

25TYPE II –SITE PLAN AND DESIGN REVIEW
Applicant’s Submittal
9.30.2019

APPLICANT: Lango Hansen Landscape Architects
1100 NW Glisan St #3b
Portland, OR 97209

OWNER: City of Oregon City
625 Center Street
Oregon City, OR 97045

REQUEST: We are requesting a Site Plan and Design Review for the park improvements and the following sections in the Oregon City Municipal Code as noted below.

LOCATION: 14511 Glen Oak Road (Tax Lot 3-2E-09D-014101, 3.8 ac) and
14491 Glen Oak Road (Tax Lot 3-2E-09D-01500, 4.47 ac)

I. BACKGROUND:

- 1. Existing Conditions:** The existing site is located in southeast Oregon City. The site has a gentle slope from north to south and consists of a mix of oak, ash, cherry and hawthorn trees with widespread invasive plants at the ground level. Caufield Creek flows through the southwest portion of the site. There are two non-historic pole barns on the site that will be demolished as a part of this project. The park property has one existing house that will remain and may be redeveloped in phase 2 of the park improvements. Meyers Road has recently been extended across the entire length of the north side of the site. The improvements include a sidewalk, street trees and a stormwater swale in the Right-of-Way. High School Avenue on the east side of the site and Glen Oak Road on the south side of the site are not fully improved and do not have sidewalks.
- 2. Project Description:** Tyrone S Woods Memorial Park is an 8.27 acre park located at 14511 Glenn Oak Road. Park improvements include looped accessible pathways throughout the site, wetland and stream corridor replanting, onsite parking and a memorial plaza. The park will also include a playground and a fenced dog run area, pickle ball courts and a skate spot. Benches, picnic tables and other site amenities will be included. High School Avenue and Glen Oak Road will be improved per the city standards.

II. APPROVAL CRITERIA AND RESPONSES:

Municipal Code Standards and Requirements: The following sections of the Oregon City Municipal Code are applicable to this land use approval:

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Chapter 17.62 Site Plan and Design Review 72

The City Code Book is available on-line at www.orcity.org.

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

REQUIRED CODE RESPONSES:

CHAPTER 12.08 PUBLIC AND STREET TREES

12.08.015 - Street tree selection, planting and maintenance requirements.

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

A. One street tree shall be planted for every thirty-five feet of property frontage. The tree spacing shall be evenly distributed throughout the total development frontage to meet the clearance distances required in subsection (B) below. The Community Development Director may approve an alternative street tree plan, or accept fee-in-lieu of planting pursuant to OCMC 12.08.035, if site or other constraints prevent meeting the required total number of tree plantings.

Applicant Response: The project includes one street tree for every thirty-five feet of property frontage. The trees have been selected from the Oregon City Street Tree List and the WES Stormwater Facility Plant List.

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).

Applicant Response: The street trees will be planted per the standards listed above.

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 diseased or hazardous street tree, as determined by a registered arborist and approved by the City, may be removed, if replaced with one new tree for each diseased or hazardous tree. 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 approval of an arborist.
- B. A non-diseased, non-hazardous street tree that is removed shall be replaced in accordance with the Table 12.08.035. All replaced street trees shall have a minimum 1.5-inch caliper trunk measured six inches above the root crown.

Table 12.08.035

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

C. For the purposes of this chapter, removed trees shall be replaced by trees within the right-of-way abutting the frontage subject to the clearance distances required under OCMC 12.08.015(B). If a sufficient location to replant tree(s) is not available, the Community Development Director may allow:

- 1. Off-site installation of replacement trees within the right-of-way or on public property;
- 2. Planting of replacement trees or designation of existing trees on the abutting property within ten feet of the right-of-way as street trees. Designated street trees shall be a minimum of two inches in caliper and shall comply

with the requirements in section B. In order to assure protection and replacement of the trees on private property, a covenant shall be recorded identifying the tree(s) as subject to the protections and replacement requirements in this chapter; or

3. If sufficient space to replant tree(s) is not available, the Community Development Director may allow a fee in-lieu of planting the tree(s) to be placed into a City fund dedicated to obtaining trees, planting trees and/or tree education in Oregon City.

D. Trees that are listed as invasive or nuisance species as defined in OCMC 17.04.605 may be removed without replacement.

Applicant Response: The site was designed to as to preserve as many of the existing trees as was practicable. Many valuable existing trees will be maintained onsite and incorporated into the park design. In several cases, the grading surrounding some of the existing trees did not permit them to be saved. Any existing trees that will be removed will be mitigated by new trees that will be planted onsite. A tree replacement table located on the tree plan outlines the trees to be removed and the required mitigation trees that will be planted.

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.

Applicant Response: This project will not be paying fee-in-lieu for any trees to be removed. Mitigation requirements will be met by new trees to be planted onsite.

CHAPTER 13.12 STORMWATER MANAGEMENT

13.12.050 - Applicability and exemptions.

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

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

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

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

Applicant Response: The conveyance facilities are located entirely on a single owned parcel, by the City Park's Dept., and will be maintained by the Parks Dept. or their designee, the site facilities will not receive runoff from other parcels, or road right-of-way.

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.

Applicant Response: The improvements will create more than 5,000 SF of new impervious area and thus will be subject to the water quality and flow control requirements of the City.

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

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

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

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

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

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

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

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

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

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

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

g. Maintenance or repair of existing utilities.

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.

Applicant Response: The exemptions are not applicable to this project.

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.

Applicant Response: Regulations of state and federal requirements, as may be applicable will be met.

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.

Applicant Response: The submittal requirements of this section will be met.

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.

Applicant Response: The engineered drainage plan will meet the requirements of this section.

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.

Applicant Response: At this time no alternative materials, design or method is proposed, but if such were to be needed, we would meet the requirements for having such approved by the City Engineer.

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.

Applicant Response: The project plans will have a project engineer in charge.

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.

Applicant Response: The construction specifications will be in accordance with the appropriate state and local requirements.

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.

Applicant Response: Some public stormwater facilities will be required for frontage improvements. Agreement on maintenance will be worked out between the Parks Dept. and the City's Public Works for those improvements.

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.

Applicant Response: The maintenance during the warranty period, if required by the City will be dealt with by the Parks Dept.

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.

Applicant Response: The applicant acknowledges this inspection.

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.

Applicant Response: An Operation and Maintenance Plan will be prepared as a part of the permitting process as required.

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.

Applicant Response: The applicant acknowledges this requirement.

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.

Applicant Response: The applicant acknowledges this requirement.

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.

Applicant Response: The applicant acknowledges this requirement.

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.

Applicant Response: While no hazardous conditions are expected, this conditions of this section are noted.

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.

Applicant Response: A 1200-C permit application will be made with DEQ and this requirement will be met.

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.

Applicant Response: It is anticipated that a cut/fill permit may be required through Oregon’s DSL and the USACE. If such is required, an application will be submitted to the agencies for proper permitting.

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.

Applicant Response: If an ODFW permit is required it will be applied for.

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.

Applicant Response: The applicant acknowledges this penalty.

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.*

Applicant Response: The project proposes grading activities in excess of ten cubic yards of earth and will obtain a grading permit that covers onsite grading activities.

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: The engineered grading plan will be prepared in compliance with the submittal requirements of the Public Works Stormwater and Grading Design Standards.

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.

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.

Applicant Response: The development will be in conformance with the policies and design standards established within chapter 16 and with applicable standards in the City's public facility master plans and City design standards and specifications.

16.12.011 - Applicability.

A. Compliance with this chapter is required for all development including land divisions, site plan and design review, master plan, detailed development plan and conditional use applications and all public improvements. Minor Site Plan and Design Review applications shall not be subject to this chapter unless improvements are proposed within the right-of-way.

Applicant Response: The project will be developed in compliance with chapter 16.

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 and two-family dwellings living space. Garages, carports, sheds, and porches may not be included in the calculation if these spaces are not living spaces. Accessory dwelling units are not subject to compliance with this chapter. All applicable single and two-family dwellings shall provide any necessary dedications, easements or agreements as identified in the transportation system plan and this chapter, subject to constitutional limitations. In addition, the street frontage shall be improved to include the following priorities for improvements:

1. Improve street pavement, construct curbs, gutters, sidewalks and planter strips; and

2. *Plant street trees.*

Applicant Response: This section does not apply to this project. This is not a residential construction project.

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

Applicant Response: The applicant acknowledges the calculations as outlined above.

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

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

Applicant Response: The applicant acknowledges that the City has jurisdiction over rights-of-way.

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 shall be processed through a Type II Land Use application and may require additional evidence from a transportation engineer or others to verify compliance. Compliance with the following criteria is required:

A. *The modification meets the intent of the standard;*

Applicant Response: The intent of the driveway location requirement is to provide safe and efficient movement of vehicles, bicycles and freight. The applicant has analyzed the traffic impacts of locating the parking lot driveways on Meyers Road and has found that there are no inherent safety issues associated with the design and location of the site access driveways. The attached TAL outlines the specific LOS impacts.

B. *The modification provides safe and efficient movement of pedestrians, motor vehicles, bicyclists and freight;*

Applicant Response: As noted in subsection A, the applicant has documented in the TAL that there are no inherent safety issues associated with the design and location of the site driveways. The applicant studied numerous parking lot and driveway configurations. Locating the driveways on Meyers road allows for better use of the site layout and open spaces than with parking lot on High School Avenue. Locating the driveway entrances off of High School Avenue is problematic because it compromises the layout of the proposed park features. Additionally, it potentially compromises existing trees that are to be protected.

C. *The modification is consistent with an adopted transportation or utility plan; and*

Applicant Response: While it does not constitute as an officially adopted transportation or utility plan, the position of the parking lot and associated driveways was located during the master plan process that the city was a part of. At the time, the design did not receive any negative feedback. There was community consensus of the design during the master plan process. During the planning stages of the OCSD Transportation and Facilities site, the location of curb cuts along Meyers Road for the future park were discussed. The City did not raise a red flag at that time.

D. *The modification is complementary with a surrounding street design; or, in the alternative;*

Applicant Response: Per 16.12.018 - Street Design the driveways serving the park parking lot are twenty-four feet wide. The driveways are directly aligned with the driveways serving the OCSD Transportation and Facilities parking lot. This greatly reduces the conflict of vehicles exiting either of parking lots. Additionally, there is potential to share parking facilities with the OCSD site, as parking demand allows. This follows recommendations made in the first pre-app notes. In addition to the bus parking at the OCSD parking lot, there is parking for an additional 32 non-bus (standard) vehicles. These vehicles have the option of entering and leaving through the bus barn parking off of Meyers Road.

E. If a modification is requested for constitutional reasons, the applicant shall demonstrate the constitutional provision or provisions to be avoided by the modification and propose a modification that complies with the state or federal constitution. The City shall be under no obligation to grant a modification in excess of that which is necessary to meet its constitutional obligations.

Applicant Response: Subsection E does not apply to the modification being requested.

16.12.014 - Administrative provisions.

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

- A. Pre-Design Meeting;*
- B. Final Engineering Plans, Stamped and Signed by an Oregon Licensed Professional Engineer;*
- C. Stormwater Report, Stamped and Signed by an Oregon Licensed Professional Engineer;*
- D. Geotechnical Report, Stamped and Signed by an Oregon Licensed Professional Engineer (if applicable);*
- E. Engineer's Preliminary and Final Cost Estimates (also may be known as engineer's opinion of probable construction cost);*
- F. Plan Check and Inspection Fees (as set by City resolution);*
- G. Certificate of Liability Insurance for city funded public projects contracted by the City (not less than one million dollars single incident and two million dollars aggregate);*
- H. Preconstruction Meeting Notes;*
- I. Financial Guarantee(s) per OCMC 17.50.140;*
- J. Applicable Approvals/Permits from other agencies or entities;*
- K. Developer/Engineer Agreement for public works improvements.*

Applicant Response: The applicant will submit the items listed above prior to proceeding with construction.

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

- L. Project Engineer's Certificate of Completion;*
- M. Stormwater Operation and Maintenance Easement (if applicable);*
- N. Deed of Dedication (Bargain and Sale Deed);*
- O. Recorded Plat and/or Easements (if applicable);*
- P. Recorded Non-Remonstrance Covenant Agreement;*
- Q. Land Division Compliance Agreement (if applicable);*
- R. Permanent Stabilization and/or Restoration of the impact from the development;*
- S. Fulfillment of all Conditions of Approval;*
- T. Payment of all Outstanding Fees;*
- U. Maintenance Guarantee(s). per OCMC 17.50.141;*
- V. Indemnity Agreement (if applicable);*
- W. Completed Punchlist;*
- X. As-Built Drawings;*

Details on individual items required by this subsection can be obtained by contacting Public Works. Many items, such as the engineer's cost estimate and plan check and inspection fee, maybe be submitted in conjunction with

documentation for other infrastructure improvements that are done with the development (such as street, sanitary sewer, and water).

Applicant Response: The documents as outlined above will be submitted to the City.

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;

Applicant Response: No streets through the middle of the site will be required, but widening of some the adjoining streets to the park site will be required and improved.

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.

Applicant Response: This is not applicable to the project.

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.

Applicant Response: Street dedication will be made along both High School Avenue and Glen Oak Road in accordance with City Transportation requirements.

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.

Applicant Response: Meyers Road frontage along the north boundary of the site has already been full developed and no additional improvements along its frontage are required. Glen Oak Road travel lanes have been previously improved by a City improvement project some years ago. The proposed park improvement will provide additional on-street parking along Glen Oak road and sidewalk improvements.

High School Avenue, is only partially improved. As part of the Tyrone S. Woods Memorial Park improvements additional lane, parking and sidewalk improvements will be made.

Table 16.12.016 Street Design

Table 16.12.016 Street Design. To read the table select the road classification as identified in the Transportation System Plan and the Comprehensive Plan designation of the adjacent properties to find the maximum design standards for the road cross section. If the Comprehensive Plan designation for lands on either side of the street differs, the wider right-of-way standard shall apply.

Road Classification	Comprehensive Plan Designation	Right-of-Way Width	Pavement Width	Public Access	Sidewalk	Landscape Strip	Bike Lane	Street Parking	Travel Lanes	Median
Major Arterial	Mixed Use, Commercial or Public/Quasi Public	116 ft.	94 ft.	0.5 ft.	10.5 ft. sidewalk including 5 ft. x 5 ft. tree wells		6 ft.	8 ft.	(5) 12 ft. Lanes	6 ft.
	Industrial	120 ft.	88 ft.	0.5 ft.	5 ft.	10.5 ft.	6 ft.	N/A	(5) 14 ft. Lanes	6 ft.
	Residential	126 ft.	94 ft.	0.5 ft.	5 ft.	10.5 ft.	6 ft.	8 ft.	(5) 12 ft. Lanes	6 ft.

Road Classification	Comprehensive Plan Designation	Right-of-Way Width	Pavement Width	Public Access	Sidewalk	Landscape Strip	Bike Lane	Street Parking	Travel Lanes	Median
Minor Arterial	Mixed Use, Commercial or Public/Quasi Public	116 ft.	94 ft.	0.5 ft.	10.5 ft. sidewalk including 5 ft. x 5 ft. tree wells		6 ft.	8 ft.	(5) 12 ft. Lanes	6 ft.
	Industrial	118 ft.	86 ft.	0.5 ft.	5 ft.	10.5 ft.	6 ft.	7 ft.	(5) 12 ft. Lanes	N/A
	Residential	100 ft.	68 ft.	0.5 ft.	5 ft.	10.5 ft.	6 ft.	7 ft.	(3) 12 ft. Lanes	6 ft.

Road Classification	Comprehensive Plan Designation	Right-of-Way Width	Pavement Width	Public Access	Sidewalk	Landscape Strip	Bike Lane	Street Parking	Travel Lanes	Median
Collector	Mixed Use, Commercial or Public/Quasi Public	86 ft.	64 ft.	0.5 ft.	10.5 ft. sidewalk including 5 ft. x 5 ft. tree wells		6 ft.	8 ft.	(3) 12 ft. Lanes	N/A

	Industrial	88 ft.	62 ft.	0.5 ft.	5 ft.	7.5 ft.	6 ft.	7 ft.	(3) 12 ft. Lanes	N/A
	Residential	85 ft.	59 ft.	0.5 ft.	5 ft.	7.5 ft.	6 ft.	7 ft.	(3) 11 ft. Lanes	N/A

Road Classification	Comprehensive Plan Designation	Right-of-Way Width	Pavement Width	Public Access	Sidewalk	Landscape Strip	Bike Lane	Street Parking	Travel Lanes	Median
Local	Mixed Use, Commercial or Public/Quasi Public	62 ft.	40 ft.	0.5 ft.	10.5 ft. sidewalk including 5 ft. x 5 ft. tree wells		N/A	8 ft.	(2) 12 ft. Lanes	N/A
	Industrial	60 ft.	38 ft.	0.5 ft.	5 ft.	5.5 ft.	(2) 19 ft. Shared Space		N/A	
	Residential	54 ft.	32 ft.	0.5 ft.	5 ft.	5.5 ft.	(2) 16 ft. Shared Space		N/A	

1. Pavement width includes, bike lane, street parking, travel lanes and median.
2. Public access, sidewalks, landscape strips, bike lanes and on-street parking are required on both sides of the street in all designations. The right-of-way width and pavement widths identified above include the total street section.
3. A 0.5 foot curb is included in landscape strip or sidewalk width.
4. Travel lanes may be through lanes or turn lanes.
5. The 0.5 foot public access provides access to adjacent public improvements.
6. Alleys shall have a minimum right-of-way width of twenty feet and a minimum pavement width of sixteen feet. If alleys are provided, garage access shall be provided from the alley.
7. A raised concrete median or landscape median shall be utilized for roads identified to have access restrictions.

Applicant Response: Meyers Road, along the frontage, has already been improved to arterial standards based upon modification of improvements at the time the OCS D Transportation Facility was developed. Glen Oak road, a collector, has been previously improved to a modified collector improvement, based upon the standards at the time. Additional on-street parking will be provided along Glen Oak Road in accordance with current standards. On High School Avenue, half street improvements will provide for additional travel lane widths, bike lane and on-street parking as required under the current collector street requirements.

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.

Applicant Response: Sidewalks will be provided along the High School Avenue and Glen Oak Road frontages. Sidewalks already exist along Meyers Road.

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.

Applicant Response: Bike and pedestrian routes as may be applicable to the site, will be provided for in some manner adjacent or across the park site as may be most appropriate.

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.

Applicant Response: Street signs and traffic controls signs will be installed as may be required by the City Engineer.

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.

Applicant Response: Street lights will be installed as required by the City.

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.

Applicant Response: This code section is not applicable to the proposed site. No new streets less than thirty-two feet wide are being proposed.

F. All development shall include vegetated planter strips that are five feet in width or larger and located between the sidewalk and curb unless otherwise approved pursuant to this chapter. All development shall utilize the vegetated planter strip for the placement of street trees or place street trees in other acceptable locations, as prescribed by OCMC 12.08. Development proposed along a collector, minor arterial, or major arterial roads may place street trees within tree wells within a wider sidewalk in lieu of a planter strip. In addition to street trees per OCMC 12.08, vegetated planter strips shall include ground cover and/or shrubs spaced four feet apart and appropriate for the location. No invasive or nuisance plant species shall be permitted.

Applicant Response: Tree wells will be installed.

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.

Applicant Response: The project is not proposing any vehicle or pedestrian access easements in lieu of streets.

H. Vehicular and pedestrian easements shall allow for public access and shall comply with all applicable pedestrian access requirements.

Applicant Response: No vehicular easements are proposed. Pedestrian easements, if needed or required, will be provided.

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."

Applicant Response: This is not applicable to the project.

16.12.018 - Street design—Alignment.

The centerline of streets shall be:

A. Aligned with existing streets by continuation of the centerlines; or

B. Offset from the centerline by no more than five feet, provided appropriate mitigation, in the judgment of the City Engineer, is provided to ensure that the offset intersection will not pose a safety hazard.

C. Driveways that are at least twenty-four feet wide shall align with existing or planned streets on adjacent sites.

Applicant Response: The centerlines of the surrounding streets have already been established. No new centerlines will be created.

16.12.019 - Traffic sight obstructions.

All new streets shall comply with the Traffic Sight Obstructions in Chapter 10.32.

Applicant Response: The requirements of this section will be met.

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.

Applicant Response: No new intersections are being created. This section is not applicable to this development.

16.12.021 - Street design—Grades and curves.

Grades and center line radii shall conform to standards approved by the City Engineer.

Applicant Response: Street grades have already been established for the surrounding streets.

16.12.022 - Street design—Development abutting arterial or collector street.

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

16.12.023 - Street design—Pedestrian and bicycle safety.

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

The City Engineer may require that crosswalks include a large vegetated or sidewalk area which extends into the street pavement as far as practicable to provide safer pedestrian crossing opportunities. These curb extensions can

increase the visibility of pedestrians and provide a shorter crosswalk distance as well as encourage motorists to drive slower. The City Engineer may approve an alternative design that achieves the same standard for constrained sites.

Applicant Response: The proposed site is not a residential street. This section is not applicable to the project.

16.12.024 - Street design—Half street.

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

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

Applicant Response: The project is not proposing any half streets.

16.12.025 - Street design—Cul-de-sacs and dead-end streets.

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

Applicant Response: The project is not proposing any cul-de-sacs or dead-end streets.

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.

Applicant Response: The project is not proposing any cul-de-sacs or dead-end streets.

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.

Applicant Response: The project is not proposing any cul-de-sacs or dead-end streets.

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.

Applicant Response: The project is not proposing any cul-de-sacs or dead-end streets.

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.

Applicant Response: The project is not proposing any cul-de-sacs or dead-end streets.

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).

Applicant Response: The project is not proposing any cul-de-sacs or dead-end streets.

16.12.026 - Street design—Alleys.

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

Applicant Response: The project is not proposing any alleys.

16.12.027 - Street design—Off-site street improvements.

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

Applicant Response: Two of the three adjoining streets will be improved as part of this project. Meyers, Road, the third street, was recently improved to current standards.

16.12.028 - Street design—Transit.

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

Applicant Response: None of the adjoining streets are defined as transit streets. This code section is not applicable to the project.

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.

Applicant Response: Where required, pavement cuts will be restored in accordance with the City requirements.

16.12.030 - Blocks—Width.

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

All new streets shall be designed as local streets unless otherwise designated as arterials and collectors in the current adopted Transportation System Plan. The maximum block spacing between streets is 530 feet and the minimum block spacing between streets is 150 feet as measured between the right-of-way centerlines except in zones GI, CI, MUE, I, and WFDD where determining the appropriate street spacing will be determined by the City

Engineer. If the maximum block size is exceeded, pedestrian accessways shall be provided every 330 feet. The spacing standards within this section do not apply to alleys.

Applicant Response: The project is not proposing the modification of any block widths.

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.

Applicant Response: The project is not proposing the renaming of any streets.

16.12.032 – Public off-street pedestrian and bicycle accessways.

Pedestrian/bicycle accessways are intended to provide direct, safe and convenient connections between residential areas, retail and office areas, institutional facilities, industrial parks, transit streets, neighborhood activity centers, rights-of-way, and pedestrian/bicycle accessways which minimize out-of-direction travel, and transit-orientated developments where public street connections for automobiles, bicycles and pedestrians are unavailable.

Pedestrian/bicycle accessways are appropriate in areas where public street options are unavailable, impractical or inappropriate. Pedestrian and bicycle accessways are required through private property or as right-of-way connecting development to the right-of-way at intervals not exceeding 330 feet of frontage; or where the lack of street continuity creates inconvenient or out of direction travel patterns for local pedestrian or bicycle trips.

Applicant Response: The project is not proposing any public off-street pedestrian or bicycle accessways.

A. Entry points shall align with pedestrian crossing points along adjacent streets and with adjacent street intersections.

Applicant Response: The project is not proposing any public off-street pedestrian or bicycle accessways.

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.

Applicant Response: The project is not proposing any public off-street pedestrian or bicycle accessways.

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.

Applicant Response: The project is not proposing any public off-street pedestrian or bicycle accessways.

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.

Applicant Response: The project is not proposing any public off-street pedestrian or bicycle accessways.

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.

Applicant Response: The project is not proposing any public off-street pedestrian or bicycle accessways.

E. Accessways shall comply with Americans with Disabilities Act (ADA).

Applicant Response: The project is not proposing any public off-street pedestrian or bicycle accessways.

F. The planter strips on either side of the accessway shall be landscaped along adjacent property by installation of the following:

1. *Either an evergreen hedge screen of thirty to forty-two inches high or shrubs spaced no more than four feet apart on average; and*
2. *Ground cover covering one hundred percent of the exposed ground. No bark mulch shall be allowed except under the canopy of shrubs and within two feet of the base of trees; and*
3. *A two-inch minimum caliper tree for every thirty-five feet along the accessway. Trees may be planted on either side of the accessway, provided they are spaced no more than thirty-five feet apart; and*
4. *In satisfying the requirements of this section, evergreen plant materials that grow over forty-two inches in height shall be avoided. All plant materials shall be selected from the Oregon City Native Plant List.*

Applicant Response: The project is not proposing any public off-street pedestrian or bicycle accessways.

G. Accessways shall be designed to prohibit unauthorized motorized traffic. Curbs and removable, lockable bollards are suggested mechanisms to achieve this.

Applicant Response: The project is not proposing any public off-street pedestrian or bicycle accessways.

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.

Applicant Response: The project is not proposing any public off-street pedestrian or bicycle accessways.

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.

Applicant Response: The project is not proposing any public off-street pedestrian or bicycle accessways.

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.

Applicant Response: The project is not proposing any public off-street pedestrian or bicycle accessways.

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.*

Applicant Response: The project is not proposing any public off-street pedestrian or bicycle accessways.

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.*

Applicant Response: Since the proposed site is expected to generate fewer than 24 peak hour and 250 daily trips, a transportation impact analysis (TIA) was not required. Per direction from City staff, intersection capacity was evaluated at the Meyers Road/High School Avenue intersection and proposed site driveways. The intersection and proposed site driveways were found to meet mobility standards. The Transportation Analysis Letter (TAL) for the site contains more detail.

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.*

Applicant Response: See response to 16.12.033.A.

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.*

Applicant Response: See response to 16.12.033.A.

D. For the intersection of OR 213 & Beaver Creek Road, the following mobility standards apply:

- 1. During the first, second & third hours, a maximum v/c ratio of 1.00 shall be maintained. Calculation of the maximum v/c ratio will be based on an average annual weekday peak hour.*

Applicant Response: See response to 16.12.033.A.

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

I-205/OR 99E Interchange

State intersections located within or on the Regional Center Boundaries

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

development's impact on the intersections identified in this exemption and shall construct the intersection improvements listed in the TSP or required by the Code.

Applicant Response: This section is not applicable because of the project location.

16.12.035 - Driveways.

A. All new development and redevelopment shall meet the minimum driveway spacing standards identified in

<i>Table 16.12.035.A Minimum Driveway Spacing Standards</i>		
<i>Street Functional Classification</i>	<i>Minimum Driveway Spacing Standards</i>	<i>Distance</i>
<i>Major Arterial Streets</i>	<i>Minimum distance from a street corner to a driveway for all uses other than detached single and two-family dwellings</i>	<i>175 ft.</i>
<i>Minor Arterial Streets</i>	<i>Minimum distance from a street corner to a driveway for all uses other than detached single and two-family dwellings</i>	<i>175 ft.</i>
<i>Collector Streets</i>	<i>Minimum distance from a street corner to a driveway for all uses other than detached single and two-family dwellings</i>	<i>100 ft.</i>
<i>Local Streets</i>	<i>Minimum distance from a street corner to a driveway for all uses other than detached single and two-family dwellings</i>	<i>25 ft.</i>

The distance from a street corner to a driveway is measured along the right-of-way from the edge of the intersection (on the same side of the road) right-of-way to the nearest portion of the driveway and the distance between driveways is measured at the nearest portions of the driveway at the right-of-way.

Applicant Response: The distance from the street corner to the driveway is approximately 260 feet exceeds the minimum distance of 175 feet.

B. Nonresidential or multi-family residential driveways that generate high traffic volumes shall be treated as intersections and shall adhere to requirements of OCMC 16.12.020.

