6	Y	1
14817	D	11	Y	1
14818	C	8	Y	1
14819	D	8	Y	1
14820	D	12	Y	1
14821	C	8	Y	1
14822	C	12	Y	1
14823	C	6	Y	1
14824	C	7,8	Y	2
14825	C	6	Y	1
14826	C	6	Y	1
14827	C	6	Y	1
14828	C	11	Y	1
14829	C	8	Y	1
14830	D	9	Y	1
14831	C	11	Y	1
14832	D	6,6	Y	2
14835	C	6,6	Y	2
14836	C	9	Y	1
14837	C	12	Y	1
14838	C	12	Y	1
14840	D	8	Y	1
14842	C	12	Y	1
14843	C	12	Y	1
14844	C	12	Y	1
14845	C	10	Y	1
14846	C	8	Y	1
14847	C	12	Y	1
14848	C	12	Y	1
14849	C	12	Y	1
14856	C	7	Y	1
14874	D	6,7	Y	2
14875	C	10	Y	1
14876	C	9	Y	1
14877	D	7	Y	1
14878	D	6	Y	1
14880	C	11	Y	1
14881	D	6,6	Y	2
14882	D	6	Y	1
14887	D	6	Y	1
14888	D	8	Y	1
14889	D	19	Y	3
14890	D	7	Y	1

PARK PLACE II
A SUBDIVISION OF
TAX LOT 2 2E 28D 100, 190, 302,
400, 500, 502, 3700
CITY OF OREGON CITY, OREGON

TREE
REMOVAL-MITIGATION SE

REVISIONS

NO.	DATE	DESCRIPTION
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EMERIO

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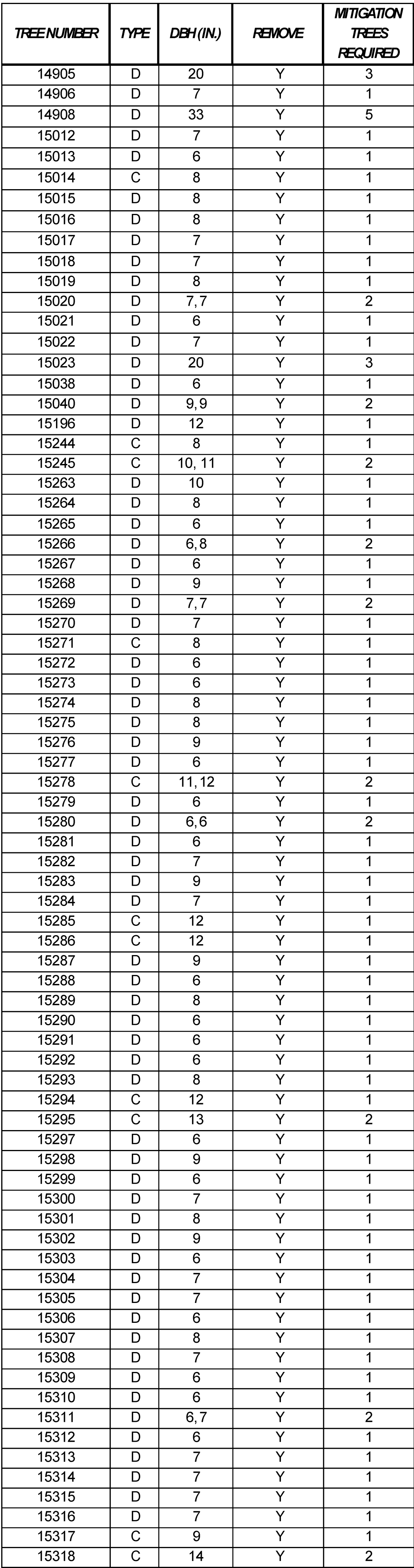
6445 SW FALLBROOK PLACE, SUITE 100
BEAVERTON, OREGON 97008
TEL: (503) 746-5812
FAX: (503) 639-9592
www.emeriodesign.com

REGISTERED PROFESSIONAL
LAND SURVEYOR
STATE OF OREGON
EXPIRES: 06/30/2028

SHEET
3.2
OF
40

FILE: P:\0082-012 Park Place II\wg\plan\0082-012_03.2/tree SE Layout: 9/7/2026 4:10 PM, by: David Burnett

Page 130 of 198



**PARK PLACE II
A SUBDIVISION OF
TAX LOT 2 2E 28D 100, 190, 302,
400, 500, 502, 3700
CITY OF OREGON CITY, OREGON**

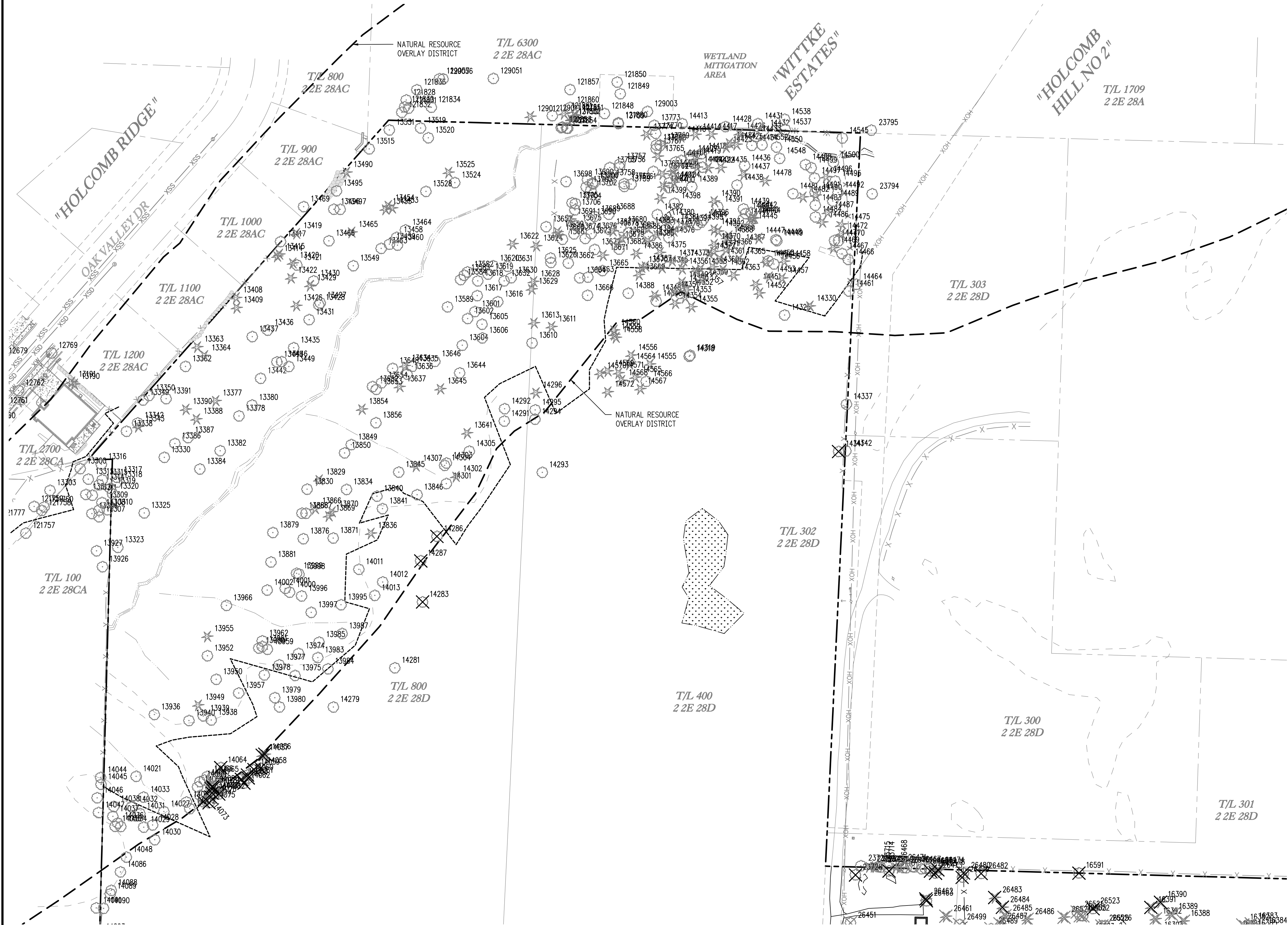
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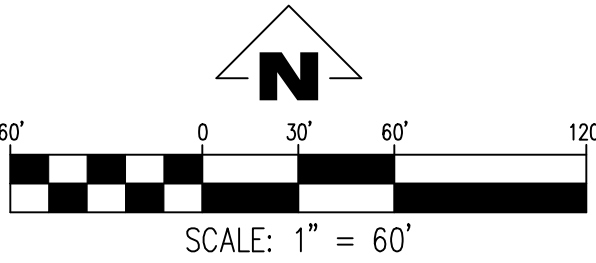
REGISTERED PROFESSIONAL ENGINEER
EXPIRATION DATE
EXPIRES: 06/30/2028

3.3 OF **40**



TREE REMOVAL AND MITIGATION PLAN

SCALE: 1" = 60'



TREENUMBER	TYPE	DBH (IN.)	REMOVE	MITIGATION TREES REQUIRED
15319	C	7	Y	1
15320	D	6	Y	1
15321	C	6	Y	1
15322	C	10	Y	1
15323	D	6	Y	1
15324	D	6	Y	1
15325	D	6	Y	1
15326	D	7,7	Y	2
15327	C	6,12	Y	2
15328	C	19	Y	3
15329	C	15	Y	2
15336	C	11	Y	1
15337	C	14	Y	2
15338	C	12	Y	1
15339	D	8	Y	1
15340	C	12	Y	1
15341	C	11	Y	1
15346	C	10,12	Y	2
15347	D	7,8	Y	2
15348	C	6	Y	1
15353	D	6,9	Y	2
15354	D	8,8	Y	2
15355	D	7	Y	1
15356	C	7,8	Y	2
15357	C	11	Y	1
15358	D	6	Y	1
15359	D	7	Y	1
15360	D	6	Y	1
15361	D	8	Y	1
15362	D	9,10	Y	2
15363	D	6	Y	1
15364	C	11	Y	1
15366	D	12	Y	1
15367	D	6	Y	1
15368	D	6,6	Y	2
15369	C	12	Y	1
15370	C	15	Y	2
15372	D	6	Y	1
15373	D	6	Y	1
15374	C	8	Y	1
15375	C	8,8	Y	2
15378	D	9	Y	1
15379	C	10	Y	1
15380	C	8,9	Y	2
15381	C	6,9	Y	2
15383	C	6	Y	1
15384	C	10	Y	1
15385	C	11,12	Y	2
15386	C	9	Y	1
15387	C	11	Y	1
15389	C	9	Y	1
15390	C	9	Y	1
15391	C	11	Y	1
15392	C	9	Y	1
15394	C	10	Y	1
15395	C	10,11	Y	2
15396	C	7,9	Y	2
15397	C	11	Y	1
15398	C	12	Y	1
15399	C	11	Y	1
15400	D	8,11	Y	2
15401	D	6,6	Y	2
15402	C	15	Y	2
15403	C	12	Y	1
15404	D	8	Y	1
15405	C	12	Y	1
15406	C	13	Y	2
15407	C	13	Y	2
15408	C	14	Y	2
15409	C	12,12	Y	2
15410	C	10	Y	1
15414	C	10	Y	1
15415	D	6	Y	1
15416	C	13	Y	2
15417	D	7	Y	1

PARK PLACE II
A SUBDIVISION OF
TAX LOT 2 2E 28D 100, 190, 302,
400, 500, 502, 3700
CITY OF OREGON CITY, OREGON

TREE
REMOVAL-MITIGATION NW

REVISIONS	
NO.	DESCRIPTION

EMERIO
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TREENUMBER	TYPE	DBH (IN.)	REMOVE	MITIGATION TREES REQUIRED
15418	C	9	Y	1
15419	D	9	Y	1
15420	C	13	Y	2
15421	D	6,8	Y	2
15426	C	11	Y	1
15428	D	6	Y	1
15430	C	9,10	Y	2
15431	D	10	Y	1
15133	C	13	Y	2
15438	C	6,6,7,7,8,8	Y	6
15439	C	6,6,7,8	Y	4
15440	C	11	Y	1
15451	C	11	Y	1
15452	C	6	Y	1
15453	C	14	Y	2
15459	C	8	Y	1
15460	C	13	Y	2
15461	C	11,11	Y	2
15462	C	12	Y	1
15478	D	13	Y	2
15482	D	7	Y	1
15485	C	10	Y	1
15486	C	11	Y	1
15487	C	8	Y	1
15490	C	10	Y	1
15493	C	6,12	Y	2
15531	C	10	Y	1
15532	C	9	Y	1
15533	C	6,6	Y	2
15534	D	7	Y	1
15535	C	11	Y	1
15536	C	10	Y	1
15537	D	6	Y	1
15538	D	9	Y	1
15541	C	10	Y	1
15542	C	13	Y	2
15545	C	14	Y	2
15546	C	7	Y	1
15547	C	13	Y	2
15548	C	11	Y	1
15554	C	12	Y	1
15555	C	13	Y	2
15556	C	13	Y	2
15557	C	6	Y	1
15558	C	12	Y	1
15559	C	8	Y	1
15560	C	9	Y	1
15561	C	6	Y	1
15562	C	8	Y	1
15563	C	10	Y	1
15564	C	10	Y	1
15565	C	8	Y	1
15566	C	9	Y	1
15567	C	9	Y	1
15568	D	6	Y	1
15570	C	14	Y	2
15571	D	6	Y	1
15574	C	10	Y	1
15578	C	8	Y	1
15579	C	7	Y	1
15580	C	7	Y	1
15581	C	8	Y	1
15582	D	16	Y	2
15585	C	12	Y	1
15586	C	6	Y	1
15587	C	8	Y	1
15590	C	11	Y	1
15591	C	10,11	Y	2
15593	C	12	Y	1
15595	C	10	Y	1
15596	C	7,8	Y	2
15596	C	10	Y	1
15597	C	9,10	Y	2
15610	C	9	Y	1
15611	C	7	Y	1

TREENUMBER	TYPE	DBH (IN.)	REMOVE	MITIGATION TREES REQUIRED
15612	C	7	Y	1
15623	D	14	Y	2
15624	C	6	Y	1
15626	C	6	Y	1
15627	C	8	Y	1
15630	C	11	Y	1
15631	C	12	Y	1
15632	C	12	Y	1
15633	C	9	Y	1
15634	C	11	Y	1
15635	C	30	Y	4
15636	C	11	Y	1
15637	C	9	Y	1
15638	C	8,9	Y	2
15639	C	6,6	Y	2
15640	C	11	Y	1
15666	C	22	Y	3
15667	C	20	Y	3
15668	C	19	Y	3
15669	C	18	Y	2
15670	D	11,14	Y	3
15671	D	8	Y	1
15672	D	11	Y	1
15673	D	6	Y	1
15674	D	11	Y	1
15675	D	18	Y	2
15682	D	13	Y	2
15683	D	13	Y	2
15684	C	17	Y	2
15685	C	17	Y	2
15686	D	35	Y	5
15687	D	29	Y	4
15688	D	10	Y	1
15695	D	25	Y	4
15696	D	12	Y	1
15698	D	14,15,24	Y	7
15699	C	13	Y	2
15700	C	13	Y	2
15703	D	13	Y	2
15707	C	8	Y	1
15708	C	12	Y	1
15709	D	26	Y	4
15710	D	10	Y	1
15711	D	7,20	Y	4
15716	D	6	Y	1
15719	D	26	Y	4
15721	D	6	Y	1
15722	D	12	Y	1
15723	D	14	Y	2
15724	D	18	Y	2
15725	D	19	Y	3
15726	D	6,6,18	Y	4
15727	D	20	Y	3
15728	D	18	Y	2
15729	D	19	Y	3
15730	D	6	Y	1
15731	D	7	Y	1
15732	D	6	Y	1
15734	D	6,7	Y	2
15735	D	13	Y	2
15736	D	15	Y	2
15737	D	16	Y	2
15738	D	29	Y	4
15740	D	6	Y	1
15741	D	6,6	Y	2
15742	D	20	Y	3
15744	D	21	Y	3
15745	D	9	Y	1
15746	D	15	Y	2
15747	D	15,16	Y	4
15749	D	20	Y	3
15751	D	7	Y	1
15752	D	20	Y	3
15753	D	25	Y	4
15755	D	25	Y	4

TREENUMBER	TYPE	DBH (IN.)	REMOVE	MITIGATION TREES REQUIRED
15756	D	6,6,6	Y	3
15757	D	18	Y	2
15758	D	12	Y	1
15759	D	11,13	Y	3
15760	D	12,15	Y	3
15761	D	6,6	Y	5
15762	D	6	Y	1
15763	D	12	Y	1
15765	D	20	Y	3
15766	D	16	Y	2
15768	D	13	Y	2
15769	D	12	Y	1
15770	D	18	Y	2
15774	D	7,7,7,7,14	Y	6
15775	D	23	Y	3
15776	D	13,13	Y	4
15777	C	17	Y	2
15779	D	25	Y	4
15781	D	25	Y	4
15782	D	6,7,8	Y	3
15787	D	9	Y	1
15788	D	6	Y	1
15789	D	9	Y	1
15790	D	24	Y	3
15791	D	21	Y	3
15792	C	24	Y	3
15793	C	17	Y	2
15794	C	14	Y	2
15795	C	24	Y	3
15796	D	10	Y	1
15797	C	17	Y	2
15798	C	15	Y	2
15799	D	27	Y	4
15800	C	20	Y	3
15801	C	10	Y	1
15803	D	29	Y	4
15804	D	13	Y	2
15805	C	13	Y	2
15806	C	33	Y	5
15807	D	11	Y	1
15808	D	6	Y	1
15809	D	7	Y	1
15810	D	6	Y	1
15813	D	6	Y	1
15814	D	13	Y	2
15815	D	13	Y	2
15816	D	14	Y	2
15817	D	14	Y	2
15818	D	12	Y	1
15819	D	6,10	Y	2
15820	D	6	Y	1
15821	D	6	Y	1
15822	D	6	Y	1
15823	D	8	Y	1
15824	D	11	Y	1
15825	D	11	Y	1
15826	D	6	Y	1
15827	D	9	Y	1
15828	D	10	Y	1
15829	D	10	Y	1
15830	D	11	Y	1
15831	D	8	Y	1
15832	D	7	Y	1
15833	D	9	Y	1
15834	D	11	Y	1
15835	D	8	Y	1
15836	D	8	Y	1
15837	D	6	Y	1
15838	D	10	Y	1
15839	D	28	Y	4
15840	D	20,22	Y	6
15861	D	18,28	Y	6
15864	D	36	Y	5
15866	D	8	Y	1
15869	D	10	Y	1

TREENUMBER	TYPE	DBH (IN.)	REMOVE	MITIGATION TREES REQUIRED
15870	C	12	Y	1
15871	C	11	Y	1
15872	C	9	Y	1
15873	C	6,7	Y	2
15874	C	8,8	Y	2
15876	C	8,12	Y	2
15877	C	11,12	Y	2
15878	C	6	Y	1
15879	C	8,11	Y	2
15887	D	27	Y	4
15896	D	6,9	Y	2
15898	D	27	Y	4
15901	D	11	Y	1
15902	D	20	Y	3
15903	D	13	Y	2
15904	D	17	Y	2
15905	D	12	Y	1
15906	D	8	Y	1
15907	D	15,17	Y	4
15908	C	8	Y	1
15909	D	12	Y	1
15910	D	17	Y	2
15911	D	28	Y	4
15915	D	24	Y	3
15918	D	10	Y	1
15924	D	11	Y	1
15925	D	6,6,7	Y	3
15926	D	8,15,16	Y	5
15927	D	7	Y	1
15929	D	11	Y	1
15931	D	23	Y	3
15932	D	10,14	Y	3
15933	D	14	Y	2
15934	D	14	Y	2
15937	D	15	Y	2
15938	D	15	Y	2
15939	D	13	Y	2
15940	D	23	Y	3
15941	D	14	Y	2
15942	D	10	Y	1
15943	D	10	Y	1
15944	C	6	Y	1
15945	D	12,18	Y	4
15947	D	14	Y	2
15949	D	15,19	Y	5
15951	D	14,15	Y	4
15952	D	14	Y	2
15953	D	17	Y	2
15954	D	12,15	Y	5
15956	D	8,10,11,12	Y	4
15957	D	26	Y	4
15960	D	12	Y	1
15961	D	8	Y	1
15962	D	6	Y	1
15963	C	12	Y	1
15964	D	14,17	Y	4
15965	D	13	Y	2
15971	D	22,24	Y	6
15975	D	9,13,14,15	Y	7
15976	C	13,13,13,14	Y	8
15984	D	10,12	Y	2
15985	D	6	Y	1
15989	D	6,6	Y	2
15990	C	6	Y	1
15991	C	7	Y	1
15993	C	11	Y	1
15995	D	24	Y	3
16005	D	6	Y	1
16006	D	7	Y	1
16009	D	23	Y	3
16011	D	16	Y	2
16038	D	18	Y	2
16045	D	14	Y	2
16052	D	10,19,24	Y	9
16053	C	8	Y	1

TREENUMBER	TYPE	DBH (IN.)	REMOVE	MITIGATION TREES REQUIRED
16054	D	10, 13	Y	3
16055	D	13, 18, 19	Y	7
16056	D	11	Y	1
16057	D	16	Y	2
16058	D	24	Y	3
16059	D	8	Y	1
16067	D	13, 15	Y	4
16068	D	10	Y	1
16069	D	8, 10	Y	2
16071	D	12, 20	Y	4
16074	D	10, 13, 13	Y	5
16075	D	7, 8, 10, 10	Y	4
16076	D	13, 14	Y	4
16077	D	15	Y	2
16079	D	32	Y	5
16083	D	9	Y	1
16086	D	8	Y	1
16087	D	6	Y	1
16091	D	10, 15	Y	3
16106	D	12, 15	Y	3
16107	D	18	Y	2
16108	D	20	Y	3
16109	D	20	Y	3
16110	D	13	Y	2
16111	D	6, 6, 6	Y	3
16112	C	12	Y	1
16113	C	12	Y	1
16114	C	11	Y	1
16115	C	13	Y	2
16116	C	14	Y	2
16118	C	13	Y	2
16119	C	7	Y	1
16120	C	11	Y	1
16121	C	8	Y	1
16122	C	12	Y	1
16124	C	11	Y	1
16125	C	13	Y	2
16126	C	13	Y	2
16128	C	9	Y	1
16152	D	8	Y	1
16153	D	9	Y	1
16154	D	26	Y	4
16155	D	10	Y	1
16156	D	12	Y	1
16158	D	12, 12	Y	2
16159	D	11	Y	1
16160	D	11	Y	1
16161	D	9, 12	Y	2
16162	D	11	Y	1
16163	D	10	Y	1
16164	D	6	Y	1
16167	D	9	Y	1
16171	D	7	Y	1
16172	D	6, 6	Y	2
16174	C	7	Y	1
16175	C	6	Y	1
16176	D	9	Y	1
16177	D	7	Y	1
16178	D	7, 8	Y	2
16179	D	6, 6, 7	Y	3
16180	D	7, 8	Y	2
16181	D	6	Y	1
16182	D	6	Y	1
16183	D	10	Y	1
16184	D	9	Y	1
16185	D	6, 8	Y	2
16186	D	6	Y	1
16187	D	7	Y	1
16188	C	6	Y	1
16189	D	8	Y	1
16190	D	6	Y	1
16191	D	8	Y	1
16192	C	17	Y	2
16193	C	13	Y	2
16194	C	13	Y	2

TREENUMBER	TYPE	DBH (IN.)	REMOVE	MITIGATION TREES REQUIRED
16197	D	6,6,6	Y	3
16199	D	9	Y	1
16200	D	6	Y	1
16201	D	9	Y	1
16202	D	6	Y	1
16203	C	11	Y	1
16204	D	11	Y	1
16205	D	11	Y	1
16206	C	6	Y	1
16207	C	9	Y	1
16208	C	13	Y	2
16210	C	13	Y	2
16211	C	14	Y	2
16212	D	6	Y	1
16213	D	6,6	Y	2
16214	C	7	Y	1
16215	C	11	Y	1
16216	D	7	Y	1
16217	C	11	Y	1
16218	C	15	Y	2
16219	C	14	Y	2
16220	C	14	Y	2
16221	C	13	Y	2
16222	C	13	Y	2
16223	C	12	Y	1
16224	C	12	Y	1
16225	C	12	Y	1
16226	C	11	Y	1
16227	C	11	Y	1
16228	C	14	Y	2
16229	C	13	Y	2
16230	C	11	Y	1
16231	D	6,7	Y	2
16232	C	13	Y	2
16233	C	13	Y	2
16234	C	13	Y	2
16235	C	11	Y	1
16236	C	11	Y	1
16237	C	13	Y	2
16238	C	12	Y	1
16239	C	12	Y	1
16240	C	13	Y	2
16241	C	15	Y	2
16242	C	14	Y	2
16243	C	14	Y	2
16244	D	9	Y	1
16245	D	7	Y	1
16246	D	6,7	Y	2
16247	D	6	Y	1
16248	D	10	Y	1
16249	D	9	Y	1
16250	C	11	Y	1
16251	C	13	Y	2
16252	D	6,6	Y	2
16253	C	13	Y	2
16254	C	15	Y	2
16255	D	11	Y	1
16256	C	9	Y	1
16257	C	6,12	Y	2
16258	C	13	Y	2
16259	C	11	Y	1
16260	C	14	Y	2
16261	C	14	Y	2
16262	C	13	Y	2
16263	C	6	Y	1
16270	D	11	Y	1
16271	C	17	Y	2
16272	C	14	Y	2
16273	C	15	Y	2
16275	C	6,12	Y	2
16276	C	15,15	Y	4
16277	D	8	Y	1
16278	C	11	Y	1
16279	D	6,6,6	Y	3
16280	D	6,6	Y	2

