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LAND USE APPLICATION FORM

RECEIVED
CITY OF OREGON CITY

Type I (OCMC 17.50.030.A)

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

Type II (OCMC 17.50.030.B)

- Extension
- Detailed Development Review
- Geotechnical Hazards
- Minor Partition (<4 lots)
- Minor Site Plan & Design Review
- Non-Conforming Use Review
- Site Plan and Design Review
- Subdivision (4+ lots)
- Minor Variance
- Natural Resource (NROD) Review

Type III / IV (OCMC 17.50.030.C)

- Annexation
- Code Interpretation / Similar Use
- Concept Development Plan
- Conditional Use
- Comprehensive Plan Amendment (Text/Map)
- Detailed Development Plan
- Historic Review
- Municipal Code Amendment
- Variance
- Zone Change

File Number(s): 2C13-01 / TP 13-02


Proposed Land Use or Activity: Rezone and subdivision for a 1.95 acre parcel, from R-10 to R-6 and for the development approval for a 10 lot single family subdivision.

Project Name: Kinslie Heights Number of Lots Proposed (If Applicable): 10

Physical Address of Site: 14270 Canyon Ridge Dr., Oregon City, Oregon 97045

Clackamas County Map and Tax Lot Number(s): T3S, R2E, NW 1/4 SEC. 16 WM, TL 0300

Applicant(s):


Applicant(s) Signature: 

Applicant(s) Name Printed: Mike Waddell Date: April 22, 2013

Mailing Address: 18900 Elder Rd., Oregon City, Oregon 97045

Phone: 503.481.7931 Fax: _____ Email: mike@theuppyuppyor.com

Property Owner(s):

Property Owner(s) Signature: 

Property Owner(s) Name Printed: Mike Waddell Date: April 22, 2013

Mailing Address: 18900 Elder Rd., Oregon City, Oregon 97045

Phone: 503.481.7931 Fax: _____ Email: mike@theuppyuppyor.com

Representative(s):

Representative(s) Signature: 

Representative (s) Name Printed: Ed Christensen (Welkin Engineering) Date: April 22, 2013

Mailing Address: 25260 SW Parkway Ave., Suite G, Wilsonville, OR 97070

Phone: 503.380.5324 Fax: 503.783.0932 Email: ekc@WelkinPC.com

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



**KINSLIE HEIGHTS SUBDIVISION APPLICATION NARRATIVE
FOR A COMPREHENSIVE PLAN AMENDMENT, REZONE AND
SUBDIVISION
IN OREGON CITY, OREGON**

14270 CANYON RIDGE DR.

Submittal Date:

March 26, 2012

May 2, 2013

Applicant/Owner/Developer:

MIKE WADDELL

14270 Canyon Ridge Dr.

Oregon City, OR 97045

Planner/Surveyor/Engineer Contact:

Welkin Engineering, P.C.

Attn: Ed Christensen, P.E. - ekc@welkinpc.com

25260 SW Parkway Ave., Suite G

Wilsonville, OR 97070

Phone: (503) 783-0930

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Lot of Record: Township 3 South, Range 2 East, NW 1/4 Section 16 - Tax Lot 0300 (1.98 gross acres), Oregon City, Clackamas County, Oregon.

Location: 14270 Canyon Ridge Dr. Oregon City, OR 97045

Zoning: Current zoning – R-10

Proposed Zoning: R-6

Comprehensive Plan Designation: Single Family Residential

APPLICANTS REQUEST: The Applicant requests approval of a comprehensive plan and zone change from R-10 to R-6 and a related subdivision creating 10 lots on the 1.98 acre site.

BACKGROUND AND SITE NARRATIVE:

The subject site is an underdeveloped 1.98 acre lot fronting Canyon Ridge Dr. with a house and multiple out buildings and structures. The site development would access Canyon Ridge Dr. by the construction of a cul-de-sac. The southern boundary of the site is the Urban Growth Boundary. Properties to the south are designated Rural Reserve (RUR). The proposed lots are relatively flat, sloping mostly away from Hwy. 213 the eastern edge of the site, in a south westerly direction. The site is well landscaped and maintained.

The current zoning for the site is R-10. The applicant is requesting a rezone to R-6. The property to the south and west are zoned RRFF5; to the east R-3.5 and R-6, to the northwest R-10. A rezone to R-6 would not be out of character with the neighborhood.

SITE CHARACTERISTICS:

As stated earlier, the site is well landscaped and maintained. The majority of the site is landscaped with lawn with a gravel bike track around the edge of the property. The existing house and all the structures on the site will be removed for the development. There are many mature trees on the property and all have been limbed up, creating a nice park like feel. A couple of the fir trees are over 30 inches in diameter and most are in the 20 inch range. The site canopy is about 30%.

The site is relatively flat, mostly sloping from Hwy. 213 the eastern edge of the site, in a south westerly direction with a relative slope of just over 2%. Much of the site is at a higher elevation than Canyon Ridge Dr. and some of the site drains to Canyon Ridge Dr. A very small portion of the site in the grove of trees at the

front of the proposed Lot 6 has some localized steeper slopes, well buttressed by large trees and rocks outcroppings. It is not believed that the limited area of steep slope will pose any significant problems and there is no sign of sliding. It will be graded to lessen the slope.

EXISTING RIGHT-OF-WAY AND PUBLIC EXISTING IMPROVEMENTS, AND DEDICATIONS:

Canyon Ridge Dr. is a mostly fully improved ± 60 foot right-of-way, which only requires the sidewalk and street landscaping to be completed. The pavement section varies from 24' past the site into the Canyon Ridge subdivision, to 28' curb to curb fronting the site. There is no sidewalk on the south side of Canyon Ridge Dr fronting the site. Clackamas County has indicated that no improvements other than those just stated will be required for Canyon Ridge Dr. The site also backs to Highway 213, which is fully improved with curb, planter strip with trees, a 5 foot sidewalk, and ODOT has stated it will not require any dedications or improvements.

The site has sanitary sewer, storm sewer, and domestic water fronting the subdivision, all of which are adequate to service this proposed subdivision. The sewer and stormwater systems are at adequate depths to easily service the site. As envisioned, Creek Ridge Ct. would have a positive grade all the way to the end of the cul-de-sac, i.e. flowing downhill from the end of the cul-de-sac to Canyon Ridge Rd. Neither a storm detention system nor a water quality facility is proposed for the new subdivision. These facilities will be discussed further in the next section. No right-of-way dedications are required for this subdivision on Canyon Ridge Road or Highway 213.

PROPOSED PUBLIC IMPROVEMENTS AND SITE GRADING:

All improvements for this subdivision will be public improvements. The lots will be served with a 12" stormwater, 8" water main, and 8" sanitary sewer system. Each lot will be provided 4" sanitary and stormwater laterals, and 1" water service laterals. Water system improvements will be provided as required by the water department. It is anticipated that a fire hydrant will be required at the entrance of the cul-de-sac, and it will adequately service the entire subdivision.

Lots 2 – 5 will be Type B graded lots. They currently slope to the south and will continue to do so, but rain drains will be provided to connect to the houses and driveways. Fill will be used to bring the grades on these lots up some, but some portion if not all of landscaped portion of the lots will still drain to the south, including the footing drains. All other lots will be Type A graded, with back to front drainage.

PROPOSED STORM AND WATER QUALITY IMPROVEMENTS:

The Canyon Ridge subdivision which was built in the late 80's was designed with private septic systems and a public storm drainage system. No records of the constructed improvements were found in the Clackamas County archives. The storm drainage system was surveyed to its outfall by the project survey team. The storm drain line size and grade was identified. The constructed pipe from the 80's was a concrete material. The pipes appeared to be in adequate condition, though we found ± 150 lb boulders in the last manhole before the outfall. Clackamas County was notified of the problem.

A hydraulic analysis was performed by the project engineer using the Santa Barbara Unit Hydrograph method and Manning's Pipe Flow calculations, which shows that the storm drainage system can adequately accommodate all of the runoff from the proposed Kinslie Heights subdivision in a 25-year storm event, without detention. In fact, the flow increase resulting from the development of Kinslie Height is 0.13 cfs (7.89 cfs vs. 7.76 cfs), a 1.7% increase in runoff. This small an increase in a 25-year's storm runoff, does not warrant a detention system. As mitigation, the applicant proposes to repair the outfall rip rap and erosion which is occurring immediately below the existing outfall pipe, and downhill for approximately 150 feet and build a channel sufficient to accommodate the 25-year storm event until dispersed.

ZONING:

1. **Zoning/Permitted Use:** The property is zoned Low Density Residential and zoned R-10 single family. A request is being made for a rezone to R-6
2. **Surrounding Uses/Zoning:** The property to the south and west are zoned RRFF5 and are not in the Urban Growth Boundary; to the east R-3.5 and R-6, to the northwest R-10, but has not annexed into the City. A rezone to R-6 would not be out of character with the neighborhood.
3. **Density Calculations:** The proposed subdivision includes 4 lots for the future construction of single-family attached homes in the R-2 zone. The gross site area and the net developable area is approximately 8,257 square feet (0.19 acres). The average lot size proposed in the project is 2,064 square feet and the maximum density allowed on the site is 4.13 lots.

DECISION-MAKING CRITERIA:

Municipal Code Standards and Requirements

Title 16, Subdivisions: Chapter 16.08, Subdivisions-Process and Standards Chapter 16.12, Minimum Improvements and Design Standards for Land Division

Title 17, Zoning: Chapter 17.20, R-6 Single Family Residential District Chapter 17.50, Administration and Procedures Chapter 17.68, Zone Changes and Amendments

The criteria for a zone change are set forth as follows:

A. The proposal shall be consistent with the goals and policies of the comprehensive plan.

Response: The proposed project is consistent with the goals and policies of the comprehensive plan.

B. That public facilities and services (water, sewer, storm drainage, transportation, schools, police and fire protection) are presently capable of supporting the uses allowed by the zone, or can be made available prior to issuing a certificate of occupancy. Service shall be sufficient to support the range of uses and development allowed by the zone.

Response: The proposed project is supported by existing public facilities and services (water, sewer, storm drainage, transportation, schools, police and fire protection) are presently capable of supporting the uses allowed by the zone, or can be made available prior to issuing a certificate of occupancy. Service shall be sufficient to support the range of uses and development allowed by the zone.

C. The land uses authorized by the proposal are consistent with the existing or planned function, capacity and level of service of the transportation system serving the proposed zoning district.

Response: The proposed project's land uses are consistent with the existing or planned function, capacity and level of service of the transportation system serving the proposed zoning district.

D. Statewide planning goals shall be addressed if the comprehensive plan does not contain specific policies or provisions which control the amendment.

Response: The proposed project's land uses are consistent with the Statewide planning goals.

OREGON CITY MUNICIPAL CODE

Chapter 16.08.010 - Purpose and General Provisions

All subdivisions shall be in compliance with the policies and design standards established by this chapter and with applicable standards in the City's Public Facilities Master Plan and the City Design Standards and Specifications. The evidence contained in this record indicates that the proposed subdivision is in compliance with standards and design specifications listed in this document, subject to the conditions of approval.

Response: The proposed project was reviewed by the appropriate agencies and the Responses necessary to be in compliance with Chapter 16.08.010 have been included.

Chapter 16.08.015 – Pre-application Conference

Response: The pre-application conference, identified as PA 12-31, was held on January 9, 2013.

Chapter 16.08.025 Preliminary subdivision plat--Required plans.

The preliminary subdivision plat shall specifically and clearly show the following features and information on the maps, drawings, application form or attachments. All maps and site drawings shall be at a minimum scale of one inch to fifty feet.

- A. *Site Plan.*
- B. *Traffic/Transportation Plan.*
- C. *Natural Features Plan and Topography, Preliminary Grading and Drainage Plan.*
- D. *Erosion and Sediment Control Permit.*

Response: The Applicant provided detailed plans of the proposed development (Exhibits 1 – 7). This standard has been met.

Chapter 16.08.030 – Preliminary Subdivision Plat – Narrative Statement

The Applicant shall explain in detail how and when each of the following public services or facilities is, or will be, adequate to serve the proposed development by the time construction begins:

- A. *Subdivision Description.*

Response: The Applicant provided a detailed description of the proposed development (Exhibits 1 – 8).

B. Timely Provision of Public Services and Facilities.

Water

Response: There is an existing 8-inch water line in Canyon Ridge Drive. The proposed project will include individual 1" water service laterals for all of the proposed lots. Adequate fire hydrants have been located and installed per Clackamas County Fire District No. 1's requirements.

Sanitary Sewer

Response: There is an existing 8-inch City gravity sanitary sewer main that flows in Canyon Ridge across the frontage and then heads north along the east side of the site. The applicant has proposed to provide individual service laterals to access and provide sanitary sewer service to the proposed lots. The applicant shall design the new public sanitary sewer system with service connections to each lot.

Storm Sewer and Storm Water Drainage

Response: The site is located in the Stone Creek Basin. The site generally slopes to the southwestern boundary. The applicant has proposed to install individual service laterals that will drain into the existing stormwater system developed by the Canton Ridge and Gentry Estates subdivisions. On-site, the stormwater facilities will be designed to convey the existing stormwater and will supply each lot with a 4" drainage lateral.

The applicant is not proposing any stormwater detention, because the increase is so minor. The applicant is not proposing typical water quality as required by the Oregon City Municipal Code, but will otherwise mitigate the impacts. The flow increase in the Canyon Ridge basin resulting from the development of Kinslie Height is 0.13 cfs (7.89 cfs vs. 7.76 cfs), a 1.7% increase in runoff. The applicant is instead proposing to mitigate their impact by repairing the erosion below the Canyon Ridge outfall. Built in the late '80's, the outfall is in disrepair and is resulting in extensive erosion. The applicant is proposing to provide an armored rock channel to a point where the flows can be dispersed and velocities reduced below erosive levels. Stormwater will then be filtered through the existing leaf litter and forest duff, thus providing excellent water quality.

Parks and Recreation

Response: Wesley Lynn and Hillendale parks are located west and north of the subject site and the future Glen Oak Park will be 0.5 miles to the northeast. The residents of the subdivision will directly benefit from the proposed pedestrian access which connects to

Hwy. 213, which has public transportation access at Clackamas Community College, which will provide additional public transportation options as well as recreational options. In addition, Parks System Development Charges will be paid at the time building permits are issued for each lot in the proposed subdivision. This standard is met.

Traffic and Transportation

Response: The city's transportation engineer, John Replinger of Replinger & Associates, LLC, discussed the requirements for a Traffic Analysis and agreed with the attached letter format by Group Mackenzie. The City wanted the Traffic Analysis to determine if the intersection spacing, which is less than the City standard would be an issue for both Hwy. 213 and Candice Ct. Group Mackenzie determined that the impact from the additional trips would not be an issue or conflict with Candice Ct. turning movements either. From a transportation standpoint, additional conditions of approval are not necessary. This standard is met.

Schools

Response: The Oregon City school district is responsible for providing adequate facilities and has not indicated that there is inadequate capacity to serve this development. This standard is met.

Fire and Police Services

Response: This property is currently in the City and is closer in than newer developments around the City. Fire hydrants will be provided in accordance with Clackamas County Fire District #1 requirements. The applicant has proposed to provide a fire hydrant at the entrance of the cul-de-sac to meet the Fire District requirements. Oregon City will provide Police service to the subdivision. There are no adopted standards to measure the adequacy of Police service to accommodate the development. Property taxes will be paid by the property owners which contribute to the provision of police services in the City. This standard is met.

C. Approval Criteria and Justification for Variances.

Response: The Applicant is not requesting any variances.

D. Geologic Hazards.

Response: The site is not located in a hazard area.

E. Water Resources.

Response: The site does not have any Water Resources.

F. Drafts of the proposed CC&R's.

Response: The Applicant is submitting preliminary CC&R's for the project. This standard is met as proposed.

G. Phasing.

Response: The Applicant is not proposing to phase develop of the site.

H. Density.

Response: The proposed subdivision includes 10 lots for the future construction of single-family attached homes in the R-6 zone. The gross site area and the net developable area is 89,919.56 square feet (2.064 acres). The average lot size proposed in the project is 6,759 square feet and the maximum density allowed on the site is 11 lots. This standard is met.

Chapter 12.04.175 - Street Design-Generally

The location, width and grade of the 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, pedestrian/bicycle access-ways, and the proposed use of the land to be served by the streets.