Applicant Response: The driveways included in this project will not generate high traffic volumes.

C. One driveway may be allowed per frontage, unless otherwise restricted. In no case shall more than two driveways be allowed for any single-family attached or detached residential property, duplex, 3-4 plex, or property developed with an ADU or internal conversion with multiple frontages, unless otherwise approved by the City Engineer.

Applicant Response: The proposed site plan provides sufficient intersection spacing, capacity and sight distance at the two proposed site driveways along Meyers Road. The two driveways align with existing curb cuts for the Oregon City Transportation Maintenance Facility across Meyers Road. There are no inherent safety issues associated with the design and location of the proposed driveways. The Transportation Analysis Letter (TAL) for the site contains more detail.

D. When a property fronts multiple roads, access shall be provided from the road with the lowest classification in the Transportation System Plan whenever possible to minimize points of access to arterials and collectors. At the discretion of the City Engineer, properties fronting a collector or arterial road may be allowed a second driveway, for the creation of a circulation pattern that eliminates reverse maneuvers for vehicles exiting a property if applied for and granted through procedures in OCMC 16.12.013. All lots proposed with a driveway and lot orientation on a collector or minor arterial shall combine driveways into one joint access per two or more lots unless the City Engineer determines that:

1. No driveway access may be allowed since the driveway(s) would cause a significant traffic safety hazard; or
2. Allowing a single driveway access per lot will not cause a significant traffic safety hazard.

Applicant Response: The applicant is proposing a modification to the above code requirement and proposing that the parking lot driveways be located on Meyers Road. Meyers Road is classified as a Minor Arterial. High School Avenue is classified as a Collector, a lower classification than Meyers Road. The applicant is also proposing a second driveway, for the creation of a circulation pattern that eliminates reverse maneuvers for vehicles exiting a property. Please refer to section 16.12.013 Modifications of this narrative for the justification of these modification.

E. All driveway approaches shall be limited to the dimensions identified in Table 16.12.035.D.

Table 16.12.035.D Driveway Approach Size Standards

<i>Table 16.12.035.D Driveway Approach Size Standards</i>			
<i>Property Use</i>	<i>Minimum Driveway Approach Width</i>		<i>Maximum Driveway Approach Width</i>
<i>Single-Family Attached</i>	<i>10 feet</i>		<i>12 feet</i>
<i>Single-Family Detached in R-5 & R-3.5</i>	<i>10 feet</i>		<i>12 feet</i>
<i>Single-Family Detached in R-10, R-8, & R-6</i>	<i>12 feet</i>		<i>24 feet</i>
<i>Duplexes</i>	<i>12 feet</i>		<i>24 feet</i>
<i>3-4 Plexes</i>	<i>12 feet</i>		<i>24 feet</i>
<i>Multi-Family</i>	<i>18 feet</i>		<i>30 feet</i>
<i>Commercial, Industrial, Office, Institutional, Mixed Use, and/or Nonresidential</i>	<i>One-Way 12 feet</i>	<i>Two-Way 20 feet</i>	<i>40 feet</i>

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.

Applicant Response: The distance from the street corner to the driveway is approximately 260 feet exceeds the minimum distance of 175 feet.

F. The City Engineer reserves the right to require a reduction in the number and size of driveway approaches as far as practicable for any of the following purposes:

1. To provide adequate space for on-street parking;
2. To facilitate street tree planting requirements;
3. To assure pedestrian and vehicular safety by limiting vehicular access points; and
4. To assure that adequate sight distance requirements are met.

a. Where the decision maker determines any of these situations exist or may occur due to the approval of a proposed development for non-residential uses or attached or multi-family housing, a shared driveway shall be required and limited to twenty-four feet in width adjacent to the sidewalk or property line.

Applicant Response: The applicant acknowledges that the City Engineer reserves the right to require a reduction in the number and size of driveway approaches as outlined above.

G. For all driveways, the following standards apply.

1. Each new or redeveloped curb cut shall have an approved concrete approach or asphalted street connection where there is no concrete curb and a minimum hard surface for at least ten feet back into the property as

measured from the current edge of sidewalk or street pavement to provide for controlling gravel tracking onto the public street. The hard surface may be concrete, asphalt, or other surface approved by the City Engineer.

2. Any driveway approach built within public right-of-way shall be built and permitted per City requirements as approved by the City Engineer.

3. No driveway with a slope of greater than fifteen percent shall be permitted without approval of the City Engineer.

Applicant Response: The driveways are being developed as outlined above.

H. *Exceptions. The City Engineer reserves the right to waive these standards or not allow driveway access, if the driveway(s) would cause a significant traffic safety hazard. Narrower driveway widths may be considered where field conditions preclude use of recommended widths. When larger vehicles and trucks will be the predominant users of a particular driveway, turning templates may be utilized to develop a driveway width that can safely and expeditiously accommodate the prevalent type of ingress and egress traffic.*

Applicant Response: The applicant acknowledges that the City Engineer reserves the right to waive the driveway standards.

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.

Applicant Response: The grading will conform to the State of Oregon Structural Specialty Code, Title 18.

16.12.085 - Easements.

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

A. *Utilities. Utility easements shall be required where necessary as determined by the City Engineer. Insofar as practicable, easements shall be continuous and aligned from block-to-block within the development and with adjoining subdivisions or partitions. Specific utility easements for water, sanitary or storm drainage shall be provided based on approved final engineering plans.*

Applicant Response: There is an existing 10' wide utility easement on the north side of the project site. There is a proposed 10' wide utility easement on the east side of the project site along High School Avenue.

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.*

Applicant Response: The project does not propose any easements for unusual facilities.

C. *Watercourses. Where a development is traversed or bounded by a watercourse, drainageway, channel or stream, a stormwater easement or drainage right-of-way shall be provided which conforms substantially to the line of such watercourse, drainageway, channel or stream and is of a sufficient width to allow construction, maintenance and control for the purpose as required by the responsible agency. For those subdivisions or partitions which are bounded by a stream of established recreational value, setbacks or easements may be required to prevent impacts to the water resource or to accommodate pedestrian or bicycle paths.*

Applicant Response: The applicant will record a restrictive covenant or conservation easement in the form provided by the city, that will require owners and assigns of the property to comply with the applicable mitigation requirements and apply an easement over NROD sensitive areas. The covenant or easement will run with the land and permit the city to complete mitigation work or necessary

maintenance in the event of default by the responsible party within easements along the line of watercourses, drainageways, channels or streams. Should the city need to complete the mitigation work, such cost will be borne by the owner. The covenant or conservation easement is the responsibility of the property owner, assign, or designee.

D. Access. When easements are used to provide vehicular access to lots within a development, the construction standards, but not necessarily width standards, for the easement shall meet City specifications. The minimum width of the easement shall be 20 feet. The easements shall be improved and recorded by the applicant and inspected by the City Engineer. Access easements may also provide for utility placement.

Applicant Response: The project does not include any easements that will provide vehicular access.

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.

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.

Applicant Response: Improvement work will not commence until construction plans have been reviewed and approved by the City Engineer.

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.

Applicant Response: Improvements will be constructed under the inspection and approval of the City Engineer.

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.

Applicant Response: Erosion control or resource protection facilities or measures will be installed in accordance with the requirements of OCM 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 franchise utility easement within private property.

Applicant Response: Underground utilities, waterlines, sanitary sewers and storm drains installed in streets will be constructed prior to the surfacing of the streets.

E. As-built construction plans and digital copies of as-built drawings shall be filed with the City Engineer upon completion of the improvements.

Applicant Response: As-built construction plans and digital copies of as-built drawings will 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.

Applicant Response: The project team acknowledges that the City Engineer may regulate the hours of construction and access routes for construction equipment to minimize impacts on adjoining residences or neighborhoods.

16.12.095 - Minimum improvements—Public facilities and services.

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

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

Applicant Response: Improvements will be made in accordance with the requirements of this section.

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.

Applicant Response: Improvements will be made in accordance with the requirements of this section.

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.

Applicant Response: This is not applicable to this project.

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.

Applicant Response: This is not applicable to this project, although a water service extension to the site will be made as a part of the improvements.

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

Applicant Response: The project will plant street trees at a distance of thirty-five feet on center, as indicated in 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.*

Applicant Response: This will not be a subdivision and therefore this is not applicable.

G. *Other Utilities. The applicant shall make all necessary arrangements with utility companies or other affected parties for the installation of underground lines and facilities. Existing and new electrical lines and other wires, including but not limited to communication, street lighting and cable television, shall be placed underground.*

Applicant Response: Arrangements will be made with the utility companies as may be needed.

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.*

Applicant Response: Oversizing is not expected to be required on this project.

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.*

Applicant Response: The project will comply will all applicable provisions of OCMC 17.47 with regard to erosion control.

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;*

Applicant Response: The condition regarding road standards and requirements as outlined above does not apply to this project.

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.*

Applicant Response: The condition regarding road standards and requirements as outlined above does not apply to this project.

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.*

Applicant Response: The condition regarding road standards and requirements as outlined above does not apply to this project.

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.

Applicant Response: There will not be a final plat with this project. This code section is not applicable.

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.

Applicant Response: Required improvements will be constructed in accordance with City requirements. However, no final plat will be involved.

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.

Applicant Response: The applicant will 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.

Applicant Response: All public improvements not constructed by the city, will 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

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.

Applicant Response: The applicant acknowledges that the property owner may be required to sign a waiver of remonstrance.

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.

Applicant Response: The project will not violate chapter 16.

CHAPTER 17.39 I INSTITUTIONAL DISTRICT

17.39.010 - Designated.

The purpose of this district is designed to facilitate the development of major public institutions, government facilities and parks and ensure the compatibility of these developments with surrounding areas. The I—Institutional zone is consistent with the public/quasi public and park designations on the comprehensive plan map.

Applicant Response: The applicant acknowledges the purpose of the Institutional District as outlined above.

17.39.020 - Permitted uses.

Permitted uses in the institutional district are:

- A. Private and/or public educational or training facilities;*
- B. Parks, playgrounds, playfields and community or neighborhood community centers;*
- C. Public facilities and services including courts, libraries and general government offices and maintenance facilities;*
- D. Stadiums and arenas;*
- E. Banquet, conference facilities and meeting rooms;*
- F. Government offices;*
- G. Transportation facilities;*
- H. Mobile food carts.*

Applicant Response: The project will be a park with a playground and playfield which is a permitted use under 17.39.020

17.39.030 - Accessory uses.

The following uses are permitted outright if they are accessory to and related to the primary institutional use:

- A. Offices;*
- B. Retail (not to exceed twenty percent of total gross floor area of all building);*
- C. Child care centers or nursery schools;*
- D. Scientific, educational, or medical research facilities and laboratories;*
- E. Religious institutions.*

Applicant Response: The project does not propose any of the above uses for the park property.

17.39.040 - Conditional uses.

Uses requiring conditional use permit are:

- A. Any uses listed under OCMC 17.39.030 that are not accessory to the primary institutional use;*
- B. Boarding and lodging houses, bed and breakfast inns;*
- C. Cemeteries, crematories, mausoleums, and columbariums;*
- D. Correctional facilities;*
- E. Helipad in conjunction with a permitted use;*
- F. Parking lots not in conjunction with a primary use;*
- G. Public utilities, including sub-stations (such as buildings, plants and other structures);*
- H. Fire stations;*
- I. Police Station.*

17.39.045 - Prohibited uses.

Prohibited uses in the I district are:

- A. Any use not expressly listed in OCMC 17.39.020, 17.39.030 or 17.39.040;*
- B. Marijuana businesses;*

Applicant Response: The project does not propose any of the above uses for the park property.

17.39.050 - Dimensional standards.

Dimensional standards in the I district are:

- A. Maximum building height: Within one hundred feet of any district boundary, not to exceed thirty-five feet; elsewhere, not to exceed seventy feet.*

B. Minimum required setbacks: Twenty-five feet from property line except when the development is adjacent to a public right-of-way. When adjacent to a public right-of-way, the minimum setback is zero feet and the maximum setback is five feet.

Applicant Response: The park will include a shelter that will be approximately 15' tall. The shelter will be located outside of the minimum required setback area. The park will include a restroom that will be approximately 14' tall. The restroom will be located outside of the minimum required setback area.

17.39.060 - Relationship to master plan.

A. A master plan is required for any development within the I District on a site over ten acres in size that:

- 1. Is for a new development on a vacant property;*
- 2. Is for the redevelopment of a property previously used as a non-institutional use; or*
- 3. Increases the floor area of the existing development by ten thousand square feet over existing conditions*

B. Master plan dimensional standards that are less restrictive than those of the Institutional District require adjustments. Adjustments will address the criteria of OCMC 17.65.70 and will be processed concurrently with the master plan application.

C. Modifications to other development standards in the code may be made as part of the phased master plan adjustment process. All modifications shall be in accordance with the requirements of the master plan adjustment process identified in OCMC 17.65.070.

Applicant Response: The project site is not over ten acres in size and does not require a master plan.

CHAPTER 17.41 TREE PROTECTION, PRESERVATION, REMOVAL AND REPLANTING STANDARDS

17.41.010 - Protection of trees—Intent.

The intent of this chapter is to ensure that new development is designed in a manner that preserves trees to the maximum extent practicable. As a requirement of any Type II land use application, the siting of structures, roadways and utility easements, shall provide for the protection of tree resources to the maximum extent practicable. This chapter applies to all Land Division and Site Plan and Design Review applications.

Applicant Response: The development of the site has taken great care to preserve as many of the existing tree resources to the maximum extent practicable. In some cases existing trees were required to be removed in order to provide accessible pathways and site improvements.

17.41.020 - Tree protection—Applicability.

- 1. Applications for development subject to OCMC 16.08 (Land Divisions) or OCMC 17.62 (Site Plan and Design Review) shall demonstrate compliance with these standards as part of the review proceedings for those developments. Compliance with this chapter is required from the date a land use application is filed until a land division is recorded or other development approval is final.*
- 2. For public capital improvement projects, the City Engineer shall demonstrate compliance with these standards pursuant to a Type I process.*
- 3. Tree canopy removal greater than twenty-five percent on areas with greater than twenty-five percent slope, unless exempted under OCMC 17.41.040, shall be subject to these standards.*
- 4. A heritage tree or grove which has been designated pursuant to the procedures of OCMC 12.32 shall be subject to the standards of this section.*
- 5. A tree that has been planted pursuant to this section shall remain or shall be replaced with a new tree if removed.*

Applicant Response: The tree plan demonstrates compliance with OCMC 16.62. Existing trees to remain will be protected through the use of tree protection fencing and other protective measures.

17.41.030 - Tree protection—Conflicting code provisions.

Except as otherwise specified in this section, where these standards conflict with adopted city development codes or policies, the provision which provides the greater protection for regulated trees or groves, as defined in OCMC 17.04, shall govern.

Applicant Response: The project will adhere to the provision which provides the greater protection for regulated trees or groves.

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 do 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.

Applicant Response: The project acknowledges the exemptions listed under 17.41.040

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; or

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.

Applicant Response: The project will comply with the tree protection requirements through option 1 – mitigation. Trees that are to be removed and are requiring mitigation will be mitigated by the replanting of trees onsite.

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.

Applicant Response: Trees that are removed within the construction area will be replanted with the number of replacement trees required in Column 2.

**Table 17.41.060-1
Tree Replacement Requirements**

Size of tree removed (DBH)	Column 1 Number of trees to be planted. (If removed Outside of construction area)	Column 2 Number of trees to be planted. (If removed Within the construction area)
6 to 12"	3	1
13 to 18"	6	2
19 to 24"	9	3
25 to 30"	12	4
31 and over"	15	5

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.

Applicant Response: A table that summarizes the tree replacement requirements as outlined above will be included on the tree plan.

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.

Applicant Response: Trees required for mitigation purposes will be replanted on the development site, the park property.

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.

Applicant Response: The project will comply with these replacement standards.

E. All existing tree(s) in the tract shall be protected by a permanent restrictive covenant or easement approved in form by the City.

Applicant Response: The project will not be taking this tree removal mitigation approach.

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.

Applicant Response: The project will not be taking this tree removal mitigation approach.

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; or
2. For residential land divisions, private open space subject to an easement conveying stormwater and surface water management rights to the city and preventing the owner of the tract from activities and uses inconsistent with the purpose of this document; or
3. 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.

Applicant Response: The project does not include a subdivision or partition.

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.

Applicant Response: The project is not pursuing a density transfer incentive.

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.

Applicant Response: The project is not subject to minimum density requirements of the zoning code.

Table 17.41.080.A
Lot Size Reduction

ZONE	Min. Lot Size [sq. feet]	Min. Lot Width	Min. Lot Depth
R-10	5,000 sq. feet	50'	65'
R-8	4,000 sq. feet	45'	60'
R-6	3,500 sq. feet	35'	55'
R-5	3,000 sq. feet	30'	50'
R-3.5	1,800 sq. feet	20'	45'

Applicant Response: The project is not pursuing a lot size reduction.

Table 17.41.080.B
Reduced Dimensional Standards for Detached Single-Family Residential Units

Size of Reduced Lot	Front Yard Setback	Rear Yard Setback	Side yard Setback	Corner Side	Lot Coverage
8,000—9,999 square feet	15 feet	20 feet	7/9 feet	15 feet	40%
6,000—7,999 square feet	10 feet	15 feet	5/7 feet	15 feet	40%
4,000—5,999 square feet	10 feet	15 feet	5/5 feet	10 feet	40%
1,800—3,999 square feet	5 feet	15 feet	5/5 feet	10 feet	55%

Applicant Response: The project is not pursuing reduced dimensional standards for detached single-family residential units.

Table 17.41.080.C

Reduced Dimensional Standards for Single-Family Attached or Two-Family Residential Units

Size of Reduced Lot	Front Yard Setback	Rear Yard Setback	Side yard Setback	Corner Side	Lot Coverage
3,500—7,000 square feet	10 feet	15 feet	5/0* feet	10 feet	40%
1,800—3,499 square feet	5 feet	15 feet	5/0* feet	10 feet	55%

**0 foot setback is only allowed on single-family attached units*

Applicant Response: The project is not pursuing reduced dimensional standards for single family attached or two-family residential units.

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 Community Development Director, pursuant to a Type II procedure, may grant an adjustment to street standards, pursuant to adopted public works standards, in order to preserve a tree. This may include flexibility to redesign sidewalk and planter strip sizes and locations and allow placement of sidewalks and planter strips in an easement within private lots.*
- 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.*

Applicant Response: The project will not require tree protection by restrictive covenant. All required mitigation trees will be planted onsite.

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 150% of the cost of materials, transportation and planting.

Applicant Response: The project will not utilize the cash-in-lieu of planting option.

17.41.130 - Regulated tree protection procedures during construction.

A. No permit for any grading or construction of public or private improvements may be released prior to verification by the Community Development Director that regulated trees designated for protection or conservation have been protected according to the following standards. No trees designated for removal shall be removed without prior written approval from the Community Development Director.

B. Tree protection shall be as recommended by a qualified arborist or, as a minimum, to include the following protective measures:

- 1. Except as otherwise determined by the Community Development Director, all required tree protection measures set forth in this section shall be instituted prior to any development activities, including, but not limited to clearing, grading, excavation or demolition work, and such measures shall be removed only after completion of all*

- construction activity, including necessary landscaping and irrigation installation, and any required plat, tract, conservation easement or restrictive covenant has been recorded.
2. Approved construction fencing, a minimum of four feet tall with steel posts placed no farther than ten feet apart, shall be installed at the edge of the tree protection zone or dripline, whichever is greater. An alternative may be used with the approval of the Community Development Director.
 3. Approved signs shall be attached to the fencing stating that inside the fencing is a tree protection zone, not to be disturbed unless prior approval has been obtained from the Community Development Director.
 4. No construction activity shall occur within the tree protection zone, including, but not limited to; dumping or storage of materials such as building supplies, soil, waste items; nor passage or parking of vehicles or equipment.
 5. The tree protection zone shall remain free of chemically injurious materials and liquids such as paints, thinners, cleaning solutions, petroleum products, and concrete or dry wall excess, construction debris, or run-off.
 6. No excavation, trenching, grading, root pruning or other activity shall occur within the tree protection zone unless directed by an arborist present on site and approved by the Community Development Director.
 7. No machinery repair or cleaning shall be performed within ten feet of the dripline of any trees identified for protection.
 8. Digging a trench for placement of public or private utilities or other structure within the critical root zone of a tree to be protected is prohibited. Boring under or through the tree protection zone may be permitted if approved by the Community Development Director and pursuant to the approved written recommendations and on-site guidance and supervision of a certified arborist.
 9. The Community Development Director may require that a certified arborist be present during any construction or grading activities that may affect the dripline of trees to be protected.
 10. The Community Development Director may impose conditions to avoid disturbance to tree roots from grading activities and to protect trees and other significant vegetation identified for retention from harm. Such conditions may include, if necessary, the advisory expertise of a qualified consulting arborist or horticulturist both during and after site preparation, and a special maintenance/management program to provide protection to the resource as recommended by the arborist or horticulturist.
- C. Changes in soil hydrology due to soil compaction and site drainage within tree protection areas shall be avoided. Drainage and grading plans shall include provision to ensure that drainage of the site does not conflict with the standards of this section. Excessive site run-off shall be directed to appropriate storm drainage facilities and away from trees designated for conservation or protection.

Applicant Response: Construction of the project will be executed so as to abide by the tree protection procedures as outlined above.

CHAPTER 17.49 NATURAL RESOURCES 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.

Applicant Response: A) Caufield Creek will be naturalized through the removal of an existing culvert and revegetated as outlined in section 5.3 *Revegetation Plan*. B) The study area is not within the FEMA 100-year floodplain boundary. C) Upland habitats within the NROD are not anticipated to be affected by the project. Revegetation of temporary disturbance areas will enhance connections between upland and riparian habitat. D) No changes are proposed to Caufield Creek which will result in any adverse effects to water quality and sedimentation. Revegetation will occur in areas of temporary disturbance, construction areas will be defined through orange construction fencing and sediment fencing boundaries, and proposed impervious surfaces will be adequately treated through appropriate stormwater treatment outside the NROD boundary. E) Scenic, recreational, and educational values of significant natural resources will remain intact and are expected to receive a functional uplift from the proposed mitigation.

17.49.015 – Natural Resources 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.

Applicant Response: Appropriate contact with the Oregon City Planning Division is regularly conducted by PHS staff during the natural resources evaluation and permitting process. If needed, PHS staff will reach out to the Oregon City Natural Resources Committee for input on ways to further the purpose of the NROD.

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. 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. Beaver Creek 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.

Applicant Response: Maps labeled above as 1, 2, and 4 were utilized to assess mapped wetlands, waters of the state/US, and water quality sensitive resources present on site.

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 17.49.020A.1.—17.19.020A.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.

Applicant Response: A wetland delineation was conducted on the site and is provided in Appendix B. The NROD boundary is shown on all development permit application submittal graphics. As another wetland was identified on site, procedures described in section 17.49.035 were applied to determine the local significance. As a wetland resides within an existing NROD boundary, the NROD boundary follows the boundary of the wetland as seen in Figure 5.

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.

Applicant Response: A wetland was identified on site that is not included in the NROD map (Wetland A). The Oregon City NROD map does not display Wetland A; however, according to Oregon City Municipal Code (OCMC) 17.49.35 - 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".

Wetland A does partially reside within the NROD boundary surrounding Caufield Creek, however the wetland must also meet local significance criteria to be designated a NROD boundary as described above. Despite the wetland being less than 0.5 acre, which already designates the wetland as not locally significant, PHS conducted the Oregon Freshwater Wetland Assessment Method (OFWAM) to further evaluate the significance rating of Wetland A. The results describe a degraded habitat, water quality function and hydrologic control, which also designate the wetland as not locally significant (Attachment D, OFWAM Summary). Metro's Title 13 inventory of habitats includes a Class II Riparian Corridor/Wildlife Habitat along Caufield Creek, and an Upland Wildlife habitat class B within upland areas in the southern and central study area. To the east, land is developed with the existing high school and does not include NROD. To the south, Caufield Creek extends south of Glen Oak Road and associated vegetated corridor

does not enter into the southeast portion of the study area. All NROD boundaries present within the study area surround Caufield Creek to the south.

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.

Applicant Response: As the proposed development includes only temporary disturbances within the NROD boundary, the project falls within Uses Allowed Outright OCMC 17.49.080. As such, the project should be exempt from the Type II development permit procedure.

17.49.050 - Emergencies.

The provisions of this ordinance 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.

Applicant Response: The proposed project is not the result of an emergency situation, this section does not apply.

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.

Applicant Response: No conflicts with the provisions of the Oregon City Municipal Code; other City requirements; or with regional, state or federal law have been identified for the proposed project. The wetland resources within the proposed project area were delineated by PHS in July, 2014 and September, 2019. The DSL concurred with the findings in January 2015 (WD#2014-0434, Appendix B). The jurisdictional determinations are valid for five years unless new information necessitates a revision. PHS revisited the site in 2019 to replace a centerline of Caufield Creek with official OHW boundaries, which can be seen on Figure 4.

The project does not propose impacts to jurisdictional wetlands or waters that would warrant further coordination with DSL and the Corps; proposed impacts are below 50 cubic yards for DSL and there is no proposed fill, which does not trigger a permit from the Corps. As such, further documentation or coordination with appropriate regulatory/resource agencies, as required in Section 17.49.230C, is not necessary.

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.

Applicant Response: A) No prohibited uses are proposed as seen in Figure 5. B) No new lots are proposed. C) No dumping of materials for placement of fill will occur within the NROD boundary. D) Temporary ground disturbance will occur within the NROD boundary due to a proposed culvert removal and road removal, but will not result in ten (10) percent of native vegetation removed.

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 3,500 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 Section (L) shall be replaced with a new tree of at least ½-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.

Applicant Response: The proposed project will alter an existing structure (removal and restoration of existing road, culvert and barn) with no impervious surface area increase proposed within the NROD, which meets the criteria 17.49.080(J) as uses allowed outright and not requiring the issuance of an NROD permit.

17.49.090 - 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 residence 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 storm water 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.

Applicant Response: The proposed project falls within an exempt use, and therefore this section does not apply.

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 ways (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;
- 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.
- 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);
- D. Grading is subject to installation of erosion control measures required by the City;
- 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;
- G. Fences in compliance with OCMC 17.49.080.N;
- H. Exterior lighting shall be placed or shielded so that they do not shine directly into resource areas;
- I. If development will occur within the one hundred-year floodplain, the standards of OCMC 17.42 shall be met; and
- J. Mitigation of impacts to the regulated buffer is required, subject to OCMC 17.49.180 or 17.49.190.

Applicant Response: The proposed project is will comply with general development standards. No permanent impacts are proposed within the NROD boundary, therefore only revegetation and restoration of existing grades will occur.

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.

Table 17.49.110

Protected Water Feature Type (see definitions)	Slope Adjacent to Protected Water Feature	Starting Point for Measurements from Water Feature	Width of Vegetated Corridor (see Note 1)
Anadromous fish-bearing streams	Any slope	• Edge of bankfull flow	200 feet
Intermittent streams with slopes less than 25 percent and which drain less than 100 acres	< 25 percent	• Edge of bankfull flow	15 feet
All other protected water features	< 25 percent	• Edge of bankfull flow • Delineated edge of Title 3 wetland	50 feet
	≥25 percent for 150 feet or more (see Note 2)		200 feet
	≥25 percent for less than 150 feet (see Note 2)		Distance from starting point of measurement to top of ravine (break in ≥25 percent slope) (See Note 3) plus 50 feet.

Notes:

1. Required width (measured horizontally) of vegetated corridor unless reduced pursuant to the provisions of OCMC 17.49.120.

2. Vegetated corridors in excess of fifty feet apply on steep slopes only in the uphill direction from the protected water feature.

3. Where the protected water feature is confined by a ravine or gully, the top of the ravine is the break in the ≥25 percent slope.

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 this ordinance, the minimum corridor width from any non-anadromous fish bearing stream or wetland shall be fifty feet.