TREENUMBER	TYPE	DBH (IN.)	REMOVE	MITIGATION TREES REQUIRED
16281	D	9	Y	1
16282	C	6	Y	1
16283	C	14	Y	2
16284	C	6,8	Y	2
16285	C	9,11	Y	2
16286	C	8	Y	1
16289	C	7,8	Y	2
16293	C	14	Y	2
16294	C	10	Y	1
16295	C	9,9	Y	2
16296	C	9	Y	1
16297	C	10	Y	1
16298	C	10	Y	1
16301	C	8	Y	1
16303	C	12	Y	1
16304	C	11	Y	1
16305	C	10	Y	1
16306	C	11	Y	1
16307	C	6	Y	1
16308	C	15	Y	2
16309	C	12	Y	1
16310	C	11	Y	1
16311	C	9	Y	1
16313	D	10	Y	1
16314	D	12	Y	1
16318	D	6	Y	1
16319	D	6	Y	1
16326	C	11	Y	1
16327	C	9,10	Y	2
16328	C	7,8	Y	2
16329	D	7	Y	1
16330	C	12	Y	1
16331	C	18	Y	2
16332	C	6,7	Y	2
16333	C	10,10,11	Y	2
16334	C	16	Y	2
16335	D	12	Y	1
16336	D	10	Y	1
16337	D	7	Y	1
16338	D	6	Y	1
16339	D	6	Y	1
16340	D	6	Y	1
16342	D	6	Y	1
16343	C	8	Y	1
16344	D	7	Y	1
16345	C	9	Y	1
16346	C	10	Y	1
16347	C	10,11,11	Y	3
16348	C	11,12	Y	2
16349	C	9	Y	1
16350	C	15	Y	2
16351	C	10	Y	1
16352	C	11	Y	1
16354	D	6	Y	1
16355	C	13	Y	2
16356	C	12	Y	1
16357	C	13	Y	2
16358	C	13	Y	2
16359	C	10	Y	1
16360	C	8	Y	1
16361	C	14	Y	2
16362	C	15	Y	2
16363	C	13	Y	2
16364	D	9	Y	1
16365	D	6,6	Y	2
16366	C	12	Y	1
16367	C	8	Y	1
16368	C	10	Y	1
16369	C	9	Y	1
16370	C	11	Y	1
16371	C	8	Y	1
16372	C	8	Y	1
16373	C	10	Y	1
16374	C	10	Y	1
16375	C	11	Y	1

TREENUMBER	TYPE	DBH (IN.)	REMOVE	MITIGATION TREES REQUIRED
16376	C	9	Y	1
16377	C	12	Y	1
16378	C	14	Y	2
16379	C	7	Y	1
16381	C	12	Y	1
16382	C	8	Y	1
16383	C	10	Y	1
16384	C	10	Y	1
16385	C	11	Y	1
16386	C	8	Y	1
16387	C	10	Y	1
16388	C	9	Y	1
16389	C	22	Y	3
16390	C	12	Y	1
16391	C	6	Y	1
16392	C	13	Y	2
16393	C	12,12,13	Y	4
16395	C	14	Y	2
16396	C	11,11,11,13	Y	5
16397	C	15	Y	2
16398	D	8	Y	1
16399	D	7	Y	1
16400	D	6,7	Y	2
16401	C	6	Y	1
16402	D	6	Y	1
16403	D	6	Y	1
16404	D	6	Y	1
16405	D	6	Y	1
16406	C	7	Y	1
16407	C	11,12	Y	2
16409	C	8	Y	1
16410	C	6,6,6	Y	3
16411	C	10	Y	1
16412	C	17	Y	2
16413	C	14	Y	2
16414	D	7	Y	1
16415	D	7	Y	1
16416	D	7	Y	1
16417	C	6	Y	1
16418	D	6	Y	1
16419	D	11	Y	1
16420	D	8	Y	1
16421	D	6	Y	1
16422	D	6	Y	1
16423	C	10,12	Y	2
16424	C	6,11	Y	2
16425	C	6,6	Y	2
16426	C	10	Y	1
16427	C	6,6	Y	2
16428	C	8,11	Y	2
16429	C	15	Y	2
16430	C	9	Y	1
16433	C	8	Y	1
16434	C	7	Y	1
16435	C	6	Y	1
16440	C	6	Y	1
16445	C	6	Y	1
16481	D	10	Y	1
16494	D	6,6	Y	2
16495	D	7,12,15	Y	4
16496	D	9	Y	1
16591	D	6	Y	1
16609	D	17,19	Y	5
16611	C	7,11,11	Y	3
16621	C	7,16	Y	3
16626	D	6	Y	1
16627	C	17	Y	2
16628	C	17	Y	2
16639	C	20	Y	3
16640	D	6	Y	1
16646	C	41	Y	5
16647	C	7	Y	1
16653	C	25	Y	4
16654	C	30	Y	4
16655	C	40	Y	5

TREE NUMBER	TYPE	DBH (IN.)	REMOVE	MITIGATION TREES REQUIRED
16824	D	6	Y	1
16826	C	18	Y	2
16835	C	32	Y	5
16843	C	6	Y	1
20750	D	7	Y	1
20754	D	6,6,7,8	Y	4
20764	D	7	Y	1
20840	C	54	Y	5
20935	D	7,8	Y	2
20936	C	35	Y	5
20938	D	6	Y	1
21015	D	6	Y	1
21016	D	6,6,6,7	Y	4
21029	C	31	Y	5
21030	C	42	Y	5
21036	D	7	Y	1
21051	C	19	Y	3
21052	C	19	Y	3
21084	D	6	Y	1
21121	D	7	Y	1
21125	C	21	Y	3
21126	C	12	Y	1
21127	C	10	Y	1
21222	C	11	Y	1
21223	C	16	Y	2
21224	C	14	Y	2
21225	C	16	Y	2
21226	C	13	Y	2
21227	C	11	Y	1
21228	C	7	Y	1
21229	C	9	Y	1
21230	C	13	Y	2
21231	C	13	Y	2
21235	C	15	Y	2
21325	D	6	Y	1
21346	C	39	Y	5
21347	C	16	Y	2
21349	C	14	Y	2
21350	C	12	Y	1
21353	C	14	Y	2
21354	C	15	Y	2
21355	C	14	Y	2
21358	C	21	Y	3
21359	C	9	Y	1
21360	C	11	Y	1
21361	C	12	Y	1
21362	C	7	Y	1
21749	C	6	Y	1
21750	D	16	Y	2
21751	D	10	Y	1
21756	D	11	Y	1
21761	C	20	Y	3
21776	D	9	Y	1
21777	D	8	Y	1
21778	D	7	Y	1
21779	C	24	Y	3
21803	C	14	Y	2
21804	D	10	Y	1
21820	C	20	Y	3
21821	D	9	Y	1
21822	D	12	Y	1
21828	D	9	Y	1
21830	D	9	Y	1
21831	D	10	Y	1
21832	D	7	Y	1
21833	D	7	Y	1
21834	D	8	Y	1
21835	D	10	Y	1
21836	D	8	Y	1
21837	D	11	Y	1
21838	D	7	Y	1
21839	D	6	Y	1
21840	D	6	Y	1
21841	D	9	Y	1
21842	D	9	Y	1

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NO.	DATE	DESCRIPTION
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3.6 OF 40

PARK PLACE II
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400, 500, 502, 3700
CITY OF OREGON CITY, OREGON

TREE REMOVAL TABLE 02

FILE P:\0082-012 Park Place II\wg\plan\0082-012_03.prfree-tables02 Layout: 3.6 TREE REMOVAL TABLE 02 Plot Date: 9/2/2026 4:26 PM, by: David Burnett

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TREENUMBER	TYPE	DBH(IN.)	REMOVE	MITIGATION TREES REQUIRED
21843	D	11	Y	1
21844	D	10	Y	1
21845	D	6	Y	1
21846	D	8	Y	1
21847	D	7	Y	1
21848	D	10	Y	1
21849	D	9	Y	1
21850	D	10	Y	1
21851	D	9	Y	1
21852	D	11	Y	1
21853	D	9	Y	1
21854	D	8	Y	1
21855	C	15	Y	2
21856	D	11	Y	1
21857	D	7	Y	1
21858	D	6	Y	1
21859	D	8	Y	1
21860	D	8	Y	1
21861	D	8	Y	1
21862	D	12,20,21	Y	7
21872	D	9	Y	1
21881	D	14	Y	2
21882	D	6	Y	1
21900	C	15	Y	2
21924	D	24	Y	3
21958	D	6	Y	1
21959	D	6	Y	1
21961	D	6,16	Y	3
21962	C	16	Y	2
21963	D	6	Y	1
21964	D	6	Y	1
21965	D	22	Y	3
21966	C	14	Y	2
21967	C	16	Y	2
21968	C	6	Y	1
21971	D	11	Y	1
21997	C	14	Y	2
21998	D	22	Y	3
21999	D	17	Y	2
22000	C	10	Y	1
22001	D	14,18	Y	4
22002	D	11	Y	1
22003	D	7	Y	1
22004	D	16	Y	2
22012	D	19	Y	3
22013	C	10	Y	1
22016	D	6	Y	1
22020	D	9	Y	1
22021	D	8	Y	1
22023	D	7	Y	1
22025	D	6	Y	1
22026	D	7	Y	1
22027	D	6	Y	1
22028	C	28	Y	4
22029	C	12	Y	1
22030	C	7	Y	1
22032	C	11	Y	1
22041	D	6	Y	1
22050	D	20	Y	3
22051	D	6	Y	1
22052	D	7	Y	1
22053	D	6	Y	1
22054	D	13	Y	2
22055	D	8	Y	1
22056	D	14	Y	2
22057	D	17	Y	2
22058	D	19	Y	3
22059	D	35	Y	5
22060	D	7	Y	1
22061	D	6	Y	1
22090	D	12	Y	1
22091	D	13	Y	2
22092	C	20	Y	3
22096	C	26	Y	4
22097	C	28	Y	4

TREENUMBER	TYPE	DBH(IN.)	REMOVE	MITIGATION TREES REQUIRED
22098	C	17	Y	2
22099	C	15	Y	2
22100	D	13	Y	2
22102	D	15	Y	2
22103	D	6	Y	1
22104	D	14	Y	2
22105	D	8	Y	1
22106	D	7	Y	1
22109	D	14	Y	2
22110	D	13	Y	2
22111	D	16	Y	2
22112	D	16	Y	2
22135	D	16	Y	2
22136	D	6	Y	1
22137	C	11	Y	1
22138	C	24	Y	3
22140	D	12	Y	1
22143	D	13	Y	2
22144	D	12	Y	1
22145	D	7	Y	1
22146	D	11	Y	1
22147	D	13	Y	2
22159	D	17	Y	2
22160	D	19	Y	3
22161	D	7	Y	1
22162	D	7	Y	1
22163	D	9	Y	1
22164	D	8	Y	1
22165	D	7	Y	1
22166	D	7	Y	1
22167	D	7	Y	1
22168	D	17	Y	2
22169	D	6,6,7,24	Y	6
22170	D	49	Y	5
22171	D	16	Y	2
22172	D	14	Y	2
22173	D	18	Y	2
22174	D	20	Y	3
22257	C	15	Y	2
22258	D	6	Y	1
22261	D	6	Y	1
22265	D	15	Y	2
22266	D	6,14	Y	3
22267	D	16	Y	2
22268	D	12	Y	1
22269	D	11	Y	1
22270	D	19	Y	3
22271	D	13	Y	2
22272	D	10	Y	1
22273	D	14,18	Y	4
22401	C	14	Y	2
22402	D	6	Y	1
22426	D	12	Y	1
22433	C	7	Y	1
22435	D	12	Y	1
22436	D	16	Y	2
22437	D	15	Y	2
22438	D	6	Y	1
22439	D	10	Y	1
22440	C	14	Y	2
22441	D	7	Y	1
22442	D	12	Y	1
22443	D	14,17	Y	4
22508	D	12	Y	1
22509	D	9	Y	1
22510	D	7	Y	1
22512	D	26	Y	4
22513	D	26	Y	4
22514	D	26	Y	4
22518	D	6	Y	1
22525	D	12	Y	1
22744	D	11	Y	1
22527	D	8	Y	1
22528	D	8	Y	1
22529	D	8	Y	1

TREENUMBER	TYPE	DBH(IN.)	REMOVE	MITIGATION TREES REQUIRED
22530	D	10	Y	1
22531	D	10	Y	1
22532	D	9	Y	1
22533	D	1	Y	N/A
22534	D	10	Y	1
22535	D	8	Y	1
22536	D	12	Y	1
22537	D	10	Y	1
22538	D	8	Y	1
22539	D	9	Y	1
22540	D	6	Y	1
22541	D	11	Y	1
22542	D	11	Y	1
22543	D	8	Y	1
22544	D	12	Y	1
22545	D	7	Y	1
22560	D	19	Y	3
22561	D	11	Y	1
22567	D	12	Y	1
22568	D	6	Y	1
22572	D	6	Y	1
22573	D	7	Y	1
22574	D	16	Y	2
22575	D	6	Y	1
22584	D	17	Y	2
22585	D	12	Y	1
22588	D	7	Y	1
22589	D	8	Y	1
22590	D	11	Y	1
22591	D	7	Y	1
22592	D	7	Y	1
22593	D	11	Y	1
22594	D	7	Y	1
22595	D	10	Y	1
22596	D	9	Y	1
22597	D	11	Y	1
22598	D	13	Y	2
22599	D	11	Y	1
22600	D	11	Y	1
22601	D	10	Y	1
22602	D	11	Y	1
22603	D	10	Y	1
22604	D	6	Y	1
22605	D	6	Y	1
22606	D	6	Y	1
22607	D	9	Y	1
22608	D	10	Y	1
22609	D	12	Y	1
22610	D	17	Y	2
22611	D	11	Y	1
22623	D	8,11,12,16,18	Y	7
22627	D	9	Y	1
22631	D	8	Y	1
22632	D	14	Y	2
22633	D	6	Y	1
22635	D	12	Y	1
22636	C	18	Y	2
22637	D	14	Y	2
22638	D	12	Y	1
22640	D	19	Y	3
22669	C	13	Y	2
22675	D	6	Y	1
22684	D	12	Y	1
22685	D	15	Y	2
22686	D	12	Y	1
22687	D	15	Y	2
22688	D	17	Y	2
22709	D	6	Y	1
22727	D	17	Y	2
22728	D	15,28	Y	6
22731	D	6	Y	1
22744	C	12	Y	1
22745	D	11	Y	1
22746	C	17	Y	2
22747	D	14	Y	2

TREENUMBER	TYPE	DBH(IN.)	REMOVE	MITIGATION TREES REQUIRED
22748	C	11	Y	1
22749	D	6	Y	1
22750	C	16	Y	2
22751	C	16	Y	2
22752	C	18	Y	2
22753	D	10	Y	1
22754	D	14	Y	2
22755	D	16	Y	2
22756	D	6	Y	1
22757	D	19	Y	3
22758	D	7	Y	1
22759	D	6	Y	1
22760	D	34	Y	5
22761	D	10	Y	1
22764	D	7	Y	1
22765	C	23	Y	3
22766	C	11	Y	1
22767	C	21	Y	3
22768	D	9	Y	1
22770	D	22	Y	3
22772	D	7	Y	1
22773	D	6	Y	1
22774	D	6	Y	1
22775	C	27	Y	4
22776	C	7	Y	1
22777	C	11	Y	1
22778	C	13	Y	2
22779	C	30	Y	4
22780	C	35	Y	5
22781	D	6	Y	1
22782	C	10	Y	1
22783	C	26	Y	4
22784	C	14	Y	2
22785	C	11	Y	1
22786	C	11	Y	1
22787	D	7	Y	1
22788	C	8	Y	1
22789	C	23	Y	3
22790	C	8	Y	1
22791	C	21	Y	3
22792	C	31	Y	5
22793	C	21	Y	3
22794	D	8	Y	1
22795	D	7	Y	1
22796	C	14	Y	2
22797	D	6	Y	1
22824	C	12	Y	1
22832	D	21	Y	3
22836	D	6	Y	1
22837	D	16	Y	2
22838	D	6	Y	1
22849	D	24	Y	3
22850	D	15	Y	2
22851	D	7,15	Y	3
22854	D	12	Y	1
22856	D	25	Y	4
22857	D	14	Y	2
22866	D	6	Y	1
22875	C	20	Y	3
22898	D	7	Y	1
22902	D	6	Y	1
22907	D	28	Y	4
22914	D	12	Y	1
22923	D	26	Y	4
22924	D	11	Y	1
22925	D	7,9	Y	5
22931	D	6,7,7,15	Y	5
22939	D	17	Y	2
22940	D	6	Y	1
22942	D	19	Y	3
22957	D	12	Y	1
22958	D	12	Y	1
22959	D	11	Y	1
22960	D	10	Y	1
22961	D	14	Y	2

TREE REMOVAL TABLE 03

PARK PLACE II

A SUBDIVISION OF

TAX LOT 2 2E 28D 100, 190, 302,

400, 500, 502, 3700

CITY OF OREGON CITY, OREGON

REVISIONS

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OF

TREENUMBER	TYPE	DBH(IN.)	REMOVE	MITIGATION TREES REQUIRED
22964	D	22	Y	3
22965	D	8	Y	1
22966	D	10	Y	1
22967	D	7	Y	1
22968	D	12	Y	1
22969	D	9	Y	1
22970	D	9	Y	1
22971	D	13	Y	2
22972	D	10	Y	1
22976	D	14	Y	2
22977	D	12, 13, 13	Y	6
22978	D	6, 6, 7	Y	3
22979	D	14	Y	2
22980	D	15	Y	2
22981	D	11	Y	1
22982	D	9	Y	1
22983	D	10	Y	1
22984	D	9, 14	Y	3
22985	D	16	Y	2
22986	D	13	Y	2
22987	D	14	Y	2
22996	D	11	Y	1
22997	D	10	Y	1
22998	D	11	Y	1
22999	D	12	Y	1
23000	D	32	Y	5
23001	D	6	Y	1
23005	D	6	Y	1
23006	D	8	Y	1
23011	D	6, 9	Y	2
23017	D	8	Y	1
23028	D	7	Y	1
23029	D	6	Y	1
23038	C	57	Y	5
23042	D	7	Y	1
23050	D	7	Y	1
23051	D	7	Y	1
23064	D	6, 7	Y	2
23069	D	6	Y	1
23074	D	36	Y	5
23077	D	17	Y	2
23078	D	9, 9	Y	2
23079	D	16	Y	2
23080	D	15	Y	2
23081	D	14	Y	2
23082	D	11	Y	1
23083	D	8	Y	1
23084	D	7	Y	1
23101	C	28	Y	4
23102	C	21	Y	3
23103	C	17	Y	2
23104	C	16	Y	2
23105	D	18	Y	2
23106	D	10	Y	1
23107	D	8	Y	1
23108	D	10	Y	1
23109	D	10	Y	1
23110	C	20	Y	3
23111	C	10	Y	1
23112	D	16	Y	2
23113	D	18	Y	2
23114	D	10	Y	1
23115	C	8	Y	1
23116	C	15	Y	2
23117	D	7	Y	1
23118	D	21	Y	3
23119	C	3	Y	N/A
23121	D	23	Y	3
23122	D	13	Y	2
23125	D	7, 11, 12	Y	3
23126	D	7	Y	1
23127	D	11	Y	1
23128	D	9	Y	1
23129	D	16	Y	2
23130	D	8, 10	Y	2

TREENUMBER	TYPE	DBH(IN.)	REMOVE	MITIGATION TREES REQUIRED
23131	D	6	Y	1
23132	D	11	Y	1
23133	D	23	Y	3
23134	D	23	Y	3
23140	D	14	Y	2
23141	D	9	Y	1
23142	D	6	Y	1
23143	D	8	Y	1
23144	D	7	Y	1
23145	D	6	Y	1
23147	D	17	Y	2
23148	D	23	Y	3
23149	D	9	Y	1
23150	D	7	Y	1
23151	D	11	Y	1
23178	D	16	Y	2
23179	D	46	Y	5
23181	D	10	Y	1
23182	D	7	Y	1
23183	D	8	Y	1
23184	D	8	Y	1
23185	D	16	Y	2
23186	D	16	Y	2
23187	D	6	Y	1
23193	D	6	Y	1
23194	D	7	Y	1
23195	C	19	Y	3
23196	D	20	Y	3
23197	D	20	Y	3
23198	D	14	Y	2
23199	C	10	Y	1
23200	C	12	Y	1
23202	D	12, 14	Y	3
23203	C	15	Y	2
23204	D	19	Y	3
23205	D	18	Y	2
23206	D	12	Y	1
23209	D	11	Y	1
23210	D	19, 21	Y	6
23211	C	10	Y	1
23212	D	9	Y	1
23213	D	13	Y	2
23214	D	12	Y	1
23215	D	16	Y	2
23216	D	12	Y	1
23222	D	10	Y	1
23223	D	19	Y	3
23224	D	35	Y	5
23225	D	6	Y	1
23226	D	6	Y	1
23227	D	10	Y	1
23228	D	12	Y	1
23229	D	11	Y	1
23230	D	6, 9	Y	2
23231	D	9	Y	1
23232	D	6	Y	1
23233	D	11	Y	1
23234	D	8	Y	1
23235	D	11, 15	Y	3
23236	D	14, 19	Y	5
23237	D	7	Y	1
23238	D	10	Y	1
23239	D	14, 15	Y	4
23240	D	15	Y	2
23286	D	16	Y	2
23287	D	15	Y	2
23288	D	12	Y	1
23289	D	8	Y	1
23309	D	18	Y	2
23310	D	6	Y	1
23311	D	8	Y	1
23312	D	12	Y	1
23313	D	11	Y	1
23314	D	13	Y	2
23315	D	18	Y	2

TREENUMBER	TYPE	DBH(IN.)	REMOVE	MITIGATION TREES REQUIRED
23316	D	10	Y	1
23317	D	12	Y	1
23318	D	11	Y	1
23319	D	14, 14	Y	4
23327	D	11, 12	Y	2
23328	D	9	Y	1
23334	D	12, 19	Y	4
23335	D	27	Y	4
23381	C	11	Y	1
23397	C	6	Y	1
23398	D	9	Y	1
23399	D	11	Y	1
23400	D	15	Y	2
23401	D	19	Y	3
23418	D	19	Y	3
23419	D	13	Y	2
23718	D	7	Y	1
23728	D	8, 9, 13	Y	4
26164	D	8, 10	Y	2
26431	C	26	Y	4
26451	D	8	Y	1
26457	C	34	Y	5
26461	C	32	Y	5
26462	C	7, 9, 16	Y	4
26463	D	25	Y	4
26464	D	10	Y	1
26466	D	10, 15	Y	3
26473	D	8	Y	1
26475	D	9	Y	1
26476	C	16	Y	2
26479	D	7	Y	1
26480	D	8, 12	Y	2
26482	C	6	Y	1
26483	C	10, 11	Y	2
26484	C	15	Y	2
26485	C	17	Y	2
26486	C	8	Y	1
26487	C	12	Y	1
26489	D	9	Y	1
26490	C	21	Y	3
26491	C	14	Y	2
26492	C	24	Y	3
26493	C	17	Y	2
26494	D	8	Y	1
26499	D	6, 7	Y	2
26502	C	12	Y	1
26504	D	6	Y	1
26505	D	8	Y	1
26506	C	14	Y	2
26508	C	15	Y	2
26509	C	10	Y	1
26510	C	6	Y	1
26511	C	9, 9, 10	Y	3
26513	C	9	Y	1
26514	C	15	Y	2
26515	C	7	Y	1
26516	C	7	Y	1
26517	C	8	Y	1
26518	C	12	Y	1
26519	C	12	Y	1
26520	D	12	Y	1
26521	D	6	Y	1
26522	D	8	Y	1
26523	D	8	Y	1
26524	C	12, 14	Y	3
26525	D	6	Y	1
26526	D	8	Y	1
26527	C	9	Y	1
26528	C	8	Y	1
26529	C	10	Y	1
26530	C	7	Y	1
26531	D	7	Y	1
26532	C	16	Y	2
26533	C	14	Y	2
26534	C	10	Y	1

TREENUMBER	TYPE	DBH(IN.)	REMOVE	MITIGATION TREES REQUIRED
26536	D	6	Y	1
26537	C	7, 9, 11	Y	3
26538	C	15	Y	2
32007	D	27	Y	4
32022	D	8	Y	1
32023	C	9	Y	1
32041	C	36	Y	5
32042	C	7	Y	1
32043	C	28	Y	4
32044	C	12	Y	1
32045	C	9	Y	1
32046	C	20	Y	3
32047	C	21	Y	3
32048	C	25	Y	4
32128	D	11	Y	1
32129	D	11	Y	1
32257	D	7, 7	Y	2
32258	D	16	Y	2
32259	D	10	Y	1
32271	D	8, 9	Y	2
32272	D	9, 10	Y	2
32277	D	6	Y	1
500006	N/A	N/A	Y	N/A
500007	N/A	N/A	Y	N/A
14286	D	32	Y	5
14287	D	9	Y	1
14341	D	7	Y	1
26407	D	42	Y	5
14056	D	16	Y	2
14057	D	16	Y	2
14058	D	6	Y	1
14059	D	7	Y	1
14060	D	8	Y	1
14061	D	6	Y	1
14062	D	6	Y	1
14063	D	7	Y	1
14064	D	16	Y	2
14073	D	8	Y	1
14074	D	10	Y	1
14075	D	11	Y	1
14076	D	9	Y	1
14077	D	8, 11	Y	2
14078	D	9	Y	1
14079	D	6, 6, 6, 8	Y	4
14080	D	8	Y	1
14081	D	7, 7, 9, 9, 11	Y	5
14082	D	6	Y	1
22645	D	6	Y	1
22350	D	14	Y	2
22414	D	14	Y	2
32260	D	9	Y	1
32261	D	8, 10	Y	2
32262	D	6, 7, 10	Y	3
32270	D	6, 8, 8, 9	Y	4

REVISIONS

NO.	DATE	DESCRIPTION
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3.8

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PARK PLACE II

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CITY OF OREGON CITY, OREGON

FILE-P:\0082-012 Park Place II\wg\plan\0082-012_03.btree_tables04 Layout: 3.8 TREE REMOVAL TABLE 04, Plot Date: 9/2/2026 4:31 PM, by: David Burnett

Page 136 of 198

TREENUMBER	TYPE	DBH (IN.)	REMOVE	MITIGATION TREES REQUIRED
23399	D	11	Y	1
23400	D	15	Y	2
23401	D	19	Y	3
23418	D	19	Y	3
23419	D	13	Y	2
23718	D	7	Y	1
23728	D	8,9,13	Y	4
26164	D	8,10	Y	2
26431	C	26	Y	4
26451	D	8	Y	1
26457	C	34	Y	5
26461	C	32	Y	5
26462	C	7,9,16	Y	4
26463	D	25	Y	4
26464	D	10	Y	1
26466	D	10,15	Y	3
26473	D	8	Y	1
26475	D	9	Y	1
26476	C	16	Y	2
26479	D	7	Y	1
26480	D	8,12	Y	2
26482	C	6	Y	1
26483	C	10,11	Y	2
26484	C	15	Y	2
26485	C	17	Y	2
26486	C	8	Y	1
26487	C	12	Y	1
26489	D	9	Y	1
26490	C	21	Y	3
26491	C	14	Y	2
26492	C	24	Y	3
26493	C	17	Y	2
26494	D	8	Y	1
26499	D	6,7	Y	2
26502	C	12	Y	1
26504	D	6	Y	1
26505	D	8	Y	1
26506	C	14	Y	2
26508	C	15	Y	2
26509	C	10	Y	1
26510	C	6	Y	1
26511	C	9,9,10	Y	3
26513	C	9	Y	1
26514	C	15	Y	2
26515	C	7	Y	1
26516	C	7	Y	1
26517	C	8	Y	1
26518	C	12	Y	1
26519	C	12	Y	1
26520	D	12	Y	1
26521	D	6	Y	1
26522	D	8	Y	1
26523	D	8	Y	1
26524	C	12,14	Y	3
26525	D	6	Y	1
26526	D	8	Y	1
26527	C	9	Y	1
26528	C	8	Y	1
26529	C	10	Y	1
26530	C	7	Y	1
26531	D	7	Y	1
26532	C	16	Y	2
26533	C	14	Y	2
26534	C	10	Y	1
26536	D	6	Y	1
26537	C	7,9,11	Y	3
26538	C	15	Y	2
32007	D	27	Y	4
32022	D	8	Y	1
32023	C	9	Y	1
32041	C	36	Y	5
32042	C	7	Y	1
32043	C	28	Y	4
32044	C	12	Y	1
32045	C	9	Y	1