Response: The cul-de-sac as proposed is designed to meet City Street Standards. This standard is met.

Chapter 12.04.180 Street Design–Minimum right-of-way

This standard addresses minimum right-of-way width for public streets and discusses a variety of minimum street design standards brought forward from the Oregon City Transportation Master Plan. OCMC 16.12.030 allows specific right-of-way and pavement widths to be determined by the decision-maker based upon the City Engineer's recommendation.

Response: All of the cul-de-sac for the subdivision will be constructed to comply with the standards of the Oregon City Municipal Code. This standard is met.

Chapter 12.04.185 Street Design–Access Control

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.

Response: Access control shall be provided at the end of the cul-de-sac to preclude the adjoining lot to the north from access prior to approval of the city. This standard is met.

Chapter 12.04.190 Street Design–Alignment

Streets other than local or constrained streets shall be aligned with existing streets by continuation of the centerlines.

Response: This standard is not applicable.

Chapter 12.04.195 Minimum Street Intersection Spacing Standards

All new development and redevelopment shall meet the following Minimum Street Intersection Spacing Standards.

Response: All relevant intersections were studied, which do not meet the spacing standards or required additional assessment. Hwy 213/Candice Ct. and Canyon Ridge Dr. were analyzed for LOS and spacing standards. Canyon Ridge Dr at Canyon Ridge Circle was not analyzed because it exceeds City spacing standards, with an intersection spacing of more than 250 feet. A letter indicating the spacing as indicated on preliminary plans is not a safety hazard has been submitted. This standard is met.

Chapter 12.04.200 Street Design–Constrained Local Streets and/or Right-of-Way

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

Response: There are no constrained streets. This standard is not applicable.

Chapter 12.04.210 Intersection Level of Service Standards.

When approving land use actions, the City of Oregon City requires all relevant intersections to be maintained at the minimum acceptable Level Of Service (LOS) upon full build-out of the proposed land use action.

Response: All relevant intersections were studied. Hwy 213/Candice Ct. and Canyon Ridge Dr. were analyzed for LOS and spacing standards. Canyon Ridge Dr at Canyon Ridge Circle was not analyzed because it exceeds City spacing standards. A letter indicating the intersection LOS is acceptable. This standard is met.

Chapter 12.04.210 Street Design-Intersection Angles

Response: The proposed cul-de-sac will intersect Canyon Ridge at a 90 degree angle. This standard is not applicable.

Chapter 12.04.215 Street Design-Off-site Street Improvements

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

Response: Canyon Ridge is a fully improved county road. Improvements will be limited to landscaping and sidewalk. This standard can be met.

Chapter 12.04.220 Street Design-Half Street

Half streets may be approved where essential to the reasonable development of the land division, when it is in conformance with all other applicable requirements, and where it will not be a safety hazard.

Response: No half streets are proposed. This standard is not applicable.

Chapter 12.04.225 Street Design-Cul-de-sac

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.

Response: The site is constrained and a cul-de-sac is required. This standard is met.

Chapter 12.04.230 Street Design-Street Names

Response: The proposed street name does not conflict with any other city street names. This standard is met.

Chapter 12.04.235 Street Design–Grades and Curves

Response: The proposed street grades are within the city standards. This standard is met.

Chapter 12.04.245 Street Design–Pedestrian and Bicycle Safety

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

Response: The proposed cul-de-sac is short and safe. This standard is met.

Chapter 12.04.255 Street Design–Alleys

Response: No alleys are proposed. This standard is not applicable.

Chapter 12.04.260 Street Design–Transit

Streets shall be designed and laid out in a manner that promotes pedestrian and bicycle circulation. The applicant shall coordinate with Tri-Met where the application impacts transit streets as identified on Figure 5.7:

Response: The proposed development does not impact a transit street. This standard does not apply.

Chapter 12.04.265 Street Design–Planter Strips

A. All development shall include vegetative planter strips that are five feet in width or larger and located adjacent to the curb. This requirement may be waived or modified if the community development director finds it is not practicable. Development proposed along a collector, minor arterial, or major arterial street may use tree wells located near the curb within a seven-foot wide sidewalk in lieu of a planter strip, in which case each tree shall have a protected area of at least six feet in diameter to ensure proper root growth.

B. Trees shall be selected and planted in accordance with Chapter 12.08, Street Trees. Individual abutting lot owners shall be legally responsible for maintaining in a healthy and attractive condition all trees and vegetation in the planter strip. If a homeowners' association is created as part of the development, the association may assume the maintenance obligation through a legally binding mechanism, e.g., deed restrictions,

maintenance agreement, etc., which shall be reviewed and approved by the city attorney. Failure to properly maintain trees and vegetation in a planter strip shall be a violation of this code and enforceable as a civil infraction.

Response: The proposed subdivision incorporates the planter strips along the proposed street right-of-ways. There is 905 lf of street frontage, which will require 26 Street Trees to be planted. Trees will be planted in accordance with the Chapter 12.08 standards. Protection and maintenance will be incorporated into the CC&Rs. This standard will be met.

Chapter 16.12.015 - Street design—Generally.

Street design standards for all new development and land divisions shall comply with Chapter 12.04—Street Design Standards

Response: The new street is proposed in compliance with Chapter 12.04. This standard is met.

Chapter 16.12.020 Blocks-Generally

The length, width and shape of blocks shall take into account the need for adequate building site size, convenient motor vehicle, pedestrian, bicycle and transit access, control of traffic circulation, and limitations imposed by topography and other natural features.

Response: The new streets as proposed, takes this criteria into account. This standard is met.

Chapter 16.12.025 Blocks-Length

Block lengths for local streets and collectors shall not exceed six hundred feet between through streets, as measured between nearside right-of-way lines.

Response: The new streets as proposed, takes this criteria into account. This standard is met.

Chapter 16.12.030 Blocks-Width

The width of blocks shall ordinarily be sufficient to allow for two tiers of lots with depths consistent with the type of land use proposed.

Response: The new street as proposed, takes this criteria into account. This standard is met.

Chapter 16.12.035 Blocks-Pedestrian and Bicycle Access

A. To facilitate the most practicable and direct pedestrian and bicycle connections to adjoining or nearby neighborhood activity centers, public rights-of-way, and pedestrian/bicycle accessways which minimize out-of-direction travel, subdivisions shall include pedestrian/bicycle accessways between discontinuous street right-of-way where the following applies:

- 1. Where a new street is not practicable;*
- 2. Through excessively long blocks at intervals not exceeding five hundred feet of frontage; or*
- 3. Where the lack of street continuity creates inconvenient or out of direction travel patterns for local pedestrian or bicycle trips.*

B. Pedestrian/bicycle accessways shall be provided:

- 1. To provide direct access to nearby neighborhood activity centers, transit streets and other transit facilities;*
- 2. Where practicable, to provide direct access to other adjacent developments and to adjacent undeveloped property likely to be subdivided or otherwise developed in the future;*
- 3. To provide direct connections from cul-de-sacs and internal private drives to the nearest available street or neighborhood activity center;*
- 4. To provide connections from cul-de-sacs or local streets to arterial or connector streets.*

Response: The proposed subdivision is not providing a separate pedestrian access, which will connect the site to Hwy. 213, because it is so close. Residents will only be required to walk 600 feet to get onto Hwy. 213. This standard is met.

Chapter 16.12.040 Building Sites

The size, width, shape and orientation of building sites shall be appropriate for the primary use of the land division, and shall be consistent with the residential lot size provisions of the zoning ordinance.

Response: The Applicant has proposed a subdivision with lots in a manner compatible with the requirements for low-density residential development. The Applicant has not requested any variances from the dimensional standards of the zone. The Applicant has satisfied this standard as proposed.

Chapter 16.12.045 Building Sites – Minimum Density

All subdivision layouts shall achieve at least 80% of the maximum density of the base zone for the net developable area as defined in Section 17.04.

Response: The proposed subdivision includes 10 lots for the future construction of single-family homes in the R-6 zone. The gross site area and the net developable area is approximately 89,920 square feet (2.04 acres). The average lot size proposed in the project is 6,759 square feet. The minimum density allowed on the site is 9 lots and the maximum density allowed on the site is 11 lots. This standard is met.

Chapter 16.12.050 Calculations of Lot Area.

A subdivision in the R-10, R-8, R-6, R-3.5 and R-2 Dwelling District may include lots that are up to 10% less than the required minimum lot area of the applicable zoning designation provided the entire subdivision on average meets the minimum site area requirement of the underlying zone.

Response: The proposed subdivision includes 10 single-family residential units in the R-6 zone, which requires a minimum lot size average of 6,000 square feet. The applicant has proposed a subdivision with lots ranging from 6010 square feet to 9,075 square feet. The minimum lot size is 5,400 square feet and the average of all the lot sizes must exceed 6,000 square feet in the R-6 district. The average lot size is approximately 6,759 square feet in the R-6 district. This standard is met as proposed.

Chapter 16.12.055 Building Sites -Through Lots

Response: No through-lots are proposed. This standard does not apply.

Chapter 16.12.060 Building Sites—Lots and Parcel Side Lines

Response: As far as practicable, the proposed lot lines and parcels run at right angles to the street upon which they face. This standard is met as proposed.

Chapter 16.12.065 Building Sites—Grading

Grading of building sites shall conform to the state of Oregon Structural Specialty Code, Chapter 29, Appendix Chapter 70 of the Uniform Building Code, any approved grading plan and any approved residential lot grading plan in accordance with the requirements of Chapter 15.48 and the Public Works Stormwater and Grading Design Standards, and the erosion control requirements of Chapter 17.47.

Response: The Applicant has provided a preliminary rough grading and erosion control plan. The proposed grading appears to match adjacent property grades at the site boundaries. The Applicant has proposed grading that appears to meet City requirements.

The applicant shall obtain an erosion prevention and sedimentation control permit for each lot approval at the time of building permit submittal.

Chapter 16.12.070 Building Sites—Setback and Building Location

This standard ensures that lots are configured in a way that development can be oriented toward streets to provide a safe and better environment for pedestrians and bicyclists. Lots located on a neighborhood collector, collector or minor arterial street shall locate the front yard setback on and orient the front of the primary structure to face the neighborhood collector, collector or minor arterial street. An alternative to the lot orientation, which incorporates landscaping and fencing into the lot and street design, may be approved if it is found to accomplish the objective of this standard by the Community Development Director.

Garage setbacks in residential areas shall be a minimum of twenty feet from the public right-of-way where access is taken, except for alleys. Garages on an alley shall be set back a minimum of five feet in residential areas. Any special building setback lines established in a subdivision or partition shall be shown on the preliminary and final plats or guaranteed through deed restrictions or easements. (Ord. 98-1007 §1(part), 1998)

Response: The applicant has proposed to combine the driveways of lots 1-2, 3-4, 6-7, and 9-10, with a 24-foot wide driveway approach, which will reduce the conflicts between cars entering and exiting the driveway and pedestrians walking on the sidewalk. Requiring a shared driveway for lots 5 and 8 was not practicable. This standard is met as proposed.

Chapter 16.12.075 Building Sites—Division of Lots

Where a tract of land is to be divided into lots or parcels capable of redivision in accordance with this chapter, the decision-maker shall require an arrangement of lots, parcels and streets that facilitates future redivision.

Response: No tracts of land are large enough to be divided and provide a buildable lot. This standard is met as proposed.

Chapter 16.12.085 Easements

This standard governs the location improvement and layout of easements. These include utilities, unusual facilities, watercourses, access, and resource protection.

Response: The easements will be dedicated to the public on the final plat as required. The 10-foot PUE and all public off- and on-site easements required for the final engineering plans shall be dedicated to the public on the final plat or by separate

document. All existing and proposed utilities and easements shall be indicated on the construction plans. Any off-site utility easements required for this project shall be obtained and submitted to the City prior to approval of the construction plans. This standard can be met.

Chapter 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.

Response: The Applicant has indicated that construction plans for all required improvements will be presented to the City for review and approval prior to the commencement of any construction activities on the site. Inspection will be provided for as required by this standard and City policy. The Applicant will provide inspection of the construction procedures as required by the City. Erosion control measures will be provided and are depicted in conceptual form on the attached preliminary grading plans. As-built plans will be provided as required.

Chapter 16.12.95 Minimum Improvements—Public Facilities and Services

The following minimum improvements shall be required of all Applicants for a land division under Title 16, unless the decision-maker determines that any such improvement is not proportional to the impact imposed on the City's public systems and facilities.

Response: This standard addresses minimum improvements that are required for public transportation systems, stormwater drainage, and sanitary sewer systems. Minimum improvements are required for all land divisions (partitions and subdivisions) under Title 16. The City Engineering Division reviewed the need for the minimum improvements required for this project under Title 16 above.

16.12.100 Minimum Improvements—Road Standards and Requirements

Response: This section addresses requirements for public streets that do not meet adopted standards. The applicant has proposed streets that will meet the city standards. This section does not apply.

16.12.105 Minimum Improvements—Timing Requirements

Response: The Applicant has indicated that prior to applying for final plat approval construction of all public improvements required as part of the preliminary plat approval will be completed per the approved plans or a guarantee for the construction of those improvements will be provided.

17.68.020 Zone Changes and Amendments – Criteria

The criteria for a zone change are set forth as follows:

- A. *The proposal shall be consistent with the goals and policies of the comprehensive plan.*

Goal 1: Citizen Involvement

Goal 1.2: Ensure that citizens, neighborhood groups and affected property owners are involved in all phases of the comprehensive planning program.

Response: The applicant has lived in the area and has explained to his neighbors that he is going to develop his property. As part of the land use process, the city has advertised the proposal and hearing dates in the newspaper, posted the site and mailed requests for comments to surrounding property owners. This standard is met.

Goal 2: Land Use

Goal 2.1: Ensure that property planned for residential, commercial, office and industrial uses is used efficiently and that land is developed following principles of sustainable development.

Response: The applicant has requested a comprehensive plan amendment and zone change for a property that is zoned R-10 rezoning it to R-6. The proposed amendment and zone change would allow the property, which is well serviced by available infrastructure, to be utilized in a more efficient and consistent manner with the adjacent properties. This standard is met.

Goal 2.7: Maintain the Oregon City Comprehensive Plan Land-Use Map as the official long-range planning guide for land-use development of the city by type, density and location.

Response: The minor amendment and zone change, requested for approximately this property is within the Comprehensive Plan Framework, would provide consist and compatible land uses with the adjacent properties. This standard is met.

Goal 6: Quality of Air, Water and Land Resources

Goal 6.1.1: Promote land-use patterns that reduce the need for distance travel by single-occupancy vehicles and increase opportunities for walking, biking and/or transit to destinations such as places of employment, shopping and education.

Response: The property is an infill project within at the edge of the UGB and within the Oregon City limits. Streets and sidewalks have been constructed and will provide walking and biking options for the proposed use. The property is located approximately 200 linear feet from Highway 213, just 0.6 miles from Clackamas Community College, which includes recreational, educational and mass transit options, and shopping and eating options. From the subdivision's entrance to all these services, the residents are afforded either sidewalks or protected pathways the entire distance. This standard is met.

Goal 10: Housing

Goal 10.1.3: Designate residential land for a balanced variety of densities and types of housing, such as single-family attached and detached, and a range of multi-family densities and types, including mixed-use development.

Response: The proposed amendment and zone change to allow the construction of 10 detached dwelling units provides additional opportunities for an attached housing design on smaller lots and provides a more affordable option based on the lots smaller size. This standard is met.

Goal 11: Public Facilities

Goal 11.1: Serve the health, safety, education, welfare and recreational needs of all Oregon City residents through the planning and provision of adequate public facilities.

Policy 11.1.4: Support development of underdeveloped or vacant buildable land within the city where public facilities and services are available or can be provided and where land use compatibility can be found relative to the environment, zoning and comprehensive plan goals.

Response: The applicant has indicated that the requested comprehensive plan amendment and zone change to R-6 single family for the project site which is currently designated Low Density Residential and zoned R-10 single-family. The zone change from the R-10 to R-6 allows 2 additional dwelling units to be constructed on the site. The property has access to required infrastructure, including all necessary public facilities and services, such as water, sanitary sewer, stormwater drainage, and transportation systems. All the new infrastructure will be constructed to City standards.