Applicant Response: The slope adjacent to the delineated edge of the creek was assessed in order to determine the width of the vegetated corridor. The slopes adjacent to the creek were determined to be less than 25 percent, resulting in a 50-foot wide vegetated corridor according to Table 17.49.110 of the Oregon City NROD code. Approximately 37,986 square feet (0.87 acres) of vegetated corridor is present within the study area (Figure 4).

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 < or = to 0, 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 1,500 square foot disturbance within the NROD area may be allowed.

Applicant Response: As the study area consists of two lots, which are not constrained by an existing NROD boundary, this section does not apply. The proposed development complies with the maximum disturbance area.

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.

Applicant Response: As this project will alter an existing development feature (culvert), which is exempt as outlined in OCMC 17.49.080(J), a Type II application is not being pursued and mitigation is not required under OCMC 17.49.180 or 17.49.190. Temporary disturbance areas will be restored and revegetated with species from the City of Oregon City Native Plant List.

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.

Applicant Response: As this project is not proposing utility line impacts within the NROD boundary, this section does not apply.

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.

Applicant Response: No vehicular or pedestrian paths and roads are proposed within the NROD boundary. This section does not apply.

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 storm water 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.

Applicant Response: Stormwater facilities will be located outside of the NROD boundary and addressed outside of this chapter. A) This section does not apply, no tree dripline will be disturbed within the NROD boundary B) Any vegetation to be planted within the site will pertain to those species listed in the Oregon City Native Plant List. C) Mitigation is not required under OCMC 17.49.180 or 17.49.190. Temporary disturbance areas will be restored and revegetated with species from the City of Oregon City Native Plant List. D-E) This section does not apply. G) No stormwater features are proposed within the NROD boundary; stormwater is addressed in a different section and will comply with standards applied through 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.

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.*

Applicant Response: As there are no proposed land divisions, this section does not apply.

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; or*
- e. Any other ownership proposed by the owner and approved by the Community Development Director.*

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.

Applicant Response: As there are no proposed land divisions, this section does not apply.

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.

Applicant Response: As there are no proposed trails within the NROD boundary, this section does not apply.

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;

Applicant Response: As there is no required mitigation, this section does not apply. The revegetation plan and requirements of this section are covered in greater detail in 5.3 *Revegetation Plan* below. A-B) this section does not apply.

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.

Applicant Response: As there is no required mitigation, this section does not apply. The revegetation plan and requirements of this section are covered in greater detail in 5.3 *Revegetation Plan* below. A-B) this section does not apply.

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.

Applicant Response: As there is no required mitigation, this section does not apply. The revegetation plan and requirements of this section are covered in greater detail in 5.3 *Revegetation Plan* below. A-B) this section does not apply.

D. Invasive and nuisance vegetation shall be removed within the mitigation area;

Applicant Response: As there is no required mitigation, this section does not apply. The revegetation plan and requirements of this section are covered in greater detail in 5.3 *Revegetation Plan* below. A-B) this section does not apply.

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.

Applicant Response: As there is no required mitigation, this section does not apply. The revegetation plan and requirements of this section are covered in greater detail in 5.3 *Revegetation Plan* below. A-B) this section does not apply.

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.

Table 17.49.180E.1.a.—Required Planting

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

Applicant Response: As there is no required mitigation, this section does not apply. The revegetation plan and requirements of this section are covered in greater detail in 5.3 *Revegetation Plan* below. A-B) this section does not apply.

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;

Applicant Response: As there is no required mitigation, this section does not apply. The revegetation plan and requirements of this section are covered in greater detail in 5.3 *Revegetation Plan* below. A-B) this section does not apply.

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.

Applicant Response: As there is no required mitigation, this section does not apply. The revegetation plan and requirements of this section are covered in greater detail in 5.3 *Revegetation Plan* below. A-B) this section does not apply.

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.

Applicant Response: As there is no required mitigation, this section does not apply. The revegetation plan and requirements of this section are covered in greater detail in 5.3 *Revegetation Plan* below. A-B) this section does not apply.

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.

Applicant Response: As there is no required mitigation, this section does not apply. The revegetation plan and requirements of this section are covered in greater detail in 5.3 *Revegetation Plan* below. A-B) this section does not apply.

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.

Applicant Response: As there is no required mitigation, this section does not apply. The revegetation plan and requirements of this section are covered in greater detail in 5.3 *Revegetation Plan* below. A-B) this section does not apply.

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.

Applicant Response: As there is no required mitigation, this section does not apply. The revegetation plan and requirements of this section are covered in greater detail in 5.3 *Revegetation Plan* below. A-B) this section does not apply.

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.

Applicant Response: As there is no required mitigation, this section does not apply. The revegetation plan and requirements of this section are covered in greater detail in 5.3 *Revegetation Plan* below. A-B) this section does not apply.

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.

Applicant Response: As there is no required mitigation, this section does not apply. The revegetation plan and requirements of this section are covered in greater detail in 5.3 *Revegetation Plan* below. A-B) this section does not apply.

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.

Applicant Response: As there is no required mitigation, this section does not apply. The revegetation plan and requirements of this section are covered in greater detail in 5.3 *Revegetation Plan* below. A-B) this section does not apply.

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.

Applicant Response: As there is no required mitigation, this section does not apply. The revegetation plan and requirements of this section are covered in greater detail in 5.3 *Revegetation Plan* below. A-B) this section does not apply.

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 on-going 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.

Applicant Response: As there is no required mitigation, this section does not apply. The revegetation plan and requirements of this section are covered in greater detail in 5.3 *Revegetation Plan* below. A-B) this section does not apply.

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.

Applicant Response: As there is no required mitigation, this section does not apply. The revegetation plan and requirements of this section are covered in greater detail in 5.3 *Revegetation Plan* below. A-B) this section does not apply.

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.

Applicant Response: As there is no required mitigation, this section does not apply. The revegetation plan and requirements of this section are covered in greater detail in 5.3 *Revegetation Plan* below. A-B) this section does not apply.

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.

Applicant Response: No alternative mitigation standards are proposed, this section does not apply.

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

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

Applicant Response: No alternative mitigation standards are proposed, this section does not apply.

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

Applicant Response: No alternative mitigation standards are proposed, this section does not apply.

C. The proposed mitigation shall result in a significant improvement to Good Existing Condition as determined by a qualified environmental professional;

Applicant Response: No alternative mitigation standards are proposed, this section does not apply.

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

Applicant Response: No alternative mitigation standards are proposed, this section does not apply.

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;

Applicant Response: No alternative mitigation standards are proposed, this section does not apply.

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.

Applicant Response: No alternative mitigation standards are proposed, this section does not apply.

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:

Applicant Response: : The project does not require any adjustments from standards. This section does not apply.

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;

Applicant Response: : The project does not require any adjustments from standards. This section does not apply.

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;

Applicant Response: The proposed project largely avoids impacts to NROD resources and their functions within the parcel by minimizing to temporary impacts within the NROD. The proposed culvert and road removal within the NROD has been minimized to the greatest extent possible.

The condition of the NROD is defined by the combined coverage of trees, shrubs, and groundcover; overall tree canopy coverage; and the coverage of non-native species. The NROD has few trees, heavy non-native shrubs, and weedy ground cover. Overall canopy cover is degraded due to the dominance of invasive species (Himalayan blackberry), and lack of canopy cover. As such, the proposal has fewer adverse impacts on significant resources and their functions than actions that would meet the applicable environmental development standards. The mitigation proposed for the project, which includes removing invasive plant species and increasing native plant diversity, is expected to create a higher functioning NROD area than currently exists on the parcel.

C. The proposed use or activity proposes the minimum intrusion into the NROD area that is necessary to meet development objectives;

Applicant Response: As stated above, the proposed site plan has been designed to address project specific criteria while minimizing impacts to natural resources. The existing location of the culvert and road limits the temporary impact area to the NROD. The project will qualify as exempt under 17.49.080(J) and also meet development objectives.

D. Fish and wildlife passage will not be impeded;

Applicant Response: Impacts into the NROD are not expected to impede fish and wildlife passage. A majority of the NROD area will remain intact and/or will be improved in function. The reach of Caufield Creek that flows through the project area is not mapped as providing habitat for migratory fish (StreamNet 2015¹). The proposed project is not anticipated to cause additional wildlife passage impacts within the NROD other than those already present from the surrounding roadways and developments. No trees are proposed for removal within the NROD boundary.

¹ StreamNet. 2019. StreamNet Fish Data for the Northwest. URL: <http://www.streamnet.org/>. Site accessed in September, 2019.

E. With the exception of the standard(s) subject to the adjustment request, all other applicable NROD standards can be met; and

Applicant Response: All standards will be met; however this project is exempt under 17.49.080(J), as disturbance is temporary and will be restored and revegetated upon project completion.

F. The applicant has proposed adequate mitigation to offset the impact of the adjustment.

Applicant Response: Mitigation is not required under OCMC 17.49.180 or 17.49.190. Temporary disturbance areas will be restored and revegetated with species from the City of Oregon City Native Plant List.

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.

Applicant Response: As the proposed development includes only temporary disturbances within the NROD boundary, the project falls within Uses Allowed Outright OCMC 17.49.080. As such, the project should be exempt from the Type II development permit 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.*

Applicant Response: The above applicable items are shown on the included site plans.

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.*

Applicant Response: The above applicable items are shown on the included site plans.

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.

Applicant Response: The above applicable items are shown on the included site plans.

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;

Applicant Response: As described above, no trees are proposed for removal within the NROD boundary, and 1,096 square feet will be temporarily disturbed and restored within the NROD. Mitigation Standards required under Section 17.49.180 do not apply; however, plant densities described in OCMC 17.49.180 Option 2 will be utilized in the revegetation efforts of temporary disturbance areas seen on Figure 6, which include the road removal area and barn removal area outside of the NROD.

The number of trees and shrubs to be planted using Option 1 is based on the number and size of the trees to be removed. Since no trees are proposed for removal, the required tree and shrub replacement total is zero (0).

The number of trees and shrubs to be planted using Option 2 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. The total disturbance area within the NROD, which is comprised of only temporary impacts, is approximately 1,096 square feet, which requires in 11 trees and 55 shrubs to be planted. Remaining areas of removed roadway outside of the NROD will be broadcast seeded with native seed compliant with the Oregon City Native Plant List.

Option 2 will be utilized for the revegetation plan. The revegetation is proposed to occur in areas of temporary disturbance along the removed road. The existing vegetated corridor is in degraded condition. It is anticipated that the revegetation will improve the functional value of the vegetated corridor by removing invasive species and increasing native plant diversity and coverage, and increase the size of the VC by restoring the road prism and removed barn area. As the project is exempt, no mitigation plan report is proposed (Section 17.49.230). Mitigation Standards described in Section 17.49.180 do not apply.

B. The resources and functional values to be restored, created, or enhanced through the mitigation plan;

Applicant Response: See above response to 17.49.230.A

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);

Applicant Response: See above response to 17.49.230.A

D. Construction timetables;

Applicant Response: See above response to 17.49.230.A

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.

Applicant Response: See above response to 17.49.230.A

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.

Applicant Response: The project is not seeking density transfers.

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 17.49.240C.—17.49.240D.

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.

Table 17.49.240 A: Lot Size Reductions Allowed for NROD Density Transfers

ZONE	Min. Lot Size (%)	Min. Lot Width	Min. Lot Depth
R-10	5,000 sq. feet	50'	65'
R-8	4,000 sq. feet	45'	60'
R-6	3,500 sq. feet	35'	55'
R-5	3,000 sq. feet	30'	50'
R-3.5	1,800 sq. feet	20'	45'

Applicant Response: The project is not seeking a lot size reduction.

Table 17.49.240 B: Reduced Dimensional Standards for Detached Single-Family Residential Units

Size of Reduced Lot	Front Yard Setback	Rear Yard Setback	Side yard Setback	Corner Side	Lot Coverage
8,000—9,999 square feet	15 feet	20 feet	7/9 feet	15 feet	40%
6,000—7,999 square feet	10 feet	15 feet	5/7 feet	15 feet	40%
4,000—5,999 square feet	10 feet	15 feet	5/5 feet	10 feet	40%

1,800—3,999 square feet	5 feet	15 feet	5/5 feet	10 feet	55%
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Applicant Response: The project is not seeking a reduced dimensional standard.

Table 17.49.240 C: Reduced Dimensional Standards for Single-Family Attached or Two-Family Residential Units

Size of Reduced Lot	Front Yard Setback	Rear Yard Setback	Side yard Setback	Corner Side	Lot Coverage
3,500—7,000 square feet	10 feet	15 feet	5/0* feet	10 feet	40%
1,800—3,499 square feet	5 feet	15 feet	5/0* feet	10 feet	55%

*0 foot setback is only allowed on single-family attached units

Applicant Response: The project is not seeking a reduced dimensional standard.

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;

Applicant Response: The project is not seeking a density transfer.

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.

Applicant Response: The project is not subject to minimum density requirements.

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; and

Applicant Response: The project is not seeking a transfer of density.

I. All other applicable development standards, including setbacks, building heights, and maximum lot coverage shall continue to apply when a density transfer occurs.

Applicant Response: The project is not seeking a density transfer.

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.

Applicant Response: The applicant is not requesting a Type I verification. This standard does not apply.

17.49.255 - 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.

Applicant Response: The applicant is not requesting a Type I verification. This standard does not apply.

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;

Applicant Response: The applicant is not requesting a Type I verification. This standard does not apply.

2. No hydrologic features have been changed;

Applicant Response: The applicant is not requesting a Type I verification. This standard does not apply.

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.

Applicant Response: The applicant is not requesting a Type I verification. This standard does not apply.

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.

Applicant Response: The applicant is not requesting a Type I verification. This standard does not apply.

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 manmade storm or surface water runoff structures or artificial water collection devices.

Applicant Response: The applicant is not requesting a Type I verification. This standard does not apply.

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. 99-1013).

Applicant Response: The applicant is not requesting a Type I verification. This standard does not apply.

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.

Applicant Response: The applicant is not requesting a Type I verification. This standard does not apply.

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.

Applicant Response: The applicant is not requesting a Type I verification. This standard does not apply.

c. If the City is not able to clearly determine, through the Type I verification process that the applicable criteria subsection 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.

Applicant Response: The applicant is not requesting a Type I verification. This standard does not apply.

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.

Applicant Response: The applicant is not requesting a Type II verification. This standard does not apply.

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

Applicant Response: The applicant is not requesting a Type II verification. This standard does not apply.

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.

Applicant Response: The applicant is not requesting a Type II verification. This standard does not apply.

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.

Applicant Response: The applicant is not requesting a Type II verification. This standard does not apply.

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.

Applicant Response: The applicant is not requesting a Type II verification. This standard does not apply.

CHAPTER 17.50 ADMINISTRATION AND PROCEDURES

17.50.010 - Purpose.

This chapter provides the procedures by which Oregon City reviews and decides upon applications for all permits relating to the use of land authorized by ORS 92, 197 and 227. These permits include all form of land divisions, land use, limited land use and expedited land division and legislative enactments and amendments to the Oregon City Comprehensive Plan and Titles 16 and 17 of this code. Pursuant to ORS 227.175, any applicant may elect to consolidate applications for two or more related permits needed for a single development project. Any grading activity associated with development shall be subject to preliminary review as part of the review process for the underlying development. It is the express policy of the City of Oregon 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.

17.50.030 - Summary of the City's decision-making processes.

The following decision-making processes chart shall control the City's review of the indicated permits:

Table 17.50.030: PERMIT APPROVAL PROCESS

PERMIT TYPE	I	II	III	IV	Expedited Land Division
Annexation				X	
Compatibility Review for Communication Facilities	X				
Compatibility Review for the Willamette River Greenway Overlay District			X		
Code Interpretation			X		
Master Plan/Planned Unit Development - General Development Plan			X		
Master Plan/Planned Unit Development - General Development Plan Amendment	X	X	X		
Conditional Use			X		

<i>Detailed Development Plan</i> ¹	X	X	X		
<i>Extension</i>	X				
<i>Final Plat</i>	X				
<i>Geologic Hazards</i>		X			
<i>Historic Review</i>	X		X		
<i>Lot Line Adjustment and Abandonment</i>	X				
<i>Manufactured Home Park Review (New or Modification)</i>		X			
<i>Placement of a Single Manufactured Home on Existing Space or Lot within a Park</i>	X				
<i>Minor Partition</i>		X			
<i>Nonconforming Use, Structure and Lots Review</i>	X	X			
<i>Plan or Code Amendment</i>				X	
<i>Revocation</i>				X	
<i>Site Plan and Design Review</i>	X	X			
<i>Subdivision</i>		X			X
<i>Variance</i>		X	X		
<i>Zone Change</i>				X	
<i>Natural Resource Overlay District Exemption</i>	X				
<i>Natural Resource Overlay District Review</i>		X	X		
<i>Live/Work Dwelling Review</i>		X			
<i>Cluster Housing Development Review</i>		X			
<i>Residential Design Standards Review for Single Family Attached, Single Family Detached, Duplexes, 3-4 Plexes, Internal Conversions and Accessory Dwelling Units</i>	X				
<i>Modification of Residential Design Standards</i>		X			

1 If any provision or element of the Master Plan/Planned Unit Development requires a deferred Type III procedure, the Detailed Development Plan shall be processed through a Type III procedure.

A. Type I decisions do not require interpretation or the exercise of policy or legal judgment in evaluating approval criteria. Because no discretion is involved, Type I decisions do not qualify as a land use, or limited land use, decision. The decision-making process requires no notice to any party other than the applicant. The Community Development Director's decision is final and not appealable by any party through the normal City land use process.

B. Type II decisions involve the exercise of limited interpretation and discretion in evaluating approval criteria, similar to the limited land use decision-making process under state law. Applications evaluated through this process are assumed to be allowable in the underlying zone, and the inquiry typically focuses on what form the use will take or how it will look. Notice of application and an invitation to comment is mailed to the applicant, recognized active neighborhood association(s) and property owners within three hundred feet. The Community Development Director accepts comments for a minimum of fourteen days and renders a decision. The Community Development Director's decision is appealable to the City Commission, by any party who submitted comments in writing before the expiration of the comment period. Review by the City Commission shall be on the record pursuant to OCMC 17.50.190 under ORS ORS 197.195(5). The City Commission decision is the City's final decision and is subject to review by the Land Use Board of Appeals (LUBA) within twenty-one days of when it becomes final.

Applicant Response: The applicant acknowledges the procedures as outlined above.

C. Type III decisions involve the greatest amount of discretion and evaluation of subjective approval standards, yet are not required to be heard by the City Commission, except upon appeal. In the event that any decision is not classified, it shall be treated as a Type III decision. The process for these land use decisions is controlled by ORS 197.763. Notice of the application and the Planning Commission or the Historic Review Board hearing is published and mailed to the applicant, recognized neighborhood association(s) and property owners within three hundred feet. Notice shall be issued at least twenty days pre-hearing, and the staff report shall be available at least seven days pre-hearing. At the evidentiary hearing held before the Planning Commission or the Historic Review Board, all issues are addressed. The decision of the Planning Commission or Historic Review Board is appealable to the City Commission, on the record pursuant to OCMC 17.50.190. The City Commission decision on appeal from is the City's final decision and is subject to review by LUBA within twenty-one days of when it becomes final, unless otherwise provided by state law.

Applicant Response: The project is submitting for a Type II. Section C does not apply to the project.

D. Type IV decisions include only quasi-judicial plan amendments and zone changes. These applications involve the greatest amount of discretion and evaluation of subjective approval standards and shall be heard by the City Commission for final action. The process for these land use decisions is controlled by ORS 197.763. Notice of the application and Planning Commission hearing is published and mailed to the applicant, recognized neighborhood association(s) and property owners within three hundred feet. Notice shall be issued at least twenty days pre-hearing, and the staff report shall be available at least seven days pre-hearing. At the evidentiary hearing held before the Planning Commission, all issues are addressed. If the Planning Commission denies the application, any party with standing (i.e., anyone who appeared before the Planning Commission either in person or in writing within the comment period) may appeal the Planning Commission denial to the City Commission. If the Planning Commission denies the application and no appeal has been received within fourteen days of the issuance of the final decision, then the action of the Planning Commission becomes the final decision of the City. If the Planning Commission votes to approve the application, that decision is forwarded as a recommendation to the City Commission for final consideration. In either case, any review by the City Commission is on the record and only issues raised before the Planning Commission may be raised before the City Commission. The City Commission decision is the City's final decision and is subject to review by LUBA within twenty-one days of when it becomes final.

Applicant Response: The project is submitting for a Type II. Section D does not apply to the project.

E. The expedited land division (ELD) process is set forth in ORS 197.360 to 197.380. To qualify for this type of process, the development shall meet the basic criteria in ORS 197.360(1)(a) or (b). While the decision-making process is controlled by state law, the approval criteria are found in this code. The Community Development Director has twenty-one days within which to determine whether an application is complete. Once deemed complete, the Community Development Director has sixty-three days within which to issue a decision. Notice of application and opportunity to comment is mailed to the applicant, recognized neighborhood association and property owners within one hundred feet of the subject site. The Community Development Director will accept written comments on the application for fourteen days and then issues a decision. State law prohibits a hearing. Any party who submitted comments may call for an appeal of the Community Development Director's decision before a hearing referee. The referee need not hold a hearing; the only requirement is that the determination be based on the evidentiary record established by the Community Development Director and that the process be "fair." The referee applies the City's approval standards, and has forty-two days within which to issue a decision on the appeal. The referee is charged with the general objective to identify means by which the application can satisfy the applicable requirements without reducing density. The referee's decision is appealable only to the court of appeals pursuant to ORS 197.375(8) and 36.355(1).

Applicant Response: The project is not pursuing the expedited land division process.

F. Decisions, completeness reviews, appeals, and notices in this Chapter shall be calculated according to OCMC 1.04.070 and shall be based on calendar days, not business days.

Applicant Response: The project team acknowledges this timeline.

17.50.040 - Development review in overlay districts and for erosion control.

*For any development subject to regulation of Geologic Hazards Overlay District under OCMC 17.44; Natural Resource Overlay District under OCMC 17.49; Willamette River Greenway Overlay District under OCMC 17.48; Historic Overlay District under OCMC 17.40, and Erosion and Sediment Control under OCMC 17.47, compliance with the requirements of these chapters shall be reviewed as part of the review process required for the underlying development for the site. **17.50.050 – Pre-application conference.***

A Pre-application Conference. Prior to a Type II – IV or Legislative application, excluding Historic Review, being deemed complete, the applicant shall schedule and attend a pre-application conference with City staff to discuss the proposal, unless waived by the Community Development Director. The purpose of the pre-application conference is to provide an opportunity for staff to provide the applicant with information on the likely impacts, limitations, requirements, approval standards, fees and other information that may affect the proposal. To schedule a pre-application conference, the applicant shall contact the Planning Division, submit the required materials, and pay the appropriate conference fee.

At a minimum, an applicant should submit a short narrative describing the proposal and a proposed site plan, drawn to a scale acceptable to the City, which identifies the proposed land uses, traffic circulation, and public rights-of-way and all other required plans.

The Planning Division shall provide the applicant(s) with the identity and contact persons for all affected neighborhood associations as well as a written summary of the pre-application conference.

B. A pre-application conference shall be valid for a period of six months from the date it is held. If no application is filed within six months of the conference or meeting, the applicant shall schedule and attend another conference before the City will accept a permit application. The Community Development Director may waive the pre-application requirement if, in the Director's opinion, the development has not changed significantly and the applicable municipal code or standards have not been significantly amended. In no case shall a pre-application conference be valid for more than one year.

C. Notwithstanding any representations by City staff at a pre-application conference, staff is not authorized to waive any requirements of this code, and any omission or failure by staff to recite to an applicant all relevant applicable land use requirements shall not constitute a waiver by the City of any standard or requirement.

Applicant Response: The applicant attended a pre-application conference with City staff on June 27, 2019 and a follow-up pre-application conference with City staff on September 4, 2019

17.50.055 - Neighborhood association meeting.

Neighborhood Association Meeting. The purpose of the meeting with the recognized neighborhood association is to inform the affected neighborhood association about the proposed development and to receive the preliminary responses and suggestions from the neighborhood association and the member residents.

A. Applicants applying for annexations, zone change, comprehensive plan amendments, conditional use, Planning Commission variances, subdivision, or site plan and design review (excluding minor site plan and design review), general development master plans or detailed development plans applications shall schedule and attend a meeting with the City-recognized neighborhood association in whose territory the application is proposed no earlier than one year prior to the date of application. Although not required for other projects than those identified above, a meeting with the neighborhood association is highly recommended.

B. The applicant shall request via email or regular mail a request to meet with the neighborhood association chair where the proposed development is located. The notice shall describe the proposed project. A copy of this notice shall also be provided to the chair of the Citizen Involvement Committee.

C. A meeting shall be scheduled within thirty days of the date that the notice is sent. A meeting may be scheduled later than thirty days if by mutual agreement of the applicant and the neighborhood association. If the neighborhood association does not want to, or cannot meet within thirty days, the applicant shall host a meeting inviting the neighborhood association, Citizen Involvement Committee, and all property owners within three hundred feet to attend. This meeting shall not begin before six p.m. on a weekday or may be held on a weekend and shall occur within the neighborhood association boundaries or at a City facility.

D. If the neighborhood association is not currently recognized by the City, is inactive, or does not exist, the applicant shall request a meeting with the Citizen Involvement Committee.

E. To show compliance with this section, the applicant shall submit a copy of the email or mail notice to the neighborhood association and CIC chair, a sign-in sheet of meeting attendees, and a summary of issues discussed at the meeting. If the applicant held a separately noticed meeting, the applicant shall submit a copy of the meeting flyer, postcard or other correspondence used, and a summary of issues discussed at the meeting and submittal of these materials shall be required for a complete application.

Applicant Response: The project team met with the Caufield Neighborhood on September 24, 2019. At that meeting, the project team gave a brief overview of past planning efforts and current site plans were presented. The project team discussed several options for the design of the playground with the neighborhood association and solicited their feedback about a desired approach. The sign-in sheet is attached to this narrative.

17.50.070 - Completeness review and one hundred twenty-day rule.

C. Once the Community Development Director determines the application is complete enough to process, or the applicant refuses to submit any more information, the City shall declare the application complete. Pursuant to ORS 227.178, the City will reach a final decision on an application within one hundred twenty calendar days from the date that the application is determined to be or deemed complete unless the applicant agrees to suspend the one hundred twenty calendar day time line or unless State law provides otherwise. The one hundred twenty-day period, however, does not apply in the following situations:

- 1. Any hearing continuance or other process delay requested by the applicant shall be deemed an extension or waiver, as appropriate, of the one hundred twenty-day period.*
- 2. Any delay in the decision-making process necessitated because the applicant provided an incomplete set of mailing labels for the record property owners within three hundred feet of the subject property shall extend the one hundred twenty-day period for the amount of time required to correct the notice defect.*
- 3. The one hundred twenty-day period does not apply to any application for a permit that is not wholly within the City's authority and control.*
- 4. The one hundred twenty-day period does not apply to any application for an amendment to the City's comprehensive plan or land use regulations nor to any application for a permit, the approval of which depends upon a plan amendment.*

D. A one-hundred day period applies in place of the one-hundred-twenty day period for affordable housing projects where:

- 1. The project includes five or more residential units, including assisted living facilities or group homes;*
- 2. At least 50% of the residential units will be sold or rented to households with incomes equal to or less than 60% of the median family income for Clackamas County or for the state, whichever is greater; and*
- 3. Development is subject to a covenant restricting the owner and successive owner from selling or renting any of the affordable units as housing that is not affordable for a period of 60 years from the date of the certificate of occupancy.*

E. The one hundred twenty-day period specified in OCMC 17.50.070.C or D may be extended for a specified period of time at the written request of the applicant. The total of all extensions may not exceed two hundred forty-five calendar days.

F. The approval standards that control the City's review and decision on a complete application are those which were in effect on the date the application was first submitted.

Applicant Response: The project team acknowledges this review timeline.

17.50.080 - Complete application—Required information.