TREENUMBER	TYPE	DBH (IN.)	REMOVE	MITIGATION TREES REQUIRED
32046	C	20	Y	3
32047	C	21	Y	3
32048	C	25	Y	4
32128	D	11	Y	1
32129	D	11	Y	1
32257	D	7,7	Y	2
32258	D	16	Y	2
32259	D	10	Y	1
32271	D	8,9	Y	2
32272	D	9,10	Y	2
32277	D	6	Y	1
500006	N/A	N/A	Y	N/A
500007	N/A	N/A	Y	N/A
14283	D	9,10,11	Y	3
14286	D	32	Y	5
14287	D	9	Y	1
14341	D	7	Y	1
26407	D	42	Y	5
14056	D	16	Y	2
14057	D	16	Y	2
14058	D	6	Y	1
14059	D	7	Y	1
14060	D	8	Y	1
14061	D	6	Y	1
14062	D	6	Y	1
14063	D	7	Y	1
14064	D	16	Y	2
14073	D	8	Y	1
14074	D	10	Y	1
14075	D	11	Y	1
14076	D	9	Y	1
14077	D	8,11	Y	2
14078	D	9	Y	1
14079	D	6,6,6,8	Y	4
14080	D	8	Y	1
14081	D	7,7,9,9,11	Y	5
14082	D	6	Y	1

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TREE REMOVAL TABLE 05

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SCALE: 1"=5'

* PORTIONS OF HOLLY LANE (DESIGN SPEED = 25 MPH)



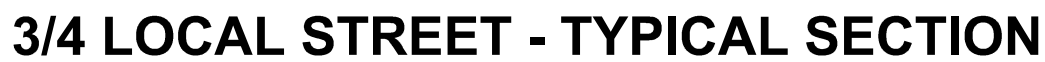
SCALE: 1"=5'

* PORTIONS OF HOLLY LANE (DESIGN SPEED = 25 MPH)



SCALE: 1"=5'

* AINSWORTH, ATKINSON, BOROW, CATTLE, GUSDORF, HANDRIS, JOURNEY, MOFFATT, PORTIONS OF PIONEER, SHARTNER, AND WAGON (DESIGN SPEED = 25 MPH)



SCALE: 1"=5'

* PORTIONS OF PIONEER (DESIGN SPEED = 25 MPH)



SCALE: 1"=5'

* TRACT F AND TRACT M (DESIGN SPEED = 25 MPH)



SCALE: 1"=5'

* SHOWN IN ACCESS EASEMENTS

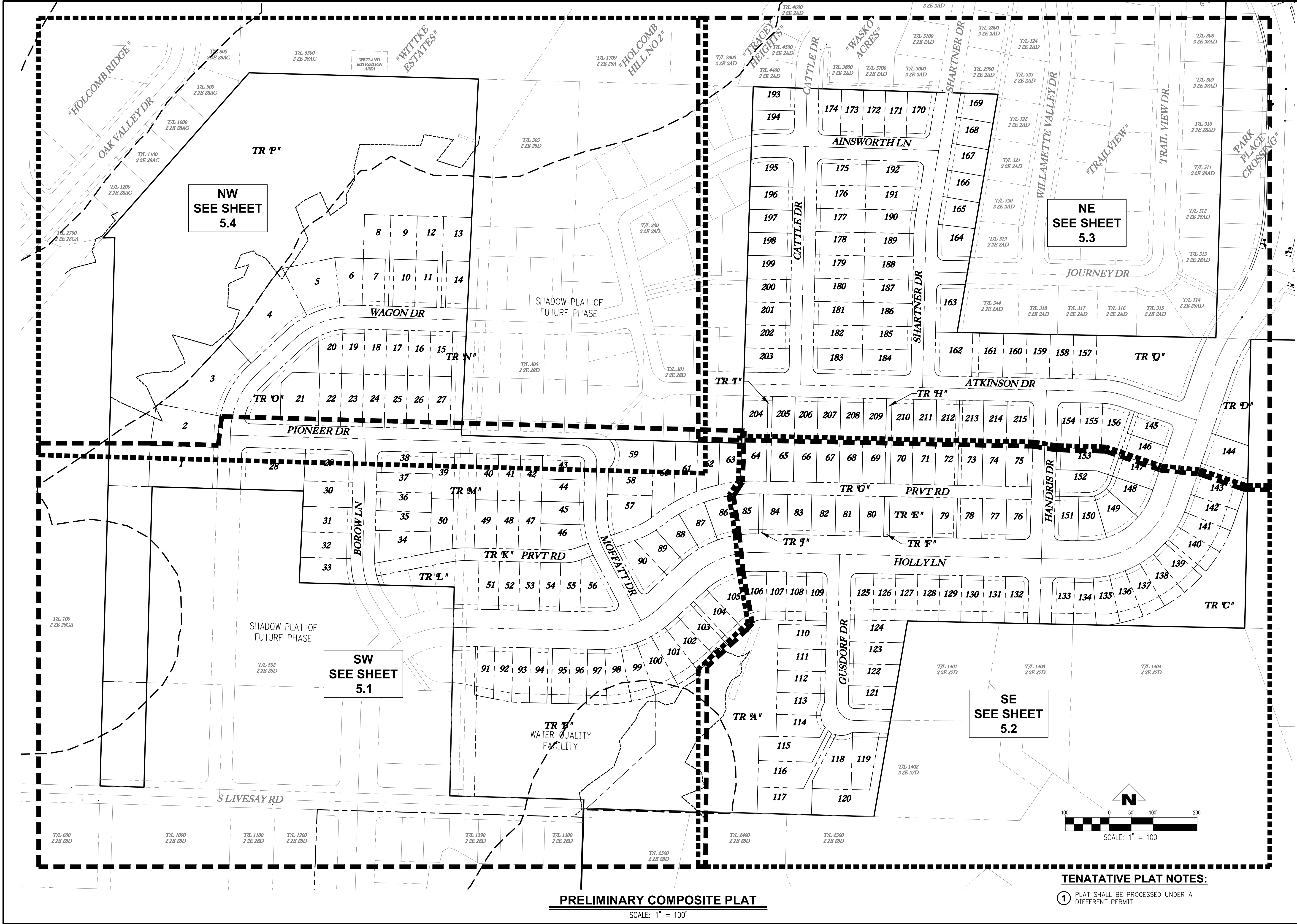
SHEET 11

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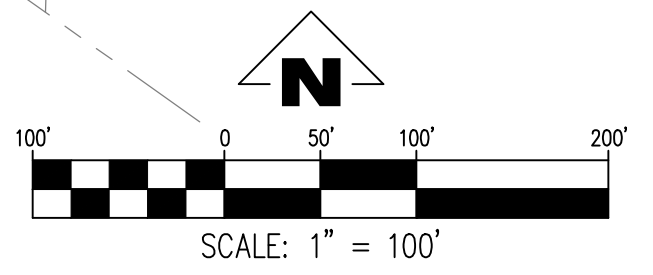
TYPICAL STREET SECTIONS

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PRELIMINARY COMPOSITE PLAT

SCALE: 1" = 100'



TENATIVE PLAT NOTES:

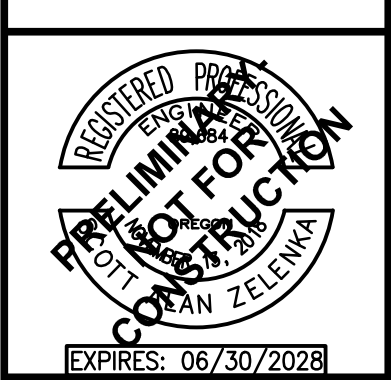
- 1 PLAT SHALL BE PROCESSED UNDER A DIFFERENT PERMIT

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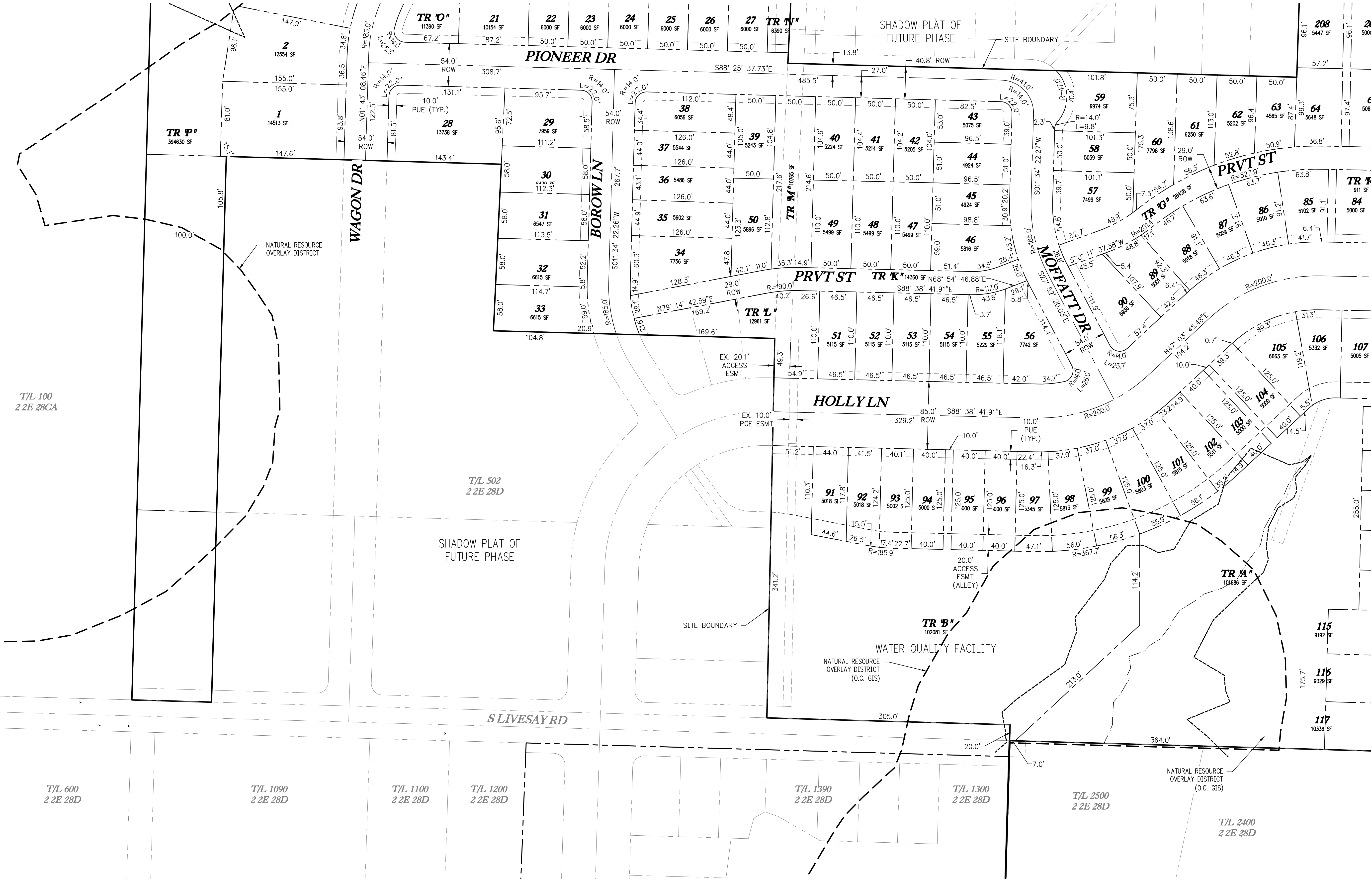
PRELIMINARY COMPOSITE
PLAT

REVISIONS	
NO.	DESCRIPTION

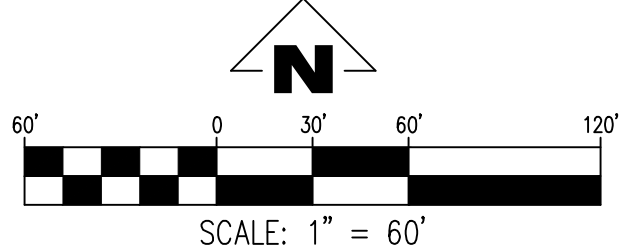
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SHEET
5.0
OF
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PRELIMINARY PLAT - SW
SCALE: 1" = 60'



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PRELIMINARY PLAT SW

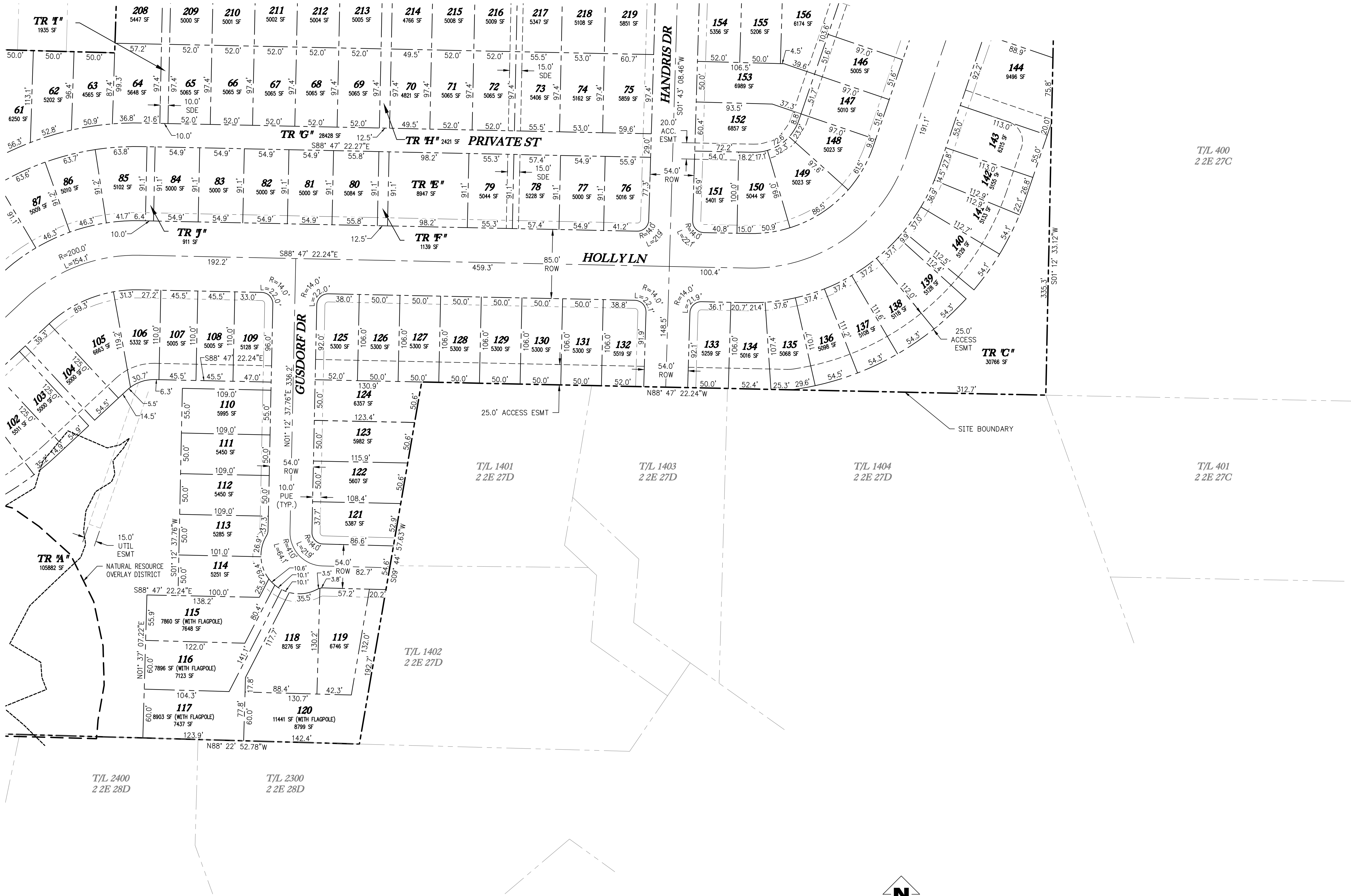
REVISIONS	
NO.	DESCRIPTION



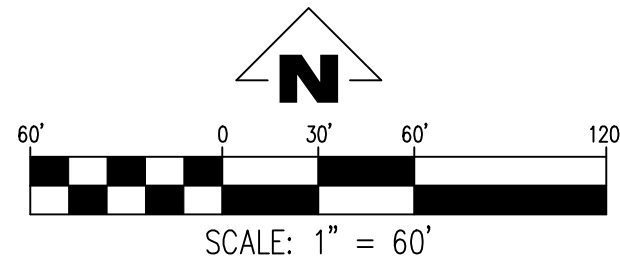
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PRELIMINARY PLAT - SE
SCALE: 1" = 60'



PRELIMINARY PLAT SE

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PRELIMINARY PLAT SE

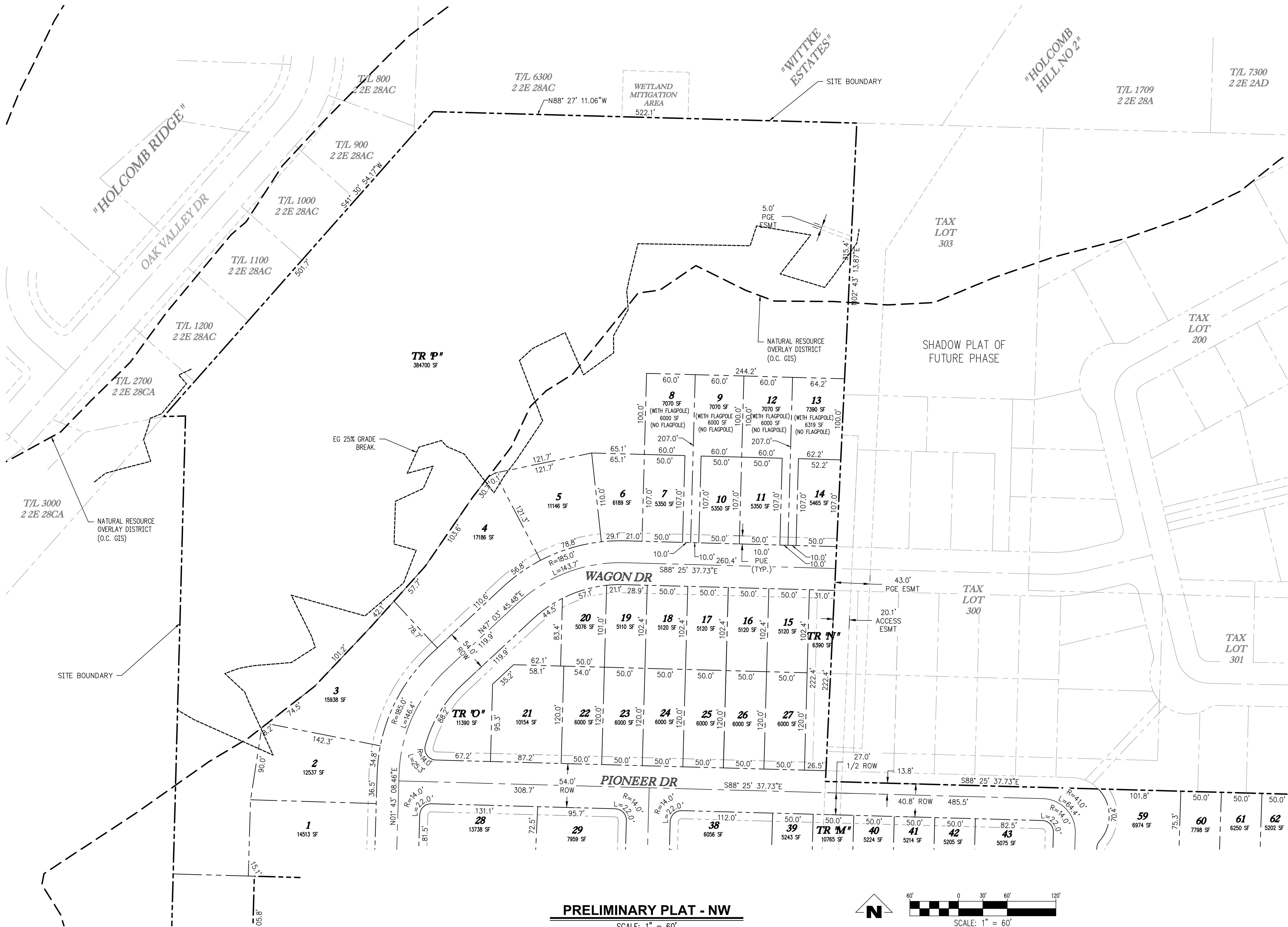
EXPIRES: 06/30/2028

5.2

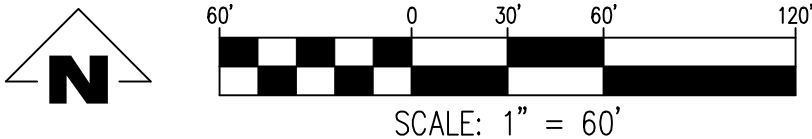
OF

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PRELIMINARY PLAT - NW
SCALE: 1" = 60'