Staff has reviewed the applicant's proposal and finds that the public facilities and services are presently capable of supporting the requested comprehensive

plan amendment and zone change and the proposed R-6 subdivision. This standard is met as proposed.

Goal 12: Transportation

Goal 12.6: Develop and maintain a transportation system that has enough capacity to meet users' needs.

Response: Per the preapplication conference, the intersections on Canyon Ridge at Hwy. 213 and Candice Ct. were analyzed for intersection spacing issues with Kinslie Ct. Canyon Ridge Circle and Canyon Ridge Dr. were not analyzed because they exceeded the spacing standard for intersections with the proposed Kinslie Ct.

The submitted Traffic Letter indicated that the August 2006 TIA demonstrated that the study area intersections will operate at a level of service C or better during the AM and PM peak hours upon full build out of the site. The proposed amendment, zone change and addition of 2-lots will have a minimal impact on the transportation system. The Responses of the August 2006 TIA, combined with the project narrative and site plan address the city requirements for a transportation impact analysis, demonstrates that the requested comprehensive plan amendment and zone change are consistent with the planned function, capacity and level of service of the transportation system, and that there is no reason to place additional conditions of approval on the development. This standard is met.

- B. That public facilities and services (water, sewer, storm drainage, transportation, schools, police and fire protection) are presently capable of supporting the uses allowed in the zone, or can be made available prior to issuing a certificate of occupancy. Service shall be sufficient to support the range of uses and development allowed by the zone.*

Response: The applicant has indicated that the requested comprehensive plan amendment to R-6 single family is still within the Low Density Residential designation. The zone change from the R-10 to R-6 allows 2 dwelling units to be constructed on the site and because of the configuration of the property, the R-6 designation lays out on the site better. The property has unrestricted access to required infrastructure, including all necessary public facilities and services, such as water, sanitary sewer, stormwater drainage and transportation systems.

Staff has reviewed the applicant's proposal and finds that the public facilities and services are presently capable of supporting the requested comprehensive

plan amendment and zone change and the proposed R-6 subdivision. This standard is met as proposed.

- C. *The land uses authorized by the proposal are consistent with the existing or planned function, capacity and level of service of the transportation system serving the proposed zoning district.*

Response: The applicant has submitted a Traffic Impact Analysis (TIA), by Group Mackenzie, with this application. The study demonstrates that all intersections studied are currently operating within acceptable limits and are forecast to continue operating at acceptable levels of service after considering the rezone. The City's Traffic Engineer will review the TIA and should concurred with the Responses of the report. The request complies with the Transportation System Plan.

The August 2006 TIA demonstrated that the study area intersections will operate at a level of service C or better during the AM and PM peak hours upon full build out of the site. The addition of 2-lots will have a minimal impact on the transportation system. The project narrative and site plan address the city requirements for a transportation impact analysis, demonstrates that the requested comprehensive plan amendment and zone change are consistent with the planned function, capacity and level of service of the transportation system, and that there is no reason to place additional conditions of approval on the development. This standard is met.

- D. *Statewide planning goals shall be addressed if the comprehensive plan does not contain specific policies or provisions which control the amendment.*

Response: The Oregon City Comprehensive Plan was acknowledged by the Land Conservation and Development Commission in June 2004. The Comprehensive Plan implements the statewide planning goals at the local level. The acknowledged Comprehensive Plan includes specific goals and policies that apply to the requested Comprehensive Plan Amendment and Zone Change. Therefore, it is not necessary to address the statewide planning goals. This section is not applicable.

12.08.010 - Purpose.

The purpose of this chapter is to:

- A. Develop tree-lined streets to protect the living quality and beautify the city;

Response: The proposed project is supportive of this policy.

B. Establish physical separation between pedestrians and vehicular traffic;

Response: The proposed project is supportive of this policy.

C. Create opportunities for solar shading;

Response: The proposed project is supportive of this policy.

D. Improve air quality; and

Response: The proposed project is supportive of this policy.

E. Increase the community tree canopy and resource.

Response: The proposed project is supportive of this policy.

(Ord. No. 08-1014, 7-1-2009)

12.08.015 - Street tree planting and maintenance requirements.

All new construction or major redevelopment shall provide street trees adjacent to all street frontages. Species of trees shall be selected based upon vision clearance requirements, but shall in all cases be selected from the Oregon City Street Tree List or be approved by a certified arborist. If a setback sidewalk has already been constructed or the Development Services determines that the forthcoming street design shall include a setback sidewalk, then all street trees shall be installed with a planting strip. If existing street design includes a curb-tight sidewalk, then all street trees shall be placed within the front yard setback, exclusive of any utility easement.

A. One street tree shall be planted for every thirty-five feet of property frontage. The tree spacing shall be evenly distributed throughout the total development frontage. The community development director may approve an alternative street tree plan if site or other constraints prevent meeting the placement of one street tree per thirty-five feet of property frontage.

Response: The trees are spaced per this standard.

B. The following clearance distances shall be maintained when planting trees:

1. Fifteen feet from streetlights;

2. Five feet from fire hydrants;
3. Twenty feet from intersections;
4. A minimum of five feet (at mature height) below power lines.

Response: The trees are spaced per this standard.

C. All trees shall be a minimum of two inches in caliper at six inches above the root crown and installed to city specifications.

Response:

D. All established trees shall be pruned tight to the trunk to a height that provides adequate clearance for street cleaning equipment and ensures ADA complaint clearance for pedestrians.

Response: The trees will be pruned per this standard.

(Ord. No. 08-1014, 7-1-2009)

12.08.020 - Street tree species selection.

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

Response: Understood, but there are no overhead obstructions.

(Ord. No. 08-1014, 7-1-2009)

12.08.025 - General tree maintenance.

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

Response: The trees will be pruned per this standard.

(Ord. No. 08-1014, 7-1-2009)

12.08.030 - Public property tree maintenance.

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

Response: It is understood the city shall have the right to plant, prune, maintain and remove trees, plants and shrubs in all public rights-of-way and public grounds.

(Ord. No. 08-1014, 7-1-2009)

12.08.035 - Public tree removal.

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

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

Table 12.08.035

| Replacement Schedule for Trees Determined to be Dead, Diseased or Hazardous by a Certified Arborist | | Replacement Schedule for Trees Not Determined to be Dead, Diseased or Hazardous by a Certified Arborist | |
|---|---|---|---|
| Diameter of tree to be Removed | Number of Replacement Trees to be Planted | Diameter of tree to be Removed | Number of Replacement Trees to be Planted |

| (Inches of diameter at 4-ft height) | | (Inches of diameter at 4-ft height) | |
|-------------------------------------|--------|-------------------------------------|---------|
| Any Diameter | 1 Tree | Less than 6" | 1 Tree |
| 4 | 8 | 6" to 12" | 2 Trees |
| 11 | 33 | 13" to 18" | 3 Trees |
| 2 | 8 | 19" to 24" | 4 Trees |
| | | 25" to 30" | 5 Trees |
| | | 31" and over | 8 Trees |

(Ord. No. 08-1014, 7-1-2009)

12.08.040 - Heritage Trees and Groves.

A. Purpose. Certain trees, because of their age, species, natural resource value, ecological or historical association, are of special importance to the city. These trees may live on private or public property.

1. The purpose of this chapter is to recognize, foster appreciation and provide for voluntary protection of Heritage Trees.
2. In particular, the following trees are shall be considered significant, and therefore eligible for heritage tree nomination in Oregon City, if they meet the minimum size requirements of the table below:

Tree Eligibility based on Size

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

Response: There are no heritage trees on-site.

B. Recommendation.

1. Any citizen may recommend tree(s) to be designated as a Heritage Tree or Grove. If the proposed Heritage Tree or Grove is located on property other than city property or public right-of-way under city jurisdiction, the recommendation shall be submitted by the property owner or accompanied by the property owner's written consent. If the proposed Heritage Tree or Grove is located on city property or public right-of-way under city jurisdiction, the recommendation shall be submitted to the community development director; if the recommendation is consented to by the city, the community development director shall submit the recommendation to the city commission.

Response: There are no heritage trees on-site.

2. Recommendation shall be made on such form as required by the community development director. The recommendation form shall include a narrative explaining why the tree qualifies for Heritage Tree or Grove

status pursuant to the definition in subsection 1. and the written consent of the property owner as described in subsection 1., of this section.

Response: There are no heritage trees on-site.

C. Review Process.

1. The city commission shall review all Heritage Trees and Grove recommendations at a public meeting. Notice of the meeting shall be provided to the recommending applicant, the property owner (unless the recommended tree or grove is located on public right-of-way under city jurisdiction, in which event notice shall be given to the community development director), the chair of any recognized neighborhood association in which the tree or grove is located, and the parks and recreation advisory committee (PRAC), if applicable.

Response: There are no heritage trees or groves on-site.

2. Staff shall prepare a report for the city commission analyzing whether the tree or grove complies with the requirements for designation.

Response: There are no heritage trees or groves on-site.

3. After considering the staff report and any testimony by interested persons, the city commission shall vote on the recommendation.

Response: There are no heritage trees or groves on-site.

4. Following approval by the city commission:

a. If the tree or grove is located on private property, the designation shall be complete upon the property owner's execution of a covenant running with the land suitable for recordation by the city. The covenant shall describe the subject property, generally describe the location of the heritage tree or grove, and covenant that the tree or grove is protected as a "Heritage Tree" or "Heritage Grove" by the City of Oregon City and is therefore subject to special protection as provided in this Title.

b. If the tree or grove is located on public right-of-way, the designation shall be complete upon the Staff's listing of the tree or grove on the city Heritage Tree and Grove records.

c. If the tree or grove is located on the public right-of-way, the city shall condition any future property owner-requested vacation of the public right-of-way upon the execution of a covenant in

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

Response: There are no heritage trees or groves on-site.

D. Criteria.

1. The city commission may designate a tree or grove as a Heritage Tree or Heritage Grove if the commission determines that the following criteria are met:

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

Response: There are no heritage trees or groves on-site.

E. Protection of Heritage Trees and Groves.

1. No Heritage Tree or Grove may be removed, topped, or otherwise altered unless permitted by this section.

Response: There are no heritage trees or groves on-site.

2. An application to remove a Heritage Tree or Grove shall demonstrate that the burden imposed on the property owner, or, if the tree is located within the public right-of-way under city jurisdiction, then the burden imposed on the city by the continued presence of the tree outweighs the public benefit provided by the tree. For the purposes of making this determination, the following tree impacts shall not be considered unreasonable burdens on the property owner, or if appropriate, the city:

- a. View obstruction;

- b. Routine pruning, leaf raking and other maintenance activities; and
- c. Infrastructure impacts or tree hazards that can be controlled or avoided by appropriate pruning or maintenance.

Response: There are no heritage trees or groves on-site.

3. Unless the tree is permitted to be removed due to poor health or hazard pursuant to Section 12.08.042, the applicant shall be required to mitigate for the loss of the tree pursuant to Table 12.08.042.

Response: There are no heritage trees or groves on-site.

4. Any person who removes a Heritage Tree or Grove in violation of this chapter shall be subject to the penalties provided in this chapter.

F. Recognition of Heritage Trees and Groves.

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

Response: There are no heritage trees or groves on-site.

2. The community development director shall maintain a list and map of designated Heritage Trees and Groves.

G. Removal of Heritage Tree or Grove Designation.

Response: There are no heritage trees or groves on-site.

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

(Ord. No. 08-1014, 7-1-2009)

12.08.045 - Gifts and funding.

The City of Oregon City may accept gifts, which are specifically designated for the purpose of planting or maintaining trees within the city. the community development director may allow a fee in-lieu of planting the tree(s) to

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

Response: There are no heritage trees or groves on-site.

(Ord. No. 08-1014, 7-1-2009)

12.08.050 - Violation—Penalty.

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

Response: N/A

(Ord. No. 08-1014, 7-1-2009)

Chapter 17.12 - R-6 SINGLE-FAMILY DWELLING DISTRICT ^[6]

17.12.010 - Designated.

This residential district is designed for single-family homes on lot sizes of approximately six thousand square feet.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.12.020 - Permitted uses.

Permitted uses in the R-6 district are:

- A. Single-family detached residential units;
- B. Parks, playgrounds, playfields and community or neighborhood centers;
- C. Home occupations;

D. Farms, commercial or truck gardening and horticultural nurseries on a lot not less than twenty thousand square feet in area (retail sales of materials grown on-site is permitted);

E. Temporary real estate offices in model homes located on and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed;

F. Accessory uses, buildings and dwellings;

G. Family day care provider, subject to the provisions of Section 17.54.050;

H. Residential home per ORS 443.400;

I. Cottage housing.

Response: Currently, the site has a modular home with a 2 car garage on it, a tool shed, a standalone 2 car garage and a tree house, all of which is to be removed.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.12.030 - Conditional uses.

The following conditional uses are permitted in this district when authorized by and in accordance with the standards contained in Chapter 17.56:

A. Golf courses, except miniature golf courses, driving ranges or similar commercial enterprises;

B. Bed and breakfast inns/boarding houses;

C. Cemeteries, crematories, mausoleums and columbariums;

D. Child care centers and nursery schools;

E. Emergency service facilities (police and fire), excluding correctional facilities;

F. Residential care facility;

G. Private and/or public educational or training facilities;

H. Public utilities, including sub-stations (such as buildings, plants and other structures);

I. Religious institutions.

J. Assisted living facilities; nursing homes and group homes for over fifteen patients.

Response: No conditional uses are proposed.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.12.040 - Dimensional standards.

Dimensional standards in the R-6 district are:

A. Minimum lot areas, six thousand square feet;

Response: The proposed subdivision minimum lot size is 6,010 sf.

B. Minimum lot width, fifty feet;

Response: The proposed subdivision minimum lot width is on Lot 4, which measures 53.54 feet.

C. Minimum lot depth, seventy feet;

Response: The proposed subdivision minimum lot width is on Lot 5, which measures 74.94 feet.

D. Maximum building height, two and one-half stories, not to exceed thirty-five feet;

Response: The proposed building height will not exceed, two and one-half stories, nor exceed thirty-five feet.

E. Minimum required setbacks:

1. Front yard, ten feet minimum setback,

2. Front porch, five feet minimum setback,

3. Attached and detached garage, twenty feet minimum setback from the public right-of-way where access is taken, except for alleys. Detached garages on an alley shall be setback a minimum of five feet in residential areas.

4. Interior side yard, nine feet minimum setback for at least one side yard; five feet minimum setback for the other side yard,
5. Corner side yard, fifteen feet minimum setback,
6. Rear yard, twenty feet minimum setback,
7. Rear porch, fifteen feet minimum setback.

Response: The proposed subdivision building envelopes comply with these guidelines as shown on the plans.

F. Garage standards: See Chapter 17.20—Residential Design and Landscaping Standards.

Response: The proposed houses will follow the “Eyes on the Street” guidelines.

G. Maximum lot coverage: The footprint of all structures two hundred square feet or greater shall cover a maximum of forty percent of the lot area.

Response: The footprint of all structures two hundred square feet or greater shall not cover more than forty percent of the lot area.

13.12.010 - Purpose.

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

A. Minimize increased stormwater runoff rates from any new development so as to minimize the impact upon any downstream natural channel that may exist between the subject area and the Willamette or Clackamas Rivers;

Response: The proposed subdivision will mitigate for the impact upon any downstream.

B. Prevent water runoff generated by development from exceeding the capacity of downstream stormwater facilities;

Response: The proposed subdivision does not exceed the capacity of downstream stormwater facilities per our analysis.

C. Reduce stormwater runoff rates and volumes, soil erosion and nonpoint source pollution, wherever possible, from lands that were developed without the stormwater management controls required by this chapter;

Response: The proposed subdivision will mitigate for the impact upon any downstream per our proposal.

D. Prevent the uncontrolled or irresponsible discharge of stormwater from new development onto adjoining public or private property;

Response: The proposed subdivision will mitigate for the impact upon any downstream private property per our proposal.

E. Maintain the integrity of stream channels for their biological functions, as well as for drainage and other purposes;

Response: The proposed subdivision will mitigate for the impact of our stormwater and enhance the water quality of the current outfall per our proposal.

F. Have stormwater conveyance facilities of adequate design to manage all volumes of water generated in the contributing drainage area, for both the existing condition and the anticipated future condition;

Response: The proposed subdivision will provide stormwater conveyance facilities of adequate design to manage all volumes of water generated in the contributing drainage area, for both the existing condition and the anticipated future condition per our plan.