Unless stated elsewhere in OCMC 16 or 17, a complete application includes all the materials listed in this subsection. The Community Development Director may waive the submission of any of these materials if not deemed to be applicable to the specific review sought. Likewise, within thirty days of when the application is first submitted, the Community Development Director may require additional information, beyond that listed in this subsection or elsewhere in Titles 12, 14, 15, 16, or 17, such as a traffic study or other report prepared by an

appropriate expert. In any event, the applicant is responsible for the completeness and accuracy of the application and all of the supporting documentation, and the City will not deem the application complete until all information required by the Community Development Director is submitted. At a minimum, the applicant shall submit the following:

A. One copy of a completed application form that includes the following information:

1. An accurate address and tax map and location of all properties that are the subject of the application;
2. Name, address, telephone number and authorization signature of all record property owners or contract owners, and the name, address and telephone number of the applicant, if different from the property owner(s);

B. A complete list of the permit approvals sought by the applicant;

C. A complete and detailed narrative description of the proposed development;

D. A discussion of the approval criteria for all permits required for approval of the development proposal that explains how the criteria are or can be met or are not applicable, and any other information indicated by staff at the pre-application conference as being required;

E. One copy of all architectural drawings and site plans shall be submitted for Type II-IV applications. One paper copy of all application materials shall be submitted for Type I applications;

F. For all Type II – IV applications, the following is required:

1. An electronic copy of all materials.

2. Mailing labels or associated fee for notice to all parties entitled under OCMC 17.50.090 to receive mailed notice of the application. The applicant shall use the names and addresses of property owners within the notice area indicated on the most recent property tax rolls;

3. Documentation indicating there are no liens favoring the City on the subject site.

4. A receipt from the county assessor's office indicating that all taxes for the lot or parcels involved are paid in full for the preceding tax year.

5. A current preliminary title report or trio for the subject property(ies);

G. All required application fees;

H. Annexation agreements, traffic or technical studies (if applicable);

I. Additional documentation, as needed and identified by the Community Development Director.

Applicant Response: The site plan review submittal will include all of the required information outlined in 17.50.080.

17.50.090 - Public notices.

All public notices issued by the City announcing applications or public hearings of quasi-judicial or legislative actions, shall comply with the requirements of this section.

A. Notice of Type II Applications. Once the Community Development Director has deemed a Type II application complete, the City shall prepare and send notice of the application, by first class mail, to all record owners of property within three hundred feet of the subject property and to any city-recognized neighborhood association whose territory includes the subject property. The applicant shall provide or the City shall prepare for a fee an accurate and complete set of mailing labels for these property owners and for posting the subject property with the City-prepared notice in accordance with OCMC 17.50.100. The City's Type II notice shall include the following information:

1. Street address or other easily understood location of the subject property and city-assigned planning file number;
2. A description of the applicant's proposal, along with citations of the approval criteria that the City will use to evaluate the proposal;

3. A statement that any interested party may submit to the City written comments on the application during a fourteen-day comment period prior to the City's deciding the application, along with instructions on where to send the comments and the deadline of the fourteen-day comment period;

4. A statement that any issue which is intended to provide a basis for an appeal shall be raised in writing during the fourteen-day comment period with sufficient specificity to enable the City to respond to the issue;

5. A statement that the application and all supporting materials may be inspected, and copied at cost, at city hall during normal business hours;

6. The name and telephone number of the planning staff person assigned to the application or is otherwise available to answer questions about the application.

7. The notice shall state that a City-recognized neighborhood association requesting an appeal fee waiver pursuant to OCMC 17.50.290.C must officially approve the request through a vote of its general membership or board at a duly announced meeting prior to the filing of an appeal.

B. Notice of Public Hearing on a Type III or IV Quasi-Judicial Application. Notice for all public hearings concerning a quasi-judicial application shall conform to the requirements of this subsection. At least twenty days prior to the hearing, the City shall prepare and send, by first class mail, notice of the hearing to all record owners of property within three hundred feet of the subject property and to any City-recognized neighborhood association whose territory includes the subject property. The City shall also publish the notice on the City website within the City at least twenty days prior to the hearing. Pursuant to OCMC 17.50.080H., the applicant is responsible for providing an accurate and complete set of mailing labels for these property owners and for posting the subject property with the City-prepared notice in accordance with OCMC 17.50.100. Notice of the application hearing shall include the following information:

1. The time, date and location of the public hearing;
2. Street address or other easily understood location of the subject property and city-assigned planning file number;
3. A description of the applicant's proposal, along with a list of citations of the approval criteria that the City will use to evaluate the proposal;
4. A statement that any interested party may testify at the hearing or submit written comments on the proposal at or prior to the hearing and that a staff report will be prepared and made available to the public at least seven days prior to the hearing;
5. A statement that any issue which is intended to provide a basis for an appeal to the City Commission shall be raised before the close of the public record. Issues must be raised and accompanied by statements or evidence sufficient to afford the City and all parties to respond to the issue;
6. The notice shall state that a City-recognized neighborhood association requesting an appeal fee waiver pursuant to OCMC 17.50.290C. must officially approve the request through a vote of its general membership or board at a duly announced meeting prior to the filing of an appeal.
7. A statement that the application and all supporting materials and evidence submitted in support of the application may be inspected at no charge and that copies may be obtained at reasonable cost at the Planning Division offices during normal business hours; and
8. The name and telephone number of the planning staff person responsible for the application or is otherwise available to answer questions about the application.

C. Notice of Public Hearing on a Legislative Proposal. At least twenty days prior to a public hearing at which a legislative proposal to amend or adopt the City's land use regulations or Comprehensive Plan is to be considered, the Community Development Director shall issue a public notice that conforms to the requirements of this subsection. Notice shall be sent to affected governmental entities, special districts, providers of urban services, including Tri-Met, Oregon Department of Transportation and Metro, any affected recognized neighborhood associations and any party who has requested in writing such notice. Notice shall also be published on the City website. Notice issued under this subsection shall include the following information:

1. The time, date and location of the public hearing;
2. The City-assigned planning file number and title of the proposal;
3. A description of the proposal in sufficient detail for people to determine the nature of the change being proposed;
4. A statement that any interested party may testify at the hearing or submit written comments on the proposal at or prior to the hearing; and
5. The name and telephone number of the planning staff person responsible for the proposal and who interested people may contact for further information.

Applicant Response: The project acknowledges the requirements of 17.50.090 Public Notices.

17.50.100 - Notice posting requirements.

Where this chapter requires notice of a pending or proposed permit application or hearing to be posted on the subject property, the requirements of this section shall apply.

A. City Guidance and the Applicant's Responsibility. The City shall supply all of the notices which the applicant is required to post on the subject property and shall specify the dates the notices are to be posted and the earliest

date on which they may be removed. The City shall also provide a statement to be signed and returned by the applicant certifying that the notice(s) were posted at the correct time and that if there is any delay in the City's land use process caused by the applicant's failure to correctly post the subject property for the required period of time and in the correct location, the applicant agrees to extend the applicable decision-making time limit in a timely manner.

B. Number and Location. The applicant shall place the notices on each frontage of the subject property. If the property's frontage exceeds six hundred feet, the applicant shall post one copy of the notice for each six hundred feet or fraction thereof. Notices do not have to be posted adjacent to alleys or unconstructed right-of-way. Notices shall be posted within ten feet of the street and shall be visible to pedestrians and motorists. Notices shall not be posted within the public right-of-way or on trees. The applicant shall remove all signs within ten days following the event announced in the notice.

Applicant Response: The project acknowledges the requirements of 17.50.100 – Notice posting requirements.

17.50.120 - Quasi-judicial hearing process.

All public hearings pertaining to quasi-judicial permits, whether before the Planning Commission, Historic Review Board, or City Commission, shall comply with the procedures of this section. In addition, all public hearings held pursuant to this chapter shall comply with the Oregon Public Meetings Law, the applicable provisions of ORS 197.763 and any other applicable law.

A. Once the Community Development Director determines that an application for a Type III or IV decision is complete, the Planning Division shall schedule a hearing before the Planning Commission or Historic Review Board, as applicable. Once the Community Development Director determines that an appeal of a Type II, Type III or Type IV decision has been properly filed under OCMC 17.50.190, the Planning Division shall schedule a hearing pursuant to OCMC 17.50.190.

B. Notice of the Type III or IV hearing shall be issued at least twenty days prior to the hearing in accordance with OCMC 17.50.090B.

C. Written notice of an appeal hearing shall be sent by regular mail no later than fourteen days prior to the date of the hearing to the appellant, the applicant if different from the appellant, the property owner(s) of the subject site, all persons who testified either orally or in writing before the hearing body and all persons that requested in writing to be notified.

D. The Community Development Director shall prepare a staff report on the application which lists the applicable approval criteria, describes the application and the applicant's development proposal, summarizes all relevant city department, agency and public comments, describes all other pertinent facts as they relate to the application and the approval criteria and makes a recommendation as to whether each of the approval criteria are met.

E. At the beginning of the initial public hearing at which any quasi-judicial application or appeal is reviewed, a statement describing the following shall be announced to those in attendance:

- 1. That the hearing will proceed in the following general order: staff report, applicant's presentation, testimony in favor of the application, testimony in opposition to the application, rebuttal, record closes, commission deliberation and decision;*
- 2. That all testimony and evidence submitted, orally or in writing, shall be directed toward the applicable approval criteria. If any person believes that other criteria apply in addition to those addressed in the staff report, those criteria shall be listed and discussed on the record. The meeting chairperson may reasonably limit oral presentations in length or content depending upon time constraints. Any party may submit written materials of any length while the public record is open;*
- 3. Failure to raise an issue on the record with sufficient specificity and accompanied by statements or evidence sufficient to afford the City and all parties to respond to the issue, will preclude appeal on that issue to the Land Use Board of Appeals;*
- 4. Any party wishing a continuance or to keep open the record shall make that request while the record is still open; and*
- 5. That the commission chair shall call for any ex-parte contacts, conflicts of interest or bias before the beginning of each hearing item.*

6. For appeal hearings, only those persons who participated either orally or in writing in the decision or review will be allowed to participate either orally or in writing on the appeal.

F. Requests for continuance and to keep open the record: The hearing may be continued to allow the submission of additional information or for deliberation without additional information. New notice of a continued hearing need not be given so long as a time-certain and location is established for the continued hearing. Similarly, hearing may be closed but the record kept open for the submission of additional written material or other documents and exhibits. The chairperson may limit the factual and legal issues that may be addressed in any continued hearing or open record period.

Applicant Response: The project does not contain improvements that pertain to quasi-judicial permits.

CHAPTER 17.52 OFF-STREET PARKING AND LOADING

17.52.010 - Applicability.

The construction of a new structure or parking lot, or alterations to the size or use of an existing structure, parking lot or property use shall require site plan review approval and compliance with this chapter. This chapter does not apply to single-family attached, detached residential dwellings and duplexes.

Applicant Response: The project includes the construction of a new parking lot and will require site plan review approval and compliance with chapter 17.52

17.52.015 - Planning commission adjustment of parking standards.

A. Purpose: The purpose of permitting a Planning Commission adjustment to parking standards is to provide for flexibility in modifying parking standards in all zoning districts, without permitting an adjustment that would adversely impact the surrounding or planned neighborhood. Adjustments provide flexibility to those uses which may be extraordinary, unique, or provide greater flexibility for areas that can accommodate a denser development pattern based on existing infrastructure and ability to access the site by means of walking, biking or transit. An adjustment to a minimum parking standard may be approved based on a determination by the Planning Commission that the adjustment is consistent with the purpose of this Code, and the approval criteria can be met.

B. Procedure: A request for a Planning Commission parking adjustment shall be initiated by a property owner or authorized agent by filing a land use application. The application shall be accompanied by a site plan, drawn to scale, showing the dimensions and arrangement of the proposed development and parking plan, the extent of the adjustment requested along with findings for each applicable approval criteria. A request for a parking adjustment shall be processed as a Type III application as set forth in Chapter 17.50.

C. Approval criteria for the adjustment are as follows:

1. Documentation: The applicant shall document that the individual project will require an amount of parking that is different from that required after all applicable reductions have been taken.

2. Parking analysis for surrounding uses and on-street parking availability: The applicant shall show that there is a continued fifteen percent parking vacancy in the area adjacent to the use during peak parking periods and that the applicant has permission to occupy this area to serve the use pursuant to the procedures set forth by the Community Development Director.

a. For the purposes of demonstrating the availability of on street parking as defined in OCMC 17.52.020.B.3., the applicant shall undertake a parking study during time periods specified by the Community Development Director. The time periods shall include those during which the highest parking demand is anticipated by the proposed use. Multiple observations during multiple days shall be required. Distances are to be calculated as traversed by a pedestrian that utilizes sidewalks and legal crosswalks or an alternative manner as accepted by the Community Development Director.

b. The onsite parking requirements may be reduced based on the parking vacancy identified in the parking study. The amount of the reduction in onsite parking shall be calculated as follows:

i. Vacant on-street parking spaces within three hundred feet of the site will reduce onsite parking requirements by 0.5 parking spaces; and

ii. Vacant on-street parking spaces between three hundred and six hundred feet of the site will reduce onsite parking requirements by 0.2 parking spaces.

3. *Function and Use of Site:* The applicant shall demonstrate that modifying the amount of required parking spaces will not significantly impact the use or function of the site and/or adjacent sites.

4. *Compatibility:* The proposal is compatible with the character, scale and existing or planned uses of the surrounding neighborhood.

5. *Safety:* The proposal does not significantly impact the safety of adjacent properties and rights-of-way.

6. *Services:* The proposal will not create a significant impact to public services, including fire and emergency services.

Applicant Response: The project is not seeking an adjustment to the adjustment of parking standards.

17.52.020 - Number of automobile spaces required.

A. The number of parking spaces shall comply with the minimum and maximum standards listed in Table 17.52.020. The parking requirements are based on spaces per one thousand square feet net leasable area unless otherwise stated.

Table 17.52.020		
LAND USE	PARKING REQUIREMENTS	
	MINIMUM	MAXIMUM
Multifamily Residential	1.00 per unit	2.5 per unit
3-4 Plex Residential	2.00	4
Hotel, Motel	1.0 per guest room	1.25 per guest room
Correctional Institution	1 per 7 beds	1 per 5 beds
Senior housing, including congregate care, residential care and assisted living facilities; nursing homes and other types of group homes	1 per 7 beds	1 per 5 beds
Hospital	2.00	4.00
Preschool Nursery/Kindergarten	2.00	3.00
Elementary/Middle School	1 per classroom	1 per classroom + 1 per administrative employee + 0.25 per seat in auditorium/assembly room/stadium
High School, College, Commercial School for Adults	0.20 per # staff and students	0.30 per # staff and students
Auditorium, Meeting Room, Stadium, Religious Assembly Building, movie theater,	.25 per seat	0.5 per seat
Retail Store, Shopping Center, Restaurants	4.10	5.00
Office	2.70	3.33
Medical or Dental Clinic	2.70	3.33
Sports Club, Recreation Facilities	Case Specific	5.40
Storage Warehouse, Freight Terminal	0.30	0.40
Manufacturing, Wholesale Establishment	1.60	1.67
Light Industrial, Industrial Park	1.3	1.60

1. *Multiple Uses.* In the event several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately.
 2. *Requirements for types of buildings and uses not specifically listed herein shall be determined by the Community Development Director, based upon the requirements of comparable uses listed.*
 3. *Where calculation in accordance with the above list results in a fractional space, any fraction less than one-half shall be disregarded and any fraction of one-half or more shall require one space.*
 4. *The minimum required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons and employees only, and shall not be used for storage of vehicles or materials or for the parking of vehicles used in conducting the business or use.*
 5. *A change in use within an existing habitable building located in the MUD Design District or the Willamette Falls Downtown District is exempt from additional parking requirements. Additions to an existing building and new construction are required to meet the minimum parking requirements for the areas as specified in Table 17.52.020 for the increased square footage.*
- B. Parking requirements can be met either onsite, or offsite by meeting one or multiple of the following conditions:*
1. *Parking may be located on the same site as the associated use which it is supporting.*
 2. *Mixed Uses.* If more than one type of land use occupies a single structure or parcel of land, the total requirements for off-street automobile parking shall be the sum of the requirements for all uses, unless it can be shown that the peak parking demands are actually less (e.g. the uses operate on different days or at different times of the day). In that case, the total requirements shall be reduced accordingly, up to a maximum reduction of fifty percent, as determined by the Community Development Director.
 3. *Shared Parking.* Required parking facilities for two or more uses, structures, or parcels of land may be satisfied by the same parking facilities used jointly, to the extent that the owners or operators show that the need for parking facilities does not materially overlap (e.g., uses primarily of a daytime versus nighttime nature), that the shared parking facility is within one thousand feet of the potential uses, and provided that the right of joint use is evidenced by a recorded deed, lease, contract, or similar written instrument authorizing the joint use.
 4. *On-Street Parking.* On-street parking may be counted toward the minimum standards when it is on the street face abutting the subject land use. An on-street parking space shall not obstruct a required clear vision area and it shall not violate any law or street standard. On-street parking for commercial uses shall conform to the following standards:
 - a. *Dimensions.* The following constitutes one on-street parking space:
 1. *Parallel parking:* twenty-two feet of uninterrupted and available curb;
 2. *Forty-five and/or sixty-degree diagonal parking:* Fifteen feet of curb;
 3. *Ninety-degree (perpendicular) parking:* Twelve feet of curb.
 4. *Public Use Required for Credit.* On-street parking spaces counted toward meeting the parking requirements of a specific use may not be used exclusively by that use, but shall be available for general public use at all times. Signs or other actions that limit general public use of on-street spaces are prohibited.
- C. Reduction of the Number of the Minimum Automobile Spaces Required.* Any combination of the reductions below is permitted unless otherwise noted.
1. *Downtown Parking Overlay.* The minimum required number of parking stalls is reduced within the Downtown Parking Overlay by fifty percent.
 2. *Transit Oriented Development.* For projects not located within the Downtown Parking Overlay District, the minimum required number of parking stalls is reduced up to twenty-five percent when:
 - a. *In a commercial center (sixty thousand square feet or greater of retail or office use measured cumulatively within a five hundred foot radius) or*
 - b. *When adjacent to multi-family development with over eighty units or*
 - c. *Within 1,320 feet of an existing or planned public transit street and within 1,320 feet of the opposite use (commercial center or multi-family development with over eighty units).*
 3. *Tree Preservation.* The Community Development Director may grant an adjustment to any standard of this requirement provided that the adjustment preserves a designated heritage tree or grove so that the reduction in the amount of required pavement can help preserve existing healthy trees in an undisturbed, natural condition.
 4. *Transportation Demand Management.* The Community Development Director shall reduce the required number of parking stalls up to twenty-five percent when a parking-traffic study prepared by a traffic engineer demonstrates alternative modes of transportation, including transit, bicycles, and walking, and/or special

characteristics of the customer, client, employee or resident population will reduce expected vehicle use and parking space demand for this development, as compared to standard Institute of Transportation Engineers vehicle trip generation rates and further that the transportation demand management program promotes or achieves parking utilization lower than minimum city parking requirements.

A transportation demand management (TDM) program shall be developed to include strategies for reducing vehicle use and parking demand generated by the development and will be measured annually. If, at the annual assessment, the City determines the plan is not successful, the plan may be revised. If the City determines that no good-faith effort has been made to implement the plan, the City may take enforcement actions.

5. The minimum required number of stalls may be reduced by up to ten percent when the subject property is adjacent to an existing or planned fixed public transit route or within one thousand feet of an existing or planned transit stop.

Applicant Response: Tyrone S. Woods Memorial Park will have an on-site parking lot with 23 standard parking stalls and two ADA van-accessible stalls, for a total of 25 spaces. There will be approximately 18 on-street parking spaces along Meyers Road, 26 on-street spaces along High School Road, and 14 spaces on-street on Glen Oak Road. The total on-street parking for the curb faces immediately surrounding the park will be approximately 58 spaces.

The park is being designed and programmed primarily as a neighborhood park, featuring a one-acre open lawn area, picnic tables and shelter, skate spot, children’s playground and two pickleball courts. It is projected that most park users will arrive from the nearby neighborhoods and the adjacent high school to use these park features. The park will have a one-acre off-leash dog park that will attract users from beyond the immediate neighborhood.

Analysis conducted by the project team has found that similarly programmed parks in Oregon City and in the region provide comparable on-site parking capacity to what is being proposed for Tyrone S. Woods Memorial Park on a per-acre basis (see attached spreadsheet “Tyrone S. Woods Park Parking Study”).

Analysis included in the TAL supports the provision of 23 parking spaces. Refer to item #1 of the attached TAL.

17.52.030 - Standards for automobile parking.

A. Access. Ingress and egress locations on public thoroughfares shall be located in the interests of public traffic safety and meet requirements of OCMC 16.12.035. Groups of more than four parking spaces shall be so located and served by driveways so that their use will require no backing movements or other maneuvering within a street right-of-way other than an alley.

B. Surfacing. Required off-street parking spaces and access aisles shall have paved surfaces adequately maintained. The use of pervious asphalt/concrete and alternative designs that reduce storm water runoff and improve water quality pursuant to the City’s stormwater and low impact development design standards are encouraged.

C. Drainage. Drainage shall be designed in accordance with the requirements of OCMC 13.12 and the City public works stormwater and grading design standards.

D. Dimensional Standards.

1. Requirements for parking developed at varying angles are according to the table included in this section. A parking space shall not be less than seven feet in height when within a building or structure, and shall have access by an all-weather surface to a street or alley. Parking stalls in compliance with the American with Disabilities Act may vary in size in order to comply with the building division requirements. Up to thirty-five percent of the minimum required parking may be compact, while the remaining required parking stalls are designed to standard dimensions. The Community Development Director may approve alternative dimensions for parking stalls in excess of the minimum requirement which comply with the intent of this chapter.

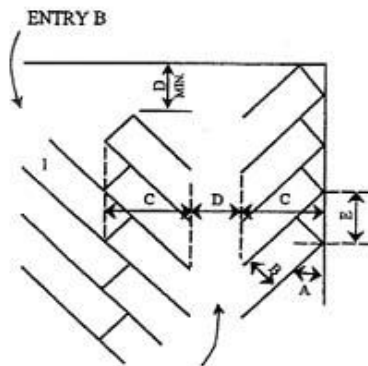
2. *Alternative parking/plan.* Any applicant may propose an alternative parking plan. Such plans are often proposed to address physically constrained or smaller sites, however innovative designs for larger sites may also be considered. In such situations, the Community Development Director may approve an alternative parking lot plan with variations to parking dimensions of this section. The alternative shall be consistent with the intent of this chapter and shall create a safe space for automobiles and pedestrians while providing landscaping to the quantity and quality found within parking lot landscaping requirements.

PARKING STANDARD

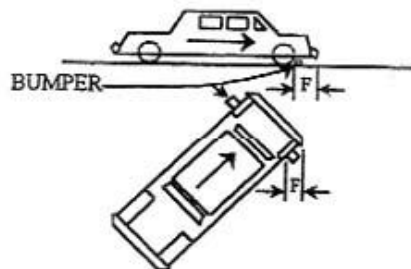
PARKING ANGLE SPACE DIMENSIONS

A Parking Angle		B Stall Width	C Stall to Curb	D Aisle Width	E Curb Length	F Overhang
0 degrees		8.5	9.0	12	20	0
30 degrees	Standard	9'	17.3'	11'	18'	
	Compact	8'	14.9'	11'	16'	
45 degrees	Standard	8.5	19.8'	13'	12.7'	1.4
	Compact	8.5	17.0'	13'	11.3'	
60 degrees	Standard	9'	21'	18'	10.4'	1.7
	Compact	8'	17.9'	16'	9.2'	
90 degrees	Standard	9'	19.0'	24'	9'	1.5
	Compact	8'	16.0'	22'	8'	

All dimensions are to the nearest tenth of a foot.



TYPICAL PARKING LAYOUT
ENTRY A



NOTE: SPACE 1 CONTINGENT UPON ENTRY B
OVERHANG

NOTE: Overhang dimensions are intended to indicate possible location from parking area edge for location of bumpers.

E. *Carpool and Vanpool Parking.* New developments with seventy-five or more parking spaces, excluding projects where seventy-five percent or more of the total floor area is residential, and new hospitals, government offices, group homes, nursing and retirement homes, schools and transit park-and-ride facilities with fifty or more parking spaces, shall identify the spaces available for employee, student and commuter parking and designate at least five

percent, but not fewer than two, of those spaces for exclusive carpool and vanpool parking. Carpool and vanpool parking spaces shall be located closer to the main employee, student or commuter entrance than all other employee, student or commuter parking spaces with the exception of ADA accessible parking spaces. The carpool/vanpool spaces shall be clearly marked "Reserved - Carpool/Vanpool Only."

Applicant Response: The parking spaces measure 9 feet by nineteen feet and are set at 90 degrees from the parking lot drive aisle. The drive aisle is 24 feet wide. The design of the parking meets the standards for automobile parking as outlined in 17.52.030, including access, surfacing, drainage and directional standards.

17.52.040 - Bicycle parking standards.

A. Purpose-Applicability. To encourage bicycle transportation to help reduce principal reliance on the automobile, and to ensure bicycle safety and security, bicycle parking shall be provided in conjunction with all uses other than exclusively residential use with less than five dwellings onsite (excluding cluster housing).

B. Number of Bicycle Spaces Required. For any use not specifically mentioned in Table A, the bicycle parking requirements shall be the same as the use which, as determined by the Community Development Director, is most similar to the use not specifically mentioned. Calculation of the number of bicycle parking spaces required shall be determined in the manner established in OCMC 17.52.020 for determining automobile parking space requirements. Modifications to bicycle parking requirements may be made through the site plan and design, conditional use, or master plan review process.

TABLE A Required Bicycle Parking Spaces*

Where two options for a requirement are provided, the option resulting in more bicycle parking applies. Where a calculation results in a fraction, the result is rounded up to the nearest whole number.

USE	MINIMUM BICYCLE PARKING	MINIMUM BICYCLE PARKING - COVERED - The following percentage of bicycle parking is required to be covered
Multi-family (five or more units)	1 per 10 units (minimum of 2)	50% (minimum of 1)
Correctional institution	1 per 15 auto spaces (minimum of 2)	30% (minimum of 1)
Nursing home or care facility	1 per 30 auto spaces (minimum of 2)	30% (minimum of 1)
Hospital	1 per 20 auto spaces (minimum of 2)	30% (minimum of 1)
Park-and-ride lot	1 per 5 auto spaces (minimum of 2)	50% (minimum of 1)
Transit center	1 per 5 auto spaces (minimum of 2)	50% (minimum of 1)
Parks and open space	1 per 10 auto spaces (minimum of 2)	0%

<i>Public parking lots</i>	<i>1 per 10 auto spaces (minimum of 2)</i>	<i>50% (minimum of 1)</i>
<i>Automobile parking structures</i>	<i>1 per 10 auto spaces (minimum of 4)</i>	<i>80% (minimum of 2)</i>
<i>Religious institutions, movie theater, auditorium or meeting room</i>	<i>1 per 10 auto spaces (minimum of 2)</i>	<i>30% (minimum of 1)</i>
<i>Libraries, museums</i>	<i>1 per 5 auto spaces (minimum of 2)</i>	<i>30% (minimum of 1)</i>
<i>Preschool, nursery, kindergarten</i>	<i>2 per classroom (minimum of 2)</i>	<i>50% (minimum of 1)</i>
<i>Elementary</i>	<i>4 per classroom (minimum of 2)</i>	<i>50% (minimum of 1)</i>
<i>Junior high and High school</i>	<i>2 per classroom (minimum of 2)</i>	<i>50% (minimum of 2)</i>
<i>College, business/commercial schools</i>	<i>2 per classroom (minimum of 2)</i>	<i>50% (minimum of 1)</i>
<i>Swimming pools, gymnasiums, ball courts</i>	<i>1 per 10 auto spaces (minimum of 2)</i>	<i>30% (minimum of 1)</i>
<i>Retail stores and shopping centers</i>	<i>1 per 20 auto spaces (minimum of 2)</i>	<i>50% (minimum of 2)</i>
<i>Retail stores handling exclusively bulky merchandise such as automobile, boat or trailer sales or rental</i>	<i>1 per 40 auto spaces (minimum of 2)</i>	<i>0%</i>
<i>Bank, office</i>	<i>1 per 20 auto spaces (minimum of 2)</i>	<i>50% (minimum of 1)</i>
<i>Medical and dental clinic</i>	<i>1 per 20 auto spaces (minimum of 2)</i>	<i>50% (minimum of 1)</i>
<i>Eating and drinking establishment</i>	<i>1 per 20 auto spaces (minimum of 2)</i>	<i>0%</i>
<i>Gasoline service station</i>	<i>1 per 10 auto spaces (minimum of 2)</i>	<i>0%</i>

* Covered bicycle parking is not required for developments with two or fewer parking stalls.