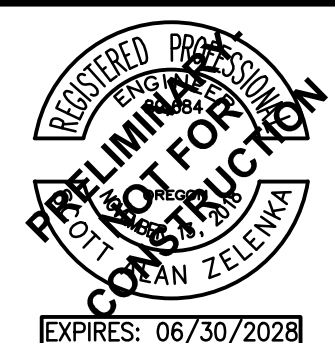


PARK PLACE II
A SUBDIVISION OF
TAX LOT 2 2E 28D 100, 190, 302,
400, 500, 502, 3700
CITY OF OREGON CITY, OREGON

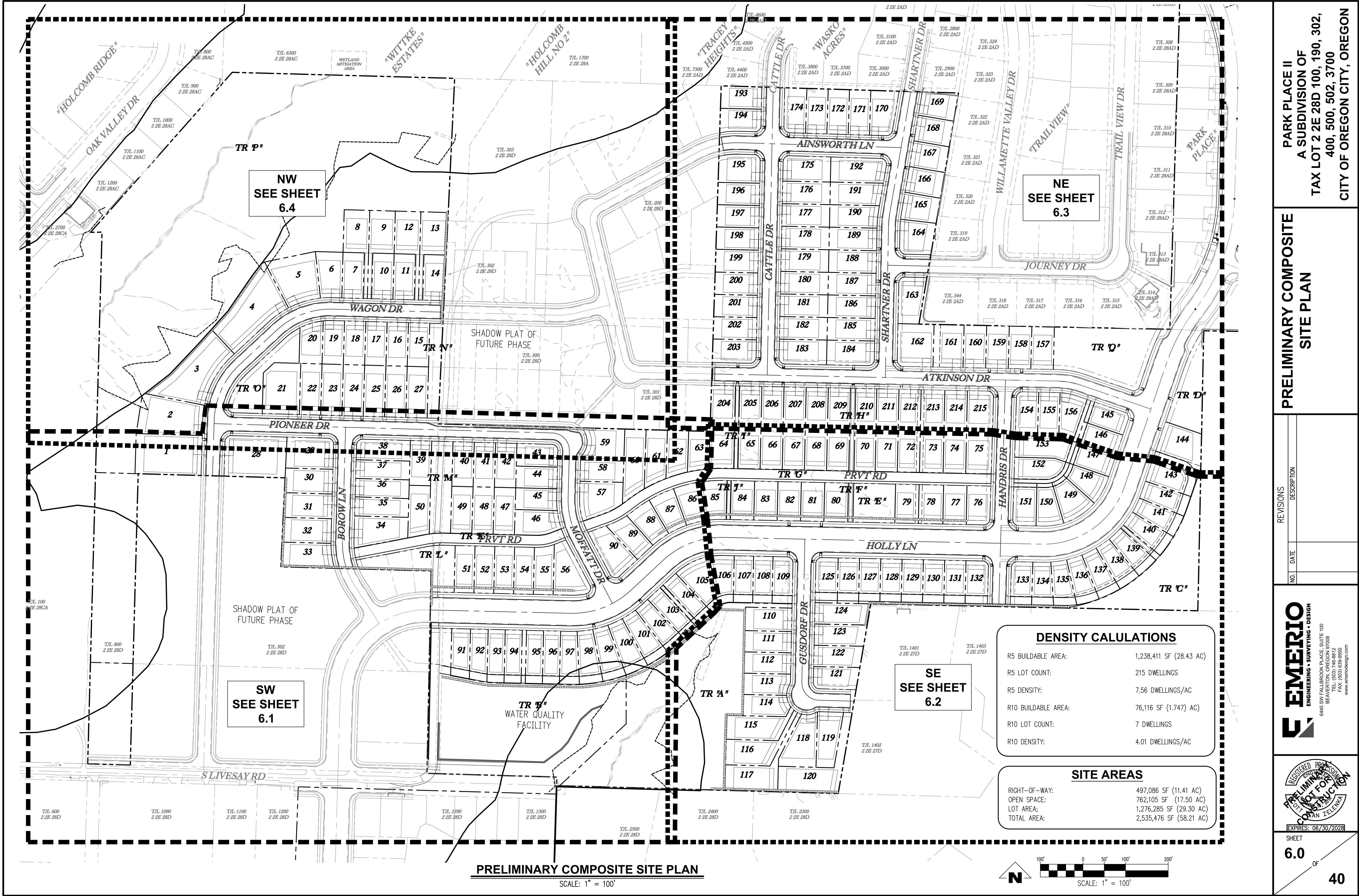
PRELIMINARY PLAT NW

REVISIONS	
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**PRELIMINARY COMPOSITE
SITE PLAN**

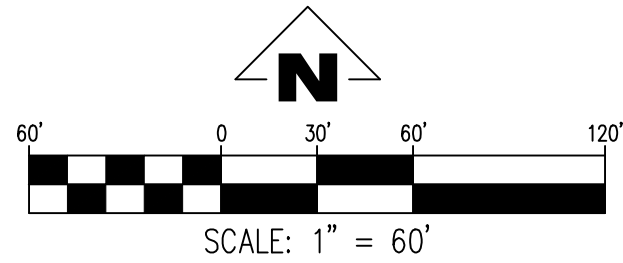
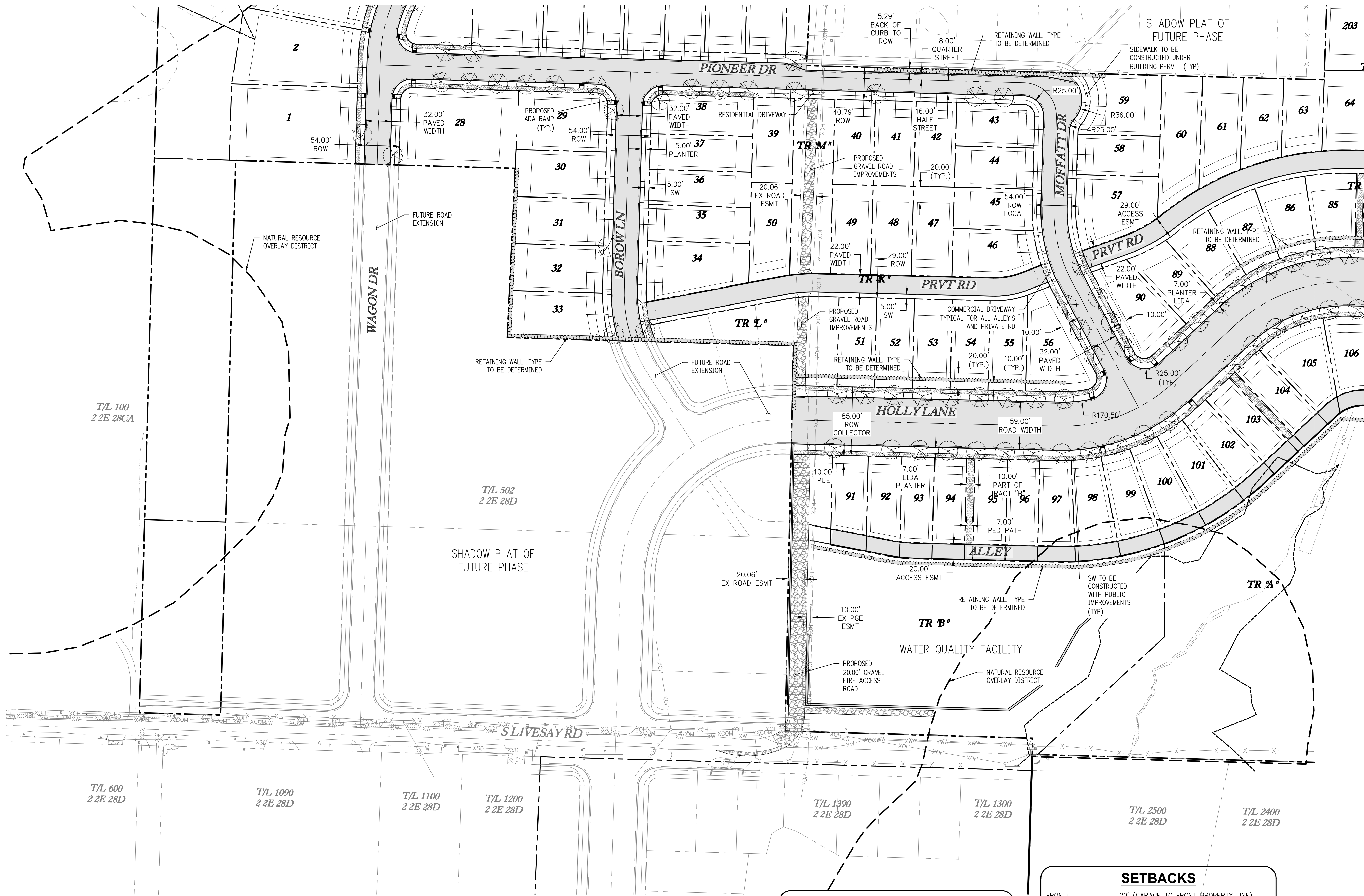
REVISIONS	
NO.	DESCRIPTION

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FAX: (503) 639-9592
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PRELIMINARY
FOR
CONSTRUCTION
PLAN 2/ELEVENA

EXPIRES: 06/30/2028

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OF
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PRELIMINARY SITE PLAN SW
SCALE: 1" = 60'

STREET TREE PLANTING NOTES

ONE STREET TREE IS REQUIRED FOR EVERY THIRTY-FIVE (35) FEET OF PROPERTY FRONTAGE.
IF THE PEDESTRIAN CORRIDOR DOES NOT HAVE ADEQUATE SPACE WITHIN THE PLANTER STRIP, OR IF THE SIDEWALK IS CURB TIGHT, TREES MAY BE PLANTED WITHIN TEN (10) FEET OF THE PUBLIC ROW.

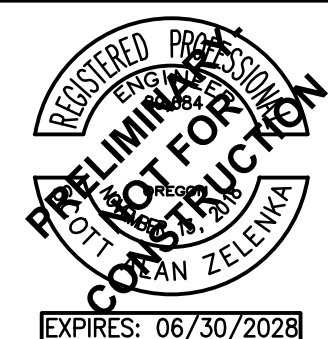
SETBACKS

FRONT: 20' (GARAGE TO FRONT PROPERTY LINE)
10' (BUILDING FACE TO FRONT PROPERTY LINE)
5' (FRONT PORCH TO FRONT PROPERTY LINE)
SIDE: 5' (INTERIOR)
7' (EXTERIOR - STREET SIDE/CORNER LOT)
REAR: 20' (BACK FACE TO BACK PROPERTY LINE)
15' (BACK PORCH TO BACK PROPERTY LINE)

PRELIMINARY SITE PLAN SW

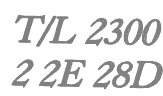
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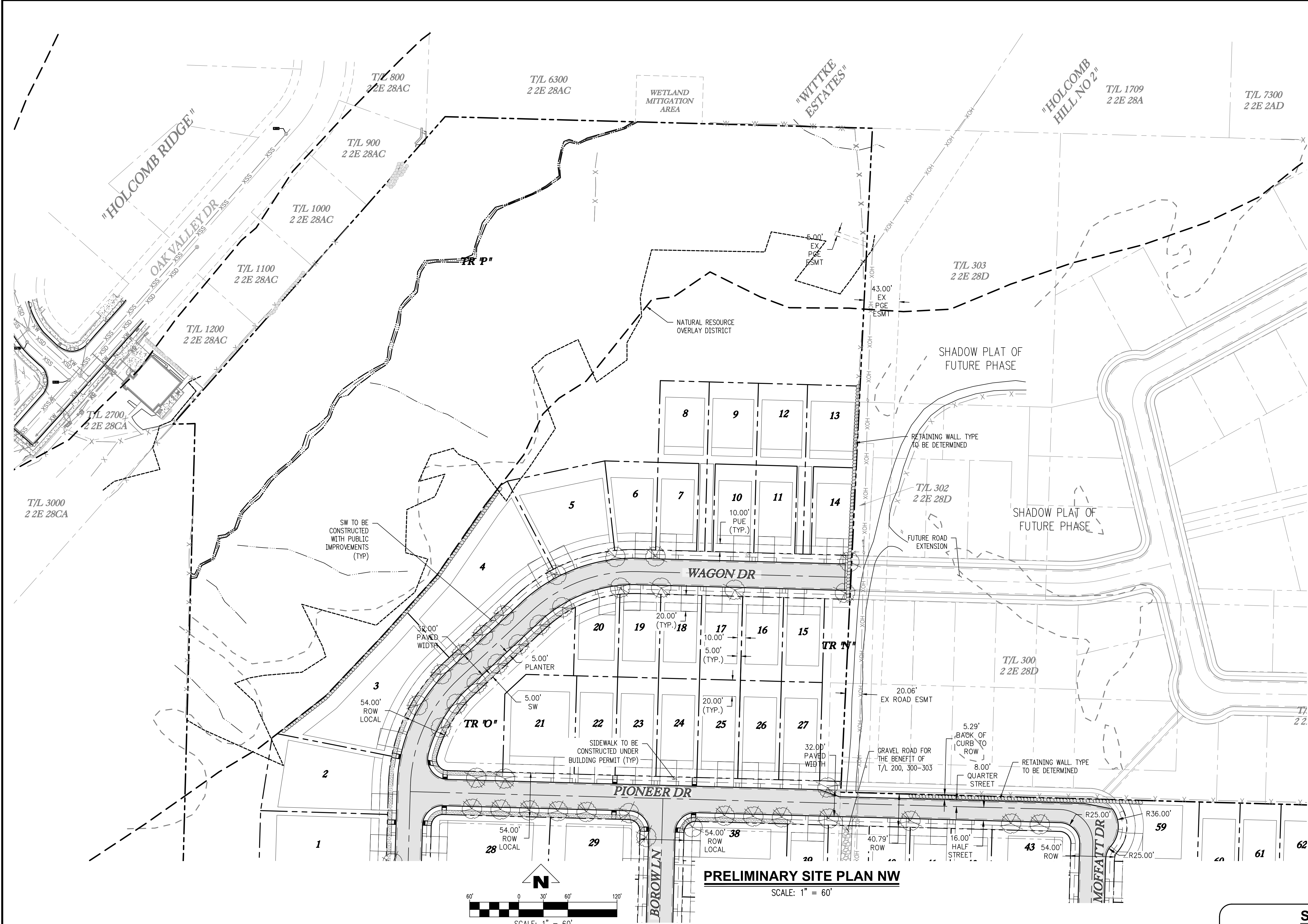
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SHEET
6.1
OF
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PARK PLACE II
A SUBDIVISION OF
TAX LOT 2 2E 28D 100, 190, 302,
400, 500, 502, 3700
CITY OF OREGON CITY, OREGON





PRELIMINARY SITE PLAN NW
SCALE: 1" = 60'

STREET TREE PLANTING NOTES

ONE STREET TREE IS REQUIRED FOR EVERY THIRTY-FIVE (35) FEET OF PROPERTY FRONTAGE.

IF THE PEDESTRIAN CORRIDOR DOES NOT HAVE ADEQUATE SPACE WITHIN THE PLANTER STRIP, OR IF THE SIDEWALK IS CURB TIGHT, TREES MAY BE PLANTED WITHIN TEN (10) FEET OF THE PUBLIC ROW.

SETBACKS	
FRONT:	20' (GARAGE TO FRONT PROPERTY LINE) 10' (BUILDING FACE TO FRONT PROPERTY LINE) 5' (FRONT PORCH TO FRONT PROPERTY LINE)
SIDE:	5' (INTERIOR) 7' (EXTERIOR - STREET SIDE/CORNER LOT)
REAR:	20' (BACK FACE TO BACK PROPERTY LINE) 15' (BACK PORCH TO BACK PROPERTY LINE)

PARK PLACE II
A SUBDIVISION OF
TAX LOT 2 2E 28D 100, 190, 302,
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CITY OF OREGON CITY, OREGON

PRELIMINARY SITE PLAN
NW

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NO.	DATE DESCRIPTION

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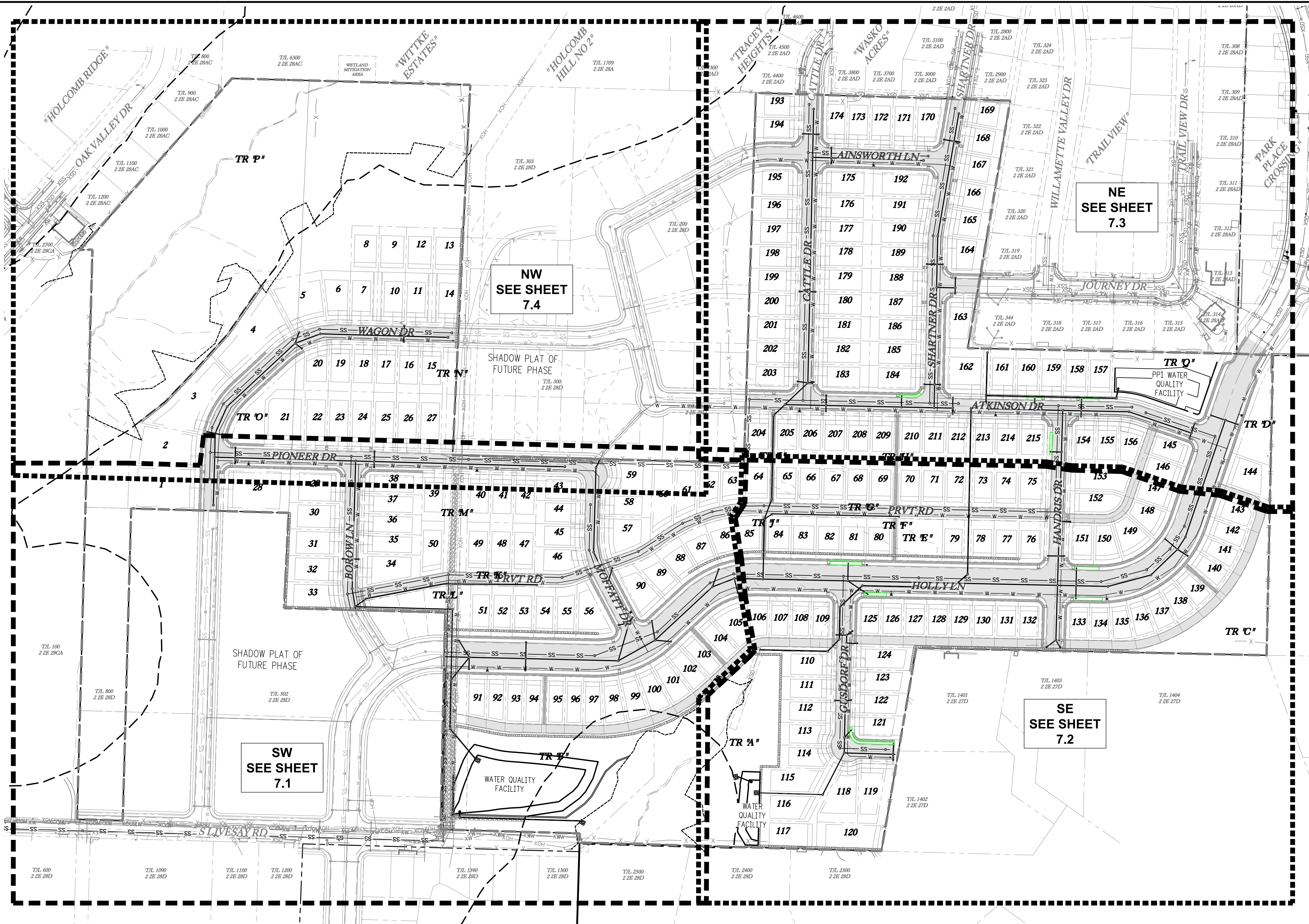
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FOR
CONSTRUCTION

EXPIRES: 06/30/2028

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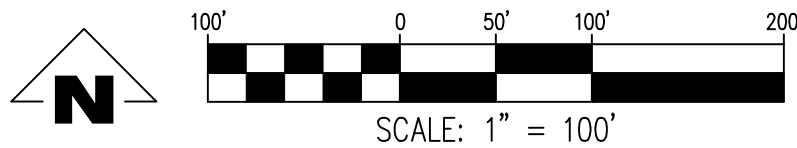
FILE P:\0082-012 Park Place II\wg\plan\0082-012_06.spcite NW Layout: 6.4 PRELIMINARY SITE PLAN NW, Plot Date: 9/3/2026 10:20 AM, by: David Burnett

Page 148 of 198



PRELIMINARY COMPOSITE UTILITY PLAN

SCALE: 1" = 100'



PARK PLACE II
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TAX LOT 2 2E 28D 100, 190, 302,
400, 500, 502, 3700
CITY OF OREGON CITY, OREGON

PRELIMINARY COMPOSITE
UTILITY PLAN

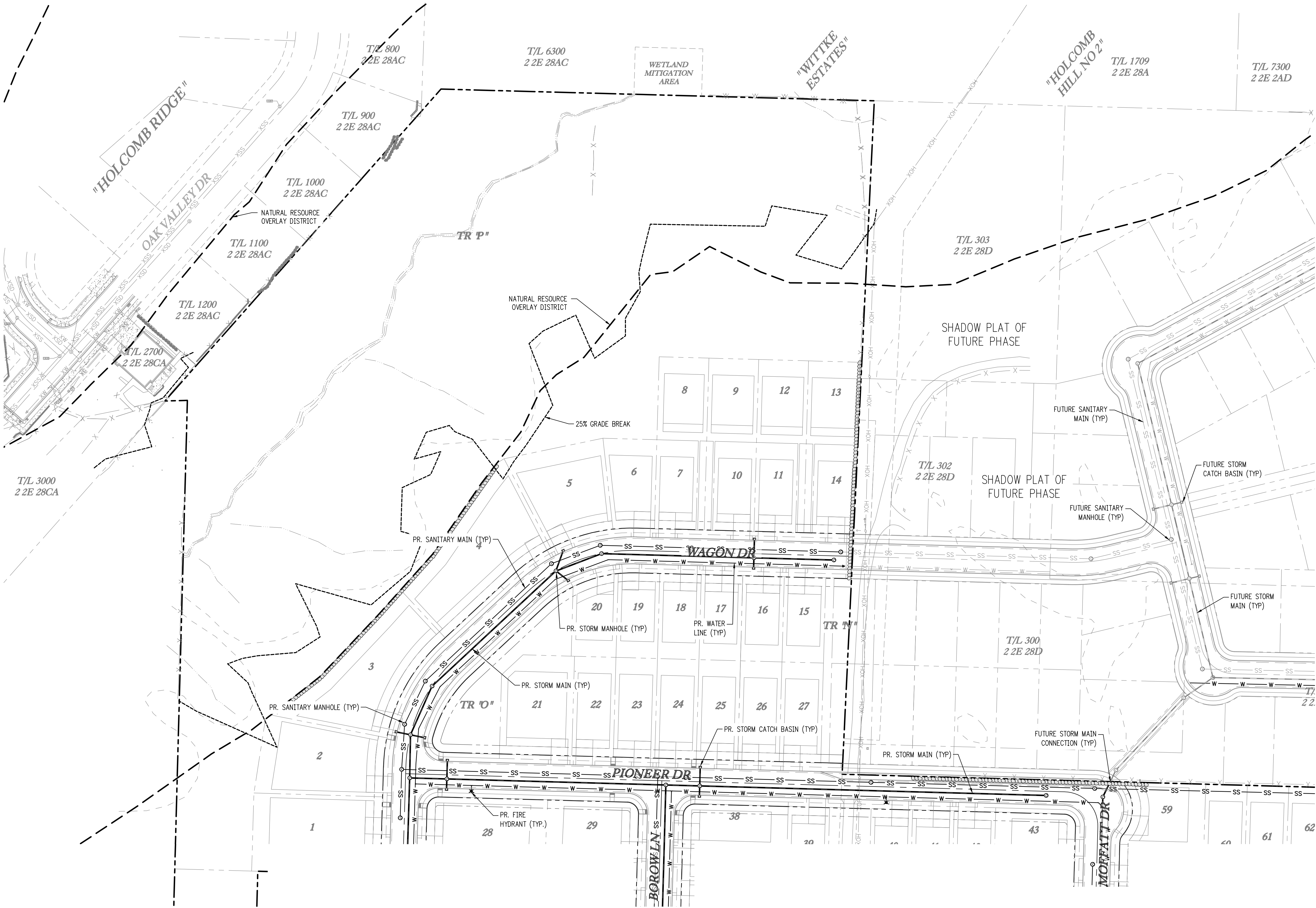
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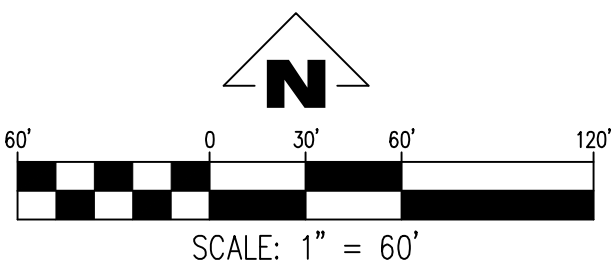


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PRELIMINARY UTILITY PLAN NW

SCALE: 1" = 60'



PARK PLACE II
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CITY OF OREGON CITY, OREGON

PRELIMINARY UTILITY
PLAN NW

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SHEET
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PRELIMINARY UTILITY PLAN OFFSITE

SCALE: 1" = 60'

PARK PLACE II
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400, 500, 502, 3700
CITY OF OREGON CITY, OREGON

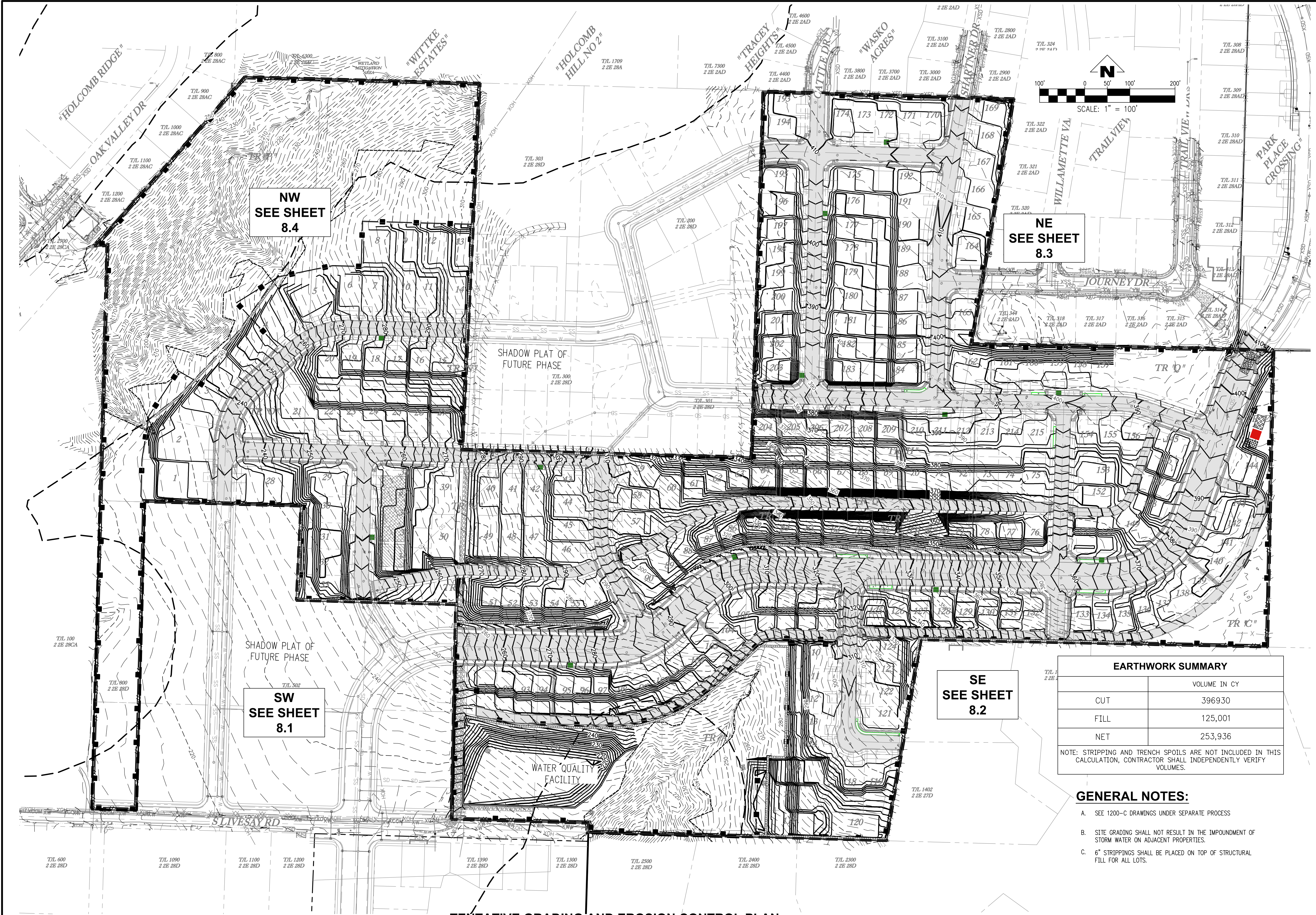
PRELIMINARY UTILITY
PLAN OFFSITE

REVISIONS	
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OF
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TENTATIVE GRADING AND EROSION CONTROL PLAN

SCALE: 1" = 100'

EARTHWORK SUMMARY

	VOLUME IN CY
CUT	396930
FILL	125,001
NET	253,936

NOTE: STRIPPING AND TRENCH SPOILS ARE NOT INCLUDED IN THIS CALCULATION, CONTRACTOR SHALL INDEPENDENTLY VERIFY VOLUMES.

GENERAL NOTES:

- A. SEE 1200-C DRAWINGS UNDER SEPARATE PROCESS
- B. SITE GRADING SHALL NOT RESULT IN THE IMPOUNDMENT OF STORM WATER ON ADJACENT PROPERTIES.
- C. 6" STRIPPINGS SHALL BE PLACED ON TOP OF STRUCTURAL FILL FOR ALL LOTS.

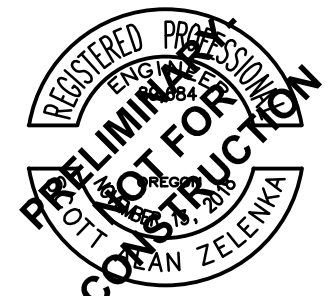
TENTATIVE GRADING AND EROSION CONTROL PLAN

PARK PLACE II
A SUBDIVISION OF
TAX LOT 2 E 28D 100, 190, 302,
400, 500, 502, 3700
CITY OF OREGON CITY, OREGON

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NO.	DATE	DESCRIPTION
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LEGEND

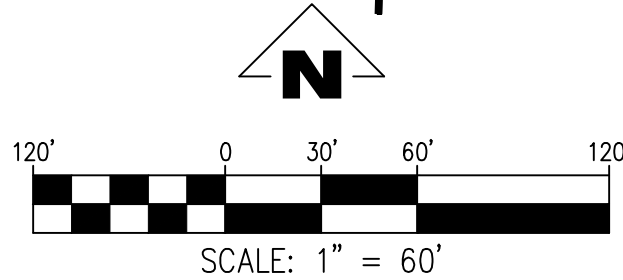
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- EXISTING CONTOUR
- PROPOSED CONTOUR
- PROPOSED SILT FENCE
- STRAW WATTLE
- LIMITS OF CONSTRUCTION (ORANGE CONSTRUCTION FENCING)
- DIRECTION OF STORMWATER FLOW
- STAGING AREA - FOR MATERIALS, FUEL (GAS AND OIL), AND EQUIPMENT
- SANITARY STATION
- STOCKPILE AREA (COVER WITH PLASTIC SHEETING, AS NECESSARY)
- GRAVEL CONSTRUCTION ENTRANCE
- BIOFILTER BAGS SURROUNDING SILTSACK-LINED CATCH BASIN
- BIO-FILTER BAG
- CONCRETE WASHOUT
- FIELD OFFICE
- CONNEX
- WASTE CONTAINER, WITH LID

GENERAL NOTES:

- SEE 1200-C DRAWINGS UNDER SEPARATE PROCESS
- SITE GRADING SHALL NOT RESULT IN THE IMPOUNDMENT OF STORM WATER ON ADJACENT PROPERTIES.
- 6" STRIPPINGS SHALL BE PLACED ON TOP OF STRUCTURAL FILL FOR ALL LOTS.