G. Have all stormwater facilities:

1. Designed in a manner to allow economical future maintenance,
2. If city owned or maintained, designed for maintenance with city owned equipment,
3. Designed using materials that will ensure a minimum practical design life of seventy-five years, and
4. Designed to have sufficient structural strength to resist erosion and all external loads (construction, traffic, seismic) which may be imposed;

Response: The proposed subdivision will comply with these guidelines for the proposed stormwater improvement strengths and lifecycles.

H. Establish maintenance easements with the owners of privately owned/maintained stormwater facilities to ensure an appropriate level of maintenance and to help minimize public safety hazards;

Response: The proposed subdivision will establish maintenance easements with the owners of privately owned/maintained stormwater facilities to ensure an appropriate level of maintenance and to help minimize public safety hazards.

I. Have all new stormwater facilities comply with applicable National Pollutant Discharge Elimination System (NPDES) requirements;

Response: The proposed subdivision will comply with applicable National Pollutant Discharge Elimination System guidelines.

J. Minimize the deterioration of existing watercourses, culverts, bridges, dams and other structures;

Response: The proposed subdivision will minimize the deterioration of existing watercourses, culverts, bridges, dams and other structures and comply with these guidelines.

K. Minimize increases in nonpoint source pollution; and

Response: The proposed subdivision will minimize increases in nonpoint source pollution, by repairing and enhancing the downstream outfall.

L. Allow for periodic inspections of both private and public stormwater quantity control and quality control facilities to verify that they are functioning in substantial conformance with the approved design intent.

Response: The proposed subdivision will comply with these guidelines and allow for periodic inspections of both private and public stormwater quantity control and quality control facilities to verify that they are functioning in substantial conformance with the approved design intent.

M. Allow Issuance of engineering permits for stormwater work in the right-of-way or public easements either as a separate Public Works permit or as part of overall issued public infrastructure construction plans. The various fees for these permits are approved and modified from time to time by the city commission. Failure to meet the conditions of the issued permit shall constitute a violation of the Municipal Code. (Ord. 99-1029 §2 (part), 1999)

Response: The proposed subdivision will comply with these guidelines and obtain engineering permits for stormwater work in the right-of-way or

public easements either as a separate Public Works permit or as part of overall issued public infrastructure construction plans. It is understood that the various fees for these permits are approved and modified from time to time by the city commission. Failure to meet the conditions of the issued permit shall constitute a violation of the Municipal Code.

(Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)

13.12.020 - Adoption of standards.

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

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

(Ord. 99-1029 §2 (part), 1999)

13.12.030 - Superceding Oregon City Drainage Master Plan Appendix A.

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

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

(Ord. 99-1029 §2 (part), 1999)

13.12.040 - Definitions.

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

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

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

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

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

"City" means the city of Oregon City.

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

"Clearing" means surface removal of vegetation.

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

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

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

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

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

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

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

"DEQ" means the Oregon Department of Environmental Quality.

"Development" means any land use decision or manmade change defined as buildings or other structures, mining, dredging, paving, filling or excavation. Development does not include the following: (1) stream enhancement or restoration projects approved by the city; (2) farming practices as defined in ORS 30.930 and farm use as defined in ORS 215.203, except that buildings associated with farm practices and farm uses are subject to the requirements of this chapter; and (3) construction on lots in subdivisions meeting the criteria of ORS 92.040(2)(1995).

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

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

"DSL" means the Oregon Division of State Lands.

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

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

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

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

"Enhancement" means the process of improving upon the natural functions and/or values of an area or feature that has been degraded by human

activity. Enhancement activities may or may not return the site to a predisturbance condition, but create/recreate processes and features that occur naturally.

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

"Excavation" means the mechanical removal of earth material.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Partition" means the division of an existing land ownership into two or three parcels, within a calendar year, and is subject to approval under the Oregon City Municipal Code.

"Plans" mean the construction documents and specifications, including system site plans, storm drain plans and profiles, cross sections, detailed drawings, etc. or reproductions thereof, approved or to be approved by the city, county, or state. They will show the location, character, dimensions and details for the work to be done.

"Precipitation" means the process by which water in liquid or solid state falls from the atmosphere.

"Private stormwater facility" means a stormwater facility located on private property serving more than one structure and maintained by private property owners.

"Professional engineer" means a person who, by reason of his or her special knowledge of the mathematical and physical sciences and the principles and methods of engineering analysis and design, acquired by professional education and practical experience, is qualified to practice engineering as attested by his or her legal registration as a professional engineer in the state of Oregon.

"Project engineer" means the professional engineer responsible for the project, who will affix his/her seal on the project drainage plans and drainage analysis and supervise construction of the stormwater facilities. The project engineer shall be licensed in the state of Oregon and qualified by experience or examination.

"Public stormwater facility" means any stormwater facility in the public right-of-way or easement operated and maintained by the city, county or state.

"Record drawings" means a set of engineering or site drawings that show how the project was constructed and what materials were used. Record drawings are signed and dated by the project engineer.

"Restoration" means the process of returning a disturbed or altered area or feature to a previously existing natural condition. Restoration activities reestablish the structure, function, and/or diversity to that which occurred prior to impacts caused by human activity.

"Right-of-way" means all land, or interest therein, which by deed, conveyance, agreement, easement, dedication, usage or process of law is reserved for, or dedicated to, the use of the general public.

"Sedimentation" means the process of gravity deposition of water suspended matter; the process of depositing soil particles, clays, sands and other sediment, that were picked up by stormwater runoff.

"Solid waste storage area" means a place where solid waste containers are stored. Solid waste containers include trash compactors, solid waste dumpsters and garbage cans.

"Stormwater" means the surface water runoff that results from all natural forms of precipitation.

"Stormwater easement" means a legal encumbrance that is placed against a property's title to reserve specified privileges for the users and beneficiaries of the drainage facilities contained within the boundaries of the easement.

"Stormwater facility" means a component of a man-made drainage feature, or features designed or constructed to perform a particular function or multiple functions. Includes, but is not limited to, pipes, swales, ditches, culverts, street gutters, detentions basins, retention basins, wet ponds, constructed wetlands, infiltration devices, catch basins, oil/water separators and sediment basins. Stormwater facilities shall not include building gutters, downspouts, and drains serving one single-family residence.

"Stormwater management" encompasses "control," "developmental" and "maintenance" activities in which there is physical interaction with stormwater.

"Stormwater quality control" means the control of the introduction of pollutants into stormwater and the process of separating pollutants from stormwater. Stormwater quality control facilities include, but are not limited to, source controls, biofiltration/biofilter facilities, wet ponds, wetland forebays, oil/water separators, constructed wetlands and erosion and sedimentation control facilities.

"Stormwater quantity control" means the control of the rate and/or volume of stormwater released from a development site. Stormwater quantity control facilities include, but are not limited to, detention and retention facilities.

"Stream" means a body of running water moving over the earth's surface in a channel or bed, such as a creek, rivulet or river. It flows at least part of the year, including perennial and intermittent streams. Streams are dynamic in nature and their structure is maintained through build-up and loss of sediment.

"Street, private" means any street, road, or right-of-way that is not a public street, as defined in this chapter.

"Street, public" means a street or road dedicated or deeded for public use. For the purposes of this chapter, public street may include "alley," "lane," "court," "avenue," "boulevard," "cul-de-sac" and similar designations, and any county roads and state highways.

"Structure(s)" means a building or other major improvement that is built, constructed or installed, or manmade improvements to land that are used, or expected to be used, in the operation of a utility. It includes buildings, utility lines, manholes, catch basins, driveways and sidewalks. It does not include minor improvements, such as fences, utility poles, flagpoles or irrigation system components that are not customarily regulated through zoning codes.

"Subdivide land" means dividing an area or tract of land into four or more lots. This applies for an area or tract of land that existed as a unit or contiguous units of land under a single ownership at the beginning of the year.

"Subdivision" means either an act of subdividing land or an area or tract of land subdivided as defined in this section.

"Surface waters" mean stormwater accumulating on a surface (including natural and man-made) and draining in the direction of least resistance due to gravity.

"Waste discharges" mean any discharge that requires an NPDES permit, Water Pollution Control Facility (WPCF) permit or 401 Certification. The following are excluded from this definition:

1. Individual on-site sewage disposal systems subject to issuance of a construction-installation permit;
2. Domestic sewage facilities that discharge less than five thousand gallons per day under WPCF permit;
3. Biosolids land applied within agronomic loading rates pursuant to OAR Chapter 340, Division 50; and
4. Reclaimed domestic wastewater land applied at agronomic rates pursuant to OAR Chapter 340, Division 55

"Watercourse" means a channel in which a flow of water occurs, either continuously or intermittently, and if the latter with some degree of regularity. Such flow must be in a definite direction.

"Watershed" means a geographic unit defined by the flows of rainwater or snowmelt. All land in a watershed drains to a common outlet, such as a stream, lake or wetland.

"Wetlands" mean those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. Wetlands are those areas identified and delineated by a qualified wetland specialist as set forth in the 1987 Corps of Engineers Wetland Delineation Manual.

Response: These definitions are understood.

(Ord. 99-1029 §2 (part), 1999)

13.12.050 - Applicability and exemptions.

This chapter establishes performance standards for stormwater conveyance, quantity and quality.

Pursuant to each of the subsections below, proposed activities may be required to meet the performance standards for stormwater conveyance, stormwater quantity or stormwater quality.

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

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

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

Response: This development will create public conveyance systems, so this section will apply.

B. Stormwater Quantity Control. The stormwater quantity control requirements of this chapter shall apply to the following proposed activities, uses or developments:

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

Response: N/A.

2. Activities that create more than two thousand square feet of impervious surface, cumulated over any given seven year period;
or

Response: This development will create more than 2,000 sf of impervious surface, so this section will apply.

3. Redevelopment of a commercial or industrial land use that will disturb more than five thousand square feet of existing impervious

surface. This five thousand square foot measurement cumulates over any given seven year period;

Response: N/A.

4. An exemption to the stormwater quantity control requirements of this chapter will be granted in the following circumstances:

- a. The development site discharges to a stormwater quantity control facility approved by the city engineer to receive the developed site runoff after verification that the facility is adequately sized to receive the additional stormwater, or,
- b. The development site discharges to one of the following receiving bodies of water: Willamette River, Clackamas River or Abernethy Creek; and either lies within the one hundred year floodplain or is up to ten feet above the design flood elevation as defined in Chapter 17.42

Response: N/A.

C. Stormwater Quality Control. The stormwater quality control requirements of this chapter shall apply to the following proposed activities, uses or developments:

1. Category A. Activities subject to general water quality requirements of this chapter:

- a. The construction of four or more single-family residences;
- b. Activities located wholly or partially within water quality resource areas pursuant to Chapter 17.49 that will result in the creation of more than five hundred square feet of impervious surface within the WQRA or will disturb more than one thousand square feet of existing impervious surface within the WQRA as part of a commercial or industrial redevelopment project. These square footage measurements will be considered cumulative for any given seven year period; or

c. Activities that create more than eight thousand square feet of new impervious surface for other than a single-family residential development. This eight thousand square foot measurement will be considered cumulative for any given seven year period;

d. An exemption to the stormwater quantity control requirements of this subsection will be granted if the development site discharges to a stormwater quality control facility approved by the city engineer to receive the developed site runoff after verification that the facility is adequately sized to receive the additional stormwater.

Response: This section is applicable to the development as there are more than 4 houses going to be built and will be adhered to.

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

- a. Fuel dispensing facilities;
- b. Bulk petroleum storage in multiple stationary tanks;
- c. Solid waste storage areas for commercial, industrial or multi-family uses;
- d. Loading and unloading docks for commercial or industrial uses; or
- e. Covered vehicle parking for commercial or industrial uses.

Response: N/A

3. Category C. Clackamas River Watershed. In addition to any other applicable requirements of this chapter, any development that creates new waste discharges and whose stormwater runoff may directly or indirectly flow into the Clackamas River is subject to additional requirements associated with Oregon Administrative Rules (OAR) 340-41-470 (Thee Basin Rule).

Response: N/A

(Ord. 99-1029 §2 (part), 1999)

13.12.060 - Abrogation and greater restrictions.

Where the provisions of this chapter are less restrictive or conflict with comparable provisions of other portions of this code, regional, state or federal law, the provisions that are more restrictive shall govern. Where this chapter imposes restrictions that are more stringent than regional, state or federal law, the provisions of this chapter shall govern. However, nothing in this chapter shall relieve any party from the obligation to comply with any applicable federal, state or local regulations or permit requirements.

Compliance with this chapter and the minimum requirements, minimum standards, and design procedures as set forth in the city's adopted Public Works Stormwater and Grading Design Standards does not relieve the designer, owner, or developer of the responsibility to apply conservative and sound professional judgment to protect the health, safety and welfare of the public. It is not the intent of this chapter to make the city a guarantor or protector of public or private property in regard to land development activity.

Response: This section is understood and the health, safety and welfare of the public will be considered within this development.

(Ord. 99-1029 §2 (part), 1999)

13.12.070 - Severability.

The provisions of this chapter are severable. If any section, clause, or phrase of this chapter is adjudged invalid by a court of competent jurisdiction, the decision of that court shall not affect the validity of the remaining portions of this ordinance.

Response: This section is understood and this ordinance will be complied with.

(Ord. 99-1029 §2 (part), 1999)

13.12.080 - Submittal requirements.

A. Timing and Scope of Required Submittal.

1. Applications subject to the stormwater conveyance requirements of this chapter shall include an engineered drainage plan and design flow calculation report submitted prior to, or contemporaneous with, submittal of an application for a building, land use or other city issued permit.

Response: This section is understood that the stormwater conveyance requirements of this chapter shall include an engineered drainage plan and design flow calculation report submitted prior to, or contemporaneous with, submittal of an application for a building, land use or other city issued permit and will be complied with.

2. Applications subject to the stormwater quantity and/or Category A quality requirements of this chapter shall include an engineered drainage plan and an engineered drainage report submitted prior to, or contemporaneous with, submittal of an application for a building, land use or other city issued permit.

Response: This section is understood that applications subject to the stormwater quantity and/or Category A quality requirements of this chapter shall include an engineered drainage plan and an engineered drainage report submitted prior to, or contemporaneous with, submittal of an application for a building, land use or other city issued permit will be mandated. A preliminary Drainage Report has been submitted with this application.

3. Applications subject to Category B water quality special management practices shall demonstrate compliance with the additional management practices for commercial, industrial and multi-unit dwelling land uses of the Public Works Stormwater and Grading Design Standards as part of the site plan and design review process.

Response: N/A.

4. Applications subject to Category C water quality requirements for the Clackamas River Watershed are subject to OAR 340-41-470 (Three Basin Rule). No new discharges will be approved until a copy of a current DEQ permit, or written statement from DEQ that none is required, is on file with the city.

Response: N/A

B. Required engineered drainage plans, drainage reports, and design flow calculation reports, which contain methods and proposed facilities to manage stormwater conveyance, quantity and/or quality, shall be prepared in compliance with the submittal requirements of the Public Works Stormwater and Grading Design Standards.

Response: This section is understood that required engineered drainage plans, drainage reports, and design flow calculation reports, which contain

methods and proposed facilities to manage stormwater conveyance, quantity and/or quality, will be prepared in compliance with the submittal requirements of the Public Works Stormwater and Grading Design Standards and will be complied with.

The project applicant is requesting that the typical requirement for Stormwater Quality be waived in favor of repairs to the existing outfall. In order to mitigate for the requirement for water quality is to treat 2/3rds of the 2-yr, 24-hr post-development flow, the applicant will create a dispersal basin, to spread the flow from the existing outfall result in reduced erosion downstream for the existing storm outfall. The resulting flow rates would be reduced and as witnessed in the field, will result in the stormwater being filtered through the forest duff, before reaching Beaver Creek. According to the Oregon City requirements, the 2 year, 24 hour storm results in 2.0 inches of rainfall, therefore two-thirds of the water quality storm is 1.33 inches. Currently, the 6 month storm of 2 cfs (Figure 4) from the entire Canyon Ridge subdivision is untreated. Our proposed mitigation will provide a much higher level of treatment for the entire Canyon Ridge basin.

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

Response: N/A.