C. Design Standards.

1. Bicycle parking facilities shall be in the form of a lockable enclosure onsite, secure room in a building onsite, a covered or uncovered rack onsite, or within the adjacent right-of-way.

Applicant Response: The requirement listed above for parks and open spaces is one bike parking space per ten auto spaces. This project is providing approximately 24 parking spaces and 16 bike parking spaces, well above the required 3 bicycle parking spaces.

2. Bicycle parking areas shall be clearly marked or visible from on-site buildings or the street. If a bicycle parking area is not plainly visible from the street or main building entrance, a sign shall be posted indicating the location of the bicycle parking area. Indoor bicycle parking areas shall not require stairs to access the space. If sites have more than one building, bicycle parking shall be distributed as appropriate to serve all buildings.

Applicant Response: The bicycle parking is provided in two locations, at the parking lot area and near the pickle ball courts. Both locations are prominent and visible from the street and provide convenient access to park amenities.

3. All bicycle racks shall be designed so that:

- a. The bicycle frame is supported horizontally at two or more places.
- b. The frame and at least one wheel of the bicycle can be locked to the rack with a standard U-type lock.
- c. The user is not required to lift the bicycle onto the bicycle rack.
- d. Each bicycle parking space is accessible without moving another bicycle.
- e. It is a minimum of thirty inches tall and eighteen inches wide between the two points of contact.
- f. Provides an area of six feet by two feet per bicycle.
- g. All bicycle racks and lockers shall be securely anchored to the ground or to a structure.

Applicant Response: The project will provide bicycle racks that meet the requirements as stated above.

17.52.060 - Parking lot landscaping.

Purpose. The purpose of this code section includes the following:

1. To enhance and soften the appearance of parking lots;
2. To limit the visual impact of parking lots from sidewalks, streets and particularly from residential areas;
3. To shade and cool parking areas;
4. To reduce air and water pollution;
5. To reduce storm water impacts and improve water quality; and
6. To establish parking lots that are more inviting to pedestrians and bicyclists.

A. *Applicability.* Unless otherwise specified, construction of new parking lots and alterations of existing parking lots shall comply with parking lot landscaping standards. Parking lot landscaping requirements within this section do not apply to parking structures or parking garages, except landscaping as required in OCMC 17.62.

Applicant Response: The plantings at the parking lot meet the parking lot landscaping requirements. The plantings also contribute to the development goals as listed above.

B. Development Standards.

1. The landscaping shall be located in defined landscaped areas that are uniformly distributed throughout the parking or loading area.
2. All areas in a parking lot not used for parking, maneuvering, or circulation shall be landscaped.
3. Parking lot trees shall be a mix of deciduous shade trees and coniferous trees. The trees shall be evenly distributed throughout the parking lot as both interior and perimeter landscaping.
4. Required landscaping trees shall be of a minimum two-inch minimum caliper size (though it may not be standard for some tree types to be distinguished by caliper), planted according to American Nurseryman Standards, and selected from the Oregon City Street Tree List or approved by an arborist;
5. At maturity, all of the landscaped area shall be planted in ground cover plants, which includes grasses. Mulch (as a ground cover) shall only be allowed underneath plants at full growth and within two feet of the base of a tree and is not a substitute for ground cover.

6. Landscaped areas shall include irrigation systems unless an alternate plan is submitted, and approved by the Community Development Director, that can demonstrate adequate maintenance;
7. All landscaping shall be installed according to accepted planting procedures, according to American Nurseryman Standards.

Applicant Response: The parking lot landscaping meets the outlines as stated above. All areas in the parking lot not used for parking and maneuvering will be landscaped. Trees will be a minimum of two-inches in caliper size. The park improvements will include an irrigation system.

C. Perimeter Parking Lot Landscaping and Parking Lot Entryway/Right-of-Way Screening. *Parking lots shall include a five-foot wide landscaped buffer where the parking lot abuts the right-of-way and/or adjoining properties. In order to provide connectivity between non-single-family sites, the Community Development Director may approve an interruption in the perimeter parking lot landscaping for a single driveway where the parking lot abuts property designated as multi-family, commercial or industrial. Shared driveways and parking aisles that straddle a lot line do not need to meet perimeter landscaping requirements.*

1. *The perimeter parking lot are[a] shall include:*

- a. *Trees spaced a maximum of thirty feet apart (minimum of one tree on either side of the entryway is required). When the parking lot is adjacent to a public right-of-way, the parking lot trees shall be offset from the street trees;*
- b. *An evergreen hedge screen of thirty to forty-two inches high or shrubs spaced no more than four feet apart on average. The hedge/shrubs shall be parallel to and not nearer than two feet from the right-of-way line. The required screening shall be designed to allow for free access to the site and sidewalk by pedestrians. Visual breaks, no more than five feet in width, shall be provided every thirty feet within evergreen hedges abutting public right-of-ways.*

Applicant Response: There is a five foot wide landscape buffer around the exterior edge of the parking lot. It includes an evergreen hedge that will grow to thirty to forty-two inches high. Trees are being planted as required.

D. Parking Area/Building Buffer. *Except for parking lots with fewer than five parking stalls, parking areas shall be separated from the exterior wall of a structure, exclusive of pedestrian entranceways or loading areas, by one of the following:*

1. *Minimum five-foot wide landscaped planter strip (excluding areas for pedestrian connection) meeting the standards for perimeter parking lot area landscaping; or:*
2. *Minimum seven foot sidewalks with shade trees spaced a maximum of thirty feet apart in three-foot by five-foot tree wells.*

Applicant Response: The site does not include a walled structure to screen from the parking lot.

E. Interior Parking Lot Landscaping.

Surface parking lots with more than five parking stalls shall include at least forty-five square feet of interior parking lot landscaping per parking stall to improve the water quality, reduce storm water runoff, and provide pavement shade. Pedestrian walkways or any impervious surface in the landscaped areas are not to be counted in the percentage. Fractions shall be rounded up when calculating the required number of plantings. Interior parking lot landscaping shall include:

- a. *A minimum of one tree per four parking spaces.*
- b. *A minimum of 1.5 shrubs per parking space.*
- c. *No more than eight contiguous parking spaces shall be created without providing an interior landscape strip between them. Landscape strips shall be provided between rows of parking shall be a minimum of six feet in width and a minimum of ten feet in length.*

Applicant Response: The parking lot improvements include a minimum of forty-five square feet of interior parking lot landscaping per parking stall. Six trees are being planted to meet the requirements of the 24 parking stalls being provided.

F. Alternative landscaping plan.

Any applicant may propose an alternative landscaping plan. Such plans are often proposed to address physically constrained or smaller sites, however innovative designs for larger sites may also be considered. Alternative plans may include the use of low impact development techniques and minimized landscaping requirements. In such situations, the Community Development Director may approve variations to the landscaping standards of OCMC 17.52.060 in accordance with A and/or B below.

Applicant Response: The project is not proposing an alternative landscaping plan.

1. *General Review Standard. The alternative shall meet the standards in OCMC 17.62.015- Modifications that will better meet design review requirements.*

Applicant Response: The project is not proposing an alternative landscaping plan.

2. *Credit for Pervious/Low Impact Development. The Community Development Director may count up to fifty percent of the square footage of any pervious hardscaped landscape material within a parking lot that is designed and approved pursuant to the City's adopted stormwater and low impact development design standards toward minimum landscaping requirements for the site. (This includes porous pavement detention, open celled block pavers, porous asphalt, porous concrete pavement, porous turf, porous gravel, etc.).*

Applicant Response: The project is not proposing any pervious development.

17.52.080 - Maintenance.

The owner, tenant and their agent, if any, shall be jointly and severally responsible for the maintenance of the site including but not limited to the off-street parking and loading spaces, bicycle parking and all landscaping which shall be maintained in good condition so as to present a healthy, neat and orderly appearance and shall be kept free from refuse and debris.

All plant growth in interior landscaped areas shall be controlled by pruning, trimming, or otherwise so that:

- a. It will not interfere with the maintenance or repair of any public utility;*
- b. It will not restrict pedestrian or vehicular access; and*
- c. It will not constitute a traffic hazard due to reduced visibility.*

Applicant Response: The applicant acknowledges that the owner will be responsible for the maintenance of the site, including but not limited to off-street parking, bicycle parking and all landscaping.

17.52.090 - Loading areas.

A. Purpose.

The purpose of this section is to provide adequate loading areas for commercial, office, retail and industrial uses that do not interfere with the operation of adjacent streets.

B. Applicability.

OCMC 17.52.090 applies to uses that are expected to have service or delivery truck visits with a forty-foot or longer wheelbase, at a frequency of one or more vehicles per week. The City Engineer and decision maker shall determine through site plan and design review the number, size, and location of required loading areas, if any.

C. Standards.

1. The off-street loading space shall be large enough to accommodate the largest vehicle that is expected to serve the use without obstructing vehicles or pedestrian traffic on adjacent streets and driveways. Applicants are advised to provide complete and accurate information about the potential need for loading spaces because the City Engineer or decision maker may restrict the use of other public right-of-way to ensure efficient loading areas and reduce interference with other uses.

Applicant Response: The project is not required to provide a loading area and is not planning on including one.

2. Where parking areas are prohibited between a building and the street, loading areas or drive isles are also prohibited.

Applicant Response: This condition does not apply to the project.

3. The City Engineer and decision maker, through site plan and design review, may approve a loading area adjacent to or within a street right-of-way when all of the following loading and unloading operations conditions are met:

- a. Short in duration (i.e., less than one hour);
- b. Infrequent (less than three operations daily between 5:00 a.m. and 12:00 a.m. or all operations between 12:00 a.m. and 5:00 a.m. at a location that is not adjacent to a residential zone);
- c. Does not obstruct traffic during peak traffic hours;
- d. Does not interfere with emergency response services; and
- e. Is acceptable to the applicable roadway authority.

Applicant Response: This condition does not apply to the project.

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 and 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.

Applicant Response: The project is not proposing a fence, hedge, wall or retaining wall as described above.

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.

Applicant Response: The project is not proposing a fence, hedge, wall or retaining wall as described above.

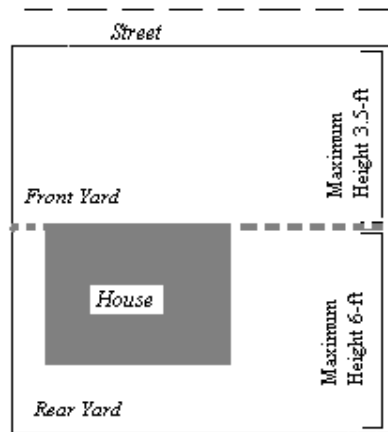
C. It is unlawful for any person to erect any electric fence or any fence constructed in whole or in part of barbed wire or to use barbed wire, except as erected in connection with security installations at a minimum height of six feet, providing further that prior written approval has been granted by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

Applicant Response: The project is not proposing any fences as described above.

Residential Height Requirements

Any fence, hedge or wall located in front of may be up to 3.5-feet in total height.

A fence, hedge or wall located next to and behind your home may be up to 6-feet in total height.



Applicant Response: The project is not a residential project and is not proposing and fences as described above.

17.54.115 - Mobile Food Carts

A. *Applicability.* The following provisions apply to mobile food carts not located within a building. The provisions do not apply to indoor mobile food carts or mobile food carts allowed pursuant to a special event permit issued by the City.

Applicant Response: The project is not proposing any mobile food carts.

B. General Requirements.

1. Mobile food carts may only sell food items;
2. Mobile food carts may not sell cannabis, in any form;
3. Mobile food carts shall have a valid Oregon City business license; and
4. Mobile food carts may not be located within the right-of-way, except as approved by the City Engineer.

Applicant Response: The project is not proposing any mobile food carts.

C. Design Standards.

1. *Transitory Mobile Food Carts.* Mobile food carts that remain on a property for five hours or less in a twenty-four hour period shall:

- i. Be limited to three food carts on a property at any one time;
- ii. Maintain the minimum number of parking stalls and minimum drive aisle widths onsite;
- iii. Not result in the reduction of landscaping less than the minimum site and parking lot requirements;
- iv. Maintain continuous compliance with applicable federal, state, and city standards;
- v. Comply with the Stormwater and Grading Design Standards;
- vi. Screen mechanical equipment per OCMC 17.62.050.G;
- vii. Comply with materials standards in OCMC 17.62.050.H;
- viii. Comply with OCMC 17.62.050.I for all temporary structures associated with the Mobile food cart units (except for the unit itself);
- ix. Connect to individual wastewater holding tanks at all times;
 - a. Mobile food unit waste water tanks shall be at least ten percent larger in capacity than the water supply tank and sloped to a drain that is one inch in inner diameter or greater, equipped with a shut-off valve. However, if a mobile food unit only sells beverages, such as coffee, espresso, or soda, where most of the potable water supply is used in the product, they may have a waste water retention tank that is at least half of the volume of the potable water storage tank.
 - b. All connections on the mobile food unit for servicing the mobile food unit waste disposal facilities shall be of a different size or type than those used for supplying potable water to the mobile food unit.

- x. Connect to a potable water tank at all times; and
- xi. Communal discharge tanks shall be owned and serviced by an Oregon Department of Environmental Quality licensed pumper.

Applicant Response: The project is not proposing any food carts.

2. *Non-Transitory Mobile Food Carts. Mobile food carts that remain on a property for more than five hours at a time shall:*

- i. *Maintain the minimum number of parking stalls and minimum drive aisle widths onsite;*
- ii. *Not result in the reduction of landscaping less than the minimum site and parking lot requirements;*
- iii. *Maintain continuous compliance with applicable federal, state, and city standards;*
- iv. *Comply with the Stormwater and Grading Design Standards;*
- v. *Screen mechanical equipment per OCMC 17.62.050.G;*
- vi. *Comply with materials standards in OCMC 17.62.050.H;*
- vii. *Comply with OCMC 17.62.050.I for all temporary structures associated with the Mobile food cart units (except for the unit itself);*
- viii. *Connect to a permanent water source, unless exempted by the City Engineer if utilities are not available;*
- ix. *Connect to public sewer. This may be achieved through a communal system; and*
- x. *Connect to a permanent power source.*

3. *Discharge or leakage draining into the storm water system is prohibited. Wastewater shall not be dumped onto the ground, onto the streets, or into a storm drain. All liquid waste from the waste tank or from cleaning activities such as cleaning the mobile food cart shall be captured and properly disposed of in the sanitary sewer.*

4. *All permanent utility lines shall be placed underground. Temporary utilities, lines and tanks shall be placed underground or otherwise screened, covered, or hidden from view from the right of way as to minimize visual impacts and prevent tripping hazards or other unsafe conditions.*

5. *Power connections may not be connected by overhead wires to the individual mobile food carts.*

6. *Non-transitory mobile food carts shall comply with the minimum setbacks and maximum height of the zoning designation.*

7. *Mobile food carts, equipment, customer service areas, or any associated item may not be located within the right of way.*

8. *Sites with more than ten mobile food carts at any time shall have a designated loading area.*

Applicant Response: The project is not proposing any mobile food carts.

D. Process

1. *Transitory mobile food carts in compliance with OCMC 17.54.115.C.1 shall be processed as a Type I Minor Site Plan and Design Review and shall include a wastewater / water operations and maintenance plan.*

2. *Non-transitory mobile food carts and vendors which do not comply with 17.54.115.C.1 shall be processed as a Type II Minor Site Plan and Design Review and shall include a wastewater / water operations and maintenance plan.*

Applicant Response: The project is not proposing any mobile food carts.

17.54.120 - Home Occupations

Home occupations shall comply with all of the following:

A. *No employees reporting to work onsite who are not residents unless otherwise required by State law. The business may have off-site employees or partners provided that they do not report for work at the subject residence;*

B. *All business conducted on site shall be conducted within the home or accessory structure;*

C. *No outdoor storage of materials or commercial vehicles associated with the business shall occur on-site; and*

D. *Not more than one-half of the square-footage of the primary dwelling is devoted to such use.*

Applicant Response: The project is not proposing that any businesses be operated onsite.

CHAPTER 17.62 SITE PLAN AND DESIGN REVIEW

17.62.010 - Purpose.

The purposes of site plan and design review are to: encourage site planning in advance of construction; protect lives and property from potential adverse impacts of development; consider natural or man-made hazards which may impose limitations on development; conserve the city's natural beauty and visual character and minimize adverse impacts of development on the natural environment as much as is reasonably practicable; assure that development is supported with necessary public facilities and services; ensure that structures and other improvements are properly related to their sites and to surrounding sites and structure; and implement the city's comprehensive plan and land use regulations with respect to development standards and policies.

17.62.015 - Modifications that will better meet design review requirements.

The review body shall consider modification of certain site related development standards of this Chapter specified below. These modifications may be approved as part of a Type II design review process.

A. Applicability.

1. This process shall apply to modifications to:

- a. Landscaping in OCMC 17.62.050.A;*
- b. Vehicular Connections to Adjoining Properties in OCMC 17.62.050.B.2;*
- c. On-site pedestrian circulation in OCMC 17.62.050.C;*
- d. Utility Undergrounding Requirements in OCMC 16.12.095.G;*
- e. Building location in OCMC 17.62.055.D;*
- f. Building Details in OCMC 17.62.050.B.9.055.I;*
- g. Windows in OCMC 17.62.050.B.10.055.*
- h. Parking Lot Landscaping in OCMC 17.52.060.*

Applicant Response: The project is not proposing any modifications that will better meet design review requirements.

2. Modifications that are denied through Type II design review may be requested as a variance through the Variance process pursuant to OCMC 17.60.020 or Master Plan Adjustment pursuant to OCMC 17.65.070 as applicable.

Applicant Response: The project is not proposing any modifications that will better meet design review requirements.

3. Rather than a modification, applicants may choose to apply for a Variance through the Variance process pursuant to OCMC 17.60.020 or Master Plan Adjustment pursuant to OCMC 17.65.070 as applicable.

Applicant Response: The project is not proposing any modifications that will better meet design review requirements.

B. The review body may approve requested modifications if it finds that the applicant has shown that the following approval criteria are met:

1. The modification will result in a development that better meets the applicable design guidelines; and

Applicant Response: The project is not proposing any modifications that will better meet design review requirements.

2. The modification meets the intent of the standard. On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested.

Applicant Response: The project is not proposing any modifications that will better meet design review requirements.

17.62.030 - When required.

Site plan and design review shall be required for all development of real property in all zones except the low and medium density residential districts, unless otherwise provided for by this title or as a condition of approval of a permit. Site plan and design review shall also apply to all conditional uses, cluster housing developments, multi-family uses, and non-residential uses in all zones. Site Plan and Design Review does not apply to activities occurring within the right-of-way except for communication facilities pursuant to OCMC 17.80.

Site plan and design review is required for a change in use between the uses in Table 17.62.030:

Table 17.62.030

Existing Use	Proposed Use
Residential	Nonresidential use, including but not limited to: commercial, office, industrial, retail, or institutional
Single-family or duplex	3 or more dwellings

Site plan and design review shall not alter the type and category of uses permitted in the underlying zoning districts.

Applicant Response: The project is submitting for Site plan and design review as outlined above.

17.62.035 - Minor site plan and design review.

This section provides for a Minor Site Plan and Design Review process. Minor Site Plan review is a Type I or Type II decision, as described in OCMC 17.62.035.A., subject to administrative proceedings described in OCMC 17.50 and may be utilized as the appropriate review process only when authorized by the Community Development Director. The purpose of this type of review is to expedite design review standards for uses and activities that require only a minimal amount of review, typical of minor modifications and/or changes to existing uses or buildings.

A. Type I Minor Site Plan and Design Review.

1. Applicability. Type I applications involve no discretion and are typically processed concurrently with a building permit application. The Type I process is not applicable for:

- a. Any activity which is included with or initiates actions that require Type II-IV review.
- b. Any increase in square footage of a conditional or nonconforming use (excluding nonconforming structures).
- c. Any proposal in which nonconforming upgrades are required under OCMC 17.58.
- d. Any proposal in which modifications are proposed under OCMC 17.62.015.

Applicant Response: The project does not qualify for a minor site plan and design review submittal.

2. The following projects may be processed as a Type I application:

- a. Addition of up to two hundred square feet to a commercial, institutional, or multifamily structure in which no increases are required to off-street parking. This includes a new ancillary structure, addition to an existing structure, or new interior space (excluding new drive thru). Increases of more than two hundred square feet in a twelve-month period shall be processed as Type II.
- b. Addition of up to one thousand square feet to an industrial use in which no increases are required to off-street parking. This includes a new ancillary structure, addition to an existing structure, or new interior space (excluding ancillary retail and office). Increases of more than one thousand square feet in a twelve-month period shall be processed as Type II.
- c. Temporary structures, excluding mobile vendors.
- d. Removal, replacement or addition of awnings, or architectural projections to existing structures.
- e. Addition, modification, or relocation of refuse enclosure.
- f. Changes to amount, location, or design of bicycle parking.
- g. Installation of mechanical equipment.
- h. Repaving of previously approved parking lots with no change to striping.
- i. Replacement of exterior building materials.
- j. Addition of windows and doors, relocation of windows and doors in which transparency levels remain unchanged, or removal of windows and doors provided minimum transparency requirements are still met.
- k. Addition or alteration of parapets or rooflines.
- l. Modification of building entrances.
- m. Addition to or alteration of a legal nonconforming single or two-family dwelling.
- n. Change to parking lot circulation or layout, excluding driveway modifications.

- o. Removal or relocation of vehicle parking stalls provided total parking remains between approved minimum and maximum with no new reductions other than through the downtown parking district.*
- p. Adoption of shared parking agreements.*
- q. Changes to landscaping that do not require stormwater quality and quantity treatment under OCMC 13.12.*
- r. New or changes to existing pedestrian accessways, walkways or plazas.*
- s. Installation of or alterations to ADA accessibility site elements.*
- t. Modification or installation of a fence, hedge, or wall, or addition of a fence, hedge or wall.*
- u. Addition of or alterations to outdoor lighting.*
- v. Demolition of any structure or portion of a structure*
- w. Tree removal*
- x. Type I Master Plan Amendments under OCMC 17.65.080.*
- y. Mobile food carts in one location for five hours or less as identified in OCMC 17.54.115*
- z. 3-4 plex, duplex, single-family attached dwellings, single-family detached residential unit, internal conversions, live/work dwelling and accessory dwelling unit.*
- aa. Placement of a single manufactured home within an existing space or lot in a manufactured home park.*

Applicant Response: The project does not qualify for a Type I application.

3. Submittal Requirements. A Type I application shall include:

- a. A narrative describing the project.*
- b. Site plan drawings showing existing conditions/uses and proposed conditions/uses.*
- c. Architectural drawings, including building elevations and envelopes, if architectural work is proposed.*
- d. A completed application form.*
- e. Any other information determined necessary by the Community Development Director.*

Applicant Response: The project does not qualify for a Type I application.

B. Type II Minor Site Plan and Design Review.

1. Type II Minor Site Plan and Design Review applies to the following uses and activities unless those uses and activities qualify for Type I review per OCMC 17.62.035.A.:

- a. Modification of an office, commercial, industrial, institutional, public or multi-family structure that does not increase the interior usable space (for example covered walkways or entryways, addition of unoccupied features such as clock tower, etc.).*
- b. Modification to parking lot layout and landscaping, or the addition of up to five parking spaces.*
- c. A maximum addition of up to one thousand square feet to a commercial, office, institutional, public, multi-family, or industrial building provided that the addition is not more than thirty-five percent of the original building square footage.*
- d. Mobile food carts in OCMC 17.54.115.*
- e. Other land uses and activities may be added if the Community Development Director makes written findings that the activity/use will not increase off-site impacts and is consistent with the type and/or scale of activities/uses listed above.*

Applicant Response: The project does not qualify for a Type II Minor Site Plan and Design Review.

2. Application. The application for the Type II Minor Site Plan and Design Review shall contain the following elements:

- a. The submittal requirements of OCMC 17.50.*
- b. A narrative explaining all aspects of the proposal in detail and addressing each of the applicable criteria listed in OCMC 17.62.*
- c. Site plan drawings showing existing conditions/uses and proposed conditions/uses.*
- d. Architectural drawings, including building elevations and envelopes, if architectural work is proposed.*
- e. Additional submittal material may be required by the Community Development Director on a case-by-case basis.*

Applicant Response: The project does not qualify for a Type II Minor Site Plan and Design Review.

17.62.040 – Items required.

A complete application for Site Plan and Design Review shall be submitted. Except as otherwise in subsection I of this section, the application shall include the following:

A. A site plan or plans, to scale, containing the following:

- 1. Vicinity information showing streets and access points, pedestrian and bicycle pathways, transit stops and utility locations;*
- 2. The site size, dimensions, and zoning, including dimensions and gross area of each lot or parcel and tax lot and assessor map designations for the proposed site and immediately adjoining properties;*
- 3. Contour lines at two-foot contour intervals for grades zero to ten percent, and five-foot intervals for grades over ten percent;*
- 4. The location of natural hazard areas on and within one hundred feet of the boundaries of the site, including:*
 - a. Areas indicated on floodplain maps as being within the one-hundred-year floodplain,*
 - b. Unstable slopes, as defined in OCMC 17.44.020,*
 - c. Areas identified on the seismic conditions map in the comprehensive plan as subject to earthquake and seismic conditions;*
- 5. The location of natural resource areas on and within one hundred feet of the boundaries of the site, including fish and wildlife habitat, existing trees (six inches or greater in caliper measured four feet above ground level), wetlands, streams, natural areas, wooded areas, areas of significant trees or vegetation, and areas designated as being within the natural resources overlay district;*
- 6. The location of inventoried historic or cultural resources on and within one hundred feet of the boundaries of the site;*
- 7. The location, dimensions, and setback distances of all existing permanent structures, improvements and utilities on or within twenty five feet of the site, and the current or proposed uses of the structures;*
- 8. The location, dimensions, square footage, building orientation and setback distances of proposed structures, improvements and utilities, and the proposed uses of the structures by square footage;*
- 9. The location, dimension and names, as appropriate, of all existing and platted streets, other public ways, sidewalks, bike routes and bikeways, pedestrian/bicycle accessways and other pedestrian and bicycle ways, transit street and facilities, neighborhood activity centers, and easements on and within two hundred fifty feet of the boundaries of the site;*
- 10. The location, dimension and names, as appropriate, of all proposed streets, other public ways, sidewalks, bike routes and bikeways, pedestrian/bicycle accessways and other pedestrian and bicycle ways, transit streets and facilities, neighborhood activity centers, and easements on and within two hundred feet of the boundaries of the site;*
- 11. All parking, circulation, loading and servicing areas, including the locations of all carpool, vanpool and bicycle parking spaces as required in OCMC 17.52;*
- 12. Site access points for automobiles, pedestrians, bicycles and transit;*
- 13. On-site pedestrian and bicycle circulation;*
- 14. Outdoor common areas proposed as open space;*
- 15. Total impervious surface created (including buildings and hard ground surfaces);*
- 16. The proposed location, dimensions and materials of fences and walls.*

Applicant Response: The Site Plan and Design Review submittal will include the required information as outlined above.

B. A landscaping plan, drawn to scale, showing the location and types of existing trees (six inches or greater in caliper measured four feet above ground level) and vegetation proposed to be removed and to be retained on the site, the location and design of landscaped areas, the varieties, sizes and spacings of trees and plant materials to be planted on the site, other pertinent landscape features, and irrigation systems required to maintain plant materials.

Applicant Response: The Site Plan and Design Review submittal will include a landscaping plan, drawn to scale, showing the location and types of existing trees (six inches or greater) and vegetation proposed to be removed and to be retained, the location and design of landscape areas and the variety, sizes and spacings of trees and plant materials to be planted onsite.