TENTATIVE GRADING AND EROSION CONTROL PLAN SW

SCALE: 1" = 60'



PROPOSED TENTATIVE GRADING SLOPES TABLE				
NUMBER	MINIMUM SLOPE	MAXIMUM SLOPE	AREA (SF)	COLOR
1	0.00%	15.00%	1413175.93	
2	15.00%	20.00%	91448.77	
3	20.00%	30.00%	142323.21	
4	30.00%	40.00%	71950.74	
5	40.00%	50.00%	105413.58	
6	50.00%	100.00%	161078.70	

PARK PLACE II
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CITY OF OREGON CITY, OREGON

TENTATIVE GRADING AND
EROSION CONTROL PLAN
SW

REVISIONS

NO.	DATE	DESCRIPTION
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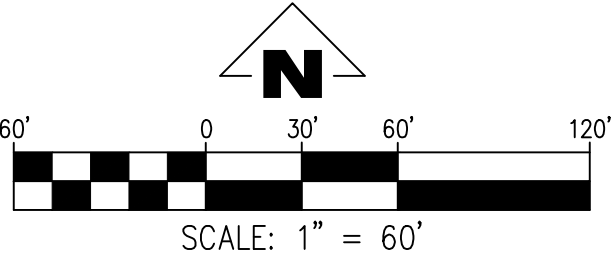
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SHEET
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TENTATIVE GRADING AND EROSION CONTROL PLAN SE
SCALE: 1" = 60'



PROPOSED TENTATIVE GRADING SLOPES TABLE				
NUMBER	MINIMUM SLOPE	MAXIMUM SLOPE	AREA (SF)	COLOR
1	0.00%	10.00%	993942.34	
2	10.00%	20.00%	818940.65	
3	20.00%	30.00%	98432.97	
4	30.00%	40.00%	31861.73	
5	40.00%	50.00%	17381.56	
6	50.00%	100.00%	23470.30	

- LEGEND**
- BOUNDARY OF SITE
 - EXISTING CONTOUR
 - PROPOSED CONTOUR
 - PROPOSED SILT FENCE
 - STRAW WATTLE
 - LIMITS OF CONSTRUCTION (ORANGE CONSTRUCTION FENCING)
 - DIRECTION OF STORMWATER FLOW
 - STAGING AREA - FOR MATERIALS, FUEL (GAS AND OIL), AND EQUIPMENT
 - SANITARY STATION
 - STOCKPILE AREA (COVER WITH PLASTIC SHEETING, AS NECESSARY)
 - GRAVEL CONSTRUCTION ENTRANCE
 - BIOFILTER BAGS SURROUNDING SILTSACK-LINED CATCH BASIN
 - BIO-FILTER BAG
 - CONCRETE WASHOUT
 - FIELD OFFICE
 - CONNEX
 - WASTE CONTAINER, WITH LID

- GENERAL NOTES:**
- SEE 1200-C DRAWINGS UNDER SEPARATE PROCESS
 - SITE GRADING SHALL NOT RESULT IN THE IMPOUNDMENT OF STORM WATER ON ADJACENT PROPERTIES.
 - 6" STRIPPINGS SHALL BE PLACED ON TOP OF STRUCTURAL FILL FOR ALL LOTS.

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CITY OF OREGON CITY, OREGON

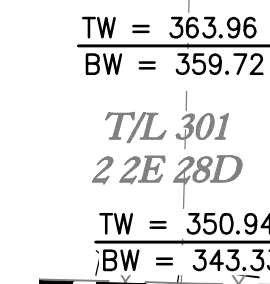
TENTATIVE GRADING AND
EROSION CONTROL PLAN
SE

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NO.	DESCRIPTION

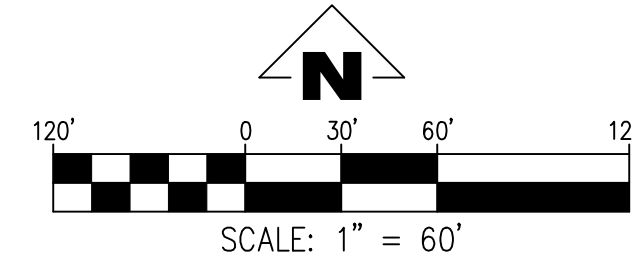
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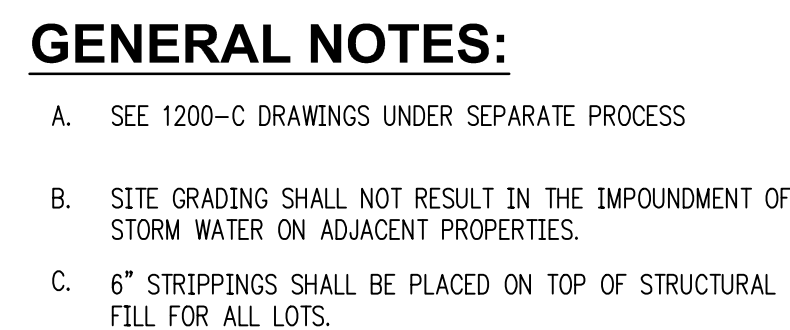
SCALE: 1" = 60'



NUMBER	MINIMUM SLOPE	MAXIMUM SLOPE	AREA (SF)	COLOR
1	0.00%	10.00%	1145657.85	
2	10.00%	20.00%	358966.85	
3	20.00%	30.00%	142323.21	
4	30.00%	40.00%	71950.74	
5	40.00%	50.00%	105413.58	
6	50.00%	100.00%	161078.70	

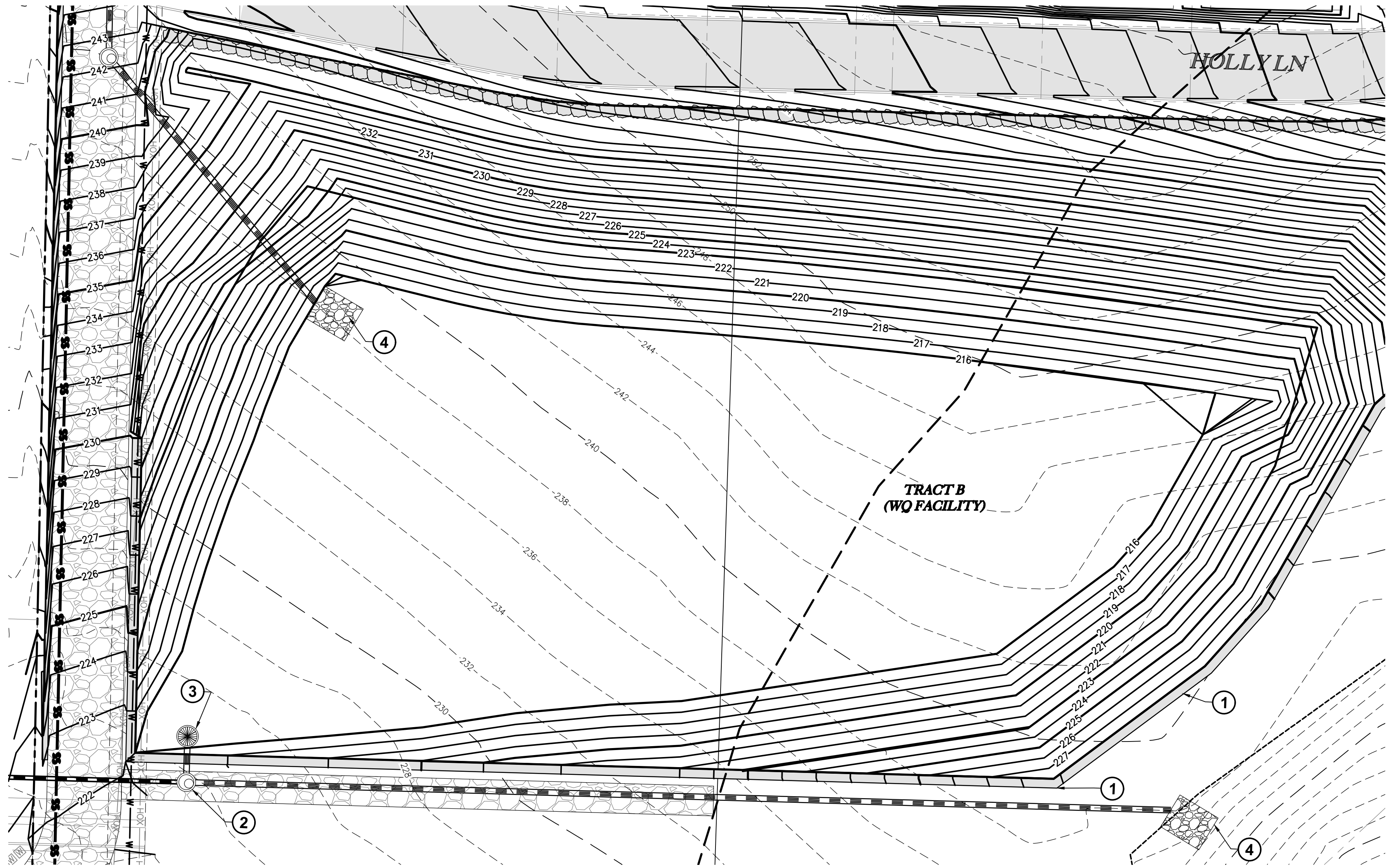
[illegible]

SHEET
8.3 OF **40**



PROPOSED TENTATIVE GRADING SLOPES TABLE				
NUMBER	MINIMUM SLOPE	MAXIMUM SLOPE	AREA (SF)	COLOR
1	0.00%	10.00%	993942.34	
2	10.00%	20.00%	818940.65	
3	20.00%	30.00%	98432.97	
4	30.00%	40.00%	31861.73	
5	40.00%	50.00%	17381.56	
6	50.00%	Vertical	40878.98	

SHEET
8.4 OF **40**



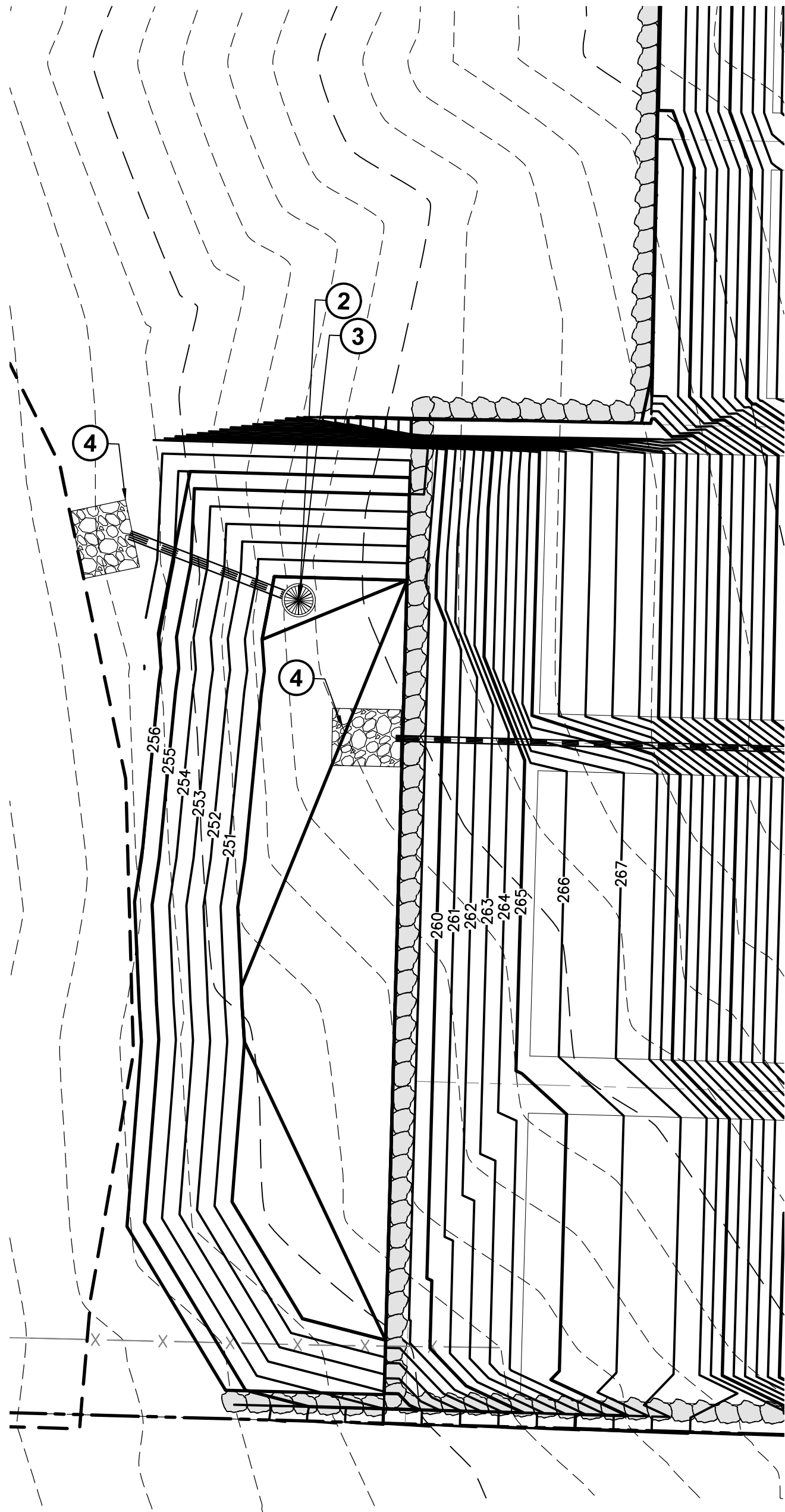
WATER QUALITY FACILITY - PLAN

SCALE: 1"=20'



CONSTRUCTION NOTES:

1. INSTALL 4' HIGH CHAIN LINK FENCE AROUND THE PERIMETER OF THE POND. A 12X18" SIGN "PLEASE DO NOT DISTURB THE VEGETATION OR WILDLIFE. SIGN TO BE ALUMINUM WITH GREEN REFLECTIVE SHEETING AND SILK SCREEN LETTERING.
2. INSTALL FLOW CONTROL MANHOLE PER OC DWG 601-1 SHT 9.1.
3. INSTALL 60" BEEHIVE OVERFLOW MANHOLE PER DETAIL SHT 9.1
4. OUTFALL PROTECTION PER OC DWG 632 SHT 9.1
5. INSTALL 6" PERFORATED PIPE
6. INSTALL IMPERMEABLE GEOTEXTILE FABRIC



PARK PLACE II
A SUBDIVISION OF
TAX LOT 2 2E 28D 100, 190, 302,
400, 500, 502, 3700
CITY OF OREGON CITY, OREGON

**WATER QUALITY FACILITY
PLAN**

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OF
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Schott & Associates

Ecologists & Wetland Specialists

P.O. Box 589 | Aurora, OR 97002 | (503) 678-6007

NATURAL RESOURCE OVERLAY DISTRICT REPORT for

Park Place II

T2S, R2E, Sec.28D, TL100, 190, 302, 400, 500, 3700, & 3701
Oregon City, Oregon

Prepared for

Harlan Borow
Icon Construction & Development, LLC
1969 Willamette Falls Drive, Suite 260
West Linn, OR 97068

Prepared by

Juniper Tagliabue
Schott & Associates, Inc.

Date:

December 2025
Revised January 2026
Revised April 2026
Revised September 2026

Project #: 3287

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Figure 2. Oregon City NROD Map

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- Appendix A: Development Plan with Mitigation
Appendix B: Arborist Report

Introduction

Schott & Associates (S&A) was contracted to conduct a natural resource assessment to support a Type III NROD Permit for the proposed residential development project. Portions of this property contain Natural Resource Overlay District (NROD) subject to Chapter 17.49 of the Oregon City Municipal Code (OCMC). This report is intended to describe existing conditions and impact evaluation within the NROD boundary for residential development, stormwater facility, and alley construction in the eastern portion of the site (T2S, R2E, Sec.28D, TL100, 190, 302, 400, 500, 3700, & 3701; Figure 1). No alterations to the mapped NROD are proposed. This report addresses Section 17.49.100 *General Development Standards*, Section 17.49.150 *Standards for Vehicular or Pedestrian Paths and Roads*, Section 17.49.155 *Standards for Stormwater Facilities*, and Section 17.49.160 *Standards for Land Divisions*.

Statement of Qualifications

All S&A staff are comprised of well-qualified and experienced individuals with expertise in ecology, wildlife biology, and soil science as well as wetland delineation and functions assessment, natural resource assessments, and local, state, and federal permitting.

Jodi Forgione: Principal, Project manager and Wetland biologist, completed fieldwork, onsite assessment, reporting, and project management for this project. Jodi holds a Bachelor's degree from Oregon State University in Fisheries and Wildlife and provides experience conducting bird and wildlife surveys for habitat and population data as well as wetland determinations, delineations, natural resource and wildlife habitat assessments, and mitigation monitoring.

Juniper Tagliabue: Project manager and Senior wetland biologist, drafted the report and mitigation plan. Juniper has a Bachelor's degree from Lewis & Clark College in Portland, Oregon and over 20 years of experience with S&A preparing wetland determinations, wetland delineations, joint permit applications, and natural resource assessments. She is a permitting specialist proficient in coordinating all phases of project management.

Site Description

The proposed project consists of a residential development including all associated residential streets, utilities, parking and landscape areas. Two drainages with associated NROD buffers are present onsite, along the northern site boundary (Drainage 1) and in the southeast portion of the site (Drainage 2).

No impacts are proposed to the NROD associated with Drainage 1 in the northern portion of the site. Impacts are proposed to the City mapped NROD associated with Drainage 2 in the southern portion of the site (Appendix A) and the site description is focused on this area. The mapped resource is associated with an intermittent drainage in the south-central portion of the site, extending southwest offsite (WD2021-0311). The NROD Map identifies a 200-foot Vegetated Corridor extending outward from the drainage (Figure 2).

The proposed NROD impact area was dominated by Douglas fir (*Pseudotsuga menziesii*) trees and dying European white birch (*Betula pendula*). The understory was heavily dominated by dense Himalayan blackberry (*Rubus armeniacus*). Vegetation in the herbaceous layer was sparse due to the thick blackberry cover, with limited native species observed beneath the canopy. Other trees species present were grand fir (*Abies grandis*) and big leaf maple (*Acer macrophyllum*). Topography within the impact area sloped gradually to steeply to the south and southwest.

The proposed mitigation area consisted of three different areas: West Mitigation Area, East Mitigation Area (Appendix A – Sheet 7.1), and Tract D (Appendix A – Sheet 7.2) which are further described below.

West Mitigation Area - located within the NROD above the 25% break in slope west of Drainage 2 and east of the proposed WQ facility.

East Mitigation Area – located within the NROD above the 25% break in slope east of Drainage 2 and extending beyond the NROD boundary to the east.

Vegetation within these two areas consisted of big leaf maple, bitter cherry (*Prunus emarginata*), grand fir, Douglas fir, and birch. The understory was similarly dominated by thick Himalayan blackberry, resulting in limited native shrub or herbaceous vegetation and high cover of bare ground beneath the canopy. Topography was moderate to steeply sloping down to the drainage. The mitigation area was bound by the 25% break in slope.

Overall, both the impact and mitigation areas contained moderate tree cover but exhibited heavily degraded understory condition due to the widespread dominance of blackberry. The dense blackberry thickets have suppressed the native understory vegetation, reduced plant diversity, and limited natural vegetation.

Tract D Mitigation Area - located in the southeast corner of tax lot 190 extending from proposed development to property boundary.

This area is not regulated by the NROD, however it surrounds Wetland D, a 0.10-acre (4,449sf) wetland mapped and concurred with in this location and mapped NROD area is present offsite to the south. The emergent wetland was dominated by bare ground and soft rush (*Juncus effusus*) and extends offsite to the southeast. Adjacent upland vegetation consisted of a disturbed mixed scrub-shrub community. Overstory was composed of native species but the understory was a mix, dominated by invasive Himalayan blackberry with a mix of sword fern, hazelnut, and snowberry.

Methods

A combination of onsite and offsite assessment methods was followed. The following existing data and information were reviewed:

- City of Oregon City Natural Resource Overlay District (NROD) Map

(Figure 2)

- National Wetland Inventory (NWI)
- Oregon City Local Wetland Inventory (LWI)
- Oregon Department of Forestry (ODF) stream mapping
- U.S. Department of Agriculture (USDA) NRCS gridded Soil Survey Geographic (gSSURGO) database for Clackamas County
- Metro Title 3 lands, stream, and wetland mapping available from the Regional Land Information System (RLIS)
- DEA Memo Park Place II NROD and additional correspondence
- Preliminary Plans (Emerio Engineering, Surveying & Design; Appendix A)
- Mary Giersch Consulting Arborist Report (Appendix B).

S&A visited the site on December 12, 2025, April 23, 2026, and June 30, 2026 to assess and document existing conditions within the proposed impact and mitigation areas.

Drainage 2 was well defined by topography; OHWM was mapped by AKS and concurred with by DSL. Vegetation data was assessed at representative sample plots to document conditions and determine corridor condition according to the Alternative Mitigation Standards.

As per 17.49.030 the applicant has chosen to accept the adopted NROD boundary in lieu of providing a verifiable delineation of the true location of the natural resource feature therefore 17.49.110 is not applicable. Vegetated Corridor widths and boundaries were based on Oregon City NROD mapping. NROD verification is not requested as part of this application.

Existing trees on the property were surveyed, and an arborist report was prepared documenting species, size, and condition of trees within the proposed impact area.

Only areas of proposed impact/mitigation were physically assessed for this study; areas within 200 feet were assessed remotely via aerial maps, available data, and onsite vantage points.

Results

According to the 1999 Oregon City LWI, a palustrine emergent, palustrine forested (PEM/PFO) wetland (L15) extends through the northern portion of the project site. The NWI map identifies a wetland corresponding with the drainage (Drainage 1) as palustrine forested seasonally flooded (PFO1C). No impacts are proposed in this portion of the property.

The area of impact is outside of the mapped LWI assessment area. The NWI map mapped an unknown perennial unconsolidated bottom, permanently flooded riverine (R5UBH) aquatic habitat in the areas of the southern drainage (Drainage 2). ODF mapped a small size stream, and the National Hydrography Dataset (NHD) mapped a perennial waterway in both locations. According to Metro mapping sources, Riparian Habitat Class I is

mapped in the project area. According to NRCS soil survey mapping, the slopes are mapped as Xerochrepts and Haploxerolls, very steep. Helvetia silt loam at slopes of 8-15% and Woodburn silt loam at slopes of 8-15% are mapped at the break in slope.

Protected Water Features

Drainage 1 is a perennial tributary to Tour Creek which occurred at the bottom of a steep ravine, flowing southwest across the northern portion of the project area (TL500). It was delineated by AKS and concurred with by DSL. Due to steep slopes, physical access to this feature was not possible or safe and S&A did not document the drainage. It is assumed to have a seasonal flow regime and may have seasonal fish presence (assumed based on ODF mapping). This drainage will not be impacted by the proposed project and is not discussed further.

Drainage 2 is an ephemeral to intermittent tributary to Abernathy Creek. The drainage outlets from a pipe discharging stormwater from offsite development to the north (Trailview, etc.) and was delineated by AKS and concurred with DSL. Due to steep slopes, physical access to the bottom of the ravine (drainage) was not possible or safe and S&A did not document the drainage. Based on available information, the drainage is assumed to have a seasonal flow regime in its lower section and may have seasonal fish presence (based on ODF mapping).

NROD Buffers

Buffer – Drainage 1

Ravine slopes adjacent to the stream were 40% or greater and the boundaries were based on City mapped NROD. The mapped buffer width of 200 feet is shown (Appendix A – Sheet 7). No impacts are proposed to this buffer and it is not discussed further.

Buffer - Drainage 2

The applicant has chosen to accept the 200' NROD boundary mapped by the City mapped NROD per 17.49.030 in lieu of requesting NROD verification for onsite resources. The mapped buffer width of 200 feet is shown (Appendix A).

As assessed onsite, the NROD consists of a sloped ravine containing high cover of combined trees, shrubs, and groundcover. Tree cover within the impact area was predominantly Douglas fir with numerous dead or dying European white birch and a dense blackberry understory. The blackberry heavily dominated the top of slopes, limiting native vegetation. Canopy cover was an average of 50% and understory cover ranged from 75-100%, consisting almost entirely of non-native invasive species. According to 17.49.190 if the combination of tree, shrubs, and groundcover are eighty percent present and twenty-five to fifty percent canopy coverage is present, the corridor is classified as Marginal. If vegetation and canopy coverage is less than marginal and/or greater than ten percent surface coverage of any non-native species is present, the corridor is classified as Degraded. Based on these definitions, the impact area was assessed as Degraded.

The proposed mitigation area consisted of the remaining portion of the NROD above the 25% slope on the west side and the NROD above the 25% slope and adjacent upland area on the east side. Canopy cover consisted of a mix of species including big leaf maple, grand fir, Douglas fir, and birch trees with a thick understory dominated by blackberry (65%) and bare ground. Other species observed included hazelnut (*Corylus cornuta*), holly (*Ilex aquafolium*) and swordfern (*Polystichum munitum*). Canopy cover was less than 50% overall within the mitigation area and while shrub and herbaceous cover were overall greater than 80%, dominant species were invasive and the onsite NROD proposed for mitigation is considered Degraded.

Tract D Mitigation area

The area of Tract D proposed for mitigation consisted of a mixed scrub-shrub community with less than 50% overall canopy cover. Combined tree, shrub, and herbaceous cover ranged from 50% to over 100%, dominated by invasive Himalayan blackberry mixed with sword fern (*Polystichum munitum*), hazelnut, and snowberry (*Symphoricarpos albus*). Existing condition of Tract D was determined to be Degraded as defined by 17.49.190.