(Ord. 99-1029 §2 (part), 1999)

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

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

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

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

C. Unless otherwise exempted by Section 13.12.050(B), the plan and report includes adequate stormwater quantity control facilities, so that

when the proposed land development activity takes place, peak rates and volumes of runoff:

1. Do not exceed the capacity of receiving drainage conveyance facilities;
2. Do not increase the potential for streambank erosion; and
3. Do not add volume to an off-site closed depression without providing for mitigation.

Response: This section is understood and will be complied with and proposes to mitigate downstream erosion and water quality issues pursuant to the above provisions. A detailed hydraulic analysis for each segment of the existing storm drainage piping system was performed. The analysis showed that the entire existing storm drainage function more than adequately. The 25 year storm flow increase resulting from the development of Kinslie Heights is 0.13 cfs (Figure 2 - 7.89 cfs minus Figure 1 - 7.76 cfs), a 1.7% increase in runoff. This small an increase in a 25-year's storm runoff, does not warrant a detention system which the City would have to maintain. As mitigation, the applicant proposes to repair the outfall rip rap and erosion which is occurring immediately below the existing outfall pipe, and downhill for approximately 150 feet below the existing outfall and build a channel sufficient to accommodate the 25-year storm event until dispersed.

D. Unless otherwise exempted by Section 13.12.050(C), the proposed development includes:

1. Adequate stormwater quality control facilities, so that when the proposed land development activity takes place, the temperature and overall pollution level of stormwater runoff is no greater than the water entering. When no water enters a project, then stormwater runoff shall be compared to rain samples; and
2. Stormwater quality control facilities which:
 - a. Are in compliance with applicable National Pollutant Discharge Elimination System (NPDES) requirements;
 - b. Minimize the deterioration of existing watercourses, culverts, bridges, dams and other structures; and
 - c. Minimize any increase in nonpoint source pollution.

Response: This section is understood and both the NPDES and take care to minimize any increase in nonpoint source pollution. The project is proposing to mitigate its impact by repairing the downstream outfall built in the 1980's which is in disrepair.

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

Response: This section is understood and the proposed development will adequately control runoff from all public and private streets and roof, footing, and area drains and ensures future extension of the current drainage system. All stormwater discharges from this subdivision will be managed.

F. Streambank erosion protection is provided where stormwater, directly or indirectly, discharges to open channels or streams. The post development peak stormwater discharge rate from a development site for the two year, twenty-four hour duration storm event shall not exceed fifty percent of the two year, twenty-four hour predevelopment peak runoff rate.

Response: The proposed development where stormwater, directly or indirectly, discharges to open channels or streams will be mitigated. The post development peak stormwater discharge rate from a development site for the two year, twenty-four hour duration storm event shall not exceed fifty percent of the two year, twenty-four hour predevelopment peak runoff rate. However, a small exception for this requirement is being sought because of the mitigation to downstream channels. It is proposed that in order to mitigate for a small 1.7% increase in runoff, the developer repair the damaged outfall as proposed in the Storm Drainage Report.

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

Response: Specific operation and maintenance measures will be proposed that ensure that the proposed stormwater quantity control facilities will be properly operated and maintained and will be complied with.

(Ord. 99-1029 §2 (part), 1999)

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

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

Response: This section is understood and should alternate design or method of construction be required, this section will be complied with. An alternative method for treating and detaining runoff is suggested herein.

The 25 year storm flow increase resulting from the development of Kinslie Heights is 0.13 cfs (Figure 2 - 7.89 cfs minus Figure 1 - 7.76 cfs), a 1.7% increase in runoff. This small an increase in a 25-year's storm runoff, does not warrant a detention system which the City would have to maintain. As mitigation, the applicant proposes to repair the outfall rip rap and erosion which is occurring immediately below the existing outfall pipe, and downhill for approximately 150 feet below the existing outfall and build a channel sufficient to accommodate the 25-year storm event until dispersed.

The project applicant is requesting that the typical requirement for Stormwater Quality be waived in favor of repairs to the existing outfall. In order to mitigate for the requirement for water quality is to treat 2/3rds of the 2-yr, 24-hr post-development flow, the applicant will create a dispersal basin, to spread the flow from the existing outfall result in reduced erosion downstream for the existing storm outfall. The resulting flow rates would be reduced and as witnessed in the field, will result in the stormwater being filtered through the forest duff, before reaching Beaver Creek.

(Ord. 99-1029 §2 (part), 1999)

13.12.110 - Transfer of engineering responsibility.

Project drainage plans shall always have an engineer of record performing the function of project engineer. If the project engineer is changed during the

course of the work, the city shall be notified in writing and the work shall be stopped until the replacement engineer has agreed to accept the responsibilities of the project engineer. The new project engineer shall provide written notice of accepting project responsibility to the city within seventy-two hours of accepting the position as project engineer.

Response: This section is understood and 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 will provide written notice of accepting project responsibility to the city within seventy-two hours of accepting the position as project engineer will be complied with.

(Ord. 99-1029 §2 (part), 1999)

13.12.120 - Standard Construction Specifications.

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

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

(Ord. 99-1029 §2 (part), 1999)

13.12.130 - Administrative provisions.

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

A. Engineer's cost estimate (also may be known as engineer's opinion of probable construction cost);

Response: This section is understood and Engineer's cost estimate will be provided.

B. Plan check and inspection fees (as set by city resolution);

Response: This section is understood and plan check and inspection fees will be paid.

C. Certificate of liability insurance for city funded public projects contracted by the city (not less than one million dollars single incident and two million dollars aggregate);

Response: N/A.

D. Preconstruction meeting (if required by some other provision of this code);

Response: This section is understood and a preconstruction meeting will be held.

E. Performance Assurance(s). Applicant must submit a letter of commitment, cash deposit or other form of assurance in form and substance satisfactory to the city engineer and city attorney, to cover the engineer's cost estimate for the construction of the stormwater facility. This is required to assure that the following are accomplished to the satisfaction of the city engineer:

1. Work shown on the development plans is accomplished,
2. Appropriate as-built/record drawings and electronic files are delivered to the city. (As-built drawings, or record drawings, will be on four-mil Mylar.) Electronic files shall be submitted per city engineer format requirements,
3. Compliance with the criteria in this chapter and the Public Works Stormwater and Grading Design Standards, as well as with other city standards, ordinances, resolutions or rules,
4. Permanent stabilization and/or restoration of the impact from the development,
5. Fulfillment of all conditions of approval,

6. Payment of all outstanding fees,

7. Submittal of any required maintenance guarantee(s);

Response: This section is understood and all the requirements of 1-7 will be complied with prior to final acceptance by the city.

F. Developer/engineer agreement for public works improvements;

Response: This section is understood and a Developer/engineer agreement for public works improvements will be completed.

G. Land division compliance agreement (if applicable);

Response: This section is understood and a land division compliance agreement will be complied with.

H. Project engineer's certificate of completion;

Response: This section is understood and a Project engineer's certificate of completion will be provided.

I. Operation and maintenance easement, if required by subsection A of this section (for an example see Appendix 2-3 of the Public Works Stormwater and Grading Design Standards);

Response: This section is understood and if an operation and maintenance easement, if required, it will be provided.

J. Details on individual items required by this subsection can be obtained by contacting the city's engineering division. Many items, such as the engineer's cost estimate and plan check and inspection fee, are frequently incorporated with other infrastructure improvements that are done with the development (such as street, sanitary sewer, and water).

Response: This section is understood and will be complied with.

(Ord. 99-1029 § 2 (part), 1999)

13.12.140 - Maintenance of public stormwater facilities.

A. Where proposed drainage patterns require stormwater facilities to receive stormwater runoff from public streets, the city shall be responsible for maintenance of those stormwater facilities. Access for maintenance of the stormwater facilities shall be provided to the city through the granting of a stormwater easement or other means acceptable to the city.

Response: This section is understood and should access for maintenance of the stormwater facilities will be provided to the city through the granting of a stormwater easement or other means acceptable to the city will be provided.

B. Responsibility for maintenance of stormwater management facilities including all landscaping, irrigation systems, and other stormwater facilities with sumps shall remain with the property owner/developer for two years (known as the warranty period). To ensure the facility landscaping is actively and properly maintained during this critical plant establishment time period, the owner/developer shall pay the city to maintain these facilities during this two-year warranty period; the owner/developer shall still be responsible for reimbursing the city for replacement trees, shrubs, and grass mixes during this two-year period. The owner/developer shall provide the city a separate two-year landscaping maintenance bond for one hundred ten percent of the landscaping cost. Transfer of maintenance of all other stormwater facilities shall occur when the city accepts the stormwater facility.

Response: This section is understood and will maintain the facilities and provide a separate two-year landscaping maintenance bond for one hundred ten percent of the landscaping cost.

C. The city will perform an inspection of the development's entire tributary, publicly maintained, stormwater system approximately forty-five days before the two-year warranty period expires. The stormwater system must be found to be in a clean, functional condition by the city engineer before acceptance of maintenance responsibility by the city.

Response: This section is understood that the city will perform an inspection of the development's entire tributary, publicly maintained, stormwater system approximately forty-five days before the two-year warranty period expires. The stormwater system must be found to be in a clean, functional condition by the city engineer before acceptance of maintenance responsibility by the city and will be complied with.

(Ord. 07-1011, 2007; Ord. 99-1029 § 2(part), 1999)

13.12.150 - Penalties and enforcement.

A. The city is authorized to make inspections and take such actions as required to enforce the provisions of this chapter. The city has the authority to enter onto land for the purpose of inspecting site development activities or resulting improvements. City staff will make an effort to contact the property owner before entering onto that property.

Response: This section is understood that 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.

Response: This section is understood that if a site has any unpermitted or illegal facilities placed, constructed or installed on the site, then City has corrective measures that will be complied with.

C. Any person, firm, corporation or entity violating any of the provisions of this chapter, whether they be the property owner, the applicant, the contractor or any other person acting with or without the authorization of the property owner or applicant, shall be subject to the code enforcement procedures of Chapters 1.16, 1.20 and 1.24

Response: This section is understood that the property owner or applicant, will be subject to the code enforcement procedures of Chapters 1.16, 1.20 and 1.24.

(Ord. 99-1029 § 2 (part), 1999)

13.12.160 - Hazardous conditions.

A. Determination and Notification. If the city engineer determines that any excavation, embankment, erosion/sedimentation control or drainage facility is a safety hazard; endangers property; or adversely affects the safety, use or stability of a public way, water quality resource areas (pursuant to Section 17.49) or drainage course, the owner(s) of the subject property and/or the person or agent in control of the property shall be required to repair or eliminate the hazard in

conformance with the requirements of this chapter and the Public Works Stormwater and Grading Design Standards. At the time that the city engineer makes the determination that a hazardous condition exists, the property owner and/or person or agent in control of the property will be notified in writing that the hazard exists.

Response: This section is understood 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, the owner(s) of the subject property and/or the person or agent in control of the property will be required to repair or eliminate the hazard and will be complied with.

B. Order to Correct. The city engineer will order the specific work to be undertaken or will order that an engineering design be submitted for review and approval by the city engineer, and will specify the time periods within which the hazardous conditions be repaired or eliminated. In the event that the owner and/or the person or agent in control of the property fails to comply with this order, that person shall be subject to the code enforcement procedures of Chapters 1.16, 1.20, and 1.24

Response: This section is understood that the city engineer may 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 will be subject to the code enforcement procedures of Chapters 1.16, 1.20, and 1.24 and will be complied with.

(Ord. 99-1029 §2 (part), 1999)

13.12.170 - Permits from other jurisdictions.

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

Response: N/A, this site is less than 2 acres in size.

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

Response: N/A there are no DSL permits required.

C. Occasionally, projects may require Oregon State Department of Fish and Wildlife (ODFW) permits. No work will be authorized until the receipt of a copy of the ODFW permit. ODFW is responsible for policing its own permits, however, if city personnel observe conditions that are believed to be in violation of any such permit, and cannot get corrections made, the city will bring such conditions to the attention of the appropriate ODFW representatives.

Response: N/A there are no ODFW permits required.

(Ord. 99-1029 §2 (part), 1999)

13.12.180 - Violation—Penalty.

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

Response: Understood.

(Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)

17.41.010 - Protection of trees—Intent.

The intent of this chapter is to ensure that new development is designed in a manner that preserves trees to the maximum extent practicable. As a requirement of any Type II land use application, the siting of structures, roadways and utility easements, shall provide for the protection of tree resources to the maximum extent practicable. This chapter applies to all subdivision, partition and site plan and design review applications.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)

17.41.020 - Tree protection—Applicability.

1. Applications for development subject to Chapters 16.08 or 16.12 (Subdivision or Minor Partition) or Chapter 17.62(Site Plan and Design Review) shall demonstrate compliance with these standards as part of the review proceedings for those developments.

Response: Understood, this is a subdivision.

2. For public capital improvement projects, the city engineer shall demonstrate compliance with these standards pursuant to a Type II process.

Response: N/A

3. Tree canopy removal greater than twenty-five percent on sites greater than twenty-five percent slope, unless exempted under Section 17.41.040, shall be subject to these standards.

Response: N/A

4. A heritage tree or grove which has been designated pursuant to the procedures of Chapter 12.08.050 shall be subject to the standards of this section.

Response: N/A

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)

17.41.030 - Tree protection—Conflicting code provisions.

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

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

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)

17.41.040 - Same—Exemptions.

These regulations are not intended to regulate normal cutting, pruning and maintenance of trees on private property except where trees are located on lots that are undergoing development review or are otherwise protected within the Natural Resource Overlay District (NROD) of section 17.49. These standards are not intended to regulate farm and forest practices as those practices are defined under ORS 30.930. Farm or forest resources. An applicant for development may claim exemption from compliance with these standards if the development site containing the regulated grove or trees was a designated farm or forest use, tree farm, Christmas tree plantation, or other approved timber use within one year prior to development application. "Forest practices" and "forestlands" as used in this subsection shall have the meaning as set out in ORS 30.930. The community development director has the authority to modify or waive compliance in this case.

Response: Understood, this is a project under development review, so these provisions apply.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)

17.41.050 - Same—Compliance options.

Applicants for review shall comply with these requirements through one or a combination of the following procedures:

A. Option 1—Mitigation. Retention and removal of trees, with subsequent mitigation by replanting pursuant to Sections 17.41.060 or 17.41.070. All replanted and saved trees shall be protected by a permanent restrictive covenant or easement approved in form by the city.

B. Option 2—Dedicated Tract. Protection of trees or groves by placement in a tract within a new subdivision or partition plat pursuant to Sections 17.41.080—17.41.100; or

C. Option 3—Restrictive Covenant. Protection of trees or groves by recordation of a permanent restrictive covenant pursuant to Sections 17.41.110—17.41.120; or

D. Option 4—Cash-in-lieu of planting pursuant to Section 17.41.130

A regulated tree that has been designated for protection pursuant to this section must be retained or permanently protected unless it has been determined by a certified arborist to be diseased or hazardous, pursuant to the following applicable provisions.

Response: Understood and the Applicant chooses Option 1.

The community development director, pursuant to a Type II procedure, may allow a property owner to cut a specific number of trees within a regulated grove if preserving those trees would:

1. Preclude achieving eighty percent of minimum density with reduction of lot size; or
2. Preclude meeting minimum connectivity requirements for subdivisions.

Response: N/A

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)

17.41.060 - Tree removal and replanting—Mitigation (Option 1).

A. Applicants for development who select this option shall ensure that all healthy trees shall be preserved outside the construction area as defined in Chapter 17.04 to the extent practicable. Compliance with these standards shall be demonstrated in a tree mitigation plan report prepared by a certified arborist, horticulturalist or forester or other environmental professional with experience and academic credentials in forestry or arboriculture. At the applicant's expense, the city may require the report to be reviewed by a consulting arborist. The number of replacement trees required on a development site shall be calculated separately from, and in addition to, any public or street trees in the public right-of-way required under section 12.08—Community Forest and Street Trees.

Response: N/A

B. The applicant shall determine the number of trees to be mitigated on the site by counting all of the trees six inch DBH (minimum four and one-half feet from the ground) or larger on the entire site and either:

1. Trees that are removed outside of the construction area, shall be replanted with the number of trees specified in Column 1 of Table 17.41.060-1. Trees that are removed within the construction area shall be replanted with the number of replacement trees required in Column 2; or
2. Diseased or hazardous trees, when the condition is verified by a certified arborist to be consistent with the definition in Section 17.04.1360, may be removed from the tree replacement calculation. Regulated healthy trees that are removed outside of the construction area, shall be replanted with the number of trees specified in Column 1 of Table

17.41.060-1. Regulated healthy trees that are removed within the construction area shall be replanted with the number of replacement trees required in Column 2.