C. *Architectural drawings or sketches, drawn to scale and showing floor plans, elevations accurately reflected to grade, and exterior materials of all proposed structures and other improvements as they will appear on completion of construction. The name of the adjacent street shall be identified on each applicable building elevation.*

Applicant Response: Architectural drawings drawn to scale showing floor plans and elevations will be included for the shelter and for the restrooms.

D. *An electronic materials board clearly depicting all building materials with specifications as to type, color and texture of exterior materials of proposed structures.*

Applicant Response: An electronic materials board that clearly depicts all building materials for the restroom and the shelter will be included with the Site Plan and Design Review submittal.

E. *An erosion/sedimentation control plan, in accordance with the requirements of OCMC 17.47 and the Public Works Erosion and Sediment Control Standards, and a drainage plan developed in accordance with city drainage master plan requirements, OCMC 13.12 and the Public Works Stormwater and Grading Design Standards. The drainage plan shall identify the location of drainage patterns and drainage courses on and within one hundred feet of the boundaries of the site. Where development is proposed within an identified hazard area, these plans shall reflect concerns identified in the hydrological/geological/geotechnical development impact statement.*

Applicant Response: The project submittal will include an erosion/ sedimentation control plan in accordance with the requirements of OCMC17.17.

F. *An exterior lighting plan, drawn to scale, showing type, height, and area of illumination.*

Applicant Response: The project submittal will include an exterior lighting plan, drawing to scale, showing type, height and area of illumination.

G. *Archeological Monitoring Recommendation. For all projects that will involve ground disturbance, the applicant shall provide:*

1. *A letter or email from the Oregon State Historic Preservation Office Archaeological Division indicating the level of recommended archeological monitoring on-site, or demonstrate that the applicant had notified the Oregon State Historic Preservation Office and that the Oregon State Historic Preservation Office had not commented within forty-five days of notification by the applicant; and*

2. *A letter or email from the applicable tribal cultural resource representative of the Confederated Tribes of the Grand Ronde, Confederated Tribes of the Siletz, Confederated Tribes of the Umatilla, Confederated Tribes of the Warm Springs and the Confederated Tribes of the Yakama Nation indicating the level of recommended archeological monitoring on-site, or demonstrate that the applicant had notified the applicable tribal cultural resource representative and that the applicable tribal cultural resource representative had not commented within forty-five days of notification by the applicant.*

If, after forty-five days' notice from the applicant, the Oregon State Historic Preservation Office or the applicable tribal cultural resource representative fails to provide comment, the City will not require the letter or email as part of the completeness review. For the purpose of this section, ground disturbance is defined as the movement of native soils.

Applicant Response: The applicant has received a copy of separate letters from the Oregon State Historic Preservation Office and from the tribal cultural resource representative. The letters each outline a recommended course of action. These letters are attached to this narrative.

H. *Such special studies or reports as the Community Development Director may require to obtain information to ensure that the proposed development does not adversely affect the surrounding community or identified natural resource areas or create hazardous conditions for persons or improvements on the site. The Community Development Director shall require an applicant to submit one or more development impact evaluations as may be necessary to establish that the City's traffic safety or capacity standards, natural resource, including geologic hazard and flood plain overlay districts, will be satisfied.*

Applicant Response: The applicant acknowledges that the Community Development Director may require to obtain special studies or reports as outlined above.

I. The Community Development Director may waive the submission of information for specific requirements of this section or may require information in addition to that required by a specific provision of this section, as follows:

1. The Community Development Director may waive the submission of information for a specific requirement upon determination either that specific information is not necessary to evaluate the application properly, or that a specific approval standard is not applicable to the application. If submission of information is waived, the Community Development Director shall, in the decision, identify the waived requirements, 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. If the matter is forwarded to the Planning Commission for initial review, the information required by this paragraph shall be included in the staff report;

Applicant Response: The applicant acknowledges that the Community Development Director may waive the submission of information for specific requirements as outlined above.

2. The Community Development Director may require information in addition to that required by a specific provision of this section upon determination that the information is needed to evaluate the application properly and that the need can be justified on the basis of a special or unforeseen circumstance as necessary to comply with the applicable standards. If additional information is required, the Community Development Director shall, in the decision, explain the reasons for requiring the additional information.

Applicant Response: The applicant acknowledges that the Community Planning Director may require information in addition to that required by a specific provision of this section as outlined above.

J. One full-sized copy of all architectural and site plans.

Applicant Response: The project team will submit one full-sized copy of all architectural and site plans.

17.62.050 - General Standards

All development shall comply with the following standards:

A. Landscaping.

1. Existing native vegetation is encouraged to be retained to the maximum extent practicable. All plants listed on the Oregon City Nuisance Plant List shall be removed from the site prior to issuance of a final occupancy permit for the building.

2. Except as allowed elsewhere in Title 16 or 17 of this Code, all areas to be credited towards landscaping shall be installed with growing plant materials.

3. Pursuant to OCMC 17.49, landscaping requirements within the Natural Resource Overlay District, other than landscaping required for parking lots, may be met by preserving, restoring and permanently protecting native vegetation and habitat on development sites.

4. A landscaping plan shall be prepared by a registered landscape architect for new or revised landscaped areas and parking lots. Landscape architect approval is not required for tree removal and/or installation if the species are chosen from an approved street tree list. A certified landscape designer, arborist, or nurseryman shall be acceptable in lieu of a landscape architect for projects with less than five hundred square feet of landscaping. All landscape plans shall include a mix of vertical (trees and shrubs) and horizontal elements (grass, groundcover, etc.) that within three years will cover one hundred percent of the landscape area. Plant species listed on the Oregon City Nuisance Plant list are prohibited and native species are encouraged. No mulch, bark chips, or similar materials shall be allowed at the time of landscape installation except under the canopy of shrubs and within two feet of the base of trees.

5. Landscaping shall be visible from public thoroughfares to the extent practicable.

6. The landscaping in parking areas shall not obstruct lines of sight for safe traffic operation and shall comply with all requirements of OCMC 10.32, Traffic Sight Obstructions.

Applicant Response: The project will comply with the general standards as listed above.

B. Vehicular Access and Connectivity.

- 1. Parking areas shall be located behind the building façade that is closest to the street, below buildings, or on one or both sides of buildings.*
- 2. Existing or future connections to adjacent sites through the use of vehicular and pedestrian access easements which provide connection from the right-of-way to the adjoining property shall be provided.*
- 3. Parcels larger than three acres shall provide streets as required in OCMC 16.12.*
- 4. Parking garage entries shall not be more than half of the streetscape.*

Applicant Response: The project will comply with the general standards as listed above.

C. A well-marked, continuous and protected on-site pedestrian circulation system meeting the following standards shall be provided:

- 1. Pathways between all building entrances and the street are required. Pathways between the street and buildings fronting on the street shall be direct and not cross a drive aisle. Exceptions may be allowed by the director where steep slopes, a physically constrained site, or protected natural resources prevent a direct connection or where an indirect route would enhance the design and/or use of a common open space.*

Applicant Response: The standard listed above does not apply to the project. No buildings are being proposed.

- 2. The pedestrian circulation system shall connect all main entrances, parking areas, bicycle parking, recreational areas, common outdoor areas, and any pedestrian amenities on the site. For buildings fronting on the street, the sidewalk may be used to meet this standard.*

Applicant Response: The pedestrian circulation system will consist of concrete pathways and will connect the parking areas, bicycle parking and all pedestrian amenities on the site.

- 3. The pedestrian circulation system shall connect the principal building entrance to those of buildings on adjacent sites, except within industrial zoning designations.*

Applicant Response: The pedestrian circulation system will connect the restroom and shelter with other locations onsite including the parking lot, the dog run, picnicking areas and the pickleball courts.

- 4. Elevated external stairways or walkways shall not extend beyond the building facade except for external stairways or walkways located in, or facing interior courtyard areas that are not visible from the street or a public access easement. This standard does not apply to sky-bridges or sky-ways.*

Applicant Response: The standard listed above does not apply to the project. No elevated external stairways or walkways are being proposed.

- 5. On-site pedestrian walkways shall be hard surfaced, well drained and at least five feet wide. Surface material shall contrast visually to adjoining surfaces. When bordering parking spaces other than spaces for parallel parking, pedestrian walkways shall be a minimum of seven feet in width unless curb stops are provided. When the pedestrian circulation system is parallel and adjacent to an auto travel lane, the walkway shall be raised or separated from the auto travel lane by a raised curb, bollards, landscaping or other physical barrier. If a raised walkway is used, the ends of the raised portions shall be equipped with curb ramps for each direction of travel. Pedestrian walkways that cross drive isles or other vehicular circulation areas shall utilize a change in textual material or height to alert the driver of the pedestrian crossing area.*

Applicant Response: The onsite pedestrian walkways will be concrete and will meet the standards as outlined above.

D. All development shall maintain continuous compliance with applicable federal, state, and City standards .

Applicant Response: All development on this project will maintain continuous compliance with applicable federal, state and City standards.

E. Adequate public water and sanitary sewer facilities sufficient to serve the proposed or permitted level of development shall be provided pursuant to OCMC 16.12. The applicant shall demonstrate that adequate facilities and services are presently available or can be made available concurrent with development. Service providers shall be presumed correct in the evidence, which they submit. All facilities shall be designated to City standards as set out in the City's facility master plans and public works design standards. A development may be required to modify or replace existing offsite systems if necessary to provide adequate public facilities. The City may require over sizing of facilities where necessary to meet standards in the City's facility master plan or to allow for the orderly and efficient provision of public facilities and services. Where over sizing is required, the developer may request reimbursement from the City for over sizing based on the City's reimbursement policy and fund availability, or provide for recovery of costs from intervening properties as they develop.

Applicant Response: The project will provide adequate public water and sanitary sewer facilities sufficient to serve the proposed level of development.

F. If a transit agency, upon review of an application for an industrial, institutional, retail or office development, recommends that a bus stop, bus turnout lane, bus shelter, accessible bus landing pad, lighting, or transit stop connection be constructed, or that an easement or dedication be provided for one of these uses, consistent with an agency adopted or approved plan at the time of development, the review authority shall require such improvement, using designs supportive of transit use. Improvements at a major transit stop may include intersection or mid-block traffic management improvements to allow for crossings at major transit stops, as identified in the City's Transportation System Plan.

Applicant Response: There are no transit stops located on the streets that border this project.

G. Screening of Mechanical Equipment:

1. Rooftop mechanical equipment, including HVAC equipment and utility equipment that serves the structure, shall be screened from view from the adjacent street. Screening shall be accomplished through the use of parapet walls or a sight-obscuring enclosure around the equipment constructed of one of the primary materials used on the primary facades of the structure, and that is an integral part of the building's architectural design. The parapet or screen shall completely surround the rooftop mechanical equipment to an elevation equal to or greater than the highest portion of the rooftop mechanical equipment being screened. In the event such parapet wall does not fully screen all rooftop equipment, then the rooftop equipment shall be enclosed by a screen constructed of one of the primary materials used on the primary facade of the building so as to achieve complete screening.

Applicant Response: Rooftop mechanical equipment is not being proposed on this project. The standard above does not apply to this project.

2. Wall-mounted mechanical equipment shall not be placed on the front facade of a building or on a facade that faces a right-of-way. Wall-mounted mechanical equipment, including air conditioning or HVAC equipment and groups of multiple utility meters, that extends six inches or more from the outer building wall shall be screened from view from streets; from residential, public, and institutional properties; and from public areas of the site or adjacent sites through the use of (a) sight-obscuring enclosures constructed of one of the primary materials used on the primary facade of the structure, (b) sight-obscuring fences, or (c) trees or shrubs that block at least eighty percent of the equipment from view or (d) painting the units to match the building. Wall-mounted mechanical equipment that extends six inches or less from the outer building wall shall be designed to blend in with the color and architectural design of the subject building. Vents which extend six inches or less from the outer building wall shall exempt from this standard if painted.

Applicant Response: Wall-mounted mechanical equipment is not being proposed. The standard above does not apply to this project.

3. Ground-mounted above-grade mechanical equipment shall be screened by ornamental fences, screening enclosures, trees, or shrubs that block at least eighty percent of the view.

Applicant Response: Ground-mounted mechanical equipment is not being proposed. The standard above does not apply to this project

4. This section shall not apply to the installation of solar energy panels, photovoltaic equipment or wind power generating equipment.

Applicant Response: This type of equipment is not being proposed. The standard above does not apply to this project.

H. Building Materials.

1. *Prohibited Materials.* The following materials shall be prohibited in visible locations from the right-of-way or a public access easement unless an exception is granted by the Community Development Director based on the integration of the material into the overall design of the structure.

- i. *Vinyl or plywood siding (including T-111 or similar plywood).*
- ii. *Glass block or highly tinted, reflected, translucent or mirrored glass (except stained glass) as more than ten percent of the building facade.*
- iii. *Corrugated fiberglass.*
- iv. *Chain link fencing (except for temporary purposes such as a construction site, gates for a refuse enclosure, stormwater facilities, or when located on properties within the General Industrial District).*
- v. *Crushed colored rock/crushed tumbled glass.*
- vi. *Non-corrugated and highly reflective sheet metal.*
- vii. *Tarps, except for the protection of outside storage.*

Applicant Response: The project is proposing the use of black vinyl coated chain link fence at the perimeter of the dog run. The applicant will file for a Type I minor site plan review at a future date to cover this fence material.

2. *Special Material Standards.* The following materials are allowed if they comply with the requirements found below:

- i. *Concrete Block.* When used for the front façade of any building, concrete blocks shall be split, rock- or ground-faced and shall not be the prominent material of the elevation. Plain concrete block or plain concrete may be used as foundation material if the foundation material is not revealed more than three feet above the finished grade level adjacent to the foundation wall.
- ii. *Metal Siding.* Metal siding shall have visible corner moldings and trim and incorporate masonry or other similar durable/permanent material near the ground level (first two feet above ground level) except when used for a temporary structure.
- iii. *Exterior insulation and finish system (EIFS) and similar troweled finishes shall be trimmed in wood, masonry, or other approved materials and shall be sheltered from extreme weather by roof overhangs or other methods.*
- iv. *Building surfaces shall be maintained in a clean condition and painted surfaces shall be maintained to prevent or repair peeling, blistered or cracking paint.*
- v. *Membrane or fabric covered storage areas are permitted as temporary structures, excluding the use of tarps.*
- vi. *Vinyl or powder coated chain link fencing is permitted for City-owned stormwater management facilities, reservoirs, and other public works facilities such as pump stations, maintenance yards, and storage yards not located within the General Industrial District.*

Applicant Response: The project is not proposing the use of the materials listed above.

I. Temporary Structures.

Temporary structures are permitted pursuant to the following standards:

1. *Structures up to two hundred square feet:*
 - i. *Shall not be on a property for more than three consecutive days; and*
 - ii. *Shall not be on a property more than six times per year; and*
 - iii. *Shall comply with the minimum dimensional standards of the zoning designation; and*
 - iv. *Shall be sited so as to leave the minimum number of parking spaces for the primary uses as required by OCMC 17.52 or as otherwise specified in a land use approval;*
 - v. *Shall not disturb ingress or egress to the site; and*
 - vi. *Shall be exempt from all sections of s OCMC 12.08, 16.12, 17.52 and 17.62 except subsections 17.62.050.I and J.*

Applicant Response: The project is not proposing any temporary structures.

2. *Temporary structures larger than two hundred square feet may be permitted up to 2 times per year; and:*
 - i. *Structures larger than two hundred square feet up to eight hundred square feet:*
 - a. *Shall not be on a property for more than thirty consecutive days;*
 - b. *Shall comply with the minimum dimensional standards of the zoning designation;*
 - c. *Shall be sited so as to leave the minimum number of parking spaces for the primary uses as required by OCMC 17.52 or as otherwise specified in a land use approval;*
 - d. *Shall not disturb ingress or egress to the site; and*
 - e. *Shall be exempt from all sections of OCMC 12.08, 16.12, 17.52 and 17.62 except subsections 17.62.050.I and J.*
 - ii. *Structures larger than eight hundred square feet:*
 - a. *Shall not be on a property for more than seven consecutive days;*
 - b. *Shall comply with the minimum dimensional standards of the zoning designation;*
 - c. *Shall be sited so as to leave the minimum number of parking spaces for the primary uses as required by OCMC 17.52 or as otherwise specified in a land use approval;*
 - d. *Shall not disturb ingress or egress to the site; and*
 - e. *Shall be exempt from all sections of OCMC 12.08, 16.12, 17.52 and 17.62 except subsections 17.62.050.I and J.*

Applicant Response: The project is not proposing any temporary structures.

3. *Government owned properties are exempt from all sections of OCMC 12.08, 16.12, 17.52 and 17.62 except subsections 17.62.050.H and I and the dimensional standards of the zoning designation.*
- J. Development shall comply with requirements of the following Oregon City Municipal Code chapters, as applicable, including but not limited to:*
1. *12.04 Streets, Sidewalks and Public Places*
 2. *12.08 Public and Street Trees*
 3. *13.04 Water Service System*
 4. *13.08 Sewer Regulations*
 5. *13.12 Stormwater Management*
 6. *16.12 Minimum Improvements and Design Standards for Development*
 7. *17.20 Residential Design Standards for ADU's, Cluster Housing, Internal Conversions, Live/Work Units, and Manufactured Home Parks*
 8. *17.40 Historic Overlay District*
 9. *17.41 Tree Protection Standards*
 10. *17.42 Flood Management Overlay District*
 11. *17.44 Geologic Hazards*
 12. *17.47 Erosion and Sediment Control*
 13. *17.48 Willamette River Greenway*
 14. *17.49 Natural Resource Overlay District*
 15. *17.50 Administration and Procedures*
 16. *17.52 Off-Street Parking and Loading*
 17. *17.54 Supplemental Zoning Regulations and Exceptions*
 18. *17.58 Lawful Nonconforming Uses, Structures, and Lots*
 19. *17.65 Master Plans and Planned Unit Development*

Applicant Response: The project will comply with the requirements of the OCMC as outlined above.

17.62.055 –Institutional, office, multi-family, retail, and commercial building standards.

A. Purpose. The primary objective of the regulations contained in this section is to provide a range of design choices that promote creative, functional, and cohesive development that is compatible with surrounding areas. Buildings approved in compliance with these standards are intended to serve multiple tenants over the life of the building, and are not intended for a one-time occupant. The standards encourage people to spend time in the area, which also provides safety through informal surveillance. Finally, this section is intended to promote the design of an urban environment that is built to human scale by creating buildings and streets that are attractive to pedestrians,

create a sense of enclosure, provide activity and interest at the intersection of the public and private spaces, while also accommodating vehicular movement.

B. Applicability. This section applies to institutional, office, multi-family, retail and commercial buildings except accessory structures less than one thousand square feet and temporary structures. .

C. Conflicts. With the exception of standards for building orientation and building front setbacks, in the event of a conflict between a design standard in this section and a standard or requirement contained in the underlying zoning district, the standard in the zoning district shall prevail.

Applicant Response: This standard does not apply to this project because the applicant is not proposing any structures larger than one thousand square feet.

D. Siting of Structures. On sites with one hundred feet or more of frontage at least sixty percent of the site frontage width shall be occupied by buildings placed within five feet of the property line. For sites with less than one hundred feet of street frontage, at least fifty percent of the site frontage width shall be occupied by buildings placed within five feet of the property. Multi-family developments shall be placed no farther than twenty feet from the front property line. This section does not apply to properties with less than forty feet of frontage.

A larger front yard setback may be approved through site plan and design review if the setback area incorporates at least one element from the following list for every five feet of increased setback requested:

- 1. Tables, benches or other approved seating area.*
- 2. Cobbled, patterned or paved stone or enhanced concrete.*
- 3. Pedestrian scale lighting.*
- 4. Sculpture/public art.*
- 5. Fountains/Water feature.*
- 6. At least twenty square feet of landscaping or planter boxes for each tenant facade fronting on the activity area.*
- 7. Outdoor café.*
- 8. Enhanced landscaping or additional landscaping.*
- 9. Other elements, as approved by the Community Development Director, that can meet the intent of this section.*

Applicant Response: The standards as outlined above do not apply to the development of a park.

E. Building Orientation. All buildings along the street frontage shall face the front most architecturally significant facade toward the street and have a functional primary entrance facing the street. Primary building entrances shall be clearly defined and recessed or framed by a sheltering element such as an awning, arcade or portico in order to provide shelter from the summer sun and winter weather.

Applicant Response: The building orientation standard outlined above does not apply to this project.

F. Entryways. Entrances shall include a doorway and a minimum of four of the following elements:

- 1. Display windows;*

Recesses or projections; Peaked roof or raised parapet over the door; Canopy of at least five feet in depth; Porch; Distinct materials; Architectural details such as tile work and moldings; Pedestrian amenities such as benches, planters or planter boxes; Landscape treatments integrating arbors, low walls, trellis work; or Similar elements. . Trellises, canopies and fabric awnings may project up to five feet into front setbacks and public rights-of-way, provided that the base is not less than eight feet at the lowest point and no higher than ten feet above the sidewalk.

Applicant Response: The entryways standard does not apply to this project.

G. Corner Lots.

For buildings located at the corner of intersections, the primary entrance of the building shall be located at the corner of the building or within twenty-five feet of the corner of the building. Additionally, one of the following treatments shall be required:

- 1. Incorporate prominent architectural elements, such as increased building height or massing, cupola, turrets, or pitched roof, at the corner of the building or within twenty-five feet of the corner of the building.*

2. Chamfer the corner of the building (i.e. cut the corner at a forty-five degree angle and a minimum of ten feet from the corner) and incorporate extended weather protection (arcade or awning), special paving materials, street furnishings, or plantings in the chamfered area.

3. Standards 1 and 2 above do not apply to multi-family buildings or multi-family portions of residential mixed-use buildings.

Applicant Response: The corner lots standard as outlined above does not apply to this project.

H. Variation in Massing. For street facing facades greater than 120 feet in length a modulation is required which extends through all floors. Decks and roof overhangs may encroach up to three feet per side into the modulation. The modulation shall meet one of the following dimensional requirements:

1. A minimum depth of two percent of the length of the façade and a minimum width of thirty percent of the length of the façade; or

2. A minimum depth of four percent of the length of the façade and a minimum width of twenty percent of the length of the façade.

Applicant Response: The standards outlined above do not apply to this project.

I. Building Design Elements.

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

a. Change in building material or texture;

b. Window or door;

c. Balcony; or

d. Pillar or post

Applicant Response: The restroom building does not have any blank walls of thirty feet in length or more.

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

a. Decorative materials on more than ten percent of the total wall area (e.g., brick or stonework, shingles, wainscoting, ornamentation, and similar features);

b. Decorative cornice and/or roof line (e.g., for flat roofs);

c. Roof gable;

d. Recessed entry;

e. Covered canopy entry;

f. Cupola or tower;

g. Dormer;

h. Balcony;

i. Pillars or posts;

j. Repeating pattern of building materials;

k. A change in plane of at least two feet in width and six inches in depth;

l. Bay or oriel window; or

m. An alternative feature providing visual relief and detail as approved by the Community Development Director

Applicant Response: The standards outlined above do not apply to this project.

3. Building Detail Variation. Architectural features shall be varied on different buildings within the same development. At least two of the required features on each street-facing elevation shall be distinct from the street-facing elevations of other buildings within the same development.

Applicant Response: The standards outlined above do not apply to this project.

J. Windows.

1. The minimum windows requirements are set forth in Table 17.62.055.J. Windows are measured in lineal fashion between 3.5 feet and six feet from the ground. For example, a one hundred foot long building elevation would be required to have at least sixty feet (sixty percent of one hundred feet) of windows in length between the height of 3.5 feet and six feet from the ground.

Table 17.62.055.J Minimum Windows

Use	Ground Floor: Front and Street Facing Facades		Upper floor(s): Front and Street Facing Facades	
	Ground Floor: Side(s) Facades	Upper Floor(s): Side(s) Facades		
Non-Multi-Family (or Portions of Buildings Thereof)	60%	10%	30%	10%
Multi-Family (or Portions of Buildings Thereof)	15%	15%	10%	10%

2. Reflective, glazed, mirrored or tinted glass is limited to ten percent of the lineal footage of windows on the street facing facade. Highly reflective or glare-producing glass with a reflective factor of one-quarter or greater is prohibited on all building facades. Any glazing materials shall have a maximum fifteen percent outside visual light reflectivity value. No exception shall be made for reflective glass styles that appear transparent when internally illuminated.

Applicant Response: The restroom building and the shelter will not have any windows.

3. Side walls that face walkways may include false windows and door openings only when actual doors and windows are not feasible because of the nature of the use of the interior use of the building. False windows located within twenty feet of a right-of-way shall be utilized as display windows with a minimum display depth of thirty-six inches.

Applicant Response: The restroom building and the shelter will not include any false windows or door openings.

4. Multi-family windows shall incorporate window trim at least four inches in width when surrounded by horizontal or vertical lap siding.

Applicant Response: The project does not include any multi-family development.

K. *Roof Treatments.* The maximum length of any continuous roofline on a street-facing façade shall be seventy-five feet without a cross gable or change in height of at least two feet.

Applicant Response: The roof length of the restroom and of the shelter are both less than seventy-five feet.

L. *Drive-through facilities shall:*

1. Be located at the side or rear of the building.
2. Be designed to maximize queue storage on site.

Applicant Response: The project does not include any drive-through facilities.

M. *Special development standards along transit streets.*

1. *Purpose.* This section is intended to provide direct and convenient pedestrian access to retail, office and institutional buildings from public sidewalks and transit facilities and to promote pedestrian and transit travel to commercial and institutional facilities.

2. *Applicability.* Except as otherwise provide in this section, the requirements of this section shall apply to the construction of new retail, office and institutional buildings which front on a transit street.

3. *Development Standards.*

a. All buildings shall have at least one main building entrance oriented towards the transit street. A main building entrance is oriented toward a transit street if it is directly located on the transit street, or if it is linked to the transit street by an on-site pedestrian walkway that does not cross off-street parking or maneuvering areas.

i. If the site has frontage on more than one transit street, or on a transit street and a street intersecting a transit street, the building shall provide one main building entrance oriented to the transit street or to the corner where the two streets intersect.

ii. For building facades over three hundred feet in length on a transit street, two or more main building entrances shall be provided as appropriate and oriented towards the transit street.

b. In the event a requirement of this section conflicts with other requirements in Title 17, the requirements of this section shall control.

Applicant Response: The standard above does not apply because streets that surround the project are not classified as transit streets.

4. Exemptions. The following permitted uses are exempted from meeting the requirements of subsection 3. of this section:

- a. Heavy equipment sales;
- b. Motor vehicle service stations, including convenience stores associated therewith; or
- c. Solid waste transfer stations.

Applicant Response: The streets that surround the project are not classified as transit streets. The project is not proposing any of the above uses.

17.62.056 - Additional standards for large retail establishments.

Retail building(s) occupying more than ten thousand gross square feet of floor area shall contribute to the establishment or enhancement of community and public spaces by providing at least two of the following:

- A. Patio/seating area;
- B. Pedestrian plaza with benches;
- C. Transportation center;
- D. Window shopping walkway;
- E. Outdoor playground area;
- F. Kiosk area, water feature;
- G. Clock tower; or
- H. Other such deliberately shaped area and/or a focal feature or amenity that, in the judgment of the appropriate decision maker, adequately enhances such community and public spaces. Any such areas shall have direct access to the public sidewalk network and such features shall not be constructed of materials that are inferior to the principle materials of the building and landscape.

Applicant Response: The project is not proposing any retail establishments

17.62.057 - Multifamily Usable Open Space Requirements

A. Intent. Creating areas of usable open space that are easily accessed by residents provides focal points for community recreation and interaction and adds to the overall quality of life for residents. Given the environmental and recreational benefits of common open space, it should be integrated purposefully into the overall design of a development and not merely be residual areas left over after buildings and parking lots are sited.

B. Open Space Required. All new multi-family developments in all zones shall provide usable open space.

1. In residential zones, each development shall provide a minimum of one hundred square feet of open space per dwelling unit.

Applicant Response: The project is not a multifamily project.