Proposed Project

This application is provided to show proposed impacts within the Drainage 2 NROD and proposed mitigation areas (Appendix A) as shown in the table below.

Table 1.

NROD IMPACT AREAS	
Description/Location	Area (SF)
Water Quality Facility Impact	21,172
Temporary Facility Discharge Impact	1,264
Permanent Facility Discharge Impact	120
Alley Impact	5,762
Lot Impact	2,602
Total Impact	30,920

Proposed impacts are subject to the following sections of Oregon City Municipal Code.

- Stormwater facility is subject to *OCMC 17.49.100 and 155*
- Land division is subject to *OCMC 17.49.160*.
- The alley (right-of-way) is subject to *OCMC 17.49.150*

17.49.100 General Development Standards

*The following standards apply to all uses allowed under prescribed conditions within the NROD with the exception of **rights-of-way (subject to OCMC 17.49.150)**, trails (subject to OCMC 17.49.170), utility lines (subject to OCMC 17.49.140), **land divisions (subject to OCMC 17.49.160)**, and mitigation projects (subject to OCMC 17.49.180 or 17.49.190):*

Response: This section applies to the stormwater facility only.

- A. *Native trees shall be preserved unless they are located within ten feet of any proposed structures or within five feet of new driveways, or if deemed not wind-safe by a certified arborist. Trees listed on the Oregon City Nuisance Plant List or Prohibited Plant List are exempt from this standard and may be removed. A protective covenant shall be required for any native trees that remain;*

Response: A tree survey was completed by Mary Gierch Consulting Arborist on March 9, and April 23, 2026. All areas within the proposed impact area for the WQF were assessed. There were forty-five (45) trees identified. Twenty (20) of the trees were in fair or poor condition and are Oregon native species. Eighteen (18) of the trees had fallen or were dead/dying. Seven (7) of the trees were Oregon Nuisance Species. Trees listed to be removed are outlined in the arborist report (Appendix B).

- B. *The community development director may allow the landscaping requirements of the base zone, other than landscaping required for parking lots, to be met by preserving, restoring and permanently protecting habitat on development sites in the natural resource overlay district;*

Response: The majority of the subject property is zoned R-5, but a portion of the northwest quadrant is governed by the R-10 zoning district. These zoning districts do not contain specific landscaping standards; rather other municipal code chapters enforce landscaping standards for residential development. Currently being reviewed during this tentative subdivision application is Chapter 17.41 – Tree Protection, Preservation, Removal and Replanting Standards.

To comply with that chapter, the applicant proposes to meet the landscaping standards via preserving, restoring, and replanting in a manner consistent with proposed NROD mitigation measures. If the community development director determines that the preservation and restoration of NROD can also function as mitigation for tree removal elsewhere on-site, the applicant would request the landscaping requirements of Chapter 17.41 be lessened to reflect the NROD improvement efforts.

- C. *All vegetation planted in the NROD shall be native and listed on the Oregon City Native Plant List or other locally adopted plant list (e.g. Metro or Portland), or as recommended by an environmental professional with experience and academic credentials in one or more natural resource areas such as ecology, arboriculture, horticulture, wildlife biology, botany, hydrology or forestry);*

Response: All vegetation planted within the NROD shall be native and listed on an applicable native plant list. See mitigation plan and Table below.

- D. *Grading is subject to installation of erosion control measures required by the city;*

Response: A grading and erosion control plan was submitted and it is assumed that the City will review the erosion control plan for consistency with standards.

E. The minimum front, street, or garage setbacks of the base zone may be reduced to any distance between the base zone minimum and zero in order to minimize the disturbance area within the NROD portion of the lot;

Response: Response combined with F. below.

F. Any maximum required setback in any zone, such as for multi-family, commercial or institutional development, may be increased to any distance between the maximum and the distance necessary to minimize the disturbance area within the NROD portion of the lot;

Response: There is no benefit to deviating from the setbacks for Lots 96 through 100. These lots have frontage on Holly Lane, a collector street. Due to the classification of this street, vehicle access for these lots is limited and a rear alley is required to provide access. This alley accounts for the majority of NROD impact on these lots. Regardless of the exact placement of the future structures on these lots, the impacts will remain relatively the same because all lots must be rear loaded.

G. Fences in compliance with OCMC 17.49.080.N;

Response: No fencing is shown on the shown on the tentative plan set, other than construction fencing which is only temporary. If fencing is required, it will be associated with the water quality facility and alley and located within impact areas proposed for these features. If permanent fencing is required or proposed it will comply with the following standards:

1. No taller than three and a half feet and of split rail or similar open design;
2. Two feet width on both sides of fence shall be planted or seeded with native grasses, shrubs, herbs, or trees to cover any bare ground;
3. Six inches of clearance from ground level;
4. Fence posts shall be placed outside the top-of-bank of streams and outside of delineated wetlands.

H. Exterior lighting shall be placed or shielded so that they do not shine directly into resource areas;

Response: Once land use approval and engineering are approved, requirements will be followed for street lighting and home construction.

I. If development will occur within the one hundred-year floodplain, the standards of OCMC 17.42 shall be met; and

Response: Not applicable. The development is not within the one-hundred year floodplain.

J. Mitigation of impacts to the regulated buffer is required, subject to OCMC 17.49.180 or 17.49.190.

Response: Mitigation is proposed according to 17.49.190 as shown below.

17.49.110 Width of Vegetated Corridor

A. Calculation of Vegetated Corridor Width within City Limits. The NROD consists of a vegetated corridor measured from the top of bank or edge of a protected habitat or water feature. The minimum required width is the amount of buffer required on each side of a stream, or on all sides of a feature if non-linear. The width of the vegetated corridor necessary to adequately protect the habitat or water feature is specified in Table 17.49.110.

As per 17.49.030 Map as Reference, the applicant may choose to either accept the adopted NROD boundary or provide a verifiable delineation...Drainage 2 is an intermittent stream with slopes greater than 25%. Required width is 200' from the edge of bankful flow (OHWM). The applicant has chosen to accept the adopted NROD boundary of 200' as shown in Appendix A.

17.49.150 Standards for vehicular or pedestrian paths and roads.

The following standards apply to public rights-of-way and private roads within the NROD, including roads, bridges/stream crossings, driveways and pedestrian paths with impervious surfaces:

A. Stream crossings shall be limited to the minimum number and width necessary to ensure safe and convenient pedestrian, bicycle and vehicle connectivity, and shall cross the stream at an angle as close to perpendicular to the stream channel as practicable. Bridges shall be used instead of culverts wherever practicable.

B. Where the right-of-way or private road crosses a stream the crossing shall be by bridge or a bottomless culvert;

C. No fill or excavation shall occur within the ordinary high water mark of a stream without the approval of the Division of State Lands and/or the U.S. Army Corps of Engineers;

D. If the Oregon Department of State Lands (DSL) has jurisdiction over any work that requires excavation or fill in a wetland, required permits or authorization shall be obtained from DSL prior to release of a grading permit;

E. Any work that will take place within the banks of a stream shall be conducted between June 1 and August 31, or shall be approved by the Oregon Department of Fish and Wildlife; and

F. Mitigation is required, subject to OCMC 17.49.180 or 17.49.190.

Response: No stream crossings are proposed. No fill or excavation within ordinary high water mark of any stream is proposed as part of this application. All appropriate authorizations shall be obtained as applicable. Mitigation for 5,762sf of impact from the alley is proposed according to OCMC 17.49.190 and described below. These standards are met.

17.49.155 Standards for Stormwater Facilities

Approved facilities that infiltrate stormwater on-site in accordance with public works low-impact development standards, including but not limited to; vegetated swales, rain gardens, vegetated filter strips, and vegetated infiltration basins, and their associated piping, may be placed within the NROD boundary pursuant to the following standards:

A. The forest canopy within the driplines of existing trees shall not be disturbed.

Response: Existing trees within the WQF will be removed as described in 17.49.100A and no additional forest canopy within the driplines of existing trees shall be disturbed. The trees to be removed within the WQF disturbance area were assessed by Mary Giersch Consulting Arborist (see attached report, Appendix B). Key findings are summarized below:

- Forty-five (45) trees were identified
 - Twenty (20) trees were in fair or poor condition and were Oregon native species
 - Eighteen (18) of the trees had fallen or were dead/dying
 - Seven (7) poor or fair condition trees are Oregon nuisance species

Trees are proposed for removal therefore disturbance within the existing canopy is unavoidable. Tree removal will be mitigated as described in the Mitigation Plan.

B. Only vegetation from the Oregon City Native Plant List shall be planted within these facilities.

Response: All planted species shall be listed on the Oregon City Native Plant List. Planting plan for the WQF will be provided at the time of construction plan review.

C. Mitigation is required, subject to OCMC 17.49.180 or 17.49.190.

Response: Mitigation is detailed in the Plan below and shown in Appendix A. Alternative Mitigation Standards 17.49.190 will be followed.

D. *The stormwater facility may encroach up to one-half the distance of the NROD corridor.*

Response: The WQF will not encroach more than ½ of the NROD corridor (see Appendix A).

E. *The stormwater facility shall not impact more than one thousand square feet of the NROD. Impacts greater than one thousand square feet shall be processed as a Type III application.*

Response: The impacts will be greater than one thousand square feet (21,172sf) so the proposed development will be processed as a Type III application.

F. *The community development director may allow landscaping requirements of the base zone, other than landscaping required for parking lots, to be met by preserving, restoring and permanently protecting habitat on development sites within the natural resource overlay district.*

Response: The majority of the subject property is zoned R-5, but a portion of the northwest quadrant is governed by the R-10 zoning district. These zoning districts do not contain specific landscaping standards; rather other municipal code chapters enforce landscaping standards for residential development. Unless the situation has changed, the application did not propose to meet the landscaping standards via preserving, restoring and permanently protecting habitat on development sites in the natural resource overlay district. If this is now a desirable option, please let us know and we will work with the city and environmental consultant to determine the level of effort required to accomplish this goal.

G. *The design of the stormwater facility shall be subject to OCMC 13.12.*

Response: Stormwater facility design meets OCMC 13.12.

17.49.160 Standards for Land Divisions

Other than those land divisions exempted by OCMC 17.49.070.G., new residential lots created within the NROD shall conform to the following standards:

- B. *Protection and ownership of NROD areas in land divisions:*
1. *New partitions shall delineate the NROD area either as a separate tract or conservation easement that meets the requirements of subsection 2. of this section.*

Response: A total of 2,602sf of impact is proposed for development of lots 96-100. Remaining NROD area shall be placed in a separate tract.

2. *Prior to final plat approval, ownership and maintenance of the NROD area shall be identified to distinguish it from the buildable areas of the development site. The NROD area may be identified as any one of the following:*

- a. A tract of private open space held by the homeowners association;
- b. For residential land divisions, a tract of private open space held by a homeowner's association 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;
- c. Public open space where the tract has been dedicated to the city or other governmental unit;
- d. Conservation easement area pursuant to OCMC 17.49.180.G and approved in form by the community development director;
- e. Any other ownership proposed by the owner and approved by the community development director; or
- f. NROD tracts shall be exempt from minimum frontage requirements, dimensional standards of the zoning designation, street frontage requirements, or flag lot standards pursuant to OCMC 16.08.053.

Response: The NROD will be held in an open space tract by a homeowners association. This standard is met.

17.49.190 Alternative Mitigation Standards

In lieu of the above mitigation standards of OCMC 17.49.180, the following standards may be used. Compliance with these standards shall be demonstrated in a mitigation plan report prepared by an environmental professional with experience and academic credentials in one or more natural resource areas such as ecology, wildlife biology, botany, hydrology or forestry. At the applicant's expense, the city may require the report to be reviewed by an environmental consultant.

A. *The report shall document the existing condition of the vegetated corridor as one of the following categories:*

Good Existing Corridor:	Combination of trees, shrubs and groundcover are eighty percent present, and there is more than fifty percent tree canopy coverage in the vegetated corridor.
Marginal Existing Vegetated Corridor:	Combination of trees, shrubs and groundcover are eighty percent present, and twenty-five to fifty percent canopy coverage in the vegetated corridor.
Degraded Existing Vegetated Corridor:	Less vegetation and canopy coverage than marginal vegetated corridors, and/or greater than ten percent surface coverage of any non-native species.

Response: As assessed onsite and described in results section, the NROD was in 'degraded' condition.

B. *The proposed mitigation shall occur at a minimum two-to-one ratio of mitigation area to proposed disturbance area;*

Response: A total of 29,656sf of permanent impact for water quality facility, lots, and alley construction as well as 1,264sf of temporary impact for the stormwater outfall is proposed. Required mitigation area at the 2:1 ratio is 61,840sf. Mitigation will be provided at greater than the minimum ratio (Table 1 and 2). Mitigation will be located within the existing NROD above the 25% break in slope on both sides (West Mitigation Area) and adjacent to the existing NROD on the east side of the drainage (East Mitigation Area). The steeper slopes are generally in good condition and mitigation on the steep slopes within the NROD is not proposed. The remainder of the proposed mitigation will be located in Tract D.

Table 2. Mitigation Areas

NROD MITIGATION AREAS	
Description/Location	Area (SF)
West Mitigation Area	6,774
Temporary Impact Area	1,264
East Mitigation Area	43,036
Tract D North Wetland Area	4,443
Tract D South Wetland Area	20,447
Total Mitigation Area	75,964

C. The proposed mitigation shall result in a significant improvement to good existing condition as determined by a qualified environmental professional;

Response: Mitigation will consist of removing invasive Himalayan blackberry and other non-native species and replacing with native trees, shrubs, and groundcover species. Native species will be retained as much as possible. Canopy cover, native cover, and diversity will be increased. Proposed mitigation will significantly improve the ‘degraded’ mitigation areas, as described above, bringing them up to ‘good’ condition as defined by this standard.

D. There shall be no detrimental impact on resources and functional values in the area designated to be left undisturbed;

Response: No detrimental impact on resources and functional values in undisturbed areas will occur.

E. Where the proposed mitigation includes alteration or replacement of development in a stream channel, wetland, or other water body, there shall be no detrimental impact related to the migration, rearing, feeding or spawning of fish;

Response: No development is proposed within the stream channel and no detrimental impact will occur.

F. Mitigation shall occur on the site of the disturbance to the extent practicable. If the proposed mitigation cannot practically occur on the site of the disturbance, then the applicant shall possess a legal instrument, such as an easement, sufficient to carry out and ensure the success of the mitigation.

Response: Mitigation shall take place onsite. Mitigation areas are directly adjacent to proposed impacts and in Tract D. Proposed mitigation areas are shown in Appendix A.

Mitigation Plan

As outlined in the arborist report, a total of 20 native trees ranging from 6-18" are proposed to be removed within the impact area. Due to existing canopy cover on the site alternative mitigation standards shall be followed with a proposed planting of 55 native trees and 300 shrubs/groundcover. All existing native trees/shrubs shall be retained. Marginal, dead or dying trees within the mitigation area will be maintained as wildlife snags to the extent possible. Mitigation will take place above the 25% break in slope adjacent to the impact area within and adjacent to the NROD bringing the entire area to Good condition as described in the Alternative Mitigation Standards. Tract D Mitigation shall consist of the entire area adjacent to the wetland. Mitigation planting plans are provided in Table 3 and 4.

Table 3. East and West Mitigation Area Planting

Species	Category	Minimum Size	Spacing	Quantity
Mitigation Planting Areas (51,074 ft²)				
Red alder <i>Alnus rubra</i>	Tree	2 gal. or bare root	7-15' OC	7
Cascara <i>Rhamnus purshiana</i>	Tree	2 gal. or bare root	7-15' OC	5
Grand fir <i>Abies grandis</i>	Tree	2 gal or bare root	7-15' OC	2
Big leaf maple <i>Acer macrophyllum</i>	Tree	2 gal or bare root	15' OC	7
Bitter cherry <i>Prunus emarginata</i>	Tree	2 gal. or bare root	7-15' OC	5
Douglas-fir <i>Pseudotsuga menziesii</i>	Tree	2 gal. or bare root	7-15' OC	7
Flowering dogwood <i>Cornus nuttalli</i>	Tree	1 gal. or bare root	7-15' OC	5
Tree Total				38
Hazelnut <i>Corylus cornuta</i>	Shrub	1 gal. or bare root	10'OC	10
Vine maple <i>Acer circinatum</i>	Shrub	2 gal.	10'OC	10
Oregon grape <i>Mahonia nervosa</i>	Shrub	1 gal.	10'OC clusters	25
Tall Oregon grape	Shrub	1 gal.	5' OC	25

<i>Mahonia aquifolium</i>				
Nootka rose <i>Rosa nutkana</i>	Shrub	1 gal.	10' OC clusters	25
Snowberry <i>Symphoricarpos albus</i>	Shrub	1 gal.	5' OC clusters	25
Red flowering currant <i>Ribes sanguineum</i>	Shrub	1 gal.	5' OC clusters	20
Western swordfern <i>Polystichum munitum</i>	Groundcover	2 gal.	5' OC clusters	20
Deer fern <i>Blechnum spicant</i>	Groundcover	1 gal	5' OC clusters	20
False solomon's seal <i>Smilacina racemosa</i>	Groundcover	4"	Cluster	20
Total Shrub/Groundcover				200
Sunmark Upland Mix or equivalent*	Herb	seed	1lb/1,000 ft ²	51 lbs

*Includes blue wildrye (*Elymus glaucus*), red fescue (*Festuca rubra*), California brome (*Bromus carinatus*) and spike bentgrass (*Agrostis exarata*)

Table 4. Tract D Mitigation Area Planting

Species	Category	Minimum Size	Spacing	Quantity
Mitigation Planting Areas (24,840ft²)				
Red alder <i>Alnus rubra</i>	Tree	2 gal. or bare root	7-15' OC	2
Cascara <i>Rhamnus purshiana</i>	Tree	2 gal. or bare root	7-15' OC	2
Grand fir <i>Abies grandis</i>	Tree	2 gal or bare root	7-15' OC	2
Big leaf maple <i>Acer macrophyllum</i>	Tree	2 gal or bare root	15' OC	3
Bitter cherry <i>Prunus emarginata</i>	Tree	2 gal. or bare root	7-15' OC	2
Douglas-fir <i>Pseudotsuga menziesii</i>	Tree	2 gal. or bare root	7-15' OC	4
Flowering dogwood <i>Cornus nuttalli</i>	Tree	1 gal. or bare root	7-15' OC	2
Tree Total				17
Hazelnut <i>Corylus cornuta</i>	Shrub	1 gal. or bare root	10' OC	10
Vine maple <i>Acer circinatum</i>	Shrub	2 gal.	10' OC	10
Oregon grape <i>Mahonia nervosa</i>	Shrub	1 gal.	10' OC clusters	10
Tall Oregon grape <i>Mahonia aquifolium</i>	Shrub	1 gal.	5' OC	10

Nootka rose <i>Rosa nutkana</i>	Shrub	1 gal.	10'OC clusters	10
Snowberry <i>Symphoricarpos albus</i>	Shrub	1 gal.	5'OC clusters	10
Red flowering currant <i>Ribes sanguineum</i>	Shrub	1 gal.		10
Western swordfern <i>Polystichum munitum</i>	Groundcover	2 gal.	5'OC clusters	10
Deer fern <i>Blechnum spicant</i>	Groundcover	1 gal	5' OC clusters	10
False solomon's seal <i>Smilacina racemosa</i>	Groundcover	4"	Cluster	10
Total Shrub/Groundcover				100
Sunmark Upland Mix or equivalent*	Herb	seed	1lb/1,000 ft ²	24 lbs

*Includes blue wildrye (*Elymus glaucus*), red fescue (*Festuca rubra*), California brome (*Bromus carinatus*) and spike bentgrass (*Agrostis exarata*)

Any remaining bare ground shall be planted with a native upland mix such as Sunmark Upland Mix or equivalent further increasing the diversity of native species.

Plantings may vary in size dependent on whether they are live cuttings, bare root stock or container however, no initial plantings may be shorter than twelve inches in height.

Trees and shrubs will be planted with reference to existing vegetation as directed by a project biologist or landscaper at the time of planting.

All proposed species are included on the Oregon City Native Plant List. If species are unavailable appropriate replacement species may be used with approval from the City. Planting will occur in fall when the rainy season commences (late September-late October). The applicants will provide the following maintenance to ensure tree survival as required by the OCMC for mitigation plantings (Section 17.49.180):

- Manual or mechanical weed control and mulching of new plantings a minimum of three inches in depth and eighteen inches in diameter.
- Irrigation of one inch per week from June 30th to September 15th, as needed, for three years following planting.

As per 17.49.230E, mitigation monitoring and maintenance will be required for five years following mitigation to ensure successful establishment as described below.

- Mitigation shall occur concurrently with construction after all approvals are met and in accordance with planting requirements outlined in this Plan
- Post-planting inspection shall be conducted to confirm that plantings were installed according to this plan.

- Annual monitoring shall be conducted to assess mortality for five years following planting. 80% success is required for planted areas. If, after each monitoring period, 80% survival has not been met, dead plants will be replaced up to the 80% success required. Any invasive species shall be removed and plants that die shall be replaced in kind to meet the eighty percent survival requirement. Bare spots and areas of invasive vegetation larger than ten square feet that remain at the end the five-year monitoring period shall be replanted or reseeded with native grasses and/or ground cover species. Mitigation monitoring reports shall be provided to document these activities.
- Monitoring of the mitigation site is the on-going responsibility of the property owner, assign, or designee, who shall submit said annual report to the planning division. Reports shall be in a form approved by the community development director, documenting plant survival rates of shrubs and trees on the mitigation site. Photographs shall accompany the report that indicate the progress of the mitigation.
- Mitigation and monitoring access shall be via the adjacent alley.
- If required, the applicant shall record a restrictive covenant or conservation easement, in a form provided by the city, requiring the owners and assigns of properties subject to this section to comply with the applicable mitigation requirements of this section. Said covenant shall run with the land, and permit the city to complete mitigation work in the event of default by the responsible party. Costs borne by the city for such mitigation shall be borne by the owner.
- A financial guarantee for establishment of the mitigation area, in a form approved by the city, shall be submitted before development within the NROD disturbance area commences. The city will release the guarantee at the end of the five-year monitoring period, or before, upon its determination that the mitigation plan has been satisfactorily implemented pursuant to this section.

Summary and Conclusions

This application proposes a total of 29,656sf of permanent impact and 1,264sf of temporary impact to City mapped NROD for development of stormwater facility, residential lots, and a private alley. Applicable OCMC standards have been addressed. A total of 75,964sf of onsite mitigation, including restoration of temporary impacts, is proposed exceeding minimum mitigation requirements. Section 17.49.190 *Alternative Mitigation standards* were addressed.

FIGURE 1: TAX MAP

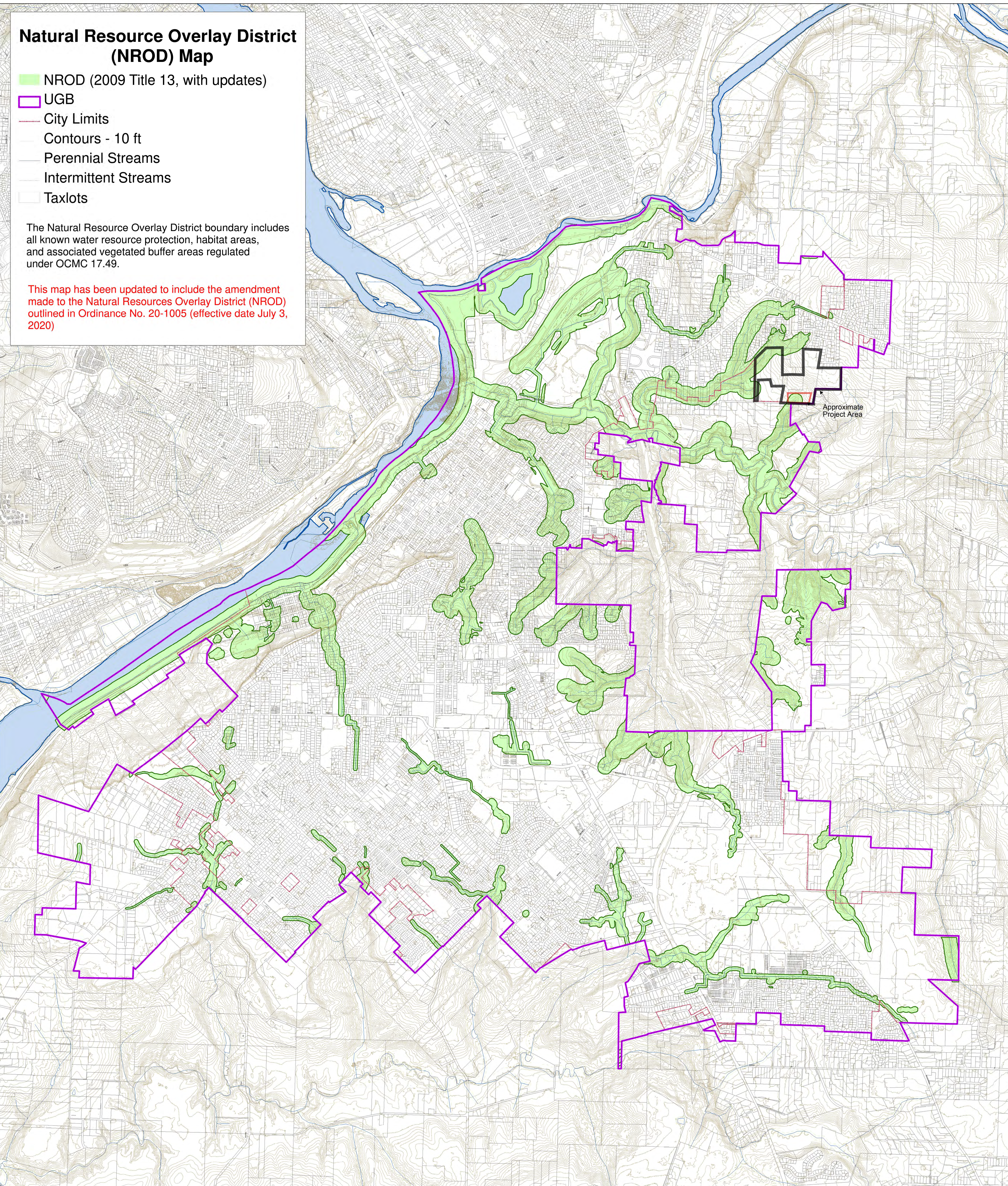
FIGURE 2: OREGON CITY NROD MAP

Natural Resource Overlay District (NROD) Map

- NROD (2009 Title 13, with updates)
- UGB
- City Limits
- Contours - 10 ft
- Perennial Streams
- Intermittent Streams
- Taxlots

The Natural Resource Overlay District boundary includes all known water resource protection, habitat areas, and associated vegetated buffer areas regulated under OCMC 17.49.