Response: The applicant chooses this Option 1.B.

Table 17.41.060-1
 Tree Replacement Requirements
 All replacement trees shall be either:
 Two-inch caliper deciduous, or
 Six-foot high conifer

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

Steps for calculating the number of replacement trees:

1. Count all trees measuring six inches DBH (minimum four and one-half feet from the ground) or larger on the entire development site.
2. Designate (in certified arborists report) the condition and size (DBH) of all trees pursuant to accepted industry standards.
3. Document any trees that are currently diseased or hazardous.

4. Subtract the number of diseased or hazardous trees in step 3. from the total number of trees on the development site in step 1. The remaining number is the number of healthy trees on the site. Use this number to determine the number of replacement trees in steps 5. through 8.
5. Define the construction area (as defined in Chapter 17.04).
6. Determine the number and diameter of trees to be removed within the construction area. Based on the size of each tree, use Column 2 to determine the number of replacement trees required.
7. Determine the number and diameter of trees to be removed outside of the construction area. Based on the size of each tree, use Column 1 to determine the number of replacement trees required.
8. Determine the total number of replacement trees from steps 6. and 7.

Response: The trees identified for removal as part of the application are shown on the attached exhibit. No trees will be removed that are not in construction areas. The number of replacement trees is 47 and are shown on the Tree Plan. This standard is will be met

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)

17.41.070 - Planting area priority for mitigation (Option 1).

Development applications which opt for removal of trees with subsequent replanting pursuant to section 17.41.050A. shall be required to mitigate for tree cutting by complying with the following priority for replanting standards below:

- A. First Priority. Replanting on the development site.
- B. Second Priority. Off-site replacement tree planting locations. If the community development director determines that it is not practicable to plant the total number of replacement trees on-site, a suitable off-site planting location for the remainder of the trees may be approved that will reasonably satisfy the objectives of this section. Such locations may include either publicly owned or private land and must be approved by the community development director.

Response: Understood, the mitigation replanting will all take place on-site.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)

17.41.075 - Alternative mitigation plan.

The community development director may, subject to a Type II procedure, approve an alternative mitigation plan that adequately protects habitat pursuant to the standards for the natural resource overlay district alternative mitigation plan, Section 17.49.190

Response: N/A.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.41.080 - Tree preservation within subdivisions and partitions—Dedicated tract (Option 2).

A. Applicants for new subdivision and partition plats may delineate and show the regulated trees or groves as either a separate tract or part of a larger tract that meets the requirements of subsection D. of this section.

B. The standards for land divisions subject to this section shall apply in addition to the requirements of the city land division ordinance and zoning ordinance, provided that the minimum lot area, minimum average lot width, and minimum average lot depth standards of the base zone may be superseded in order to allow for a reduction of dimensional standards pursuant to Section 17.41100 below.

C. Prior to preliminary plat approval, the regulated tree or grove area shall be shown either as a separate tract or part of a larger tract that meets the requirements of subsection D. of this section, which shall not be a part of any parcel used for construction of a structure. The size of the tract shall be the minimum necessary as recommended by a consulting arborist to adequately encompass the dripline of the tree, protect the critical root zone and ensure long term survival of the tree or grove.

D. Prior to final plat approval, ownership of the regulated tree or grove tract shall be identified to distinguish it from lots intended for sale. The tract may be identified as any one of the following:

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

3. At the owners option, public open space where the tract has been dedicated to the city or other governmental unit; or

4. Any other ownership proposed by the owner and approved by the community development director. (Ord. 99-1013 §10(part), 1999).

Response: N/A

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)

17.41.090 - Density transfers incentive for tree protection tracts (Option 2).

A. The purpose of this section is to allow dimensional adjustments within a regulated tree protection tract to be transferred outside said tract to the remainder of the site. This provision applies on-site and density shall not be transferred beyond the boundaries of the development site.

B. Development applications for subdivisions and minor partitions that request a density transfer shall:

1. Provide a map showing the net buildable area of the tree protection tract;
2. Provide calculations justifying the requested dimensional adjustments;
3. Demonstrate that the minimum lot size requirements can be met based on an average of all lots created, including the tree protection tract created pursuant to Section 17.41.080
4. Demonstrate that, with the exception of the tree protection tract created pursuant to Section 17.41.080, no parcels have been created which would be unbuildable in terms of minimum yard setbacks;
5. Meet all other standards of the base zone except as modified in section 17.41.100

C. The area of land contained in a tree protection tract may be excluded from the calculations for determining compliance with minimum density requirements of the zoning code.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)

17.41.100 - Permitted modifications to dimensional standards (Option 2 only).

A. An applicant proposing to protect trees in a dedicated tract pursuant to section 17.41.080 may request, and the community development director, pursuant to a Type II procedure, may grant a reduction to, the lot size, width, depth, and setbacks of the underlying zone district in approving a subdivision or partition if necessary to retain a regulated tree or grove in a tract, as long as the calculation of average lot size, including tree protection tracts, meet the minimum lot size for the zone. The applicant may choose to make the adjustments over as many lots as required. For example, the lot reduction could be spread across all the remaining lots in the proposed subdivision or partition or could be applied to only those needed to incorporate the area of the tree tract.

Response: N/A

17.41.110 - Tree protection by restrictive covenant (Option 3).

Any regulated tree or grove which cannot be protected in a tract pursuant to Section 17.41.080 above shall be protected with a restrictive covenant in a format to be approved by the community development director. Such covenant shall be recorded against the property deed and shall contain provisions to permanently protect the regulated tree or grove unless such tree or grove, as determined by a certified arborist and approved by the community development director, are determined to be diseased or hazardous.

Response: N/A

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)

17.41.120 - Permitted adjustments (Option 3 Only).

A. The community development director, pursuant to a Type II procedure, may grant an adjustment to the side, front and rear yard setback standards by up to 50 percent if necessary to retain a Regulated Tree or Grove through a restrictive covenant pursuant to this section. In no case may the side yard setback be reduce less than three feet. The adjustment shall be the minimum necessary to accomplish preservation of trees on the lot and shall not conflict with other conditions imposed on the property.

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

C. The community development director, pursuant to a Type II procedure, may allow other adjustments in order to preserve any healthy tree that cannot be moved due to its size, but will contribute to the landscape character of the area and will not present a foreseeable hazard if retained.

Response: N/A

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)

17.41.1[25] - Cash-in-lieu of planting (tree bank/fund) (Option 4).

The applicant may choose this option in-lieu-of or in addition to Compliance Options 1 through 3. In this case, the community development director may approve the payment of cash-in-lieu into a dedicated fund for the remainder of trees that cannot be replanted in the manner described above.

A. The cash-in-lieu payment per tree shall be as listed on the adopted fee schedule and shall be adjusted annually based on the Consumer Price Index (Index). The price shall include the cost of materials, transportation and planting.

B. The amount of the cash-in-lieu payment into the tree bank shall be calculated as the difference between the value of the total number of trees an applicant is required to plant, including cost of installation and adjusted for Consumer Price Index, minus the value of the trees actually planted. The value of the trees shall be based on the adopted fee schedule.

Response: N/A

(Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)

Editor's note—

Ord. No. 10-1003, § 1(Exh. 1), adopted July 7, 2010 enacted new provisions to read as section 17.41.130. Seeing as provisions are already set out as section 17.41.130 and in keeping with the numbering style of this Code these provisions have been renumbered as section 17.41.125.

17.41.130 - Regulated tree protection procedures during construction.

A. No permit for any grading or construction of public or private improvements may be released prior to verification by the community development director that regulated trees designated for protection or conservation have been protected according to the following standards. No trees designated for removal shall be

removed without prior written approval from the community development director.

Response: Understood, 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.

Response: Understood, these clearing, grading, excavation or demolition work, and such measures will be implemented as a minimum for tree protection.

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.

Response: Understood, these fencing measures will be implemented as a minimum for tree protection.

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.

Response: Understood, these measures for signs stating a tree protection zone, not to be disturbed unless prior approval has been obtained from the community development director will be implemented as a minimum for tree protection.

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.

Response: Understood, these measures will be implemented as a minimum tree protection and 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 will occur.

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.

Response: Understood, these measures will be implemented as a minimum 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.

Response: Understood, these measures will be implemented as a minimum tree protection zone as a given that 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.

Response: Understood, these measures will be implemented as a minimum tree protection zone as a given that 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.

Response: Understood, these measures will be implemented as a minimum tree protection zone as a given that no digging a trench for placement of public or private utilities or other structure within the critical root zone of

a tree to be protected is prohibited. Boring under or through the tree protection zone may be permitted if approved by the community development director and pursuant to the approved written recommendations and on-site guidance and supervision of a certified arborist.

9. The city may require that a certified arborist be present during any construction or grading activities that may affect the dripline of trees to be protected.

Response: Understood, these measures will be implemented as a minimum tree protection zone as a given that the city may require that a certified arborist be present during any construction or grading activities that may affect the dripline of trees to be protected.

10. The community development director may impose conditions to avoid disturbance to tree roots from grading activities and to protect trees and other significant vegetation identified for retention from harm. Such conditions may include, if necessary, the advisory expertise of a qualified consulting arborist or horticulturist both during and after site preparation, and a special maintenance/management program to provide protection to the resource as recommended by the arborist or horticulturist.

Response: Understood, these measures will be implemented as a minimum tree protection zone as a given that 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.

Response: Understood, these measures will be implemented as a minimum tree protection zone in consideration that cause 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.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)

IV. CONCLUSION AND RECOMMENDATION:

In conclusion, the proposed Comprehensive Plan Amendment to Low Density Residential, Zone Change to R-6 multi-family dwelling district does meet the requirements as outlined for approval.

V. EXHIBITS

The following exhibits are attached to this staff report.

1. Vicinity Map;
2. Applicant's Narrative, dated March 26, 2013;
3. Site Exhibits Sheet 1 - 8;
4. Transportation Analysis Letter, dated February 15, 2013;
5. Stormwater Drainage Report, dated March 15, 2013;

Site planning, including the siting of structures, roadways and utility easements, shall provide for the protection of tree resources. All trees with a diameter six inches or greater measured four feet from the ground shall be preserved outside the building area, which is defined as right-of-way, public utility easements, and within the building setbacks of each lot. Where the community development director determines it is impracticable or unsafe to preserve these trees, the Applicant may be allowed to remove the trees so long as they are replaced in accordance with an approved landscape plan that includes new plantings of at least two inches in caliper measured six inches above the root crown and the plan must meet, at a minimum, the requirements of Table 16.12.310-1.

Table 16.12.310-1

Tree Replacement Requirements

| <i>Size of tree removed (Inches in diameter at the 4-foot height)</i> | <i>Number of trees to be planted.</i> |
|---|---------------------------------------|
| <i>6 to 12</i> | <i>12 trees</i> |
| <i>13 to 18</i> | <i>28 trees</i> |
| <i>19 to 24</i> | <i>3 trees</i> |
| <i>25 to 30</i> | <i>8 trees</i> |
| <i>31 and over</i> | <i>0 trees</i> |

Where the community development director finds this requirement would cause an undue hardship, the requirement may be modified in a manner that the community development director finds will reasonably satisfy the objectives of this section. 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. (Ord. 03-1014, Att. B3 (part), 2003; Ord. 98-1007 §1(part), 1998)

Response: The trees identified for removal as part of the application are shown on the attached exhibit. The number of replacement trees is 36. This standard is will be met.

D. Statewide planning goals shall be addressed if the comprehensive plan does not contain specific policies or provisions which control the amendment.

Response: The Oregon City Comprehensive Plan was acknowledged by the Land Conservation and Development Commission in June 2004. The Comprehensive Plan implements the statewide planning goals at the local level. The acknowledged Comprehensive Plan includes specific goals and policies that apply to the requested Comprehensive Plan Amendment and Zone Change. Therefore, it is not necessary to address the statewide planning goals. This section is not applicable.

12.08.010 - Purpose.

The purpose of this chapter is to:

A. Develop tree-lined streets to protect the living quality and beautify the city;

Response: The proposed project is supportive of this policy.

B. Establish physical separation between pedestrians and vehicular traffic;

Response: The proposed project is supportive of this policy.

C. Create opportunities for solar shading;

Response: The proposed project is supportive of this policy.

D. Improve air quality; and

Response: The proposed project is supportive of this policy.

E. Increase the community tree canopy and resource.

Response: The proposed project is supportive of this policy.

(Ord. No. 08-1014, 7-1-2009)

12.08.015 - Street tree planting and maintenance requirements.

All new construction or major redevelopment shall provide street trees adjacent to all street frontages. Species of trees shall be selected based upon vision clearance requirements, but shall in all cases be selected from the Oregon City Street Tree List or be approved by a certified arborist. If a setback sidewalk has already been constructed or the Development Services determines that the forthcoming street design shall include a setback sidewalk, then all street trees shall be installed with a planting strip. If existing street design includes a curb-tight sidewalk, then all street trees shall be placed within the front yard setback, exclusive of any utility easement.

A. One street tree shall be planted for every thirty-five feet of property frontage. The tree spacing shall be evenly distributed throughout the total development frontage. The community development director may approve an alternative street tree plan if site or other constraints prevent meeting the placement of one street tree per thirty-five feet of property frontage.

Response: The trees are spaced per this standard.

B. The following clearance distances shall be maintained when planting trees:

1. Fifteen feet from streetlights;
2. Five feet from fire hydrants;
3. Twenty feet from intersections;
4. A minimum of five feet (at mature height) below power lines.

Response: The trees are spaced per this standard.

C. All trees shall be a minimum of two inches in caliper at six inches above the root crown and installed to city specifications.

Response:

D. All established trees shall be pruned tight to the trunk to a height that provides adequate clearance for street cleaning equipment and ensures ADA complaint clearance for pedestrians.

Response: The trees will be pruned per this standard.

(Ord. No. 08-1014, 7-1-2009)

12.08.020 - Street tree species selection.

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

Response: Understood, but there are no overhead obstructions.

(Ord. No. 08-1014, 7-1-2009)

12.08.025 - General tree maintenance.

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

Response: The trees will be pruned per this standard.

(Ord. No. 08-1014, 7-1-2009)

12.08.030 - Public property tree maintenance.

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

Response: It is understood the city shall have the right to plant, prune, maintain and remove trees, plants and shrubs in all public rights-of-way and public grounds.

(Ord. No. 08-1014, 7-1-2009)

12.08.035 - Public tree removal.

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

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

Table 12.08.035

| Replacement Schedule for Trees Determined to be Dead, Diseased or Hazardous by a Certified Arborist | | Replacement Schedule for Trees Not Determined to be Dead, Diseased or Hazardous by a Certified Arborist | |
|---|--------------------------------|---|--------------------------------|
| Diameter of tree to be Removed (Inches of | Number of Replacement Trees to | Diameter of tree to be Removed (Inches of | Number of Replacement Trees to |

| | | | |
|--------------------------|------------|--------------------------|------------|
| diameter at 4-ft height) | be Planted | diameter at 4-ft height) | be Planted |
| Any Diameter | 1 Tree | Less than 6" | 1 Tree |
| 4 | 8 | 6" to 12" | 2 Trees |
| 11 | 33 | 13" to 18" | 3 Trees |
| 2 | 8 | 19" to 24" | 4 Trees |
| | | 25" to 30" | 5 Trees |
| | | 31" and over | 8 Trees |

(Ord. No. 08-1014, 7-1-2009)

12.08.040 - Heritage Trees and Groves.

A. Purpose. Certain trees, because of their age, species, natural resource value, ecological or historical association, are of special importance to the city. These trees may live on private or public property.

1. The purpose of this chapter is to recognize, foster appreciation and provide for voluntary protection of Heritage Trees.
2. In particular, the following trees are shall be considered significant, and therefore eligible for heritage tree nomination in Oregon City, if they meet the minimum size requirements of the table below:

Tree Eligibility based on Size

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

| | | |
|-----------------------------------|--|-----|
| Other evergreen and conifer trees | | 18" |
|-----------------------------------|--|-----|

Response: There are no heritage trees on-site.