2. In non-residential, commercial and mixed-use zones, each development shall provide a minimum of fifty square feet of open space per dwelling unit.

Applicant Response: The project is not proposing any dwelling units.

3. Required setback areas shall not count toward the open space requirement unless setback areas are incorporated into spaces that meet all other requirements of this section.

Applicant Response: The project is not a multifamily project.

4. Required open space areas may be counted towards both the open space requirements and the minimum landscaping requirements in OCMC 17.62.050.A, if the spaces meet the requirements of both sections.

Applicant Response: The project is not a multifamily project.

C. Usable Open Space Types.

1. Common open spaces shall be accessible to all residents of the development and include landscaped courtyards, decks, gardens with pathways, children's play areas, common rooftop decks and terraces, and other multipurpose recreational or green spaces. Common open spaces may be used to meet one hundred percent of the usable open space requirement. Design standards:

Applicant Response: The project is not a multifamily project.

a. Minimum dimensions for common open space shall be twelve feet with a minimum size of two hundred square feet for developments with twenty units or less, and twenty feet with a minimum size of four hundred square feet for developments with twenty-one or more units.

Applicant Response: The project is not a multifamily project.

b. Common open space shall feature a mix of natural and recreational amenities to make the area more functional and enjoyable for a range of users. Sites with twenty units or less shall provide a minimum of two of the following amenities, and sites with twenty-one units or more shall provide a minimum of three of the following amenities and an additional amenity for every twenty units over forty, rounded up.

1. Landscaping areas.
2. Community gardening areas.
3. Large trees expected to reach over eighteen inches dbh at maturity.
4. Seating.
5. Pedestrian-scaled lighting.
6. Hard-surfaced pedestrian paths in addition to those required for internal pedestrian circulation.
7. Paved courtyard or plaza.
8. Gazebos or other decorative shelters.
9. Play structures for children.
10. Sports courts.
11. An alternative amenity as approved by the Community Development Director.

Applicant Response: The project is not a multifamily project.

c. Common open space shall be separated from ground level windows, streets, service areas and parking lots with landscaping, low-level fencing, and/or other treatments as approved by the City that enhance safety and privacy for both the common open space and dwelling units.

Applicant Response: The project is not a multifamily project.

d. Common open space shall be accessible from the dwelling units and, as appropriate, from public streets and sidewalks. The space shall be oriented to encourage activity from local residents.

Applicant Response: The project is not a multifamily project.

2. Private open space that is not open to all residents includes balconies, patios, and other outdoor multi-purpose recreational or green spaces. It may be used to meet up to fifty percent of the usable open space requirement.

Applicant Response: The project is not a multifamily project.

a. Minimum dimensions for private open space shall be five feet with a minimum size of forty square feet.

3. Indoor recreational space may be used to meet up to twenty-five percent of the usable open space requirement provided the space is:

a. Accessible to all dwelling units.

b. Designed for and includes equipment for a recreational use (e.g., exercise, group functions, etc.).

Applicant Response: The project is not a multifamily project.

17.62.059 - Cluster housing.

All cluster housing shall comply with the standards in Chapter 17.20.020 in addition to the standards in this chapter.

Applicant Response: The project does not include any cluster housing.

17.62.065 - Outdoor lighting.

A. Purpose. The general purpose of this section is to require outdoor lighting that is adequate for safety and convenience; in scale with the activity to be illuminated and its surroundings; directed to the surface or activity to be illuminated; and designed to clearly render people and objects and contribute to a pleasant nighttime environment. Additional specific purposes are to:

- 1. Provide safety and personal security as well as convenience and utility in areas of public use or traverse, for uses where there is outdoor public activity during hours of darkness;*
- 2. Control glare and excessive brightness to improve visual performance, allow better visibility with relatively less light, and protect residents from nuisance and discomfort;*
- 3. Control trespass light onto neighboring properties to protect inhabitants from the consequences of stray light shining in inhabitants' eyes or onto neighboring properties;*
- 4. Result in cost and energy savings to establishments by carefully directing light at the surface area or activity to be illuminated, using only the amount of light necessary; and*
- 5. Control light pollution to minimize the negative effects of misdirected light and recapture views to the night sky.*
- 6. Encourage energy efficient lighting with new technologies such as Light Emitting Diodes (LED) or similar to reduce ongoing electrical demand and operating costs.*

B. Applicability.

1. General.

a. All exterior lighting for any type of commercial, mixed-use, industrial, or multi-family development shall comply with the standards of this section, unless excepted in subsection B.3.

Applicant Response: The project is proposing LED parking lot lighting that provides adequate levels of light and fixtures with appropriate cutoffs. A photometrics plan that outlines specific light levels is included with the submittal.

b. The City Engineer or Public Works Director shall have the authority to enforce these regulations on private property if any outdoor illumination is determined to present an immediate threat to the public health, safety and welfare.

2. Lighting Plan Requirement. All commercial, industrial, mixed-use, cottage housing and multi-family developments shall submit a proposed exterior lighting plan. The plan shall be submitted concurrently with the site plan. The exterior lighting plan shall include plans and specifications for streetlights, parking lot lights, and exterior building lights. The specifications shall include details of the pole, fixture height and design, lamp type, wattage, and spacing of lights.

Applicant Response: The submittal includes an exterior lighting plan that includes all of the plans and specifications as outlined above.

3. Excepted Lighting. The following types of lighting are excepted from the requirements of this section.

- a. Residential lighting for single-family attached and detached homes, and duplexes*
- b. Public street and right-of-way lighting.*
- c. Temporary decorative seasonal lighting provided that individual lamps have a light output of sixty watts or less.*
- d. Temporary lighting for emergency or nighttime work and construction.*
- e. Temporary lighting for theatrical, television, and performance areas, or for special public events.*
- f. Lighting for a special district, street, or building that, according to an adopted municipal plan or ordinance, is determined to require special lighting aesthetics as part of its physical character.*
- g. Lighting required and regulated by the Federal Aviation Administration.*

Applicant Response: The project team acknowledges the exceptions as outlined above.

C. *Design and Illumination Standards.*

1. *Outdoor lighting, if provided, shall be provided in a manner that enhances security, is appropriate for the use, avoids adverse impacts on surrounding properties, and the night sky through appropriate shielding as defined in this section. Glare shall not cause illumination on other properties in excess of a measurement of 0.5 footcandles of light as measured at the property line.*
2. *Lighting shall be provided in parking lots and vehicular circulation areas.*
3. *Lighting shall be provided in pedestrian walkways, pedestrian plazas, and pedestrian circulation areas.*
4. *Lighting shall be provided at all building entrances.*
5. *With the exception of pedestrian scale lighting, all light sources shall be concealed or shielded with a full cut-off style fixture in order to minimize the potential for glare and unnecessary diffusion on adjacent property.*
6. *The maximum height of any lighting pole serving a multi-family residential use shall be twenty feet. The maximum height serving any other type of use shall be twenty-five feet, except in parking lots larger than five acres, the maximum height shall be thirty-five feet if the pole is located at least one hundred feet from any residential use.*
7. *Floodlights shall not be utilized to light all or any portion of a building facade between 10 p.m. and 6 a.m.*
8. *Lighting on outdoor canopies shall be fully recessed into the canopy and shall not protrude downward beyond the ceiling of the canopy.*
9. *All outdoor light not necessary for security purposes shall be reduced, activated by motion sensor detectors, or turned off during non-operating hours.*
10. *Light fixtures used to illuminate flags, statues, or any other objects mounted on a pole, pedestal, or platform shall use a narrow cone beam of light that will not extend beyond the illuminated object.*
11. *For upward-directed architectural, landscape, and decorative lighting, direct light emissions shall not be visible above the building roofline.*
12. *No flickering or flashing lights shall be permitted, except for temporary decorative seasonal lighting.*
13. *Lighting for outdoor recreational uses such as ball fields, playing fields, tennis courts, and similar uses, are allowed a light post height up to eighty feet in height.*
14. *Main building entrances shall be well lighted and visible from any transit street. The minimum lighting level for building entries fronting on a transit street shall be three foot-candles.*

Applicant Response: The project is proposing pole lights at the parking lot in accordance with the standard outlined above.

17.62.085 - Refuse and recycling standards for commercial, industrial, office, institutional, and multi-family developments.

The purpose and intent of these provisions is to provide an efficient, safe and convenient refuse and recycling enclosure for the public as well as the local collection firm. All new development, change in property use, expansions or exterior alterations to uses, other than single-family or duplex residences, single-family attached dwellings, 3-4 plexes, internal conversions, or accessory dwelling units (ADUs), shall include a refuse and recycling enclosure. The area(s) shall be:

- A. *Fully enclosed and visually screened;*
- B. *Located in a manner easily and safely accessible by collection vehicles;*
- C. *Located in a manner so as not to hinder travel lanes, walkways, streets or adjacent properties;*
- D. *On a level, hard surface designed to discharge surface water runoff and avoid ponding;*
- E. *Maintained by the property owner;*
- F. *Used only for purposes of storing solid waste and recyclable materials;*
- G. *Designed in accordance with applicable sections of the Oregon City Municipal Code (including OCMC 8.20—Solid Waste Collection and Disposal) and city adopted policies.*
- H. *Enclosures are encouraged to be sized appropriately to meet the needs of current and future tenants and designed with sturdy materials which are compatible to the primary structure(s).*

Applicant Response: Trash will be removed directly from onsite litter receptacles and will not be stored in an interim refuse and recycling enclosure.

17.62.090 – Implementation.

A. Applications for site plan and design review shall be reviewed in the manner provided in OCMC 16.12 and 17.50. The Building Official may issue a certificate of occupancy only after the improvements required by Site Plan and Design Review approval have been completed, or a schedule for completion and a bond or other financial guarantee have been accepted by the City.

Applicant Response: The applicant acknowledges the implementation timing as outlined in 12.62.090

B. In performing Site Plan and Design Review, the review authority shall consider the effect of additional financial burdens imposed by such review on the cost and availability of needed housing types. Consideration of such factors shall not prevent the imposition of conditions of approval found necessary to meet the requirements of this section. The cost of such conditions of approval shall not unduly increase the cost of housing beyond the minimum necessary to achieve the provisions of this title, nor shall such cost prevent the construction of needed housing types.

Applicant Response: The applicant acknowledges the statement above.

C. The Site Plan and Design Review provisions of this chapter shall not be applied to reduce the density or height of an application for a development project that reserves at least seventy-five percent of the gross floor area for housing where the proposed density or height is at or below what is allowed in the base zone, except in the following situations:

1. Where the reduction in density is required for development subject to historic overlay provision in OCMC 17.40;

or

2. Where the reduction in density is necessary to resolve a health, safety or habitability issue, or to comply with the Natural Resource Overlay District regulations of OCMC 17.49, the Geologic Hazard Overlay District regulations of OCMC 17.44, or the Floodplain Management Overlay District regulations of OCMC 17.42 or steep slope regulations.

Applicant Response: The project does not propose any housing.

Appendix:

1 - SHPO Case Number: 19-1256

2 - Development Review in Oregon City – Multiple Projects

3 - Caufield Neighborhood Association Meeting Agenda & Sign-in Sheet

4 - Tyrone S. Woods Memorial Park – Transportation Analysis Letter

5 - Tyrone S. Woods Memorial Park Parking Study



Oregon

Kate Brown, Governor

Parks and Recreation Department

State Historic Preservation Office

725 Summer St NE Ste C

Salem, OR 97301-1266

Phone (503) 986-0690

Fax (503) 986-0793

www.oregonheritage.org



August 22, 2019

Ms. Diliana Vassileva
City of Oregon City Planning
221 Molalla Ave
Ste 200
Oregon City, OR 97045

RE: SHPO Case No. 19-1256
City of Oregon City PA 19-34, New Park
Development
14491 Glen Oak Road (3S 2E 9), Oregon City, Clackamas County

Dear Ms. Vassileva:

Our office recently received a request to review your application for the New Park on Glen Oak Road, as referenced above. Thank you for your submittal.

In checking our statewide archaeological database, it appears that there have been no previous surveys completed near the proposed project area. However, the project area lies within an area generally perceived to have a high probability for possessing archaeological sites and/or buried human remains. In the absence of sufficient knowledge to predict the location of cultural resources within the project area, extreme caution is recommended during project related ground disturbing activities. Under state law (ORS 358.905 and ORS 97.74) archaeological sites, objects and human remains are protected on both state public and private lands in Oregon. If archaeological objects or sites are discovered during construction, all activities should cease immediately until a professional archaeologist can evaluate the discovery. If you have not already done so, be sure to consult with all appropriate Indian tribes regarding your proposed project.

I also noticed from the aerial map that there are several existing structures on the property. If this project intends to alter, damage, or remove these structures, please continue consultation with our office as they may represent significant historic structures that are protected under state and federal law. If you have any questions regarding these resources, please contact our Historic Preservation Specialist, Tracy Schwartz, at 503-986-0677.

If the project has a federal nexus (i.e., federal funding, permitting, or oversight) please coordinate with the appropriate lead federal agency representative regarding compliance with Section 106 of the National Historic Preservation Act (NHPA). If you have any questions about the above comments or would like additional information, please feel free to contact our office at your convenience. In order to help us track your project accurately, please reference the SHPO case number (19-1256) in all correspondence.

Sincerely,

Shane P. James, M.S., RPA
SHPO Archaeologist





The Confederated Tribes of the Grand Ronde Community of Oregon

Historic Preservation Department
Phone (503) 879-2185
1-800 422-0232
Fax (503) 879-2126

8720 Grand Ronde Rd
Grand Ronde, OR 97347

September 26, 2019

Diliana Vassileva
Assistant Planner, Planning Division
City of Oregon City
PO Box 3040
Oregon City, Oregon 97045

RE: Development Review in Oregon City -- Multiple Projects

Greetings Diliana,

The Confederated Tribes of Grand Ronde have received and reviewed the following Oregon City Projects: PA 19-30, PA 19-31, PA 19-32, PA 19-33, PA 19-34, 19-35, PA 19-38, and PA 19-40.

We recommend that archaeological investigations be performed prior to any ground disturbing activities for these projects and that an Inadvertent Discovery Plan (IDP) be in place for all projects. With regards to PA-19-38, Pre-application Conference for Phase 1 of the Willamette Falls Legacy Project, our office will be sending separate correspondence.

Should you have any questions, feel free to contact me at (503) 879-1675.

Respectfully,

A handwritten signature in black ink, appearing to read "Chris Bailey".

Christopher Bailey
Cultural Protection Specialist
Cultural Protection
Historic Preservation
Confederated Tribes of the Grand Ronde Community of Oregon

chris.bailey@grandronde.org
503-879-1665



Caufield Neighborhood Association

MEETING AGENDA

Sept. 24, 2019

Presiding – Robert Malchow – Chairman, Kristina Browning - Vice-Chair, Vacant-Secretary, John Kies – C.I.C. rep., Darrell Bennett, Police Chief's Advisory Board liaison

**** Please sign the Roll Sheet and take a Name Tag! ****

- 1.) Citizens pledge
- 2.) **Officer Paschall** – Police report
- 3.) **Shirish Patel** – Developer of proposed Medical Clinic; presentation of proposed building
- 4.) **Phil Lewis - OC Community Services Director** – Timeline of construction of Tyrone Woods Mem. Park, and other park issues in our city
- 5.) **Christina Robertson-Gardiner** – Update on the Beaver Creek Road (Thimble Creek??) Concept Plan
- 6.) **Business meeting**
 - 6.1 Meeting minutes from May 29, 2019
 - 6.2 Exec. Comm. reports
 - 6.3 Nominations for 2020 CNA Officers
 - 6.4 November meeting date
- 7.) Citizen Concerns / Community Announcements
- 8.) Raffle/Refreshments

NEXT MEETING: Nov. 26, 2019 (Tuesday) at OCDS Facilities & Maintenance Center - 6:45PM

<u>NAME</u>	<u>ADDRESS</u>	<u>E-MAIL</u>
Ren Snuders	15211 TIoga RD, OC	SNUDERSRONALD38@yahoo.com

DARRELL & LANGEL BENNETT

Maggie Grant

Denise Beasley 301 Madison St.

Phil Lewis 625 Center St. plewis@oxcity.org

Kurt Lango 1100 NW Glisen Kurt@langocons.com

September 27, 2019

Project #: 24221

John Replinger
 Replinger & Associates, LLC
 6330 SW 36th Avenue
 Portland, OR 97202

RE: Tyrone S. Woods Memorial Park - Transportation Analysis Letter

Dear John,

The following Transportation Analysis Letter (TAL) has been prepared for the proposed 8.27-acre Tyrone S. Woods Memorial Park in Oregon City. Based on feedback from City staff, it was determined that a TAL was required to support the land use application. The requirements for a TAL are outlined below, followed by an explanation as to how the requirements are being met.

- 1. The expected trip generation of the proposed development including the AM peak hour, the PM peak hour, daily traffic, and other germane periods as may be appropriate, together with appropriate documentation and references.*

Lango Hansen Landscape Architects is proposing to develop the 8.27-acre Tyrone S. Woods Memorial Park located on the southwest corner of Meyers Road and High School Avenue. Trip estimates for the proposed park were prepared using trip rates obtained from *Trip Generation, 10th Edition* (Reference 1), as shown in Table 1. Given the size of the proposed park, the fitted curve rate was determined to be more appropriate. Trip rates are also provided for the Sunday peak hour, which is expected to have a higher trip generation than on weekdays.

Table 1: Tyrone S. Woods Memorial Park Trip Generation Estimate

ITE Land Use	Size	Weekday Daily Trips	Weekday AM Peak Hour			Weekday PM Peak Hour			Sunday Peak Hour of Generator		
			Total	In	Out	Total	In	Out	Total	In	Out
Public Park (411)	8.27 acres	94	0	0	0	23	13	10	38	15	23

As shown in Table 1, the proposed park could be expected to generate 94 daily trips, minimal weekday AM peak hour trips, and 23 weekday PM peak hour trips. During peak park activity, which is expected to occur on Sundays, the trip generation indicates a demand for approximately 23 parking spaces.

- 2. Site plan showing the location of all access driveways or private streets where they intersect with public streets plus driveways of abutting properties and driveways on the opposite side of the street from the proposed development.*

In site planning for the proposed Tyrone S. Woods Memorial Park, Lango Hansen Landscape Architects is seeking to provide access to parking via two driveways on Meyers Road. These two driveways would align directly with existing access to the Oregon City Maintenance Facility and Bus Depot on the north side of

Meyers Road. A concept plan is provided in Attachment A, illustrating the location of the site in relation to the Meyers Road/High School Avenue intersection and Oregon City Transportation Maintenance Facility driveways opposite Meyers Road from the proposed site.

3. Documentation that all site access driveways meet Oregon City Private Access Driveway Width Standards.

Section 12.04.025 of the Oregon City Municipal Code requires that a nonresidential or multi-family residential driveway access be a minimum of 15 feet in width and a maximum of 40 feet in width. Each site driveway is proposed to be 24 feet wide, thereby meeting the private access driveway width standards.

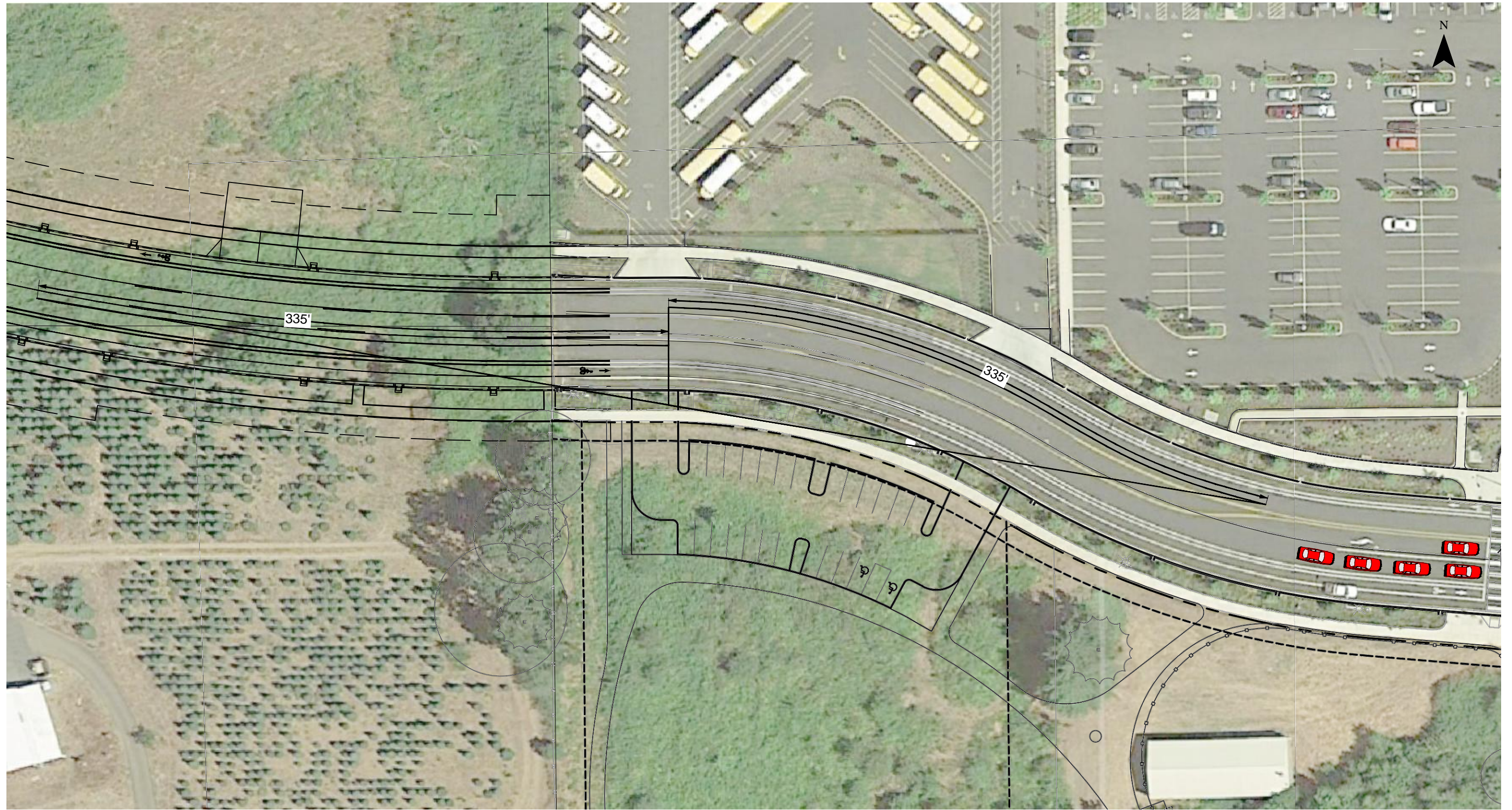
4. Documentation that all site access driveways meet Oregon City's Minimum City Street Intersection Spacing Standards.

Meyers Road is classified as a Minor Arterial. Section 12.04.195 of the Oregon City Municipal Code requires that the minimum driveway spacing along a Minor Arterial is 175 feet. The proposed eastern driveway will be located approximately 260 feet west of High School Avenue. The proposed western driveway will be located approximately 165 feet west of the proposed eastern driveway. The spacing between driveways is slightly shorter than the spacing requirement. However, both driveways align with existing curb cuts for the Oregon City Transportation Maintenance Facility across Meyers Road from the site.

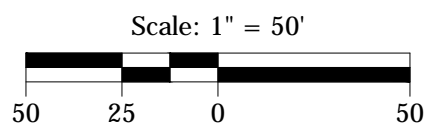
5. Documentation that all site accesses and/or private street intersections meet AASHTO intersection sight distance guidelines.

Kittelson & Associates, Inc. (KAI) staff visited the site in August 2019 to observe existing area conditions. For the sight distance analysis documented herein, measurements of intersection sight distance (ISD) and stopping sight distance (SSD) were obtained in the field based on guidelines provided in the most recent edition of American Association of State Highway Transportation Officials' (AASHTO) *A Policy on Geometric Design of Highways and Streets*. Consistent with AASHTO guidelines, ISD measurements were measured in the field from the location of the existing accesses from a viewpoint 15 feet behind the edge of the traveled way and from a height of 3.5 feet above the ground, looking toward an object that is 3.5 feet above the ground along the travel way. SSD measurements were obtained in the field from the approaching travel way from a viewpoint 3.5 feet above the ground looking toward an object that is 2 feet above the ground.

Based on field observations, sight distance measurements are documented at each of the two proposed site access locations in Table 2 and corresponding intersection sight distance triangles for the same locations are shown in the figures in Figures 1 and 2. These diagrams also illustrate anticipated 95th percentile eastbound queues at the all-way stop-controlled intersection of Meyers Road and High School Avenue.

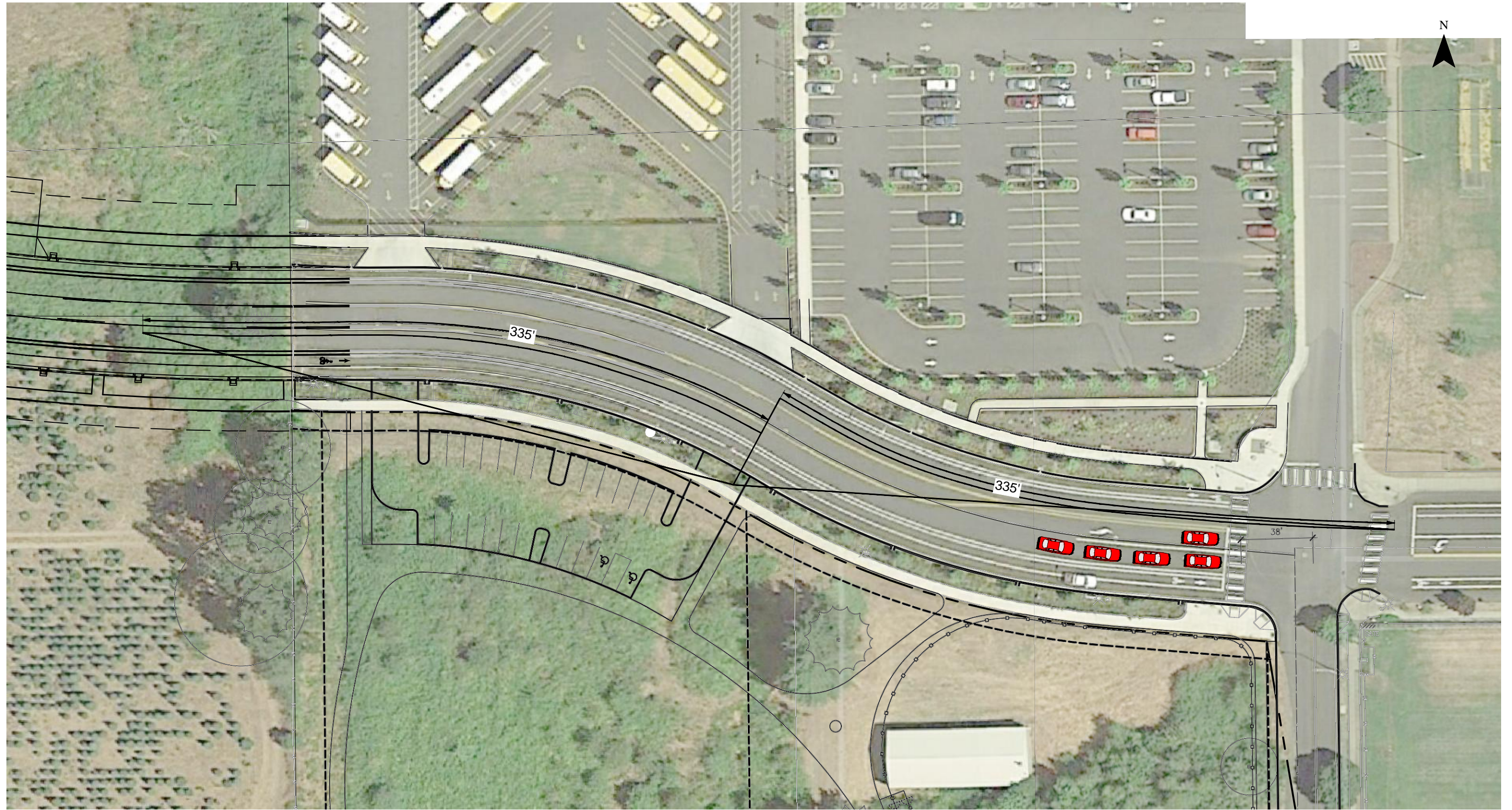


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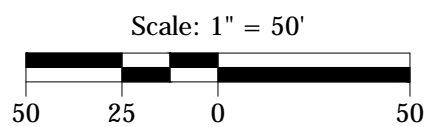


Sight Distance - West Driveway
Oregon City, Oregon

Figure
1



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Sight Distance - East Driveway
Oregon City, Oregon

Figure
2

Table 2: Site Driveway Sight Distance Analysis Results on Meyers Road

Site Driveway	Posted Roadway Speed	AASHTO Requirements			Observed Sight Distance	Satisfies AASHTO Requirements? (ISD/SSD)
		ISD: Right Turn from Stop	ISD: Left turn from Stop	SSD		
1: West Driveway	30 MPH	290 feet	335 feet	200 feet	>335 feet (facing east) >335 feet (facing west)	Yes/Yes
2: East Driveway	30 MPH	290 feet	335 feet	200 feet	>335 feet (facing east) >335 feet (facing west)	Yes/Yes Yes/Yes

ISD: Intersection Sight Distance
 SSD: Stopping Sight Distance

As summarized in Table 2, both ISD and SSD were observed to be in excess of AASHTO requirements at each proposed site access. Any landscaping, signage, and any above-ground utilities on-site and at the site access should be provided and maintained appropriately to provide adequate sight distance per City standards.