This map has been updated to include the amendment made to the Natural Resources Overlay District (NROD) outlined in Ordinance No. 20-1005 (effective date July 3, 2020)

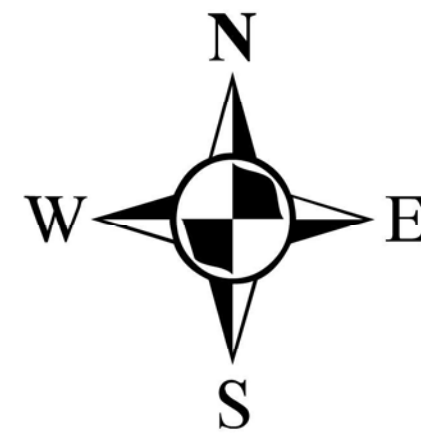


Natural Resource Overlay District

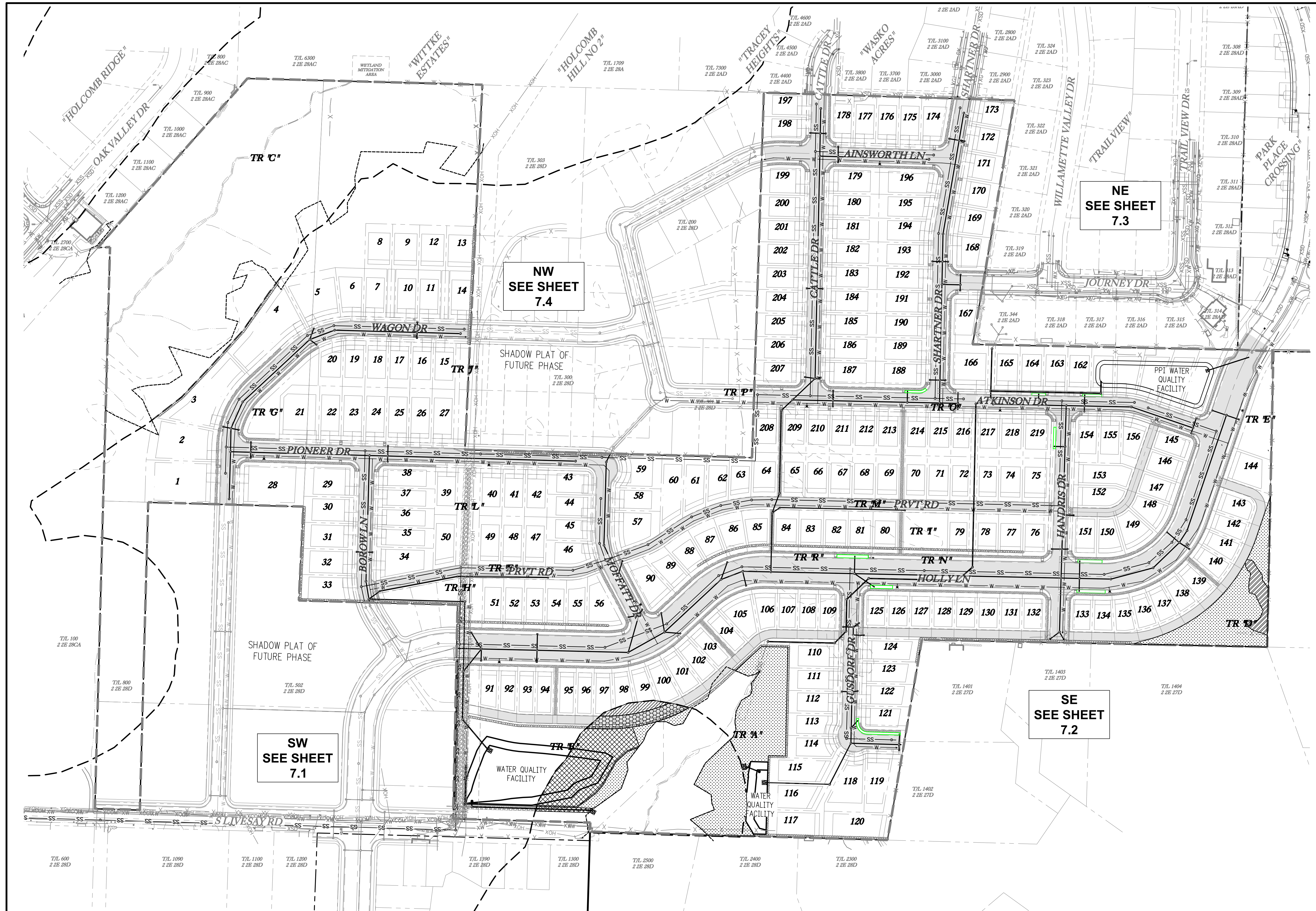


City of Oregon City
Geographic Information Systems
PO Box 3040
625 Center St
Oregon City, Oregon 97045
www.orcity.org | maps.orcity.org

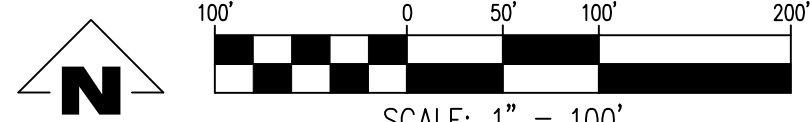
The information in this map is detailed in Chapter 17.49 --
Municipal Code of the City of Oregon City



APPENDIX A: DEVELOPMENT PLANS WITH MITIGATION AREA



PRELIMINARY COMPOSITE UTILITY PLAN
SCALE: 1" = 100'



PRELIMINARY COMPOSITE UTILITY PLAN

REVISIONS

NO.	DATE	DESCRIPTION
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PRELIMINARY DESIGN

NOT FOR CONSTRUCTION

EXPIRES: 12/31/2025

SHEET

7.0

OF

40

PARK PLACE II

A SUBDIVISION OF

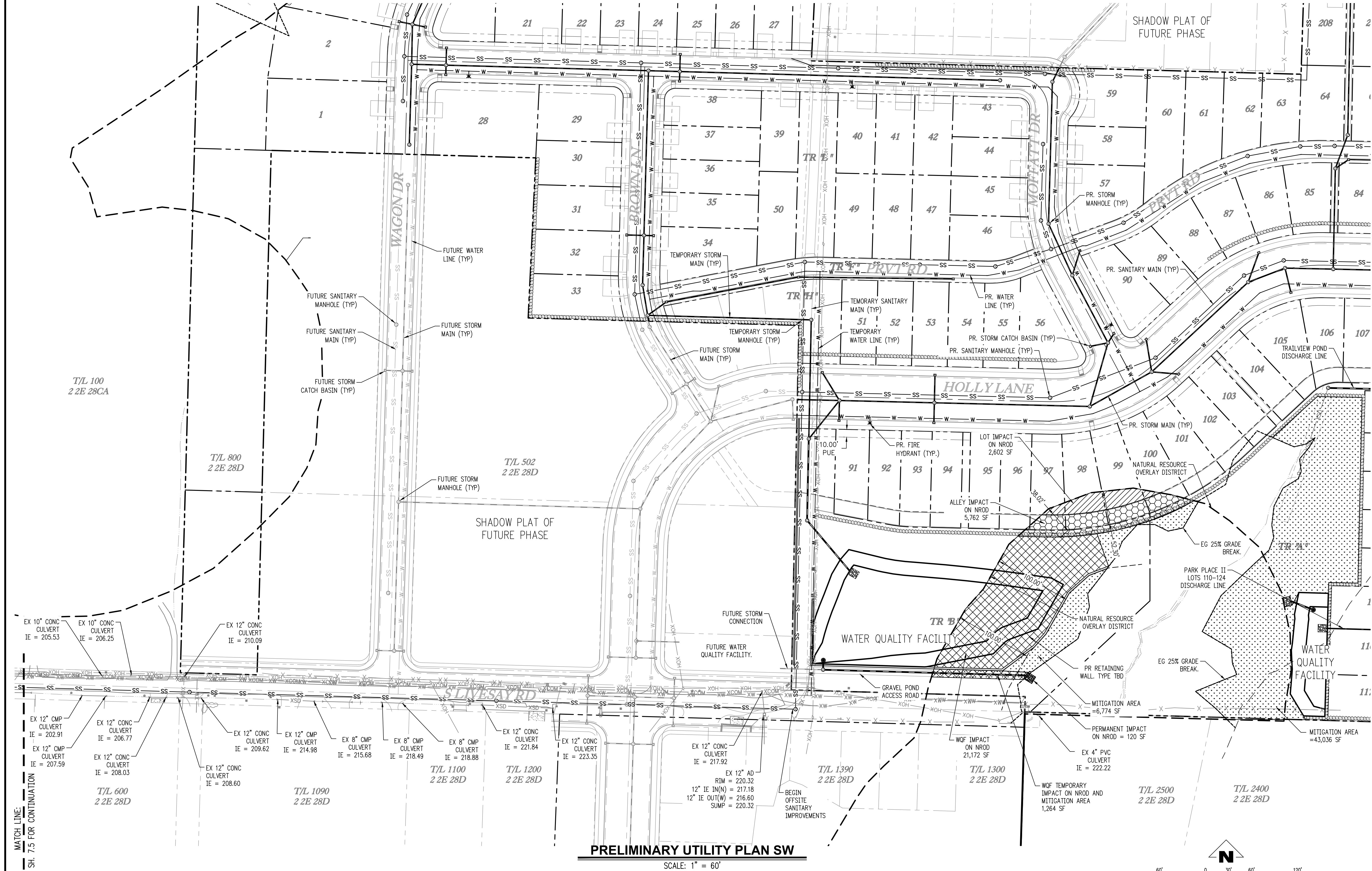
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400, 500, 502, 3700

CITY OF OREGON CITY, OREGON

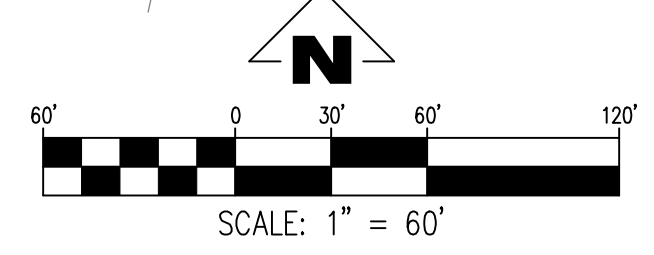
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MATCH LINE:
SEE SH. 7.5 FOR CONTINUATION

PRELIMINARY UTILITY PLAN SW
SCALE: 1" = 60'



PARK PLACE II
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TAX LOT 2 2E 28D 100, 190, 302,
400, 500, 502, 3700
CITY OF OREGON CITY, OREGON

**PRELIMINARY UTILITY
PLAN SW**

REVISIONS	
NO.	DATE

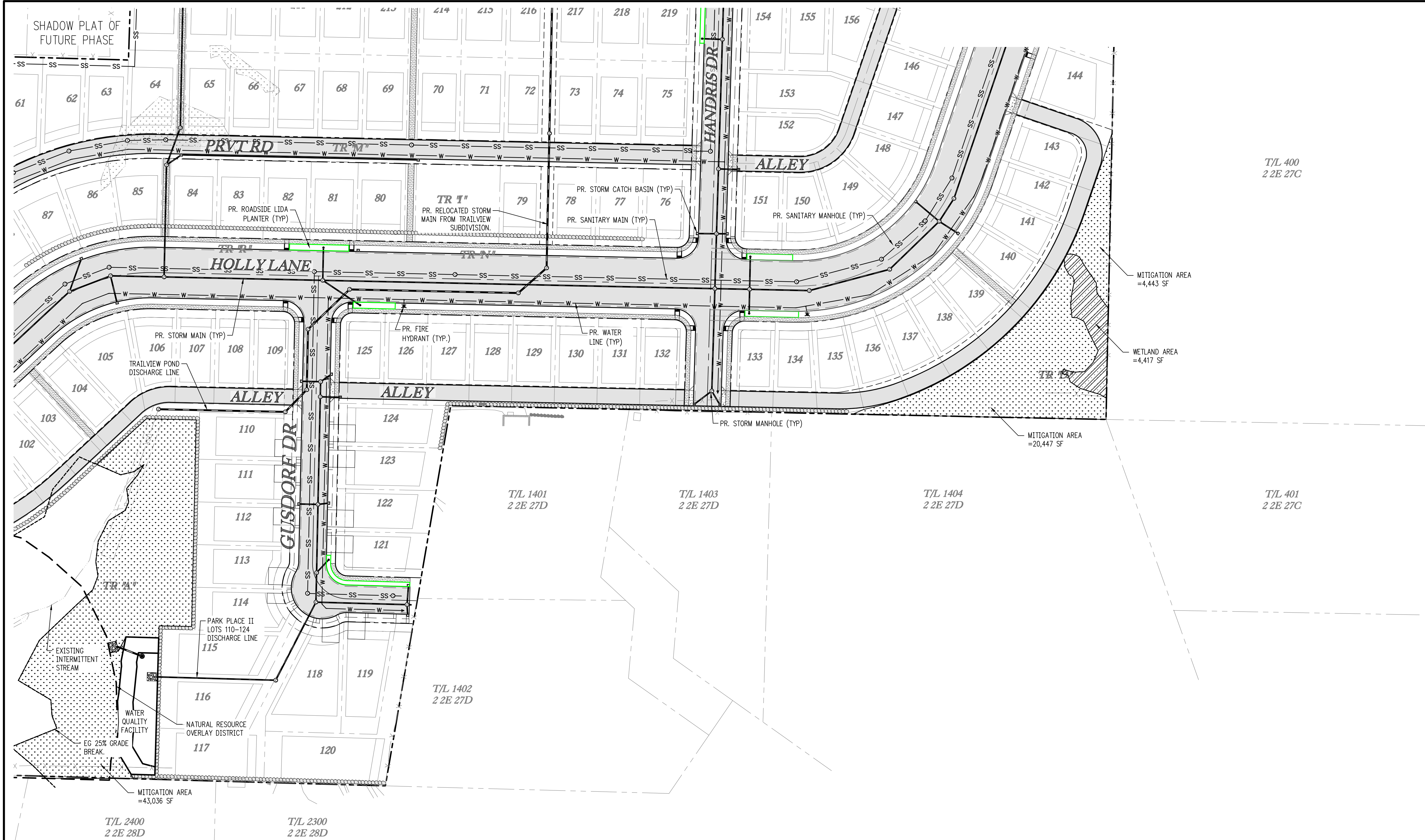
EMERIO
ENGINEERING • SURVEYING • DESIGN
6445 SW FALLBROOK PLACE, SUITE 100
BEAVERTON, OREGON 97008
TEL: (503) 746-9812
FAX: (503) 639-9592
www.emeriodesign.com

REGISTERED PROFESSIONAL ENGINEER
DAVID BURNETT
NO. 12312
STATE OF OREGON
EXPIRES: 12/31/2025

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OF
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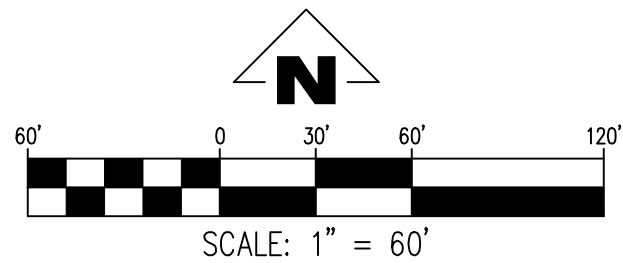
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PRELIMINARY UTILITY PLAN SE

SCALE: 1" = 60'

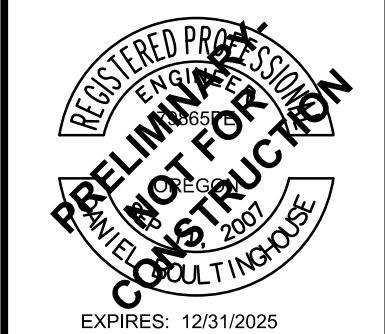


**PARK PLACE II
A SUBDIVISION OF
TAX LOT 2 2E 28D 100, 190, 302,
400, 500, 502, 3700
CITY OF OREGON CITY, OREGON**

**PRELIMINARY UTILITY
PLAN SE**

REVISIONS	
NO.	DATE

EMERIO
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SHEET
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OF
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APPENDIX B: ARBORIST REPORT



ISA Certified Arborist
PN-6732A

MARY GIERSCHE CONSULTING ARBORIST

PO Box 621, Tualatin, OR 97062

ASSIGNMENT

To conduct a Limited Visual Assessment for multiple trees within the Park Place 2 development NROD impact area and to prepare a report summarizing my observations.

FIELD OBSERVATIONS

I conducted my assessment on March 9th, and April 23rd, 2026. I met Harlan Borow, Land Development and Acquisitions Manager for ICON Construction and Development, LLC, and was provided an Existing Conditions Survey Map showing the NROD impact area and the trees within it.

There were forty-five (45) trees in the NROD impact area consisting of the following species:

- Grand Fir (*Abies grandis*)
- Bigleaf Maple (*Acer macrophyllum*)
- Red Alder (*Alnus rubra*)
- European White Birch (*Betula pendula*)
- Douglas-fir (*Pseudotsuga menziesii*).

Twenty (20) of the trees were in fair or poor condition and are Oregon native species. Eighteen (18) of the trees had fallen or were dead/dying. Seven (7) of the trees were Oregon Nuisance Species.

The tree Diameter-at-Breast-Height (DBH) measurements ranged from 6 to 14 inches. An Arborist Tree Inventory Table and Arborist Site Map are included as attachments. Tree removal mitigation for the 19 non-dead/dying, and non-nuisance trees is as follows:

Size of Tree (DBH)	Number of Trees	Number of Trees & Shrubs to be Planted	Mitigation TREES	Mitigation SHRUBS
6 to 12"	16	2 Trees & 3 Shrubs	32	48
13 to 18"	4	3 Trees & 6 Shrubs	12	24
19 to 24"	0	5 Trees & 12 Shrubs	0	0
25 to 30"	0	7 Trees & 18 Shrubs	0	0
Over 30"	0	10 Trees & 30 Shrubs	0	0
TOTALS	20		44	72

Please contact me with any questions at 503-523-6411, or mkgiersch@gmail.com.

Sincerely,

Mary Kay Giersch

ISA Certified Arborist PN-6732A

Tree Risk Assessment Qualified TRAQ

Member, American Society of Consulting Arborists



ISA Certified Arborist
PN-6732A

MARY GIERSCHE CONSULTING ARBORIST

PO Box 621, Tualatin, OR 97062

ATTACHMENT A – ARBORIST TREE INVENTORY TABLE (Page 1 of 2)

ID	NAME	BOTANIC NAME	DBH ⁽¹⁾	NATIVE/ NUISANCE	CONDITION ⁽²⁾
14677	European White Birch	<i>Betula pendula</i>	6		Dead
14678	Douglas-fir	<i>Pseudotsuga menziesii</i>	8	NATIVE	Fair
14679	Douglas-fir	<i>Pseudotsuga menziesii</i>	8	NATIVE	Fair
14680	Bigleaf Maple	<i>Acer macrophyllum</i>	8	NATIVE	Fair
14681	European White Birch	<i>Betula pendula</i>	6		Dead
14682	Red Alder	<i>Alnus rubra</i>	7	NATIVE	Poor
14683	European White Birch	<i>Betula pendula</i>	6		Dead
14684	European White Birch	<i>Betula pendula</i>	7	NUISANCE	Fair
14685	European White Birch	<i>Betula pendula</i>	10	NUISANCE	Fair
14686	Douglas-fir	<i>Pseudotsuga menziesii</i>	14	NATIVE	Fair
14714	European White Birch	<i>Betula pendula</i>	13	NUISANCE	Poor
14716	Sweet Cherry	<i>Prunus avium</i>	17	NUISANCE	Poor
14809	Douglas-fir	<i>Pseudotsuga menziesii</i>	8	NATIVE	Fair
14810	Coniferous		11		STUMP
14811	Douglas-fir	<i>Pseudotsuga menziesii</i>	9		Dead
14812	Douglas-fir	<i>Pseudotsuga menziesii</i>	10		Dead
14813	Douglas-fir	<i>Pseudotsuga menziesii</i>	12	NATIVE	Fair
14815	Douglas-fir	<i>Pseudotsuga menziesii</i>	13	NATIVE	Fair
14817	European White Birch	<i>Betula pendula</i>	10		Dying
14818	Douglas-fir	<i>Pseudotsuga menziesii</i>	10	NATIVE	Fair
14819	European White Birch	<i>Betula pendula</i>	10		Dying
14820	European White Birch	<i>Betula pendula</i>	14	NUISANCE	Fair
14823	Douglas-fir	<i>Pseudotsuga menziesii</i>	8	NATIVE	Fair
14824	European White Birch	<i>Betula pendula</i>	11		Dying
14825	Douglas-fir	<i>Pseudotsuga menziesii</i>	8	NATIVE	Fair
14826	Douglas-fir	<i>Pseudotsuga menziesii</i>	7	NATIVE	Fair
14827	Douglas-fir	<i>Pseudotsuga menziesii</i>	8	NATIVE	Fair
14828	Grand Fir	<i>Abies grandis</i>	12	NATIVE	Fair
14829	Grand Fir	<i>Abies grandis</i>	8	NATIVE	DEAD



ISA Certified Arborist
PN-6732A

MARY GIERSCH CONSULTING ARBORIST

PO Box 621, Tualatin, OR 97062

ATTACHMENT A – ARBORIST TREE INVENTORY TABLE (Page 2 of 2)

ID	NAME	BOTANIC NAME	DBH ⁽¹⁾	NATIVE/ NUISANCE	CONDITION ⁽²⁾
14830	European White Birch	<i>Betula pendula</i>	9	NUISANCE	Poor
14836	Douglas-fir	<i>Pseudotsuga menziesii</i>	12	NATIVE	Fair
14837	Douglas-fir	<i>Pseudotsuga menziesii</i>	14	NATIVE	Fair
14838	Douglas-fir	<i>Pseudotsuga menziesii</i>	13	NATIVE	Fair
14878	European White Birch	<i>Betula pendula</i>	8	NUISANCE	Poor
14880	Douglas-fir	<i>Pseudotsuga menziesii</i>	12	NATIVE	Fair
14881	European White Birch	<i>Betula pendula</i>	10		Dying
14882	European White Birch	<i>Betula pendula</i>	6		Dead
15012	European White Birch	<i>Betula pendula</i>	7		Dead
15013	Bigleaf Maple	<i>Acer macrophyllum</i>	8	NATIVE	Fair
15017	European White Birch	<i>Betula pendula</i>	7		Dying
15018	European White Birch	<i>Betula pendula</i>	7		Dying
15019	European White Birch	<i>Betula pendula</i>	8		Dying
15020	European White Birch	<i>Betula pendula</i>	7		Dying
15021	European White Birch	<i>Betula pendula</i>	6		Dying
15022	European White Birch	<i>Betula pendula</i>	7		Dying

(1) DBH: Diameter-at-Breast-Height = measured at 4.5 feet above natural grade

(2) Condition: Good (No Apparent Problems), Fair (Minor Problems), Poor (Major Problems), Dying or Dead



ISA Certified Arborist
PN-6732A

MARY GIERSCH CONSULTING ARBORIST

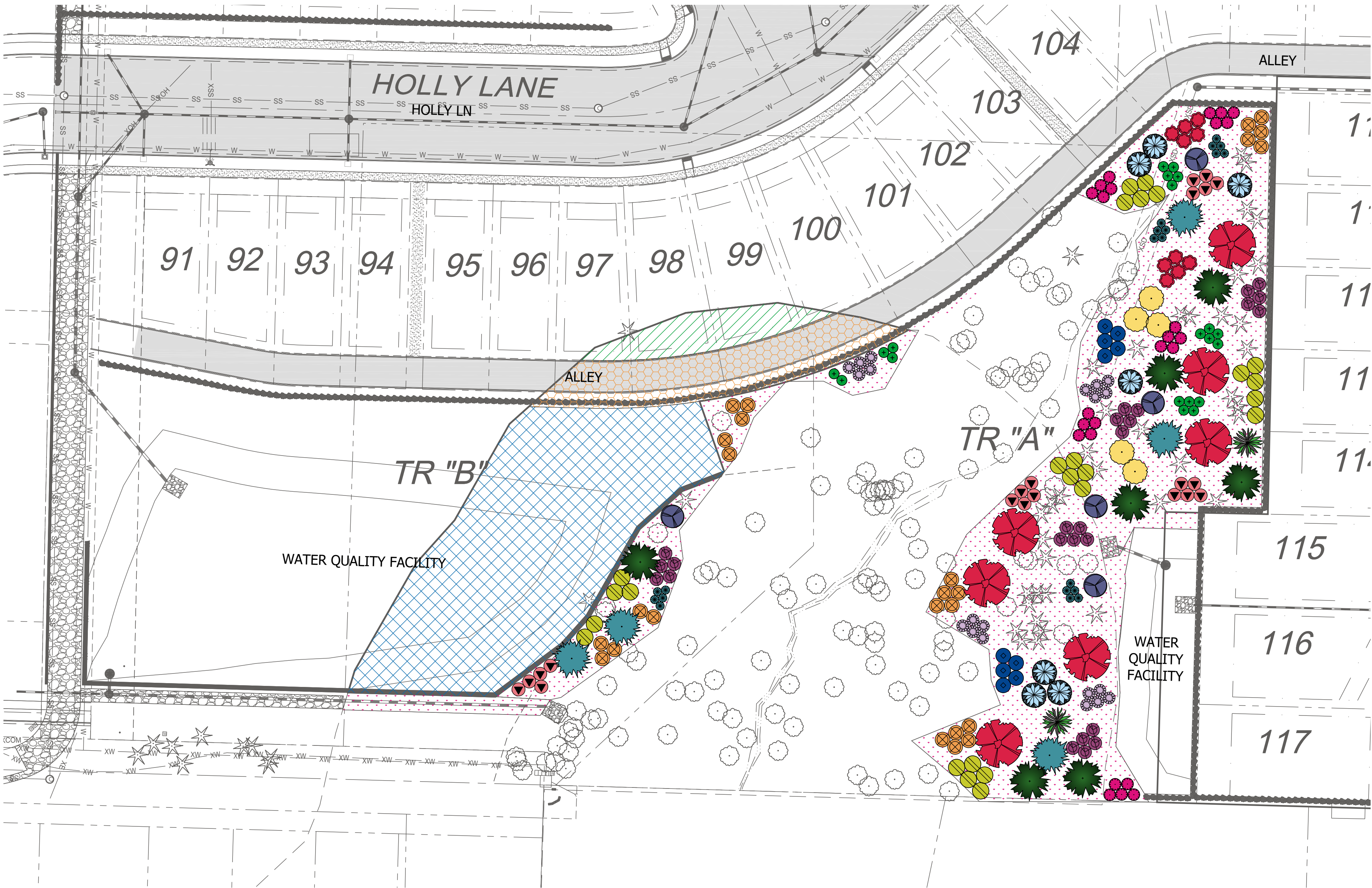
PO Box 621, Tualatin, OR 97062

ATTACHMENT C – CERTIFICATION OF PERFORMANCE

I, Mary Kay Giersch, certify:

- That I have personally inspected the trees and property referred to in this report and have stated my findings accordingly. The extent of the evaluation is stated in the attached report and the terms of Assignment;
- That I have no current or prospective interest in the vegetation or the property that is the subject of this report and have no personal interest or bias with respect to the parties involved;
- That the analysis, opinions and conclusions stated herein are my own and are based on current scientific procedures and facts;
- That my analysis, opinions and conclusions were developed and this report has been prepared according to commonly accepted arboriculture practices;
- That no one provided significant professional assistance to me, except as indicated within the report;
- That my compensation is not contingent upon the reporting of a predetermined conclusion that favors the cause of the client or any other party nor upon the results if the assignment, the attainment of stipulated results, or the occurrence of any subsequent events;
- Any legal description provided to me is assumed to be correct. Titles and ownerships to property are assumed to be good and marketable;
- Sketches, drawings and photographs in this report are intended as visual aids and are probably not to scale;
- Unless expressed otherwise, information in this report covers only items that were examined and reflects the condition of those items at the time of inspection. The inspection is limited to visual examination of accessible items without laboratory analysis, dissection, excavation, probing or coring, unless otherwise stated;
- There is no warranty or guarantee, expressed or implied, that problems or deficiencies of the plants or property may not arise in the future;
- Loss or alteration of any part of the report invalidates the entire report. Ownership of the report passes to the client only when all fees have been paid.