B. Recommendation.

1. Any citizen may recommend tree(s) to be designated as a Heritage Tree or Grove. If the proposed Heritage Tree or Grove is located on property other than city property or public right-of-way under city jurisdiction, the recommendation shall be submitted by the property owner or accompanied by the property owner's written consent. If the proposed Heritage Tree or Grove is located on city property or public right-of-way under city jurisdiction, the recommendation shall be submitted to the community development director; if the recommendation is consented to by the city, the community development director shall submit the recommendation to the city commission.

Response: There are no heritage trees on-site.

2. Recommendation shall be made on such form as required by the community development director. The recommendation form shall include a narrative explaining why the tree qualifies for Heritage Tree or Grove status pursuant to the definition in subsection 1. and the written consent of the property owner as described in subsection 1., of this section.

Response: There are no heritage trees on-site.

C. Review Process.

1. The city commission shall review all Heritage Trees and Grove recommendations at a public meeting. Notice of the meeting shall be provided to the recommending applicant, the property owner (unless the recommended tree or grove is located on public right-of-way under city jurisdiction, in which event notice shall be given to the community development director), the chair of any recognized neighborhood association in which the tree or grove is located, and the parks and recreation advisory committee (PRAC), if applicable.

Response: There are no heritage trees or groves on-site.

2. Staff shall prepare a report for the city commission analyzing whether the tree or grove complies with the requirements for designation.

Response: There are no heritage trees or groves on-site.

3. After considering the staff report and any testimony by interested persons, the city commission shall vote on the recommendation.

Response: There are no heritage trees or groves on-site.

4. Following approval by the city commission:

- a. If the tree or grove is located on private property, the designation shall be complete upon the property owner's execution of a covenant running with the land suitable for recordation by the city. The covenant shall describe the subject property, generally describe the location of the heritage tree or grove, and covenant that the tree or grove is protected as a "Heritage Tree" or "Heritage Grove" by the City of Oregon City and is therefore subject to special protection as provided in this Title.
- b. If the tree or grove is located on public right-of-way, the designation shall be complete upon the Staff's listing of the tree or grove on the city Heritage Tree and Grove records.
- c. If the tree or grove is located on the public right-of-way, the city shall condition any future property owner-requested vacation of the public right-of-way upon the execution of a covenant in accordance with subsection a., above, which shall be recorded by the city upon the vacation of the right-of-way.

Response: There are no heritage trees or groves on-site.

D. Criteria.

1. The city commission may designate a tree or grove as a Heritage Tree or Heritage Grove if the commission determines that the following criteria are met:

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

Response: There are no heritage trees or groves on-site.

E. Protection of Heritage Trees and Groves.

1. No Heritage Tree or Grove may be removed, topped, or otherwise altered unless permitted by this section.

Response: There are no heritage trees or groves on-site.

2. An application to remove a Heritage Tree or Grove shall demonstrate that the burden imposed on the property owner, or, if the tree is located within the public right-of-way under city jurisdiction, then the burden imposed on the city by the continued presence of the tree outweighs the public benefit provided by the tree. For the purposes of making this determination, the following tree impacts shall not be considered unreasonable burdens on the property owner, or if appropriate, the city:

- a. View obstruction;
- b. Routine pruning, leaf raking and other maintenance activities; and
- c. Infrastructure impacts or tree hazards that can be controlled or avoided by appropriate pruning or maintenance.

Response: There are no heritage trees or groves on-site.

3. Unless the tree is permitted to be removed due to poor health or hazard pursuant to Section 12.08.042, the applicant shall be required to mitigate for the loss of the tree pursuant to Table 12.08.042.

Response: There are no heritage trees or groves on-site.

4. Any person who removes a Heritage Tree or Grove in violation of this chapter shall be subject to the penalties provided in this chapter.

F. Recognition of Heritage Trees and Groves.

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

Response: There are no heritage trees or groves on-site.

2. The community development director shall maintain a list and map of designated Heritage Trees and Groves.

G. Removal of Heritage Tree or Grove Designation.

Response: There are no heritage trees or groves on-site.

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

(Ord. No. 08-1014, 7-1-2009)

12.08.045 - Gifts and funding.

The City of Oregon City may accept gifts, which are specifically designated for the purpose of planting or maintaining trees within the city. the

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

Response: There are no heritage trees or groves on-site.

(Ord. No. 08-1014, 7-1-2009)

12.08.050 - Violation—Penalty.

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

Response: N/A

(Ord. No. 08-1014, 7-1-2009)

Chapter 17.12 - R-6 SINGLE-FAMILY DWELLING DISTRICT ^[6]

17.12.010 - Designated.

This residential district is designed for single-family homes on lot sizes of approximately six thousand square feet.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.12.020 - Permitted uses.

Permitted uses in the R-6 district are:

- A. Single-family detached residential units;
- B. Parks, playgrounds, playfields and community or neighborhood centers;
- C. Home occupations;
- D. Farms, commercial or truck gardening and horticultural nurseries on a lot not less than twenty thousand square feet in area (retail sales of materials grown on-site is permitted);
- E. Temporary real estate offices in model homes located on and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed;
- F. Accessory uses, buildings and dwellings;

- G. Family day care provider, subject to the provisions of Section 17.54.050;
- H. Residential home per ORS 443.400;
- I. Cottage housing.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.12.030 - Conditional uses.

The following conditional uses are permitted in this district when authorized by and in accordance with the standards contained in Chapter 17.56:

- A. Golf courses, except miniature golf courses, driving ranges or similar commercial enterprises;
- B. Bed and breakfast inns/boarding houses;
- C. Cemeteries, crematories, mausoleums and columbariums;
- D. Child care centers and nursery schools;
- E. Emergency service facilities (police and fire), excluding correctional facilities;
- F. Residential care facility;
- G. Private and/or public educational or training facilities;
- H. Public utilities, including sub-stations (such as buildings, plants and other structures);
- I. Religious institutions.
- J. Assisted living facilities; nursing homes and group homes for over fifteen patients.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.12.040 - Dimensional standards.

Dimensional standards in the R-6 district are:

- A. Minimum lot areas, six thousand square feet;
Response: The proposed subdivision complies with this guideline.
- B. Minimum lot width, fifty feet;
Response: The proposed subdivision complies with this guideline.
- C. Minimum lot depth, seventy feet;
Response: The proposed subdivision complies with this guideline.
- D. Maximum building height, two and one-half stories, not to exceed thirty-five feet;
Response: The proposed buildings will comply with this guideline.
- E. Minimum required setbacks:
 - 1. Front yard, ten feet minimum setback,
 - 2. Front porch, five feet minimum setback,

3. Attached and detached garage, twenty feet minimum setback from the public right-of-way where access is taken, except for alleys. Detached garages on an alley shall be setback a minimum of five feet in residential areas.
4. Interior side yard, nine feet minimum setback for at least one side yard; five feet minimum setback for the other side yard,
5. Corner side yard, fifteen feet minimum setback,
6. Rear yard, twenty feet minimum setback,
7. Rear porch, fifteen feet minimum setback.

Response: The proposed subdivision complies with these guidelines.

F. Garage standards: See Chapter 17.20—Residential Design and Landscaping Standards.

Response: The proposed subdivision will comply with these guidelines.

G. Maximum lot coverage: The footprint of all structures two hundred square feet or greater shall cover a maximum of forty percent of the lot area.

Response: The proposed buildings will comply with this guideline.

13.12.010 - Purpose.

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

A. Minimize increased stormwater runoff rates from any new development so as to minimize the impact upon any downstream natural channel that may exist between the subject area and the Willamette or Clackamas Rivers;

Response: The proposed subdivision will comply with these guidelines.

B. Prevent water runoff generated by development from exceeding the capacity of downstream stormwater facilities;

Response: The proposed subdivision will comply with these guidelines.

C. Reduce stormwater runoff rates and volumes, soil erosion and nonpoint source pollution, wherever possible, from lands that were developed without the stormwater management controls required by this chapter;

Response: The proposed subdivision will comply with these guidelines.

D. Prevent the uncontrolled or irresponsible discharge of stormwater from new development onto adjoining public or private property;

Response: The proposed subdivision will comply with these guidelines.

E. Maintain the integrity of stream channels for their biological functions, as well as for drainage and other purposes;

Response: The proposed subdivision will comply with these guidelines.

F. Have stormwater conveyance facilities of adequate design to manage all volumes of water generated in the contributing drainage area, for both the existing condition and the anticipated future condition;

Response: The proposed subdivision will comply with these guidelines.

G. Have all stormwater facilities:

1. Designed in a manner to allow economical future maintenance,
2. If city owned or maintained, designed for maintenance with city owned equipment,
3. Designed using materials that will ensure a minimum practical design life of seventy-five years, and
4. Designed to have sufficient structural strength to resist erosion and all external loads (construction, traffic, seismic) which may be imposed;

Response: The proposed subdivision will comply with these guidelines.

H. Establish maintenance easements with the owners of privately owned/maintained stormwater facilities to ensure an appropriate level of maintenance and to help minimize public safety hazards;

Response: The proposed subdivision will comply with these guidelines.

I. Have all new stormwater facilities comply with applicable National Pollutant Discharge Elimination System (NPDES) requirements;

Response: The proposed subdivision will comply with these guidelines.

J. Minimize the deterioration of existing watercourses, culverts, bridges, dams and other structures;

Response: The proposed subdivision will comply with these guidelines.

K. Minimize increases in nonpoint source pollution; and

Response: The proposed subdivision will comply with these guidelines.

L. Allow for periodic inspections of both private and public stormwater quantity control and quality control facilities to verify that they are functioning in substantial conformance with the approved design intent.

Response: The proposed subdivision will comply with these guidelines.

M. Allow Issuance of engineering permits for stormwater work in the right-of-way or public easements either as a separate Public Works permit or as part of

overall issued public infrastructure construction plans. The various fees for these permits are approved and modified from time to time by the city commission. Failure to meet the conditions of the issued permit shall constitute a violation of the Municipal Code. (Ord. 99-1029 §2 (part), 1999)

Response: The proposed subdivision will comply with these guidelines.
(Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)

13.12.020 - Adoption of standards.

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

Response: Understood.
(Ord. 99-1029 §2 (part), 1999)

13.12.030 - Superceding Oregon City Drainage Master Plan Appendix A.

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

Response: Understood.
(Ord. 99-1029 §2 (part), 1999)

13.12.040 - Definitions.

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

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

"Biosolids" means solids derived from primary, secondary or advanced treatment of domestic wastewater that have been treated through one or more controlled processes that significantly reduce pathogens and reduce volatile solids

or chemically stabilized solids to the extent that they do not attract vectors. This term refers to domestic wastewater treatment facility solids that have undergone adequate treatment to permit their land application.

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

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

"City" means the city of Oregon City.

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

"Clearing" means surface removal of vegetation.

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

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

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

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

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

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

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

"DEQ" means the Oregon Department of Environmental Quality.

"Development" means any land use decision or manmade change defined as buildings or other structures, mining, dredging, paving, filling or excavation. Development does not include the following: (1) stream enhancement or restoration projects approved by the city; (2) farming practices as defined in ORS 30.930 and farm use as defined in ORS 215.203, except that buildings associated with farm practices and farm uses are subject to the requirements of this chapter; and (3) construction on lots in subdivisions meeting the criteria of ORS 92.040(2)(1995).

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

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

"DSL" means the Oregon Division of State Lands.

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

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

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

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

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

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

"Excavation" means the mechanical removal of earth material.

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

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

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

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

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

"Grubbing" means the removal of vegetative matter from below the surface of the ground, such as sod, stumps, roots, buried logs or other debris, and

shall include the incidental removal of topsoil to a depth not exceeding twelve inches.

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

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

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

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

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

"Maintenance easement" means a binding agreement between the city and the person or persons holding title to a property served by a stormwater facility where the property owner promises to maintain certain stormwater facilities; grants the city the right to enter the subject property to inspect and make certain

repairs, or perform certain maintenance procedures on the stormwater control facilities when such repairs or maintenance have not been performed by the property owner; and promises to reimburse the city for the cost should the city perform such repairs or maintenance.

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

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

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

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

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

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

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

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

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

"Partition" means the division of an existing land ownership into two or three parcels, within a calendar year, and is subject to approval under the Oregon City Municipal Code.

"Plans" mean the construction documents and specifications, including system site plans, storm drain plans and profiles, cross sections, detailed drawings, etc. or reproductions thereof, approved or to be approved by the city, county, or state. They will show the location, character, dimensions and details for the work to be done.

"Precipitation" means the process by which water in liquid or solid state falls from the atmosphere.

"Private stormwater facility" means a stormwater facility located on private property serving more than one structure and maintained by private property owners.

"Professional engineer" means a person who, by reason of his or her special knowledge of the mathematical and physical sciences and the principles and methods of engineering analysis and design, acquired by professional education and practical experience, is qualified to practice engineering as attested by his or her legal registration as a professional engineer in the state of Oregon.

"Project engineer" means the professional engineer responsible for the project, who will affix his/her seal on the project drainage plans and drainage analysis and supervise construction of the stormwater facilities. The project engineer shall be licensed in the state of Oregon and qualified by experience or examination.

"Public stormwater facility" means any stormwater facility in the public right-of-way or easement operated and maintained by the city, county or state.

"Record drawings" means a set of engineering or site drawings that show how the project was constructed and what materials were used. Record drawings are signed and dated by the project engineer.

"Restoration" means the process of returning a disturbed or altered area or feature to a previously existing natural condition. Restoration activities reestablish the structure, function, and/or diversity to that which occurred prior to impacts caused by human activity.

"Right-of-way" means all land, or interest therein, which by deed, conveyance, agreement, easement, dedication, usage or process of law is reserved for, or dedicated to, the use of the general public.

"Sedimentation" means the process of gravity deposition of water suspended matter; the process of depositing soil particles, clays, sands and other sediment, that were picked up by stormwater runoff.

"Solid waste storage area" means a place where solid waste containers are stored. Solid waste containers include trash compactors, solid waste dumpsters and garbage cans.

"Stormwater" means the surface water runoff that results from all natural forms of precipitation.

"Stormwater easement" means a legal encumbrance that is placed against a property's title to reserve specified privileges for the users and beneficiaries of the drainage facilities contained within the boundaries of the easement.

"Stormwater facility" means a component of a man-made drainage feature, or features designed or constructed to perform a particular function or multiple functions. Includes, but is not limited to, pipes, swales, ditches, culverts, street gutters, detentions basins, retention basins, wet ponds, constructed wetlands, infiltration devices, catch basins, oil/water separators and sediment basins. Stormwater facilities shall not include building gutters, downspouts, and drains serving one single-family residence.

"Stormwater management" encompasses "control," "developmental" and "maintenance" activities in which there is physical interaction with stormwater.

"Stormwater quality control" means the control of the introduction of pollutants into stormwater and the process of separating pollutants from stormwater. Stormwater quality control facilities include, but are not limited to, source controls, biofiltration/biofilter facilities, wet ponds, wetland forebays, oil/water separators, constructed wetlands and erosion and sedimentation control facilities.

"Stormwater quantity control" means the control of the rate and/or volume of stormwater released from a development site. Stormwater quantity control facilities include, but are not limited to, detention and retention facilities.

"Stream" means a body of running water moving over the earth's surface in a channel or bed, such as a creek, rivulet or river. It flows at least part of the year, including perennial and intermittent streams. Streams are dynamic in nature and their structure is maintained through build-up and loss of sediment.

"Street, private" means any street, road, or right-of-way that is not a public street, as defined in this chapter.

"Street, public" means a street or road dedicated or deeded for public use. For the purposes of this chapter, public street may include "alley," "lane," "court," "avenue," "boulevard," "cul-de-sac" and similar designations, and any county roads and state highways.

"Structure(s)" means a building or other major improvement that is built, constructed or installed, or manmade improvements to land that are used, or expected to be used, in the operation of a utility. It includes buildings, utility lines, manholes, catch basins, driveways and sidewalks. It does not include minor improvements, such as fences, utility poles, flagpoles or irrigation system components that are not customarily regulated through zoning codes.

"Subdivide land" means dividing an area or tract of land into four or more lots. This applies for an area or tract of land that existed as a unit or contiguous units of land under a single ownership at the beginning of the year.

"Subdivision" means either an act of subdividing land or an area or tract of land subdivided as defined in this section.