6. Documentation that there are no inherent safety issues associated with the design and location of the site access driveways.

In addition to Items #4 and #5 above, City staff requested an assessment of future intersection capacity and queuing at the Meyers Road/High School Avenue intersection and proposed park driveways. For the purposes of this analysis, the critical hour occurs during the weekday afternoon commuter peak. Concurrent with this time when traffic along the future Meyers Road extension is expected to experience the highest traffic volumes, we have conservatively assumed arrivals and parking circulation for an evening event at the adjacent high school (football game, etc.). We have also assumed future conditions with completion of the Meyers Road extension. The full traffic volume development is included as Attachment B, and described below.

Future weekday PM peak hour traffic volumes for the Meyers Road/High School Avenue intersection were provided by the City of Oregon City. Anticipated peak hour traffic volumes for the Oregon City High School and Transportation Maintenance Facility Campus were added to the future intersection volumes to develop future background traffic volumes.

Trip generation for the park during the critical peak period was based on the assumption that all 25 proposed parking spaces would be utilized by high school event attendees. These 25 trips were assigned to the proposed driveways and Meyers Road/High School Avenue intersection with the same general distribution as trips for the transportation maintenance facility. These trips were added to the future background traffic volumes to develop future total traffic volumes.

Additional trips were assigned to the network to account for possible circling through the parking lot to search for a space, as well as the addition of vehicles to the network who may use the transportation maintenance facility parking lot during events at the high school. These trips were added to the future total traffic volumes to provide a more conservative analysis.

Highway Capacity Software (HCS) was used to analyze intersection performance in accordance with the *Highway Capacity Manual* (HCM) 6th Edition methodology. The capacity reports can be found in Attachment C. Under future traffic conditions, the Meyers Road/High School Avenue intersection is projected to operate under capacity at Level of Service "C" with an eastbound 95th percentile queue of 4.1 vehicles.

Intersection capacity at the existing all-way stop-controlled intersection of Meyers Road and High School Avenue is sufficient to accommodate expected park traffic, routine commuter traffic, as well as additional traffic associated with high school events. Eastbound queues at the all-way stop-controlled intersection are not expected to reach the proposed site driveways or impair sight distance.

7. *Documentation that the applicant has reviewed the City's TSP and that proposed streets and frontage improvements do or will comply with any applicable standards regarding the functional classification, typical sections, access management, traffic calming and other attributes as appropriate.*

A review of the Oregon City TSP indicates that Meyers Road will be extended to the west to OR 213. Frontage along Meyers Road meets the Minor Arterial street standard as outlined in Section 12.04.180 of the Oregon City Municipal Code. The TSP indicates that High School Avenue will be improved to an Industrial Collector along the site frontage. The development will dedicate sufficient right-of-way along High School Avenue to achieve 44 feet from the centerline. The development will also dedicate sufficient right-of-way along Glen Oak Road to achieve 43 feet from the centerline, and construct sidewalk and street parking.

We trust this letter adequately addresses the requirements for a TAL. Please let us know if you have any questions.

Sincerely,
KITTELSON & ASSOCIATES, INC.



Kristine Connolly, PE
Senior Engineer



Brian Dunn, PE
Associate Engineer



EXPIRES: 12/31/2019

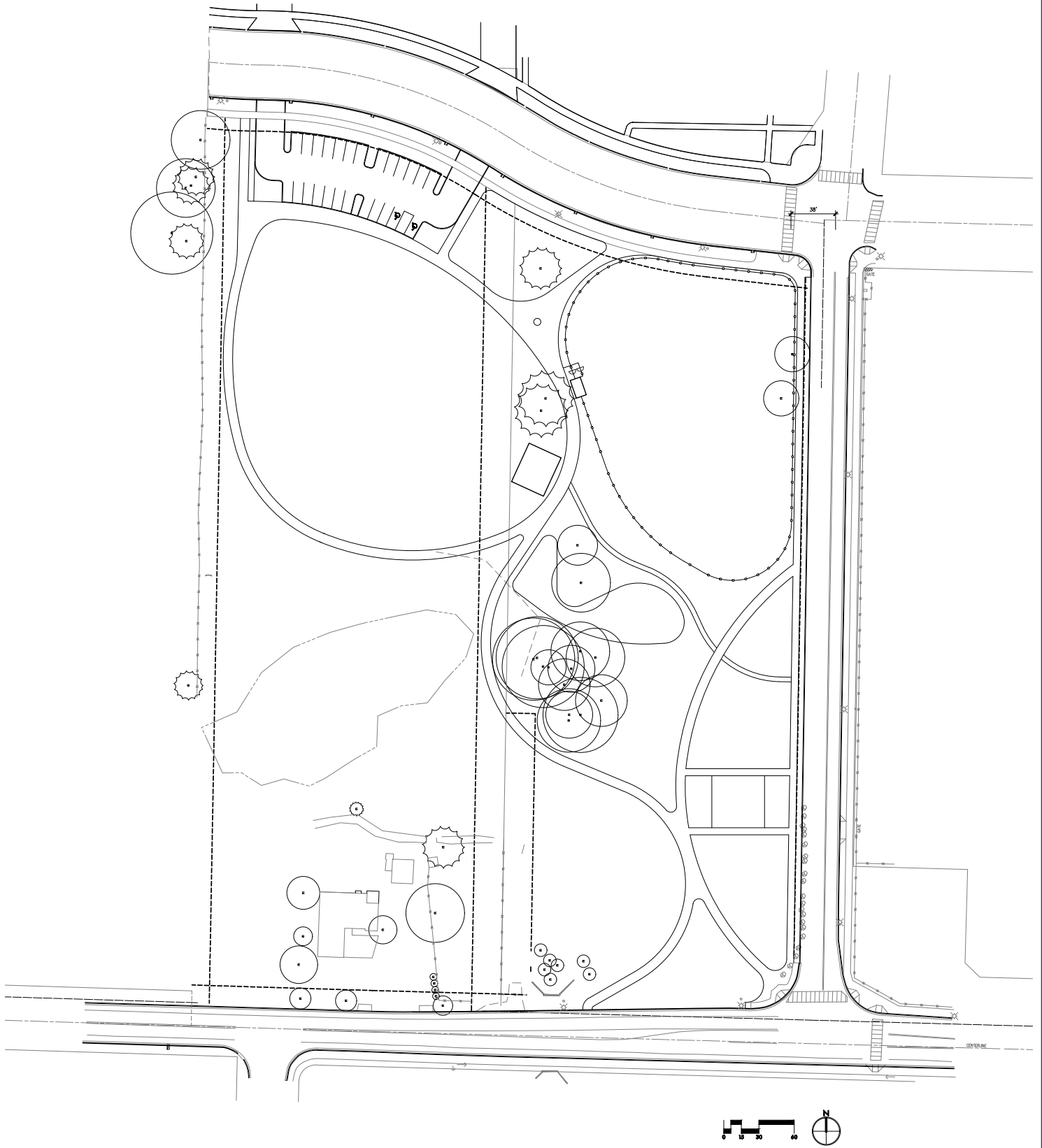
REFERENCES

1. Institute of Transportation Engineers. *Trip Generation Manual, 10th Edition*. 2017.

ATTACHMENTS

- Attachment A: Concept Plan
- Attachment B: Traffic Volumes
- Attachment C: Capacity Analysis

Attachment A
Concept Plan



NOT TO SCALE

Concept Plan provided by Lango Hansen Landscape Architects 8/2/2019

Attachment B
Traffic Volumes

DATE 8/29/2019

PROJECT# 24221

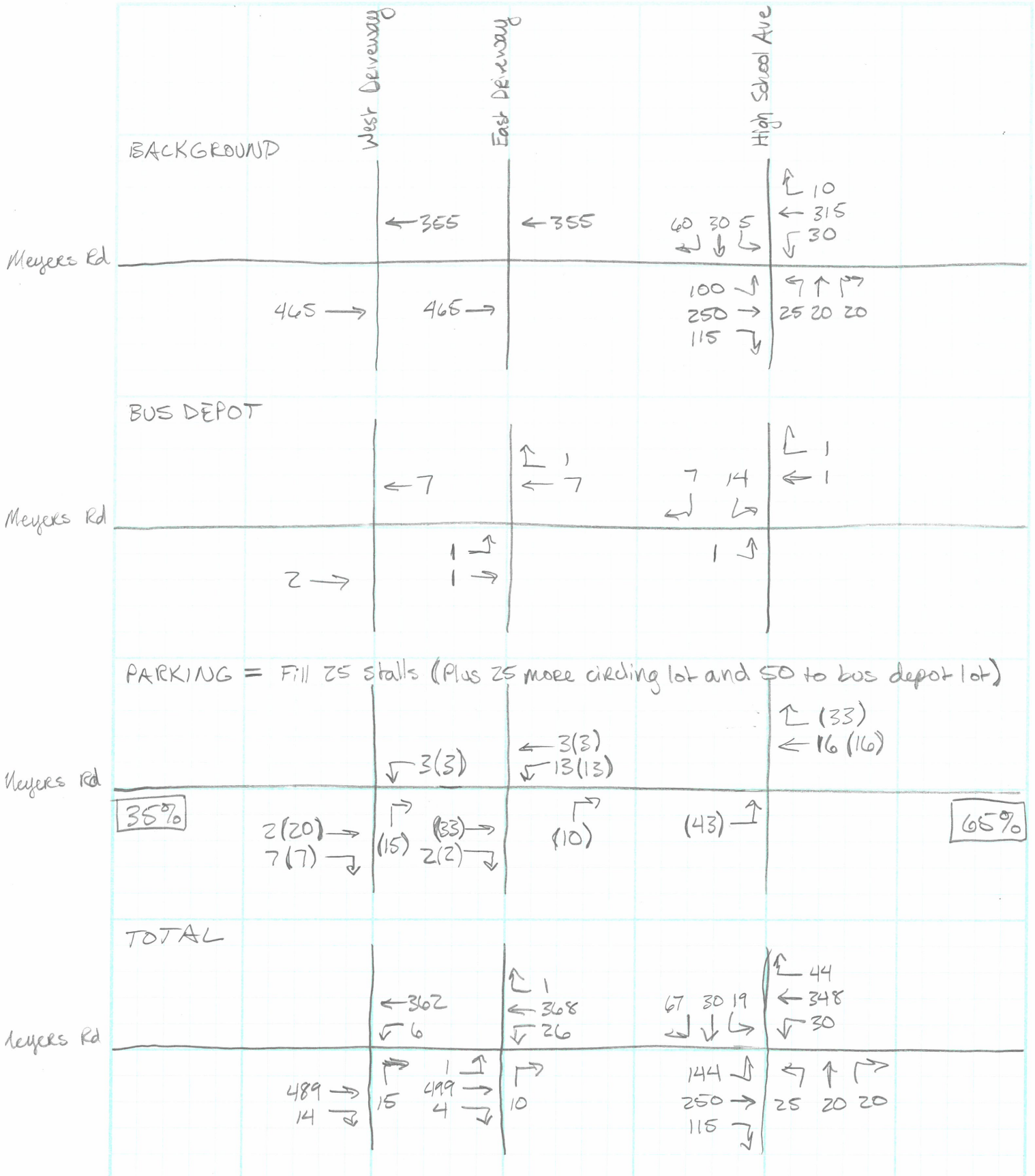
PROJECT NAME Tyone S. Woods Memorial Park

SUBJECT Traffic Volumes - PM Peak

BY KMC

SHEET# 1

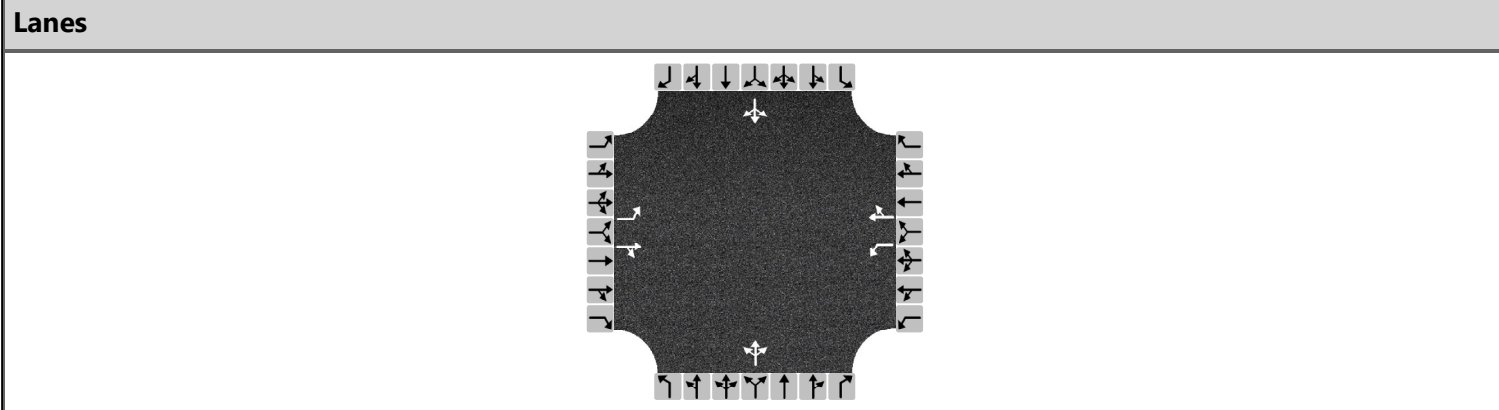
OF 1



Attachment C
Capacity Analysis

HCS7 All-Way Stop Control Report

General Information		Site Information	
Analyst	KMC	Intersection	Meyers/High School
Agency/Co.	Kittelson	Jurisdiction	Oregon City
Date Performed	8/12/2019	East/West Street	Meyers Road
Analysis Year	2019	North/South Street	High School Avenue
Analysis Time Period (hrs)	0.25	Peak Hour Factor	0.92
Time Analyzed	Future PM Background		
Project Description	Tyrone S. Woods Memorial Park		



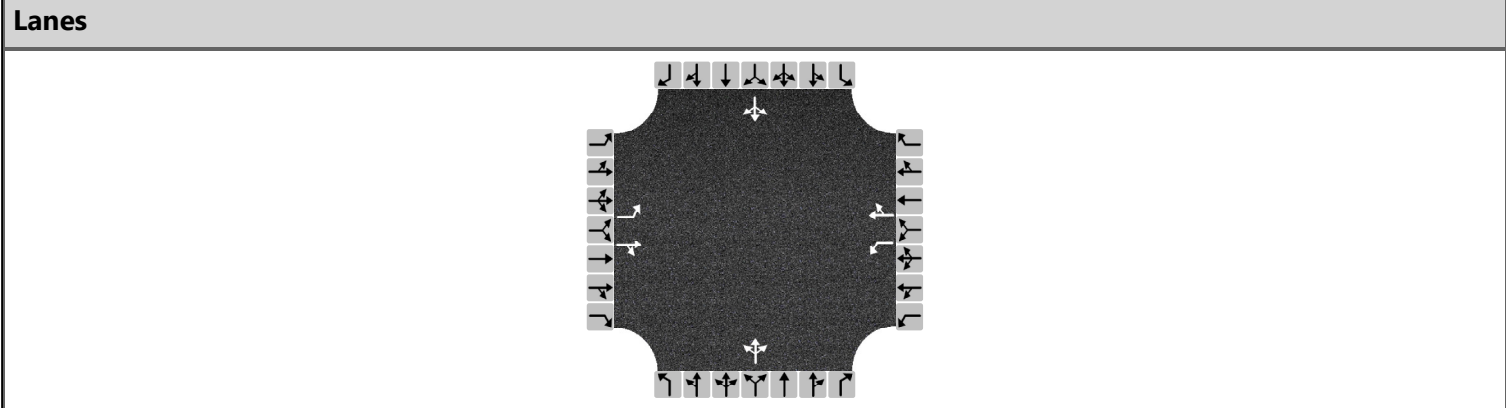
Approach	Eastbound			Westbound			Northbound			Southbound		
	L	T	R	L	T	R	L	T	R	L	T	R
Movement												
Volume	100	250	115	30	315	10	25	20	20	5	30	60
% Thrus in Shared Lane												
Lane	L1	L2	L3	L1	L2	L3	L1	L2	L3	L1	L2	L3
Configuration	L	TR		L	TR		LTR			LTR		
Flow Rate, v (veh/h)	109	397		33	353		71			103		
Percent Heavy Vehicles	2	2		2	2		2			2		

Departure Headway and Service Time												
Initial Departure Headway, hd (s)	3.20	3.20		3.20	3.20		3.20			3.20		
Initial Degree of Utilization, x	0.097	0.353		0.029	0.314		0.063			0.092		
Final Departure Headway, hd (s)	6.03	5.30		6.16	5.63		6.14			5.80		
Final Degree of Utilization, x	0.182	0.584		0.056	0.553		0.121			0.166		
Move-Up Time, m (s)	2.3	2.3		2.3	2.3		2.0			2.0		
Service Time, ts (s)	3.73	3.00		3.86	3.33		4.14			3.80		

Capacity, Delay and Level of Service												
Flow Rate, v (veh/h)	109	397		33	353		71			103		
Capacity	597	679		584	639		586			620		
95% Queue Length, Q ₉₅ (veh)	0.7	3.8		0.2	3.4		0.4			0.6		
Control Delay (s/veh)	10.1	15.2		9.2	15.1		10.0			10.0		
Level of Service, LOS	B	C		A	C		A			A		
Approach Delay (s/veh)	14.1			14.6			10.0			10.0		
Approach LOS	B			B			A			A		
Intersection Delay, s/veh LOS	13.6						B					

HCS7 All-Way Stop Control Report

General Information		Site Information	
Analyst	KMC	Intersection	Meyers/High School
Agency/Co.	Kittelson	Jurisdiction	Oregon City
Date Performed	8/12/2019	East/West Street	Meyers Road
Analysis Year	2019	North/South Street	High School Avenue
Analysis Time Period (hrs)	0.25	Peak Hour Factor	0.92
Time Analyzed	Future PM Total		
Project Description	Tyrone S. Woods Memorial Park		



Vehicle Volume and Adjustments

Approach	Eastbound			Westbound			Northbound			Southbound		
	L	T	R	L	T	R	L	T	R	L	T	R
Movement												
Volume	101	250	115	30	332	11	25	20	20	19	30	67
% Thrus in Shared Lane												
Lane	L1	L2	L3	L1	L2	L3	L1	L2	L3	L1	L2	L3
Configuration	L	TR		L	TR		LTR			LTR		
Flow Rate, v (veh/h)	110	397		33	373		71			126		
Percent Heavy Vehicles	2	2		2	2		2			2		

Departure Headway and Service Time

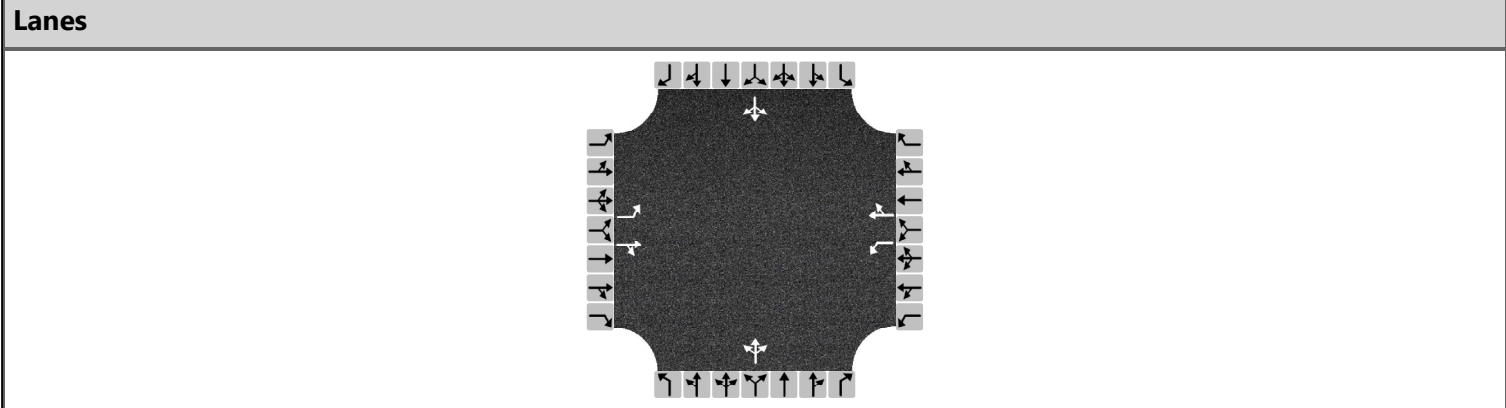
Initial Departure Headway, hd (s)	3.20	3.20		3.20	3.20		3.20			3.20		
Initial Degree of Utilization, x	0.098	0.353		0.029	0.331		0.063			0.112		
Final Departure Headway, hd (s)	6.16	5.44		6.28	5.75		6.30			5.94		
Final Degree of Utilization, x	0.188	0.599		0.057	0.595		0.124			0.208		
Move-Up Time, m (s)	2.3	2.3		2.3	2.3		2.0			2.0		
Service Time, ts (s)	3.86	3.14		3.98	3.45		4.30			3.94		

Capacity, Delay and Level of Service

Flow Rate, v (veh/h)	110	397		33	373		71			126		
Capacity	584	662		574	626		571			606		
95% Queue Length, Q ₉₅ (veh)	0.7	4.0		0.2	3.9		0.4			0.8		
Control Delay (s/veh)	10.3	15.9		9.4	16.5		10.2			10.5		
Level of Service, LOS	B	C		A	C		B			B		
Approach Delay (s/veh)	14.7			16.0			10.2			10.5		
Approach LOS	B			C			B			B		
Intersection Delay, s/veh LOS	14.4						B					

HCS7 All-Way Stop Control Report

General Information		Site Information	
Analyst	KMC	Intersection	Meyers/High School
Agency/Co.	Kittelson	Jurisdiction	Oregon City
Date Performed	8/12/2019	East/West Street	Meyers Road
Analysis Year	2019	North/South Street	High School Avenue
Analysis Time Period (hrs)	0.25	Peak Hour Factor	0.92
Time Analyzed	Future PM Total Plus Circling		
Project Description	Tyrone S. Woods Memorial Park		



Vehicle Volume and Adjustments

Approach	Eastbound			Westbound			Northbound			Southbound		
	L	T	R	L	T	R	L	T	R	L	T	R
Movement												
Volume	144	250	115	30	348	44	25	20	20	19	30	67
% Thrus in Shared Lane												
Lane	L1	L2	L3	L1	L2	L3	L1	L2	L3	L1	L2	L3
Configuration	L	TR		L	TR		LTR			LTR		
Flow Rate, v (veh/h)	157	397		33	426		71			126		
Percent Heavy Vehicles	2	2		2	2		2			2		

Departure Headway and Service Time

Initial Departure Headway, hd (s)	3.20	3.20		3.20	3.20		3.20			3.20		
Initial Degree of Utilization, x	0.139	0.353		0.029	0.379		0.063			0.112		
Final Departure Headway, hd (s)	6.26	5.53		6.38	5.79		6.52			6.15		
Final Degree of Utilization, x	0.272	0.610		0.058	0.686		0.128			0.215		
Move-Up Time, m (s)	2.3	2.3		2.3	2.3		2.0			2.0		
Service Time, ts (s)	3.96	3.23		4.08	3.49		4.52			4.15		

Capacity, Delay and Level of Service

Flow Rate, v (veh/h)	157	397		33	426		71			126		
Capacity	575	651		564	621		552			586		
95% Queue Length, Q ₉₅ (veh)	1.1	4.1		0.2	5.4		0.4			0.8		
Control Delay (s/veh)	11.3	16.5		9.5	20.2		10.5			10.8		
Level of Service, LOS	B	C		A	C		B			B		
Approach Delay (s/veh)	15.0			19.4			10.5			10.8		
Approach LOS	C			C			B			B		
Intersection Delay, s/veh LOS	16.0						C					

Tyrone S. Woods Memorial Park Parking Study

Nature Parks & Natural Areas	Acres	Parking Stalls	Facilities & Amenities	Management	Dogs Off-leash Area	Parking Stalls/Acre
Spring Park	7	3	Playground Trails Picnic Tables	NCPRD	Yes	
Lowami Hart Woods Park	28	9	Restroom Trails	Tualatin Hills Parks & Recreation District	Yes	0.3
Stewart Park	35	42	Playground Sports Fields Tennis Court Volleyball Court Picnic Shelter Restrooms Dog Area	City of Roseburg	Yes	1.2
Holmes Park	13	21	Playground Basketball Court Picnic Shelter Dog Area	City of Medford	Yes	
Bear Creek Natural Area	37	90	Playground Sports Fields Tennis Court Skate Park Picnic Shelter Trails	City of Medford	Yes	
Rotary Nature Preserve at Tice Woods	25	16	Restroom Trails	City of McMinnville	No	0.6
Airport Park	14	14	Picnic Tables Dog Area Trails	City of McMinnville	Yes	1.0
Noble Woods Park	39	42	Restroom Picnic Shelter Trails	Hillsboro P&R	Yes	1.1
Orchard Park	21	28	Playground Disc Golf Restrooms Trails	Hillsboro P&R	No	1.3
Orengo Woods Nature Park	42	30	Picnic Shelter Playground Restrooms Trails	Hillsboro P&R / Metro	No	0.7

Oregon City Parks	Acres	Parking Stalls	Facilities & Amenities	Management	Dogs Off-leash Area	Parking Stalls/Acre
Wesley Lynn Park	17.5	63	Playground Picnic Shelter Sports Fields Restrooms Dog Area	Oregon City P&R	Yes	3.6
Hillendale Park	16	56	Playground Picnic Shelter Sports Fields/Courts Wetland Observation Deck Restrooms	Oregon City P&R	No	3.5
Chapin Park	18.5	64	Playground Picnic Shelter Sports Fields Restroom	Oregon City P&R	No	3.5
Park Place Park	18.5	11	Playground Restroom Dog Area	Oregon City P&R	Yes	0.6
Stafford Park	1.5	8	Picnic Table	Oregon City P&R	No	5.3
Abernathy Creek Park	2.5	3	Picnic Area	Oregon City P&R	No	1.2
Atkinson Park	5.5	3	BBQ Grills	Oregon City P&R	No	0.5
Canemah Children's Park	0.3	8	Playground Picnic Shelter Sports Fields/Courts Restrooms	Oregon City P&R	No	26.7
Tyrone S. Woods Memorial Park	7.5	24	Playground Picnic Shelter BBQ Grills Restroom Skate Spot Pickleball Courts Dog Area	Oregon City P&R	Yes	3.2