I further certify that I am an International Society of Arboriculture Certified Arborist (PN-6732A) and Tree Risk Assessment Qualified (TRAQ).

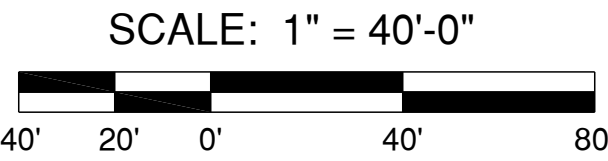
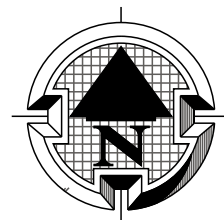


AREA A - NROD MITIGATION (TRACTS B & C)

SCALE: 1" = 40'-0"

NROD HATCH LEGEND

- NROD IMPACT WQF = 21,172 SF
- NROD IMPACT LOT DEVELOPMENT = 2,602 SF
- NROD IMPACT ALLEY = 5,762 SF
- REQUIRED MITIGATION AREA WITHIN NROD = 75,964 SF (TRACT B & C = 51,074 SF) (TRACT D = 24,890 SF)



MITIGATION PLANTINGS

(REFER TO PLANTING DETAILS SHEET L102)

NROD MITIGATION (TRACTS A & B)		Minimum Species Quantity	Minimum Size	Category	Spacing (OC=On Center)
MITIGATION TREES					
SYM	Scientific name (Common Name)				
	Abies grandis (Grand Fir)	2	2 gal. or bare root	Tree	7-15' OC
	Acer macrophyllum (Big-leaf Maple)	7	2 gal. or bare root	Tree	15' OC
	Alnus rubra (Red Alder)	7	2 gal. or bare root	Tree	7-15' OC
	Cornus nuttalli (Flowering Dogwood)	5	1 gal. or bare root	Tree	7-15' OC
	Rhamnus purshiana (Cascara)	5	2 gal. or bare root	Tree	7-15' OC
	Pseudotsuga menziesii (Douglas Fir)	7	2 gal. or bare root	Tree	7-15' OC
	Prunus emarginata (Bitter Cherry)	5	2 gal. or bare root	Tree	7-15' OC
Mitigation Tree Total		38			

MITIGATION SHRUBS & GROUND COVER (G.C.)

SYM	Scientific name (Common Name)				
	Acer circinatum (Vine Maple)	10	2 Gal.	Shrub	10' OC
	Blechnum spicant (Deer Fern)	20	1 Gal.	G.C.	5' OC (cluster)
	Corylus cornuta (Hazelnut)	10	1 Gal. or bare root	Shrub	10' OC
	Mahonia aquifolium (Tall Oregon Grape)	25	1 Gal.	Shrub	5' OC (cluster)
	Mahonia nervosa (Oregon grape)	25	1 Gal.	Shrub	10' OC (cluster)
	Polystichum munitum (Sword Fern)	20	2 Gal.	G.C.	5' OC (cluster)
	Ribes sanguineum (Red Flowering Currant)	20	1 Gal.	Shrub	5' OC (cluster)
	Rosa nutkana (Nootka Rose)	25	1 Gal.	Shrub	10' OC (cluster)
	Smilacina racemosa (False solomon's seal)	20	4" Pot	G.C.	(cluster)
	Symphoricarpos albus (Snowberry)	25	1 Gal.	Shrub	5' OC (cluster)
TOTAL MITIGATION SHRUBS		200			

NATIVE SEED MIX		Sunmark Companies: Native Uplands Mix	1 lbs/1000 sq.ft.
Scientific name	Common name	% by weight	
Elymus glaucus	Blue wildrye	50%	
Festuca rubra rubra	Native Red Fescue	30%	
Bromus carinatus	California brome	10%	
Agrostis exarata	Spike Bentgrass	10%	
*Seed Mix required for all bare areas within NROD mitigation area			

NROD Mitigation Plantings (Total Tracts B & C)

- Site Requirements:
- Removal of all invasive species to improve growing conditions for native seedlings/plantings and to encourage regeneration and recruitment of native vegetation is required.
 - Preserve site's existing native vegetation to the maximum extent practicable.
 - Mitigation Planting as follows:
 - NROD impact mitigation required area is 51,074 sq.ft. (1.17 ac.)
 - Tree requirement: 38 Trees required
 - Shrub requirement: 200 Shrubs required
 - Overseed with specified native seed mix in all bare spots larger than 25 sq.ft.
 - No fertilizer to be used in riparian area.
 - Mulching: Mulch new plantings three (3) inches in depth and 18 inches in diameter to retain moisture and discourage weed growth.
 - Temporary Irrigation: Water new plantings one (1) inch per week from June 20th to September 15th for three years following planting.



PARK PLACE II
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TAX LOT 2 2E 28D 100, 190, 302, 400, 500, 502, 3700
OREGON CITY, OREGON

REVISIONS		
REV.	DATE	DESCRIPTION
1	9/8/2026	City Comments

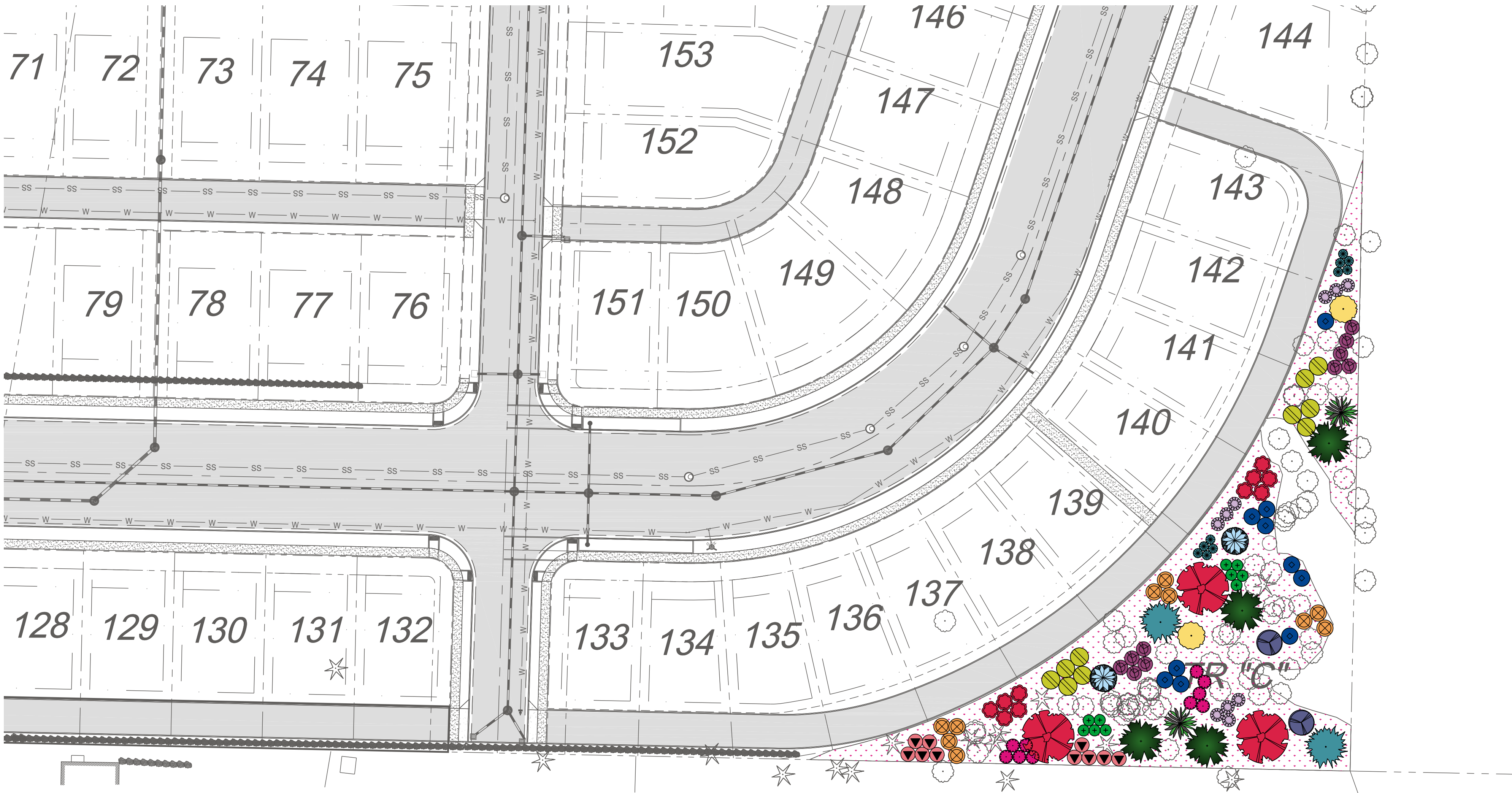
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MITIGATION
PLANTING PLAN

DRAWN BY:	TM
CHECKED BY:	TM
ISSUE DATE:	5/1/2026
JOB NO.:	2605

SHEET:

L101

OF 3

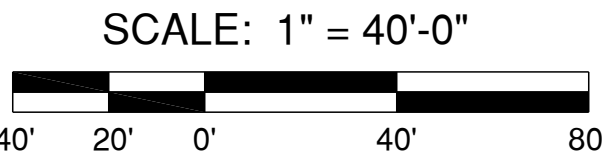
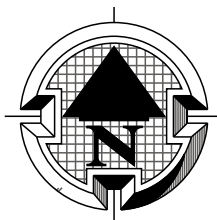


AREA B - NROD MITIGATION (TRACT D)

SCALE: 1" = 40'-0"

NROD HATCH LEGEND

- NROD IMPACT WQF = 21,172 SF
- NROD IMPACT LOT DEVELOPMENT = 2,602 SF
- NROD IMPACT ALLEY = 5,762 SF
- REQUIRED MITIGATION AREA WITHIN NROD = 75,964 SF (TRACT B & C = 51,074 SF) (TRACT D = 24,890 SF)



SCALE: 1" = 40'-0"

MITIGATION PLANTINGS

(REFER TO PLANTING DETAILS SHEET L102)

NROD MITIGATION (TRACT D)		Minimum Species Quantity	Minimum Size	Category	Spacing (OC=On Center)
MITIGATION TREES					
SYM	Scientific name (Common Name)				
	Abies grandis (Grand Fir)	2	2 gal. or bare root	Tree	7-15' OC
	Acer macrophyllum (Big-leaf Maple)	3	2 gal. or bare root	Tree	15' OC
	Alnus rubra (Red Alder)	2	2 gal. or bare root	Tree	7-15' OC
	Cornus nuttalli (Flowering Dogwood)	2	1 gal. or bare root	Tree	7-15' OC
	Rhamnus purshiana (Cascara)	2	2 gal. or bare root	Tree	7-15' OC
	Pseudotsuga menziesii (Douglas Fir)	4	2 gal. or bare root	Tree	7-15' OC
	Prunus emarginata (Bitter Cherry)	2	2 gal. or bare root	Tree	7-15' OC
Mitigation Tree Total		17			

MITIGATION SHRUBS & GROUND COVER (G.C.)					
SYM	Scientific name (Common Name)				
	Acer circinatum (Vine Maple)	10	2 Gal.	Shrub	10' OC
	Blechnum spicant (Deer Fern)	10	1 Gal.	G.C.	5' OC (cluster)
	Corylus cornuta (Hazelnut)	10	1 Gal. or bare root	Shrub	10' OC
	Mahonia aquifolium (Tall Oregon Grape)	10	1 Gal.	Shrub	5' OC (cluster)
	Mahonia nervosa (Oregon grape)	10	1 Gal.	Shrub	10' OC (cluster)
	Polystichum munitum (Sword Fern)	10	2 Gal.	G.C.	5' OC (cluster)
	Ribes sanguineum (Red Flowering Currant)	10	1 Gal.	Shrub	5' OC (cluster)
	Rosa nutkana (Nootka Rose)	10	1 Gal.	Shrub	10' OC (cluster)
	Smilacina racemosa (False solomon's seal)	10	4" Pot	G.C.	(cluster)
	Symphoricarpos albus (Snowberry)	10	1 Gal.	Shrub	5' OC (cluster)

TOTAL MITIGATION SHRUBS	100
-------------------------	-----

NATIVE SEED MIX	Sunmark Companies: Native Uplands Mix	1 lbs/1000 sq.ft.
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Scientific name	Common name	% by weight
Elymus glaucus	Blue wildrye	50%
Festuca rubra rubra	Native Red Fescue	30%
Bromus carinatus	California brome	10%
Agrostis exarata	Spike Bentgrass	10%

*Seed Mix required for all bare areas within NROD mitigation area

NROD Mitigation Plantings (Total Tract D)		
Site Requirements:		
1. Removal of all invasive species to improve growing conditions for native seedlings/plantings and to encourage regeneration and recruitment of native vegetation is required.		
2. Preserve site's existing native vegetation to the maximum extent practicable.		
3. Mitigation Planting as follows:		
a. NROD impact mitigation required area is 24,890 sq.ft. (0.57 ac.)		
1. Tree requirement: 17 Trees required		
2. Shrub requirement: 100 Shrubs required		
3. Overseed with specified native seed mix in all bare spots larger than 25 sq.ft.		
4. No fertilizer to be used in riparian area.		
5. Mulching: Mulch new plantings three (3) inches in depth and 18 inches in diameter to retain moisture and discourage weed growth.		
6. Temporary Irrigation: Water new plantings one (1) inch per week from June 20th to September 15th for three years following planting.		



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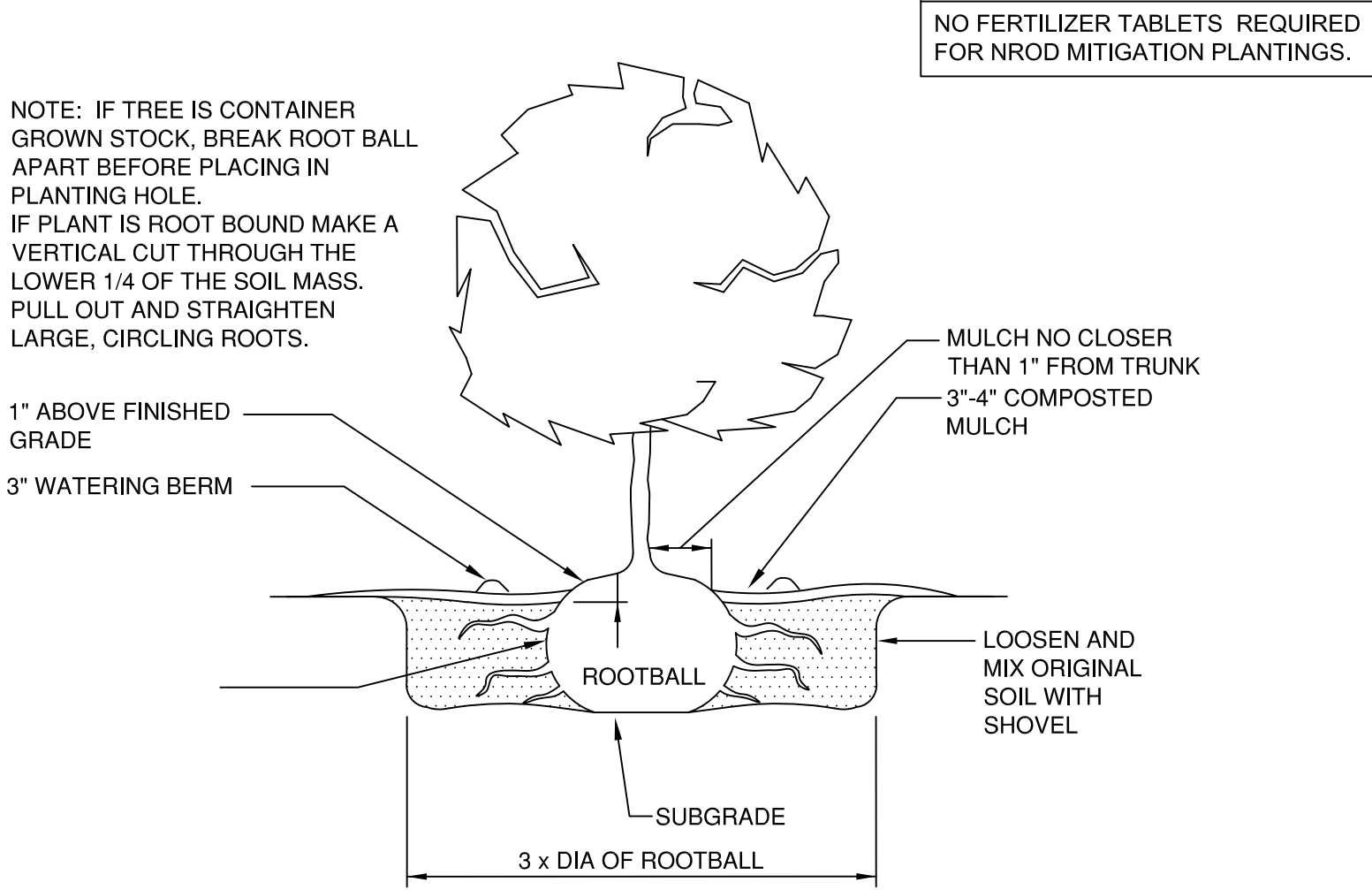
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OREGON CITY, OREGON

REVISIONS		
REV.	DATE	DESCRIPTION
1	9/8/2026	City Comments

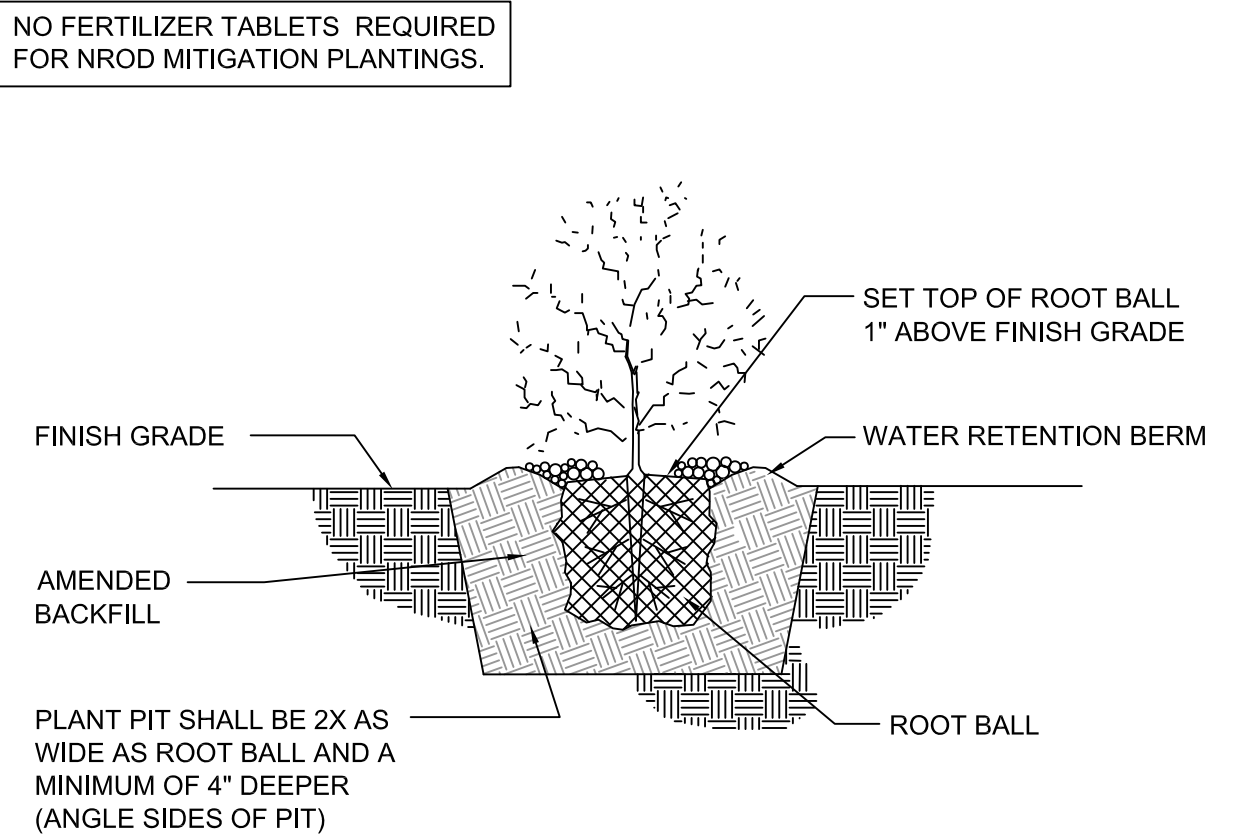
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MITIGATION
PLANTING PLAN

DRAWN BY:	TM
CHECKED BY:	TM
ISSUE DATE:	5/1/2026
JOB NO.:	2605

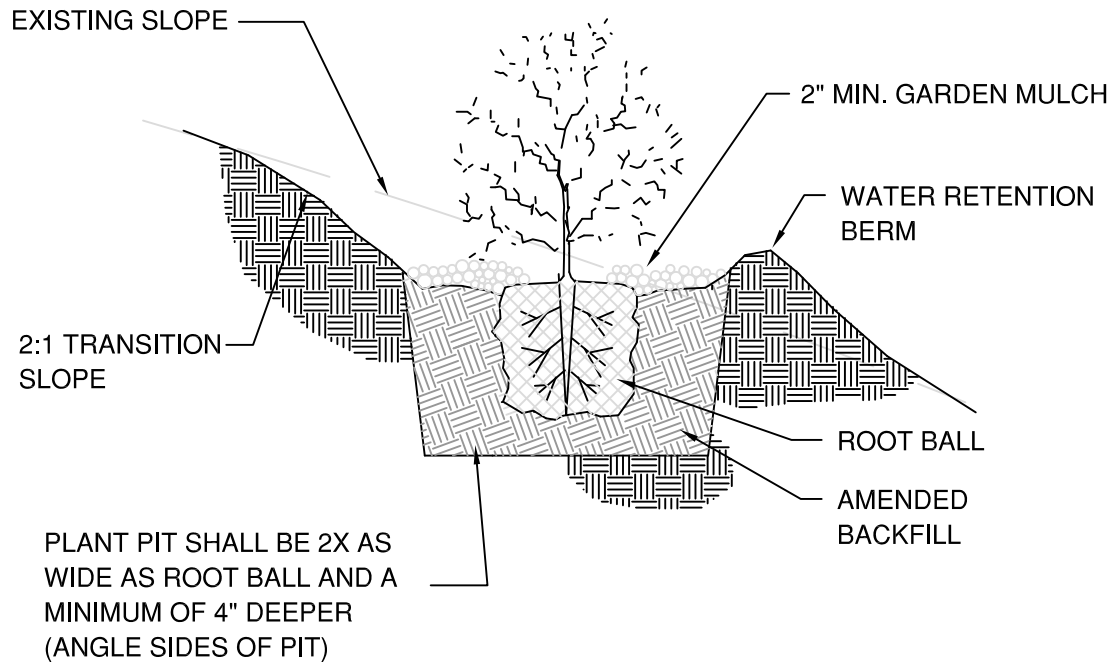
SHEET:
L102
OF 3



TREE PLANTING - CONTAINER/ BURLAPPED
(WATER QUALITY FACILITY AREAS) N.T.S.



SHRUB PLANTING DETAIL
N.T.S.



SLOPE SHRUB PLANTING DETAIL
CITY OF OREGON CITY NROD MITIGATION PLANTING N.T.S.

TYPICAL PLANTING NOTES:

1. B&B stock may be substituted with container stock of equal grade.
2. Container stock may be substituted with B&B stock of equal grade.
3. Plant material shall conform with American Standard for Nursery Stock, ANSI Z60.1, 2014 edition.
4. All trees shall be branched.
5. Garden mulch all planting beds with 3" min. Layer of specified garden mulch.
6. In the event of a discrepancy between the plant listing and the drawings, the plant listing shall govern the plant species and quantities required.
7. In the event of question or lack of clarity on drawings, landscape contractor is to call landscape architect before proceeding.
8. Landscape contractor is to notify landscape architect prior to installation of plant material to approve final placement.
9. Landscape contractor to verify plant material species and quantities prior to planting.
10. Provide temporary irrigation as approved by City of Oregon City Municipal Code section 17.49.180.
11. Mitigation Planting Requirements
 - a. Warranty/Maintenance period for all environmental mitigation plantings is 5-years.
 - It is recommended to install plant protection from potential wildlife damage.



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TAX LOT 2 2E 28D 100, 190, 302, 400, 500, 502, 3700
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REVISIONS		
REV.	DATE	DESCRIPTION
	9/8/2026	City Comments

SHEET NAME:
**PLANTING
DETAILS & NOTES**

DRAWN BY: _____ TM
CHECKED BY: _____ TM
ISSUE DATE: 5/1/2026
JOB NO.: 2605

SHEET:
L103
OF 3