"Surface waters" mean stormwater accumulating on a surface (including natural and man-made) and draining in the direction of least resistance due to gravity.

"Waste discharges" mean any discharge that requires an NPDES permit, Water Pollution Control Facility (WPCF) permit or 401 Certification. The following are excluded from this definition:

1. Individual on-site sewage disposal systems subject to issuance of a construction-installation permit;
2. Domestic sewage facilities that discharge less than five thousand gallons per day under WPCF permit;
3. Biosolids land applied within agronomic loading rates pursuant to OAR Chapter 340, Division 50; and
4. Reclaimed domestic wastewater land applied at agronomic rates pursuant to OAR Chapter 340, Division 55

"Watercourse" means a channel in which a flow of water occurs, either continuously or intermittently, and if the latter with some degree of regularity. Such flow must be in a definite direction.

"Watershed" means a geographic unit defined by the flows of rainwater or snowmelt. All land in a watershed drains to a common outlet, such as a stream, lake or wetland.

"Wetlands" mean those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. Wetlands are those areas identified and delineated by a qualified wetland specialist as set forth in the 1987 Corps of Engineers Wetland Delineation Manual.

Response: These definitions are understood.

(Ord. 99-1029 §2 (part), 1999)

13.12.050 - Applicability and exemptions.

This chapter establishes performance standards for stormwater conveyance, quantity and quality.

Pursuant to each of the subsections below, proposed activities may be required to meet the performance standards for stormwater conveyance, stormwater quantity or stormwater quality.

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

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

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

Response: N/A

B. Stormwater Quantity Control. The stormwater quantity control requirements of this chapter shall apply to the following proposed activities, uses or developments:

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

Response: Understood.

2. Activities that create more than two thousand square feet of impervious surface, cumulated over any given seven year period;
or

Response: Understood.

3. Redevelopment of a commercial or industrial land use that will disturb more than five thousand square feet of existing impervious surface. This five thousand square foot measurement cumulates over any given seven year period;

Response: Understood.

4. An exemption to the stormwater quantity control requirements of this chapter will be granted in the following circumstances:
 - a. The development site discharges to a stormwater quantity control facility approved by the city engineer to receive the developed site runoff after verification that the facility is adequately sized to receive the additional stormwater, or,
 - b. The development site discharges to one of the following receiving bodies of water: Willamette River, Clackamas River or Abernethy Creek; and either lies within the one hundred year floodplain or is up to ten feet above the design flood elevation as defined in Chapter 17.42

Response: Understood.

C. Stormwater Quality Control. The stormwater quality control requirements of this chapter shall apply to the following proposed activities, uses or developments:

1. Category A. Activities subject to general water quality requirements of this chapter:
 - a. The construction of four or more single-family residences;
 - b. Activities located wholly or partially within water quality resource areas pursuant to Chapter 17.49 that will result in the creation of more than five hundred square feet of impervious surface within the WQRA or will disturb more than one thousand square feet of existing impervious surface within the WQRA as part of a commercial or industrial redevelopment project. These square footage measurements will be considered cumulative for any given seven year period; or
 - c. Activities that create more than eight thousand square feet of new impervious surface for other than a single-

family residential development. This eight thousand square foot measurement will be considered cumulative for any given seven year period;

d. An exemption to the stormwater quantity control requirements of this subsection will be granted if the development site discharges to a stormwater quality control facility approved by the city engineer to receive the developed site runoff after verification that the facility is adequately sized to receive the additional stormwater.

Response: This section is applicable to the development and will be adhered to.

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

- a. Fuel dispensing facilities;
- b. Bulk petroleum storage in multiple stationary tanks;
- c. Solid waste storage areas for commercial, industrial or multi-family uses;
- d. Loading and unloading docks for commercial or industrial uses; or
- e. Covered vehicle parking for commercial or industrial uses.

Response: N/A

3. Category C. Clackamas River Watershed. In addition to any other applicable requirements of this chapter, any development that creates new waste discharges and whose stormwater runoff may directly or indirectly flow into the Clackamas River is subject to additional requirements associated with Oregon Administrative Rules (OAR) 340-41-470 (Thee Basin Rule).

Response: N/A

(Ord. 99-1029 §2 (part), 1999)

13.12.060 - Abrogation and greater restrictions.

Where the provisions of this chapter are less restrictive or conflict with comparable provisions of other portions of this code, regional, state or federal

law, the provisions that are more restrictive shall govern. Where this chapter imposes restrictions that are more stringent than regional, state or federal law, the provisions of this chapter shall govern. However, nothing in this chapter shall relieve any party from the obligation to comply with any applicable federal, state or local regulations or permit requirements.

Compliance with this chapter and the minimum requirements, minimum standards, and design procedures as set forth in the city's adopted Public Works Stormwater and Grading Design Standards does not relieve the designer, owner, or developer of the responsibility to apply conservative and sound professional judgment to protect the health, safety and welfare of the public. It is not the intent of this chapter to make the city a guarantor or protector of public or private property in regard to land development activity.

Response: This section is understood and will be complied with.

(Ord. 99-1029 §2 (part), 1999)

13.12.070 - Severability.

The provisions of this chapter are severable. If any section, clause, or phrase of this chapter is adjudged invalid by a court of competent jurisdiction, the decision of that court shall not affect the validity of the remaining portions of this ordinance.

Response: This section is understood and will be complied with.

(Ord. 99-1029 §2 (part), 1999)

13.12.080 - Submittal requirements.

A. Timing and Scope of Required Submittal.

1. Applications subject to the stormwater conveyance requirements of this chapter shall include an engineered drainage plan and design flow calculation report submitted prior to, or contemporaneous with, submittal of an application for a building, land use or other city issued permit.

Response: This section is understood and will be complied with.

2. Applications subject to the stormwater quantity and/or Category A quality requirements of this chapter shall include an engineered drainage plan and an engineered drainage report submitted prior to, or

contemporaneous with, submittal of an application for a building, land use or other city issued permit.

Response: N/A

3. Applications subject to Category B water quality special management practices shall demonstrate compliance with the additional management practices for commercial, industrial and multi-unit dwelling land uses of the Public Works Stormwater and Grading Design Standards as part of the site plan and design review process.

Response: This section is understood and will be complied with.

4. Applications subject to Category C water quality requirements for the Clackamas River Watershed are subject to OAR 340-41-470 (Three Basin Rule). No new discharges will be approved until a copy of a current DEQ permit, or written statement from DEQ that none is required, is on file with the city.

Response: N/A

B. Required engineered drainage plans, drainage reports, and design flow calculation reports, which contain methods and proposed facilities to manage stormwater conveyance, quantity and/or quality, shall be prepared in compliance with the submittal requirements of the Public Works Stormwater and Grading Design Standards.

Response: This section is understood and will be complied with.

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

Response: This section is understood and will be complied with.

(Ord. 99-1029 §2 (part), 1999)

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

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

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

Response: This section is understood and will be complied with.

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

Response: This section is understood and will be complied with.

C. Unless otherwise exempted by Section 13.12.050(B), the plan and report includes adequate stormwater quantity control facilities, so that when the proposed land development activity takes place, peak rates and volumes of runoff:

1. Do not exceed the capacity of receiving drainage conveyance facilities;
2. Do not increase the potential for streambank erosion; and
3. Do not add volume to an off-site closed depression without providing for mitigation.

Response: This section is understood and will be complied with and proposes to mitigate downstream erosion and water quality issues.

D. Unless otherwise exempted by Section 13.12.050(C), the proposed development includes:

1. Adequate stormwater quality control facilities, so that when the proposed land development activity takes place, the temperature and overall pollution level of stormwater runoff is no greater than the water entering. When no water enters a project, then stormwater runoff shall be compared to rain samples; and
2. Stormwater quality control facilities which:
 - a. Are in compliance with applicable National Pollutant Discharge Elimination System (NPDES) requirements;
 - b. Minimize the deterioration of existing watercourses, culverts, bridges, dams and other structures; and
 - c. Minimize any increase in nonpoint source pollution.

Response: This section is understood and will be complied with.

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

Response: This section is understood and will be complied with.

F. Streambank erosion protection is provided where stormwater, directly or indirectly, discharges to open channels or streams. The postdevelopment peak stormwater discharge rate from a development site for the two year, twenty-four hour duration storm event shall not exceed fifty percent of the two year, twenty-four hour predevelopment peak runoff rate.

Response: This section is understood and will be complied with.

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

Response: This section is understood and will be complied with.

(Ord. 99-1029 §2 (part), 1999)

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

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

Response: This section is understood and will be complied with.

(Ord. 99-1029 §2 (part), 1999)

13.12.110 - Transfer of engineering responsibility.

Project drainage plans shall always have an engineer of record performing the function of project engineer. If the project engineer is changed during the course of the work, the city shall be notified in writing and the work shall be stopped until the replacement engineer has agreed to accept the responsibilities of the project engineer. The new project engineer shall provide written notice of

accepting project responsibility to the city within seventy-two hours of accepting the position as project engineer.

Response: This section is understood and will be complied with.
(Ord. 99-1029 §2 (part), 1999)

13.12.120 - Standard Construction Specifications.

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

Response: This section is understood and will be complied with.
(Ord. 99-1029 §2 (part), 1999)

13.12.130 - Administrative provisions.

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

A. Engineer's cost estimate (also may be known as engineer's opinion of probable construction cost);

Response: This section is understood and will be complied with.

B. Plan check and inspection fees (as set by city resolution);

Response: This section is understood and will be complied with.

C. Certificate of liability insurance for city funded public projects contracted by the city (not less than one million dollars single incident and two million dollars aggregate);

Response: This section is understood and will be complied with.

D. Preconstruction meeting (if required by some other provision of this code);

Response: This section is understood and will be complied with.

E. Performance Assurance(s). Applicant must submit a letter of commitment, cash deposit or other form of assurance in form and substance satisfactory to the city engineer and city attorney, to cover the engineer's cost estimate for the construction of the stormwater facility. This is required to assure that the following are accomplished to the satisfaction of the city engineer:

1. Work shown on the development plans is accomplished,
2. Appropriate as-built/record drawings and electronic files are delivered to the city. (As-built drawings, or record drawings, will be on four-mil Mylar.) Electronic files shall be submitted per city engineer format requirements,
3. Compliance with the criteria in this chapter and the Public Works Stormwater and Grading Design Standards, as well as with other city standards, ordinances, resolutions or rules,
4. Permanent stabilization and/or restoration of the impact from the development,
5. Fulfillment of all conditions of approval,
6. Payment of all outstanding fees,
7. Submittal of any required maintenance guarantee(s);

Response: This section is understood and will be complied with.

F. Developer/engineer agreement for public works improvements;

Response: This section is understood and will be complied with.

G. Land division compliance agreement (if applicable);

Response: This section is understood and will be complied with.

H. Project engineer's certificate of completion;

Response: This section is understood and will be complied with.

I. Operation and maintenance easement, if required by subsection A of this section (for an example see Appendix 2-3 of the Public Works Stormwater and Grading Design Standards);

Response: This section is understood and will be complied with.

J. Details on individual items required by this subsection can be obtained by contacting the city's engineering division. Many items, such as the engineer's cost estimate and plan check and inspection fee, are frequently

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

Response: This section is understood and will be complied with.

(Ord. 99-1029 § 2 (part), 1999)

13.12.140 - Maintenance of public stormwater facilities.

A. Where proposed drainage patterns require stormwater facilities to receive stormwater runoff from public streets, the city shall be responsible for maintenance of those stormwater facilities. Access for maintenance of the stormwater facilities shall be provided to the city through the granting of a stormwater easement or other means acceptable to the city.

Response: This section is understood and will be complied with.

B. Responsibility for maintenance of stormwater management facilities including all landscaping, irrigation systems, and other stormwater facilities with sumps shall remain with the property owner/developer for two years (known as the warranty period). To ensure the facility landscaping is actively and properly maintained during this critical plant establishment time period, the owner/developer shall pay the city to maintain these facilities during this two-year warranty period; the owner/developer shall still be responsible for reimbursing the city for replacement trees, shrubs, and grass mixes during this two-year period. The owner/developer shall provide the city a separate two-year landscaping maintenance bond for one hundred ten percent of the landscaping cost. Transfer of maintenance of all other stormwater facilities shall occur when the city accepts the stormwater facility.

Response: This section is understood and will be complied with.

C. The city will perform an inspection of the development's entire tributary, publicly maintained, stormwater system approximately forty-five days before the two-year warranty period expires. The stormwater system must be found to be in a clean, functional condition by the city engineer before acceptance of maintenance responsibility by the city.

Response: This section is understood and will be complied with.

(Ord. 07-1011, 2007; Ord. 99-1029 § 2(part), 1999)

13.12.150 - Penalties and enforcement.

A. The city is authorized to make inspections and take such actions as required to enforce the provisions of this chapter. The city has the authority to enter onto land for the purpose of inspecting site development activities or resulting

improvements. City staff will make an effort to contact the property owner before entering onto that property.

Response: This section is understood.

B. If the city engineer determines a site has any unpermitted or illegal facilities placed, constructed or installed on the site, then the city engineer shall notify the owner in writing directing the owner to submit a written plan (with construction drawings completed by a professional engineer, if otherwise required by this chapter) within ten calendar days. This plan (and drawings, if required) shall depict the restoration or stabilization of the site or correct the work that has adversely impacted adjacent or downstream property owners. The city engineer shall review the plan (and drawings, if required) for compliance with city standards and issue comments for correction, if necessary, or issue an approval to the owner. The city shall establish a fee by resolution for such review, with all costs borne by the owner. If the required corrective work constitutes a grading permit, then the city shall collect the appropriate grading permit fee.

Response: This section is understood and will be complied with.

C. Any person, firm, corporation or entity violating any of the provisions of this chapter, whether they be the property owner, the applicant, the contractor or any other person acting with or without the authorization of the property owner or applicant, shall be subject to the code enforcement procedures of Chapters 1.16, 1.20 and 1.24

Response: This section is understood and will be complied with.

(Ord. 99-1029 § 2 (part), 1999)

13.12.160 - Hazardous conditions.

A. Determination and Notification. If the city engineer determines that any excavation, embankment, erosion/sedimentation control or drainage facility is a safety hazard; endangers property; or adversely affects the safety, use or stability of a public way, water quality resource areas (pursuant to Section 17.49) or drainage course, the owner(s) of the subject property and/or the person or agent in control of the property shall be required to repair or eliminate the hazard in conformance with the requirements of this chapter and the Public Works Stormwater and Grading Design Standards. At the time that the city engineer makes the determination that a hazardous condition exists, the property owner and/or person or agent in control of the property will be notified in writing that the hazard exists.

Response: This section is understood and will be complied with.

B. Order to Correct. The city engineer will order the specific work to be undertaken or will order that an engineering design be submitted for review and approval by the city engineer, and will specify the time periods within which the hazardous conditions be repaired or eliminated. In the event that the owner and/or the person or agent in control of the property fails to comply with this order, that person shall be subject to the code enforcement procedures of Chapters 1.16, 1.20, and 1.24

Response: This section is understood and will be complied with.

(Ord. 99-1029 §2 (part), 1999)

13.12.170 - Permits from other jurisdictions.

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

Response: N/A, this site is less than 2 acres in size.

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

Response: N/A there are no DSL permits required.

C. Occasionally, projects may require Oregon State Department of Fish and Wildlife (ODFW) permits. No work will be authorized until the receipt of a copy of the ODFW permit. ODFW is responsible for policing its own permits, however, if city personnel observe conditions that are believed to be in violation of any such permit, and cannot get corrections made, the city will bring such conditions to the attention of the appropriate ODFW representatives.

Response: N/A there are no ODFW permits required.

(Ord. 99-1029 §2 (part), 1999)

13.12.180 - Violation—Penalty.

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

Response: Understood.

(Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)

IV. CONCLUSION AND RECOMMENDATION:

In conclusion, the proposed Comprehensive Plan Amendment to Low Density Residential, Zone Change to R-6 multi-family dwelling district does meet the requirements as outlined for approval.

V. EXHIBITS

The following exhibits are attached to this staff report.

1. Vicinity Map;
2. Applicant's Narrative, dated March 26, 2013;
3. Site Exhibits Sheet 1 - 8;
4. Transportation Analysis Letter, dated February 15, 2013;
5. Stormwater Drainage Report, dated March 15, 2013;